

2003 No. 188

COPYRIGHT

The Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts and Cable Programmes) (Educational Recording Agency Limited) (Amendment) Order 2003

Made - - - - - *30th January 2003*

Coming into force - - - - - *1st April 2003*

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 Educational Recording Agency Limited;

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

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

1. This Order may be cited at the Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts and Cable Programmes) (Educational Recording Agency Limited) (Amendment) Order 2003 and shall come into force on 1st April 2003.

2. For paragraph 10 of the licensing scheme set out in the Schedule to the Principal Order substitute:

“**10.** The annual tariff shall be calculated on a full time or full-time equivalent per head basis by category of student in an Educational Establishment. For licences taking effect on or after 1st April 2003 the annual tariff shall be:

Students in Primary Educational Establishments including Preparatory Schools	23p per head
Students in Secondary Educational Establishments	47p per head
Students in Educational Establishments of Further Education including former Sixth Form Colleges	88p per head
Students in Educational Establishments of Higher Education, including Higher Education Colleges and Universities	£1.40 per head
Students in Educational Establishments not listed above and designated from time to time by the Secretary of State	A fee related to those above by type

(a) S.I. 1990/879; relevant amending instruments are S.I. 1993/193, 1994/247, 1996/191, 1998/203, 1999/3452.

(b) 1988 c. 48.

Note

Discounted rates may be negotiated at E. R. A.'s discretion to cover groups of Educational Establishments."

Melanie Johnson,
Parliamentary Under-Secretary of State for
Competition, Consumers and Markets,
Department of Trade and Industry

30th January 2003

EXPLANATORY NOTE

(This note is not part of the Order)

A licensing scheme operated by Educational Recording Agency Limited was certified for the purposes of section 35 of the Copyright, Designs and Patents Act 1988 (1988 c. 48) ("the Act") by the Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts and Cable Programmes) (Educational Recording Agency Limited) Order 1990 (S.I. 1990/879) ("the Order") made under section 143 of the Act.

Educational Recording Agency Limited wishes to vary paragraph 10 of this licensing scheme in order to increase the fees payable under the scheme and to make minor drafting changes.

Section 143 of the Act provides that a variation of a licensing scheme is not effective unless a corresponding amendment of the order certifying the scheme is made.

This Order is made under section 143 of the Act and amends paragraph 10 of the licensing scheme set out in the Schedule to the Order to correspond with the variation to the scheme which Educational Recording Agency Limited wishes to make.

£1.50

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under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E0133 3/2003 130133 19585

ISBN 0-11-045006-X



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