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DRAFT STATUTORY INSTRUMENTS

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**2014 No.**

**The Copyright and Rights in Performances (Certain Permitted Uses of Orphan Works) Regulations 2014**

**Citation and commencement**

1. These Regulations may be cited as the Copyright and Rights in Performances (Certain Permitted Uses of Orphan Works) Regulations 2014 and come into force on 29th October 2014.

**Interpretation**

2. In these Regulations “the Act” means the Copyright, Designs and Patents Act 1988(1).

**Amendments to the Act**

3.—(1) After section 44A of the Act(2) insert—

*“Orphan works*

**44B Permitted uses of orphan works**

(1) Copyright in an orphan work is not infringed by a relevant body in the circumstances set out in paragraph 1(1) of Schedule ZA1 (subject to paragraph 6 of that Schedule).

(2) “Orphan work” and “relevant body” have the meanings given by that Schedule.”.

(2) After section 76 of the Act insert—

“CHAPTER 3A

CERTAIN PERMITTED USES OF ORPHAN WORKS

**76A Certain permitted uses of orphan works**

Schedule ZA1 makes provision about the use by relevant bodies of orphan works.”.

(3) In section 149 of the Act (jurisdiction of the Copyright Tribunal)(3), after paragraph (f) insert—

“(fa) paragraph 7 of Schedule ZA1 (application to determine compensation for use of orphan works).”.

(4) In Schedule 2 to the Act (rights in performances: permitted acts), after paragraph 6H(4)insert—

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(1) 1988 c.48.

(2) Section 44A was inserted by the Legal Deposit Libraries Act 2003 (c.28), section 8(1).

(3) Section 149 has been amended in ways which are not relevant to these regulations.

(4) Paragraph 6H of Schedule 2 was inserted by S.I. 1372/2014.

*“Certain permitted uses of orphan works*

**6I.**—(1) The rights conferred by this Chapter are not infringed by a relevant body in the circumstances set out in paragraph 1(2) of Schedule ZA1 (subject to paragraph 6 of that Schedule).

(2) “Relevant body” has the meaning given by that Schedule.”.

(5) Before Schedule A1 to the Act(5), insert the Schedule ZA1 which is set out in the Schedule to these Regulations.

Date

*Name*  
Parliamentary Under Secretary of State for  
Business, Innovation and Skills  
Department for Business, Innovation and Skills

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(5) Schedule A1 was inserted by the Enterprise and Regulatory Reform Act 2013 (c.24), section 77(4) and Schedule 22, Part 1 paragraph 1.