



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I U.K.

COPYRIGHT

CHAPTER III U.K.

ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

Miscellaneous: broadcasts^{F1} . . .

^{F2}73 Reception and re-transmission of [^{F1}wireless broadcast by cable]. U.K.

- (1) This section applies where a [^{F3}wireless] broadcast made from a place in the United Kingdom is, b [^{F4}received and immediately re-transmitted by cable] .
- (2) The copyright in the broadcast is not infringed—
 - (a) if the [^{F5}re-transmission by cable] is in pursuance of a relevant requirement, or
 - (b) if and to the extent that the broadcast is made for reception in the area in which the [^{F6}it is re-transmitted by cable] and forms part of a qualifying service.
- (3) The copyright in any work included in the broadcast is not infringed if and to the extent that the broadcast is made for reception in the area in which the [^{F6}it is re-transmitted by cable]; but where the making of the broadcast was an infringement of the copyright in the work, the fact that the broadcast was re-transmitted [^{F7}by cable] shall be taken into account in assessing the damages for that infringement.
- (4) Where—
 - (a) the [^{F8}re-transmission by cable] is in pursuance of a relevant requirement, but
 - (b) to any extent, the area in which the [^{F9}re-transmission by cable takes place] (“the cable area”) falls outside the area for reception in which the broadcast is made (“the broadcast area”),

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the [^{F10}re-transmission by cable] (to the extent that it is provided for so much of the cable area as falls outside the broadcast area) of any work included in the broadcast shall, subject to subsection (5), be treated as licensed by the owner of the copyright in the work, subject only to the payment to him by the person making the broadcast of such reasonable royalty or other payment in respect of the [^{F11}re-transmission by cable of the broadcast] as may be agreed or determined in default of agreement by the Copyright Tribunal.

- (5) Subsection (4) does not apply if, or to the extent that, the [^{F12}re-transmission of the work by cable] is (apart from that subsection) licensed by the owner of the copyright in the work.
- (6) In this section “qualifying service” means, subject to subsection (8), any of the following services—
- (a) a regional or national Channel 3 service,
 - (b) Channel 4, Channel 5 and S4C,
 - [^{F13}(c) the public teletext service,
 - (d) S4C Digital, and]
 - (e) the television broadcasting services and teletext service of the British Broadcasting Corporation;
- [^{F14}and expressions used in this subsection have the same meanings as in Part 3 of the Communications Act 2003.]
- [^{F15}(7) In this section “relevant requirement” means a requirement imposed by a general condition (within the meaning of Chapter 1 of Part 2 of the Communications Act 2003) the setting of which is authorised under section 64 of that Act (must-carry obligations).]
- (8) The Secretary of State may by order amend subsection (6) so as to add any service to, or remove any service from, the definition of “qualifying service”.
- (9) The Secretary of State may also by order—
- (a) provide that in specified cases subsection (3) is to apply in relation to broadcasts of a specified description which are not made as mentioned in that subsection, or
 - (b) exclude the application of that subsection in relation to broadcasts of a specified description made as mentioned in that subsection.
- (10) Where the Secretary of State exercises the power conferred by subsection (9)(b) in relation to broadcasts of any description, the order may also provide for subsection (4) to apply, subject to such modifications as may be specified in the order, in relation to broadcasts of that description.
- (11) An order under this section may contain such transitional provision as appears to the Secretary of State to be appropriate.
- (12) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [In this section references to re-transmission by cable include the transmission of [^{F16}(13) microwave energy between terrestrial fixed points.]]

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Textual Amendments

- F1** Words in s. 73 heading substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 22\(1\)\(a\)](#) (with regs. 31-40)
- F2** Ss. 73, 73A substituted for s. 73 (1.10.1996) by [1996 c. 55](#), s. 138, [Sch. 9 para. 1](#) (with s. 43(6)); [S.I. 1996/2120](#), [art. 4](#), [Sch. 1](#)
- F3** Words in s. 73(1) inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 22\(1\)\(b\)](#) (with regs. 31-40)
- F4** Words in s. 73(1) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 22\(1\)\(b\)](#) (with regs. 32, 33)
- F5** Words in s. 73(2)(a) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 22\(1\)\(c\)](#) (with regs. 31-40)
- F6** Words in s. 73(2)(b)(3) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 22\(1\)\(d\)](#) (with regs. 31-40)
- F7** Words in s. 73(3) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 22\(1\)\(e\)](#) (with regs. 31-40)
- F8** Words in s. 73(4)(a) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 22\(1\)\(f\)\(i\)](#) (with regs. 31-40)
- F9** Words in s. 73(4)(b) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 22\(1\)\(f\)\(ii\)](#) (with regs. 31-40)
- F10** Words in s. 73(4) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 22\(1\)\(f\)\(iii\)](#) (with regs. 31-40)
- F11** Words in s. 73(4) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 22\(1\)\(f\)\(iv\)](#) (with regs. 31-40)
- F12** Words in s. 73(5) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 22\(1\)\(g\)](#) (with regs. 31-40)
- F13** S. 73(6)(c)(d) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411, [Sch. 17 para. 92\(2\)\(a\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), [art. 3](#), [Sch. 1](#) (with [art. 11](#))
- F14** Words in s. 73(6) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411, [Sch. 17 para. 92\(2\)\(b\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), [art. 3](#), [Sch. 1](#) (with [art. 11](#))
- F15** S. 73(7) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411, [Sch. 17 para. 92\(3\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), [art. 3](#), [Sch. 1](#) (with [art. 11](#))
- F16** S. 73(13) inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 22\(1\)\(h\)](#) (with regs. 31-40)

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Changes to legislation:

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