
STATUTORY INSTRUMENTS

2014 No. 2588

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

Review of Extended Collective Licensing Scheme

11.—(1) Every three years after the date on which an authorisation was renewed, the relevant licensing body which operates an Extended Collective Licensing Scheme must provide the Secretary of State with—

- (a) information demonstrating—
 - (i) how the opt out arrangements have been operated during the previous period of authorisation;
 - (ii) the number of right holders who, at the time of the review, have notified the relevant licensing authority that they wish to opt out of the Extended Collective Licensing Scheme compared with the number of right holders who were opted out of the Extended Collective Licensing Scheme at the date of the previous application for authorisation; and
 - (iii) the number of opted out works at the time of the review compared with the number of works opted out of the Extended Collective Licensing Scheme at the date of the previous application for authorisation and, to the extent that the relevant licensing body has been notified by the relevant right holders, the number of works in which those right holders have rights;
- (b) evidence of the representation provided by the relevant licensing body at the time the application for renewal is made;
- (c) a copy of any report relating to the code of practice adopted by the relevant licensing body which has been produced by an independent code reviewer in accordance with the terms of the self-regulatory code of practice or by a code reviewer appointed by the Secretary of State under regulation 6 of the Codes Regulations;
- (d) a declaration signed on behalf of the relevant licensing body confirming that, at the time of the review, it is complying in all material respects with the terms of its code of practice;
- (e) a list of complaints from any non-member right holders whose works or rights have been licensed under the Extended Collective Licensing Scheme and the nature of the complaints and how they were resolved;
- (f) details of the distributions which have been made to non-member right holders, any sums which have been distributed in accordance with regulation 19 and which remain undistributed;
- (g) the arrangements for publicising the Extended Collective Licensing Scheme to non-member right holders and third parties during the life of the scheme together with information demonstrating how effective the publication of the Extended Collective Licensing Scheme has been; and

- (h) confirmation that the information provided under regulation 5(b) to (h), (l), (m), (p), (q) and (s), remains as set out in the previous authorised application or details of any material changes.
- (2) The Secretary of State may, in addition, require the relevant licensing body to provide to the Secretary of State, within the time period specified by the Secretary of State—
 - (a) evidence that the relevant licensing body has obtained the required consent to the continuation of the Extended Collective Licensing Scheme; and
 - (b) the information that was provided by the relevant licensing body to the relevant members, when seeking the required consent.
- (3) The Secretary of State may publish information setting out details of the review and seek comments from those likely to be affected by the review.
- (4) The Secretary of State may require a relevant licensing body to pay to the Secretary of State a fee to reimburse the Secretary of State for any administrative expenses incurred in connection with the review.
- (5) The Secretary of State must, within three months of the date described in paragraph (1), notify the relevant licensing body of the outcome of the review of the Extended Collective Licensing Scheme and publish the summary of findings of the review in such manner as the Secretary of State considers appropriate for bringing it to the attention of persons likely to be affected by the authorisation.