

2013 No. 1924

COPYRIGHT

The Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts) (Educational Recording Agency Limited) (Amendment No. 2) Order 2013

Made - - - - *29th July 2013*

Coming into force - - *1st October 2013*

The Secretary of State certified, for the purposes of section 35 of, and paragraph 6 of Schedule 2 to, the Copyright, Designs and Patents Act 1988 (“the Act”)(**a**), a licensing scheme to be operated by The Educational Recording Agency Limited (company number 2423219) (“ERA”) set out in the Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts) (Educational Recording Agency Limited) Order 2007(**b**) (“the 2007 Order”).

ERA has applied to the Secretary of State for the 2007 Order to be amended in accordance with Article 2 of this Order.

Accordingly, the Secretary of State, in exercise of the powers conferred by section 143(**c**) of, and paragraph 16 of Schedule 2A(**d**) to, the Act, makes the following Order:

1. This Order may be cited as the Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts) (Educational Recording Agency Limited) (Amendment No. 2) Order 2013 and comes into force on 1st October 2013.

2. Paragraph 8 of the licensing scheme set out in the Schedule to the 2007 Order is amended as follows—

(a) after the entry headed “Musicians’ Union (“MU”)” insert—

“OPEN UNIVERSITY WORLDWIDE LIMITED

The films and other copyright works which are owned or represented by Open University Worldwide Limited or any of its subsidiary or associated companies and which are included in any broadcast made by the British Broadcasting Corporation or any other broadcast on behalf of the Open University Worldwide Limited from which an ERA Recording is made”, and

(a) 1988 c.48.

(b) S.I. 2007/266, amended by S.I. 2008/211, S.I. 2009/20, S.I. 2011/159 and S.I. 2013/158.

(c) Section 143 was amended by regulations 4 and 11 of the Copyright and Related Rights Regulations 1996 (S.I. 1996/2967) and by regulation 2 of and Schedule 2 to the Copyright and Related Rights Regulations 2003 (S.I. 2003/2498).

(d) Schedule 2A was inserted by regulations 4 and 22 of the Copyright and Related Rights Regulations 1996 and paragraph 16 of Schedule 2A was amended by regulation 2 of and Schedule 1 to the Copyright and Related Rights Regulations 2003.

- (b) in the final sub-paragraph delete “However, Licences under the Licensing Scheme shall not authorise the recording of Open University programmes.”.

29th July 2013

Younger of Leckie
Parliamentary Under Secretary of State for Business, Innovation and Skills
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

A licensing scheme operated by The Educational Recording Agency Limited (“ERA”) was certified for the purposes of section 35 of, and paragraph 6 of Schedule 2 to, the Copyright, Designs and Patents Act 1988 (1988 c.48) (“the Act”) by the Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts) (Educational Recording Agency Limited) Order 2007 (S.I. 2007/266) (as amended by S.I. 2008/211, S.I. 2009/20, S.I. 2011/159 and S.I. 2013/158) (“the 2007 Order”).

ERA wishes to amend paragraph 8 of the licensing scheme certified in the 2007 Order to include Open University Worldwide Limited as a new licensor Member.

Section 143 of, and paragraph 16 of Schedule 2A to, the Act provides that a variation of a licensing scheme is not effective unless a corresponding amendment of the order certifying the scheme is made.

This Order amends the licensing scheme set out in the Schedule to the 2007 Order to correspond with the variation to the scheme which ERA wishes to make (effective from 1st October 2013).

A regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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