



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART II

#### RIGHTS IN PERFORMANCES

#### [<sup>F1</sup>CHAPTER 2

#### ECONOMIC RIGHTS

#### <sup>X1</sup>[<sup>F1</sup>Performers' rights]

#### <sup>X1</sup>[<sup>F1</sup>] <sup>F2</sup>182C **Consent required for rental or lending of copies to public.**

- (1) A performer's rights are infringed by a person who, without his consent, rents or lends to the public copies of a recording of the whole or any substantial part of a qualifying performance.
- (2) In [<sup>F3</sup>this Chapter], subject to the following provisions of this section—
  - (a) “rental” means making a copy of a recording available for use, on terms that it will or may be returned, for direct or indirect economic or commercial advantage, and
  - (b) “lending” means making a copy of a recording available for use, on terms that it will or may be returned, otherwise than for direct or indirect economic or commercial advantage, through an establishment which is accessible to the public.
- (3) The expressions “rental” and “lending” do not include—
  - (a) making available for the purpose of public performance, playing or showing in public [<sup>F4</sup>or communication to the public];
  - (b) making available for the purpose of exhibition in public; or
  - (c) making available for on-the-spot reference use.

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*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 182C. (See end of Document for details)*

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- (4) The expression “lending” does not include making available between establishments which are accessible to the public.
- (5) Where lending by an establishment accessible to the public gives rise to a payment the amount of which does not go beyond what is necessary to cover the operating costs of the establishment, there is no direct or indirect economic or commercial advantage for the purposes of this section.
- (6) References in [<sup>F3</sup>this Chapter] to the rental or lending of copies of a recording of a performance include the rental or lending of the original recording of the live performance.
- (7) In [<sup>F3</sup>this Chapter]—
- “rental right” means the right of a performer under this section to authorise or prohibit the rental of copies to the public, and
- “lending right” means the right of a performer under this section to authorise or prohibit the lending of copies to the public.]]

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#### **Editorial Information**

- X1** The insertion of the new headings "Chapter 1 Introductory", "Chapter 2 Economic Rights", "Chapter 3 Moral Rights" and "Chapter 4 Qualification for Protection, Extent and Interpretation" in Pt. II on 1.2.2006 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under those new headings.

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#### **Textual Amendments**

- F1** Ss. 182-205B become Pt. 2 Ch. 2 (1.2.2006) by virtue of [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), **reg. 4(4)** (with reg. 8)
- F2** S. 182C inserted (1.12.1996) by S.I. 1996/2967, **reg. 20(2)** (with Pt. III)
- F3** Words in s. 182C(2)(6)(7) substituted (1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), reg. 2, **Sch. para. 8** (with reg. 8)
- F4** Words in s. 182C(3)(a) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg.2(1), **Sch. 1 para. 6(2)(c)** (with regs. 31-40)

**Changes to legislation:**

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 182C.