
DRAFT STATUTORY INSTRUMENTS

2014 No.

**The Copyright and Rights in Performances
(Extended Collective Licensing) Regulations 2014**

Retention and application of undistributed licence fees

19.—(1) Subject to paragraph (2), the relevant licensing body must transfer a sum equal to the net licence fee received in respect of a non-member right holder from the designated account to the Secretary of State where—

- (a) not less than three years have elapsed from the end of the financial year in which the relevant licensing body received a licence fee under an Extended Collective Licensing Scheme; and
- (b) the relevant non-member right holder, who is entitled to the licence fee, has not been identified or located.

(2) Where the Secretary of State has directed the relevant licensing body to retain the licence fee in a designated account, for any period after the expiration of the initial three year period, the relevant licensing body must retain the licence fee in the designated account and then transfer the licence fee to the Secretary of State at the end of the period.

(3) The Secretary of State must retain any net licence fee, which has not been distributed by the relevant licensing body, for a period of 8 years from the date of authorisation of the Extended Collective Licensing Scheme and may then determine the use of the net licence fee, including, by applying some or all of the net licence fee to fund social, cultural and educational activities for the benefit of non-member right holders.