
DRAFT STATUTORY INSTRUMENTS

2014 No.

**The Copyright (Regulation of Relevant
Licensing Bodies) Regulations 2014**

PART 1

Preliminary

Citation and commencement

1. These Regulations may be cited as the Copyright (Regulation of Relevant Licensing Bodies) Regulations 2014 and shall come into force on 6th April 2014.

Interpretation

2. In these Regulations—

“the Act” means the Copyright, Designs and Patents Act 1988;

“code of practice” includes any part of a code of practice;

“code reviewer” means a person who has been appointed by the Secretary of State under regulation 6;

“Comptroller” shall have the same meaning as in the Patents and Designs Act 1907(1);

“Extended Collective Licensing Scheme” means a collective licensing scheme under which a relevant licensing body which is authorised by the Secretary of State may grant licences in respect of—

- (a) copyright works in which copyright is owned by non-member right holders; or
- (b) performers’ rights where the acts restricted in relation to the performance are owned by non-member right holders;

“First-tier Tribunal” means the First-tier Tribunal established by section 3(1) of the Tribunals, Courts and Enforcement Act 2007(2);

“licensing code ombudsman” means a person who has been appointed by the Secretary of State under regulation 7;

“micro-business” means a business with fewer than ten employees and which has a turnover or balance sheet total of less than 2 million Euros per annum;

“non-member right holder” means a right holder who is represented by the relevant licensing body under an Extended Collective Licensing Scheme but who is not a member of the relevant licensing body and whose rights are not the subject of an express contractual agreement with the relevant licensing body for the licensing of copyright works or performers’ rights;

(1) 1907 c.29 section 62(2) as amended by the Trade Marks Act 1994 (c. 26) section 106(1) and Schedule 4 paragraph 2(2)(b).
(2) 2007 c.15.

“potential licensee” means any person who has communicated with the relevant licensing body and expressed an interest in being granted a licence in respect of a copyright work or a performer’s right;

“relevant licensing body” means any body that is a licensing body within the meaning of section 116(2) of the Act and which—

- (a) is authorised by way of assignment, licence or any other contractual arrangement to manage copyright or rights related to copyright on behalf of more than one right holder, for the collective benefit of those right holders, as its sole or main purpose; and
- (b) is either owned or controlled by its members or organised on a not for profit basis;

“relevant person” means a director, manager or similar officer of a relevant licensing body or, where the body’s affairs are managed by its members, a member;

“right holder” means the owner of the copyright in a copyright work or of a performer’s right and includes an exclusive licensee of the copyright owner;

“specified criteria” means the criteria set out in the Schedule;

“transparent” means that, in dealing with any of its members, licensees or potential licensees, the relevant licensing body provides to that member, licensee or potential licensee any information it holds which may reasonably be considered to be relevant to that particular member, licensee or potential licensee;

“working day” means any day except a Saturday or Sunday, Christmas Day, Good Friday or a day which is a bank holiday in any part of the United Kingdom under section 1 of the Banking and Financial Dealings Act 1971(3).