



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER III

ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

Miscellaneous: literary, dramatic, musical and artistic works

61 Recordings of folksongs

- (1) A sound recording of a performance of a song may be made for the purpose of including it in an archive maintained by a designated body without infringing any copyright in the words as a literary work or in the accompanying musical work, provided the conditions in subsection (2) below are met.
- (2) The conditions are that—
 - (a) the words are unpublished and of unknown authorship at the time the recording is made,
 - (b) the making of the recording does not infringe any other copyright, and
 - (c) its making is not prohibited by any performer.
- (3) Copies of a sound recording made in reliance on subsection (1) and included in an archive maintained by a designated body may, if the prescribed conditions are met, be made and supplied by the archivist without infringing copyright in the recording or the works included in it.
- (4) The prescribed conditions shall include the following—
 - (a) that copies are only supplied to persons satisfying the archivist that they require them for purposes of research or private study and will not use them for any other purpose, and

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- (b) that no person is furnished with more than one copy of the same recording.
- (5) In this section—
- (a) “designated” means designated for the purposes of this section by order of the Secretary of State, who shall not designate a body unless satisfied that it is not established or conducted for profit,
 - (b) “prescribed” means prescribed for the purposes of this section by order of the Secretary of State, and
 - (c) references to the archivist include a person acting on his behalf.
- (6) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.