
EXPLANATORY NOTE

(This note is not part of the Order)

Under section 35 of the Copyright, Designs and Patents Act 1988 recordings of broadcasts may be made by or on behalf of educational establishments without thereby infringing copyright. Similar provision is made by paragraph 6 of Schedule 2 to that Act in relation to performances. These provisions do not, however, apply if and to the extent that there is a licensing scheme certified for the purposes of the relevant provision providing for the grant of licences.

This Order certifies the licensing scheme to be operated by the Educational Recording Agency Limited (effective from 1st April 2005) for the granting of licences to educational establishments for the recording by them of broadcasts, other than television programmes broadcast on behalf of the Open University which are the subject of a separate licensing scheme ([SI 2003/187](#)).