

**EXPLANATORY MEMORANDUM TO THE
COPYRIGHT (EDUCATIONAL ESTABLISHMENTS) ORDER 2005**

2005 No. 223

1. This explanatory memorandum has been prepared by the Department of Trade and Industry and is laid before Parliament by Command of Her Majesty.

2. **Description**

This Instrument specifies a number of types of educational providers to be “educational establishments” for the purposes of the Copyright, Designs and Patents Act 1988 (c. 48) (“the 1988 Act”).

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None

4. **Legislative Background**

4.1 This Instrument is being made under section 174(1)(b) of the 1988 Act.

4.2 Any establishment, which is specified as an educational establishment, is entitled to take advantage of certain copyright exceptions provided for by the 1988 Act. In particular, the exceptions provided for by the following sections of the 1988 Act: section 31B (multiple copies for visually impaired persons) section 34 (performing, playing or showing work in course of activities of educational establishment), section 35 (recording by educational establishments of broadcasts), section 36 (reprographic copying by educational establishments of passages from published works) and section 36A (lending of copies by educational establishments).

5. **Extent**

5.1 This instruments apply to all of the United Kingdom.

6. **European Convention on Human Rights**

Not applicable

7. **Policy background**

7.1 The Department has not consulted the public on this Order. The purpose of this Order is to update the references to the legislation that now define the various types of educational establishments. It does not expand the number or type of establishments that will be specified.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Judith Sullivan at the Patent Office (an executive agency of the Department of Trade and Industry) 020 7596 6502 and e-mail: Judith.Sullivan@patent.gsi.gov.uk can answer any queries regarding the instrument.