

*Status: Point in time view as at 31/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, SCHEDULE 6. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 6

Section 301.

#### PROVISIONS FOR THE BENEFIT OF THE HOSPITAL FOR SICK CHILDREN

##### *Interpretation*

- 1 (1) In this Schedule—
- “the Hospital” means The Hospital for Sick Children, Great Ormond Street, London,
  - “the trustees” means the special trustees appointed for the Hospital under the <sup>M1</sup>National Health Service Act 1977; and
  - “the work” means the play “Peter Pan” by Sir James Matthew Barrie.
- (2) Expressions used in this Schedule which are defined for the purposes of Part I of this Act (copyright) have the same meaning as in that Part.

##### **Marginal Citations**

**M1** 1977 c. 49.

##### *Entitlement to royalty*

- 2 (1) The trustees are entitled, subject to the following provisions of this Schedule, to a royalty in respect of any public performance, commercial publication [<sup>F1</sup>or communication to the public] of the whole or any substantial part of the work or an adaptation of it.
- (2) Where the trustees are or would be entitled to a royalty, another form of remuneration may be agreed.

##### **Textual Amendments**

**F1** Words in Sch. 6 para. 2(1) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(1), [Sch. 1 para. 6\(2\)\(f\)](#) (with regs. 31-40)

##### *Exceptions*

- 3 No royalty is payable in respect of—
- (a) anything which immediately before copyright in the work expired on 31st December 1987 could lawfully have been done without the licence, or further licence, of the trustees as copyright owners; or

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- (b) anything which if copyright still subsisted in the work could, by virtue of any provision of Chapter III of Part I of this Act (acts permitted notwithstanding copyright), be done without infringing copyright.

*Saving*

- 4 No royalty is payable in respect of anything done in pursuance of arrangements made before the passing of this Act.

*Procedure for determining amount payable*

- 5 (1) In default of agreement application may be made to the Copyright Tribunal which shall consider the matter and make such order regarding the royalty or other remuneration to be paid as it may determine to be reasonable in the circumstances.
- (2) Application may subsequently be made to the Tribunal to vary its order, and the Tribunal shall consider the matter and make such order confirming or varying the original order as it may determine to be reasonable in the circumstances.
- (3) An application for variation shall not, except with the special leave of the Tribunal, be made within twelve months from the date of the original order or of the order on a previous application for variation.
- (4) A variation order has effect from the date on which it is made or such later date as may be specified by the Tribunal.
- [<sup>F2</sup>(5) The provisions of Chapter VIII of Part I (general provisions relating to the Copyright Tribunal) apply in relation to the Tribunal when exercising any jurisdiction under this paragraph.]

**Textual Amendments**

**F2** Sch. 6 para. 5(5) added (1.12.1996) by [S.I. 1996/2967, reg. 24\(3\)](#) (with Pt. III)

*Sums received to be held on trust*

- 6 The sums received by the trustees by virtue of this Schedule, after deduction of any relevant expenses, shall be held by them on trust for the purposes of the Hospital.

*Right only for the benefit of the Hospital*

- 7 (1) The right of the trustees under this Schedule may not be assigned and shall cease if the trustees purport to assign or charge it.
- (2) The right may not be the subject of an order under section 92 of the <sup>M2</sup>National Health Service Act 1977 (transfers of trust property by order of the Secretary of State) and shall cease if the Hospital ceases to have a separate identity or ceases to have purposes which include the care of sick children.
- (3) Any power of Her Majesty, the court (within the meaning of [<sup>F3</sup>the Charities Act 1993]) or any other person to alter the trusts of a charity is not exercisable in relation to the trust created by this Schedule.

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**Textual Amendments**

**F3** Words in [Sch. 6 para. 7](#) substituted (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), [Sch. 6 para.30](#)

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**Marginal Citations**

**M2** [1977 c. 49](#).

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