STATUTORY INSTRUMENTS

2026 No. 103

COPYRIGHT

RIGHTS IN PERFORMANCES

The Copyright and Performances (Application to Other Countries) (Amendment) Order 2026

Made - - - - *3rd February 2026*

Laid before Parliament *10th February 2026*

Coming into force in accordance with article 1(2)

At the Court at Buckingham Palace, the 3rd day of February 2026

Present,

The King's Most Excellent Majesty in Council

His Majesty, by and with the advice of His Privy Council, in exercise of the powers conferred upon him by sections 159, 206(4) and 208 of the Copyright, Designs and Patents Act 1988(**a**) ("the Act"), is pleased to order, and it is hereby ordered, as follows.

His Majesty is satisfied that provision has been or will be made under the law of India, in respect of wireless broadcasts(**b**) and broadcasts(**c**), giving adequate protection to the owners of copyright under Part 1 of the Act and that provision has been or will be made under the law of India giving adequate protection for British performances(**d**).

Citation, commencement and extent

1.—(1) This Order may be cited as the Copyright and Performances (Application to Other Countries) (Amendment) Order 2026.

(2) This Order comes into force on the day on which the UK-India Comprehensive Economic and Trade Agreement enters into force for the United Kingdom and India(**e**).

(**a**) 1988 c. 48; section 159 was substituted and section 208 was amended by section 22 of the Intellectual Property Act 2014 (c. 18); section 206(4)(a) to (c) was inserted by section 22(6) of the Intellectual Property Act 2014 and section 206(4)(za) was inserted by section 5(3) of the Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Act 2024 (c. 6).

(**b**) "Wireless broadcast" is defined in section 178 of the Copyright, Designs and Patents Act 1988.

(**c**) "Broadcast" is defined in section 6 of the Copyright, Designs and Patents Act 1988.

(**d**) "British performance" is defined in section 208(3) of the Copyright, Designs and Patents Act 1988.

(**e**) See Article 30.6 in Chapter 30 of the Comprehensive Economic and Trade Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of India, signed in Buckinghamshire on 24 July 2025.

(3) This Order extends to England and Wales, Scotland and Northern Ireland.

(4) In this article "the UK-India Comprehensive Economic and Trade Agreement" means the Comprehensive Economic and Trade Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of India, signed in Buckinghamshire on 24 July 2025(**a**).

Amendment of the Copyright and Performances (Application to Other Countries) Order 2016

2. The Copyright and Performances (Application to Other Countries) Order 2016(**b**) is amended in accordance with articles 3 and 4.

Broadcasts: application of Part 1 of the Act to India

3. In article 8 (broadcasts: application of Part 1 of the Act to miscellaneous countries), in paragraphs (1) and (2), for "and New Zealand" substitute ", New Zealand and India".

Performances: application of Part 2 of the Act to India

4.—(1) After article 12A, insert —

> **"Application of Part 2 of the Act to India**
>
> **12B.**—(1) India is, subject to paragraphs (2) and (3), designated as enjoying reciprocal protection under Part 2 of the Act.
>
> (2) Part 2 of the Act applies to India subject to the modification set out in paragraph (3).
>
> (3) Section 182D(**c**) (right to equitable remuneration for exploitation of sound recording) does not apply.".

(2) In the Schedule, in Part 2(**d**) (WPPT parties and WTO members which are not Rome Convention parties: application of Part 2 of the Act), omit the entry for India.

Richard Tilbrook
Clerk of the Privy Council

(**a**) See https://www.gov.uk/government/collections/comprehensive-economic-and-trade-agreement-between-the-united-kingdom-of-great-britain-and-northern-ireland-and-india.
(**b**) S.I. 2016/1219, amended by S.I. 2019/605, 2021/636, 2021/1258, 2023/296, 2024/193, 2024/1124.
(**c**) 1988 c. 48; Section 182D was inserted by regulations 4 and 20(2) of S.I. 1996/2967, and amended by regulations 3 and 7(2) of S.I. 2003/2498, regulation 2 of, and paragraphs 1 and 3 of, the Schedule to, S.I. 2006/18, and regulations 3 and 7 of S.I. 2013/1782.
(**d**) Part 2 of the Schedule to S.I. 2016/1219 was amended by S.I. 2021/636, 2023/296, 2024/193.

EXPLANATORY NOTE

(This note is not part of the Order in Council)

Part 1 of the Copyright, Designs and Patents Act 1988 (c. 48) ("the Act") confers copyright on the creators of certain works. Part 1 applies to works originating from certain countries, and it is applied by the Copyright and Performances (Application to other Countries) Order 2016 (S.I. 2016/1219) ("the 2016 Order") to works originating from certain other countries.

Part 2 of the Act confers rights on performers and persons having recording rights in relation to a performance. Part 2 applies to performances connected with certain countries, and it is applied by the 2016 Order to performances connected with certain other countries.

On 24 July 2025 the Comprehensive Economic and Trade Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of India was signed by both countries. These changes are made in order to enable the UK's ratification of that Agreement.

This Order amends the 2016 Order as follows.

Article 3 amends article 8 of the 2016 Order, so that article 8 provides for the application of Part 1 of the Act to India in relation to wireless and other broadcasts.

Article 4 removes India from the scope of article 11 of the 2016 Order, and inserts a new article 12B into that Order which provides for the application to India of Part 2 of the Act except for section 182D which concerns the right to equitable remuneration for exploitation of a sound recording.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

A copy of this instrument and the Explanatory Memorandum are available from the Intellectual Property Office at Concept House, Cardiff Road, Newport, South Wales, NP10 8QQ. The Explanatory Memorandum is also available alongside this instrument on the Legislation UK website at www.legislation.gov.uk.

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