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STATUTORY INSTRUMENTS

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**1998 No. 203**

**COPYRIGHT**

**The Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts and Cable Programmes) (Educational Recording Agency Limited) (Amendment) Order 1998**

*Made* - - - - *31st January 1998*

*Coming into force* - - *1st April 1998*

Whereas by virtue of the Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts and Cable Programmes) (Educational Recording Agency Limited) Order 1990<sup>(1)</sup> (“the Principal Order”), the Secretary of State certified for the purposes of section 35 of the Copyright, Designs and Patents Act 1988<sup>(2)</sup> (“the Act”) the licensing scheme set out in the Schedule to the Principal Order, being a scheme operated by the Educational Recording Agency Limited;

And whereas the Educational Recording Agency Limited has applied to the Secretary of State for the Principal Order, as amended, to be further amended in accordance with article 2 of this Order;

Now, therefore, the Secretary of State, in exercise of powers conferred upon him by section 143 of the Act, hereby makes the following Order:

**1.** This Order may be cited as the Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts and Cable Programmes) (Educational Recording Agency Limited) (Amendment) Order 1998 and shall come into force on 1st April 1998.

**2.** The licensing scheme set out in the Schedule to the Principal Order shall be amended as follows:

- (a) in paragraph 4, by substituting for the words “INDEPENDENT TELEVISION ASSOCIATION” the words “INDEPENDENT TELEVISION ASSOCIATION LIMITED”; and
- (b) in paragraph 10 there shall be substituted for all the words which appear immediately before the words “NOTE 1”, the following:

“(a) For licences taking effect on or after 1st April 1998 but on or before 31st March 1999, the annual tariff, when calculated on a full-time or full-

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(1) S.I.1990/879, amended by S.I. 1992/211, S.I. 1993/193, S.I. 1994/247 and S.I. 1996/191.

(2) 1988 c. 48. Section 143 was amended by the Copyright and Related Rights Regulations 1996 (S.I. 1996/2967).

time equivalents per capita basis by category of student in an Educational Establishment, shall be:

- (i) Students in Primary Educational Establishments (including Educational Establishments known as Preparatory Schools)—21p per capita.
  - (ii) Students in Secondary Educational Establishments—42p per capita.
  - (iii) Students in Educational Establishments of Further Education (including Educational Establishments formerly known as Sixth Form Colleges)—78p per capita.
  - (iv) Students in Educational Establishments of Higher Education (including Higher Education Colleges and Universities)—£1.28 per capita.
  - (v) Students in Educational Establishments other than Primary, Secondary, Further and Higher Education designated from time to time by the Secretary of State—a fee related to the above by type.
- (b) For licences taking effect on or after 1st April 1999, the annual tariff, when calculated on a full-time or full-time equivalents per capita basis by category of student in an Educational Establishment, shall be:
- (i) Students in Primary Educational Establishments (including Educational Establishments known as Preparatory Schools)—21p per capita.
  - (ii) Students in Secondary Educational Establishments—42p per capita.
  - (iii) Students in Educational Establishments of Further Education (including Educational Establishments formerly known as Sixth Form Colleges)—80p per capita.
  - (iv) Students in Educational Establishments of Higher Education (including Higher Education Colleges and Universities)—£1.30 per capita.
  - (v) Students in Educational Establishments other than Primary, Secondary, Further and Higher Education designated from time to time by the Secretary of State—a fee related to the above by type.”

31st January 1998

*Ian McCartney*  
Minister of State,  
Department of Trade and Industry

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

The licensing scheme operated by the Educational Recording Agency Limited was certified for the purposes of section 35 of the Copyright, Designs and Patents Act 1988, by the Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts and Cable Programmes) (Educational Recording Agency Limited) Order 1990 (as amended by amendment Orders in 1992, 1993, 1994 and 1996) made under section 143 of that Act.

A variation of the licensing scheme is not effective unless a corresponding amendment of the Order certifying the scheme is made.

This Order, made under section 143 of the Act, further amends the licensing scheme as scheduled to the 1990 Order to provide for—

- (a) certain increases in the annual tariffs for 1998 and 1999; and
- (b) a change of name from Independent Television Association to Independent Television Association Limited.