
STATUTORY INSTRUMENTS

2011 No. 159

COPYRIGHT

The Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts) (Educational Recording Agency Limited) (Amendment) Order 2011

Made - - - - *27th January 2011*

Coming into force - - *1st April 2011*

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”)(1), 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(2) (“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(3) of, and paragraph 16 of Schedule 2A(4) 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 2011 and comes into force on 1st April 2011.

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

(2) Paragraph 8 of the licensing scheme set out in the Schedule to the 2007 Order is amended as follows—

(a) after the entry headed “BPI (British Recorded Music Industry) Limited (“BPI”)” insert—

“**Compact Collections Limited (“Compact”)** acting as agent for

(i) DISCOVERY COMMUNICATIONS EUROPE LIMITED concerning the broadcasts made on the broadcast services operated by Discovery

(1) 1988 c.48.

(2) S.I. 2007/266, amended by S.I. 2008/211 and S.I. 2009/20.

(3) 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).

(4) 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.

Communications Europe Limited including Discovery Science and all those copyright works owned or controlled by Discovery Communications Europe Limited or any of its subsidiary or associated companies included in any broadcast;

- (ii) NGC EUROPE LIMITED concerning the broadcasts made on the broadcast services operated by NGC Europe Limited including National Geographic Channel, National Geographic Channel HD, Wild UK, Nat Geo Wild (Europe) and Wild HD and all those copyright works owned or controlled by NGC Europe Limited or any of its subsidiary or associated companies included in any broadcast; and
- (iii) AETN UK concerning the broadcasts of AETN UK or any of its subsidiary companies and all those copyright works owned or controlled by AETN UK or any of its subsidiary companies which are included in any broadcast”.; and

(b) after the entry headed “EQUITY” insert—

“FOCAL INTERNATIONAL LIMITED (The Federation of Commercial Audio Visual Libraries) (“FOCAL”)

The film and videotape clips and stills which are owned or controlled by persons represented by FOCAL or its subsidiary or associated companies and which are included in any broadcast from which an ERA Recording is made.”.

(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.

27th January 2011

Wilcox
Parliamentary Secretary for Business, Innovation
and Skills
Department for Business, Innovation and Skills

SCHEDULE

Article 2

“17. For Licences taking effect on or after 1st April 2011 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:

Students in Primary schools (including Educational Establishments known as Preparatory Schools)	32p
Students in Secondary schools	57p
Students in Educational Establishments of Further Education (including former Sixth Form Colleges)	£1.07
Students in Educational Establishments of Higher Education (including Higher Education Colleges, Theological Colleges and Universities)	£1.68
Students in Educational Establishments not listed above specified from time to time by the Secretary of State under section 174 of the Act	£1.68

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 and S.I. 2009/20) (“the 2007 Order”).

ERA wishes to vary paragraphs 8 and 17 of the licensing scheme certified in the 2007 Order to insert the names of two new Licensor Members of ERA and to increase the annual tariff payable under licences (except those relating to students in primary schools) taking effect on or after 1st April 2011.

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 2011).