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DRAFT STATUTORY INSTRUMENTS

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**2014 No.**

**The Copyright and Rights in Performances  
(Licensing of Orphan Works) Regulations 2014**

**Licensing of orphan works**

**6.**—(1) Once the authorising body has received the information set out in regulations 4(6) and (7), it may grant an orphan licence.

(2) The authorising body may only grant an orphan licence which—

- (a) permits non-exclusive use of an orphan work in the United Kingdom;
- (b) permits acts restricted by the copyright or sections 182, 182A, 182B, 182C, 182CA, 183 or 184 of the Act in an orphan work for a term not exceeding 7 years;
- (c) prohibits the grant of sub-licences;
- (d) has effect as if granted by the right holder of the relevant work; and
- (e) provides that the use of an orphan work does not affect the moral rights of an author under Chapter IV of Part 1 of the Act or the moral rights of a performer under Chapter 3 of Part 2 of the Act and treats those moral rights as having been asserted.

(3) Subject to the requirements set out in paragraph (2), the authorising body may grant a licence subject to conditions.

(4) An orphan licence may not be granted to a person authorised to grant licences.

(5) The authorising body may refuse to grant a licence—

- (a) on the ground that, in its reasonable opinion, a proposed use or adaptation is not appropriate having regard to the circumstances of the case, including whether the proposed adaptation constitutes derogatory treatment of the work; or
- (b) on any other reasonable ground.

(6) Subject to the requirements set out in paragraph (2), the authorising body may, during the term of a licence, vary the terms of an orphan licence.