
STATUTORY INSTRUMENTS

2003 No. 2498

The Copyright and Related Rights Regulations 2003

PART 2

AMENDMENTS OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988

Acts permitted in relation to copyright works and rights in performances

Provisions relating to recording for the purposes of time-shifting

19.—(1) What is now section 70 shall become subsection (1) of section 70.

(2) In the new section 70(1) after the words “The making” there shall be inserted “ in domestic premises” and after that subsection there shall be inserted—

“(2) Where a copy which would otherwise be an infringing copy is made in accordance with this section but is subsequently dealt with—

- (a) it shall be treated as an infringing copy for the purposes of that dealing; and
- (b) if that dealing infringes copyright, it shall be treated as an infringing copy for all subsequent purposes.

(3) In subsection (2), “dealt with” means sold or let for hire, offered or exposed for sale or hire or communicated to the public.”.

(3) After paragraph 17 of Schedule 2 there shall be inserted—

“Recording for the purposes of time-shifting

17A.—(1) The making in domestic premises for private and domestic use of a recording of a broadcast solely for the purpose of enabling it to be viewed or listened to at a more convenient time does not infringe any right conferred by Part 2 in relation to a performance or recording included in the broadcast.

(2) Where a recording which would otherwise be an illicit recording is made in accordance with this paragraph but is subsequently dealt with—

- (a) it shall be treated as an illicit recording for the purposes of that dealing; and
- (b) if that dealing infringes any right conferred by Part 2, it shall be treated as an illicit recording for all subsequent purposes.

(3) In sub-paragraph (2), “dealt with” means sold or let for hire, offered or exposed for sale or hire or communicated to the public.

(4) Expressions used in this paragraph have the same meaning as in section 70.”.