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 S T A T U T O R Y I N S T R U M E N T S
 

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**1999 No. 3452****COPYRIGHT**

**The Copyright (Certification of Licensing Scheme for  
Educational Recording of Broadcasts and Cable  
Programmes) (Educational Recording Agency Limited)  
(Amendment) Order 1999**

*Made - - - - - 21st December 1999*

*Coming into force*

*for the purposes of article 2(a) 16th February 2000*

*for the purposes of article 2(b) 1st April 2000*

Whereas by virtue of the Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts and Cable Programmes) (Educational Recording Agency Limited) Order 1990(a) (“the Principal Order”), the Secretary of State certified for the purposes of section 35 of the Copyright, Designs and Patents Act 1988(b) (“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 1999 and shall come into force—

- (a) for the purposes of article 2(a) on 16th February 2000, and
- (b) for the purposes of article 2(b) on 1st April 2000.

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

- (a) in paragraph 4—

- (i) there shall be inserted after the reference to Channel Four Television Corporation Limited:

CHANNEL 5 BROADCASTING  
LIMITED (“Channel 5”)

The broadcasts of the television broadcasting service known as Channel 5 and all those copyright works of Channel 5 which are included in any broadcast or cable programme.

; and

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(a) S.I. 1990/879, amended by S.I. 1992/211, S.I. 1993/193, S.I. 1994/247, S.I. 1996/191 and S.I. 1998/203.

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

- (ii) there shall be substituted for the words “INDEPENDENT TELEVISION ASSOCIATION LIMITED (“ITV Association”)” the words “INDEPENDENT TELEVISION NETWORK LIMITED (“ITV Network”)” and for the words “ITV Association” in the entry shown in relation thereto in the right-hand column, there shall be substituted the words “ITV Network”, 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 2000 but on or before 31st March 2001, 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 School)  | 22p per capita                     |
| (ii) Students in Secondary Educational Establishments  | 45p per capita                     |
| (iii) Students in Educational Establishments of Further Education (including Educational Establishments formerly known as Sixth Form Colleges)                 | 82p per capita                     |
| (iv) Students in Educational Establishments of Higher Education (including Higher Education Colleges and Universities)   | £1.32 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 2001, 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)   | 22p per capita                     |
| (ii) Students in Secondary Educational Establishments  | 45p per capita                     |
| (iii) Students in Educational Establishments of Further Education (including Educational Establishments formerly known as Sixth Form Colleges)                 | 85p per capita                     |
| (iv) Students in Educational Establishments of Higher Education (including Higher Education Colleges and Universities)   | £1.35 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 |

*Kim Howells,*  
Parliamentary Under Secretary of State for  
Consumers and Corporate Affairs,  
Department of Trade and Industry

21st December 1999

**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, 1996 and 1998) 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 2000 and 2001;
- (b) a change of name from Independent Television Association Limited to Independent Television Network Limited;
- (c) the addition of Channel 5 Broadcasting Limited to the list of ERA members.

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**STATUTORY INSTRUMENTS**

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Educational Recording of Broadcasts and Cable  
Programmes) (Educational Recording Agency Limited)  
(Amendment) Order 1999**

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