

*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Paragraph 1A. (See end of Document for details)*

## SCHEDULES

### <sup>F1</sup>[SCHEDULE 2A

#### LICENSING OF PERFORMERS' <sup>F1</sup> ... RIGHTS

##### Textual Amendments

- F1** Sch. 2A inserted (1.12.1996) by S.I. 1996/2967, **reg. 22(2)** (with Pt. III)
- F1** Word in Sch. 2A heading omitted (25.4.2013) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(1), **Sch. 22 para. 3**

*<sup>F1</sup>Power to provide for licensing of orphan rights*

##### Textual Amendments

- F1** Sch. 2A paras. 1A-1D and cross-heading inserted (25.4.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(1), **Sch. 22 para. 5**

- 1A (1) The Secretary of State may by regulations provide for the grant of licences to do, or authorise the doing of, acts to which section 182, 182A, 182B, 182C, 182CA, 183 or 184 applies in respect of a performance, where—
- (a) the performer's consent would otherwise be required under that section, but
  - (b) the right to authorise or prohibit the act qualifies as an orphan right under the regulations.
- (2) The regulations may—
- (a) specify a person or a description of persons authorised to grant licences, or
  - (b) provide for a person designated in the regulations to specify a person or a description of persons authorised to grant licences.
- (3) The regulations must provide that, for a right to qualify as an orphan right, it is a requirement that the owner of the right has not been found after a diligent search made in accordance with the regulations.
- (4) The regulations must provide for any licence—
- (a) to have effect as if granted by the missing owner;
  - (b) not to give exclusive rights;
  - (c) not to be granted to a person authorised to grant licences.
- (5) The regulations may apply in a case where it is not known whether a performer's right subsists, and references to a right, to a missing owner and to an interest of a missing owner are to be read as including references to a supposed right, owner or interest.]]

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