

2009 No. 20

COPYRIGHT

The Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts) (Educational Recording Agency Limited) (Amendment) Order 2009

Made - - - - *8th January 2009*

Coming into force - - *1st April 2009*

The Secretary of State certified, for the purposes of section 35 of, and paragraph 6 of Schedule 2 to, the Copyright, Designs and Patents Act 1988 (“the Act”)(a), a licensing scheme to be operated by The Educational Recording Agency Limited (company number 2423219) (“ERA”) set out in the Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts) (Educational Recording Agency Limited) Order 2007(b) (“the 2007 Order”).

ERA has applied to the Secretary of State for the 2007 Order to be amended in accordance with Article 2 of this Order.

Accordingly, the Secretary of State, in exercise of the powers conferred by section 143(c) of, and paragraph 16 of Schedule 2A(d) to, the Act, makes the following Order:

1. This Order may be cited as the Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts) (Educational Recording Agency Limited) (Amendment) Order 2009 and comes into force on 1st April 2009.

2.—(1) The 2007 Order is amended as follows.

(2) In paragraph 8 of the licensing scheme set out in the Schedule to the 2007 Order delete the reference to “Association de Geston Internationale Collective des Oeuvres Audiovisuelles (“AGICOA”)” and substitute “Association de Gestion Internationale Collective des Oeuvres Audiovisuelles (“AGICOA”)”.

(3) For paragraph 17 of the licensing scheme set out in the Schedule to the 2007 Order substitute the paragraph set out in the Schedule to this Order.

David Lammy

Minister of State for Higher Education and Intellectual Property
Department for Innovation, Universities and Skills

8th January 2009

(a) 1988 c.48.
(b) S.I. 2007/266, amended by S.I. 2008/211.
(c) Section 143 was amended by regulations 4 and 11 of the Copyright and Related Rights Regulations 1996 (S.I. 1996/2967) and by regulation 2 of and Schedule 2 to the Copyright and Related Rights Regulations 2003 (S.I. 2003/2498).
(d) Schedule 2A was inserted by regulations 4 and 22 of the Copyright and Related Rights Regulations 1996 and paragraph 16 of Schedule 2A was amended by regulation 2 of and Schedule 1 to the Copyright and Related Rights Regulations 2003.

SCHEDULE

Article 2

“17. For Licences taking effect on or after 1st April 2009 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:

| | |
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| Students in Primary schools (including Educational Establishments known as Preparatory Schools) | 32p |
| Students in Secondary schools | 56p |
| Students in Educational Establishments of Further Education (including former Sixth Form Colleges) | £1.06 |
| Students in Educational Establishments of Higher Education (including Higher Education Colleges, Theological Colleges and Universities) | £1.67 |
| Students in Educational Establishments not listed above specified from time to time by the Secretary of State under section 174 of the Act | £1.67 |

Discounted rates may be negotiated at ERA’s discretion to cover groups of Educational Establishments.”

EXPLANATORY NOTE

(This note is not part of the Order)

A licensing scheme operated by The Educational Recording Agency Limited (“ERA”) was certified for the purposes of section 35 of, and paragraph 6 of Schedule 2 to, the Copyright, Designs and Patents Act 1988 (1988 c.48) (“the Act”) by the Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts) (Educational Recording Agency Limited) Order 2007 (S.I. 2007/266) (as amended by S.I. 2008/211) (“the 2007 Order”).

ERA wishes to vary paragraph 17 of the licensing scheme certified in the 2007 Order to increase the annual tariff payable under licences taking effect on or after 1st April 2009 and to correct the spelling of the name of a particular Licensor Member.

Section 143 of, and paragraph 16 of Schedule 2A to, 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 amends the licensing scheme set out in the Schedule to the 2007 Order to correspond with the variation to the scheme which ERA wishes to make (effective from 1st April 2009).

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