
STATUTORY INSTRUMENTS

2014 No. 1372

The Copyright and Rights in Performances (Research, Education, Libraries and Archives) Regulations 2014

Recordings of folksongs

7.—(1) In section 61(1), for “designated body” substitute “body not established or conducted for profit”.

(2) For section 61(3) to (6)(1), substitute—

“(3) A single copy of a sound recording made in reliance on subsection (1) and included in an archive referred to in that subsection may be made and supplied by the archivist without infringing copyright in the recording or the works included in it, provided that—

- (a) the copy is supplied in response to a request from a person who has provided the archivist with a declaration in writing which includes the information set out in subsection (4), and
- (b) the archivist is not aware that the declaration is false in a material particular.

(4) The information which must be included in the declaration is—

- (a) the name of the person who requires the copy and the sound recording which is the subject of the request,
- (b) a statement that the person has not previously been supplied with a copy of that sound recording by any archivist, and
- (c) a statement that the person requires the copy for the purposes of research for a non-commercial purpose or private study, will use it only for those purposes and will not supply the copy to any other person.

(5) Where an archive makes a charge for supplying a copy under this section, the sum charged must be calculated by reference to the costs attributable to the production of the copy.

(6) Where a person (“P”) makes a declaration under this section that is false in a material particular and is supplied with a copy which would have been an infringing copy if made by P—

- (a) P is liable for infringement of copyright as if P had made the copy, and
- (b) the copy supplied to P is to be treated as an infringing copy for all purposes.

(7) In this section references to an archivist include a person acting on behalf of an archivist.”

(3) In paragraph 14(1)(2) of Schedule 2, for “designated body” substitute “body not established or conducted for profit”.

(4) For paragraph 14(3) and (4), substitute—

“(3) A single copy of a recording made in reliance on sub-paragraph (1) and included in an archive referred to in that sub-paragraph may be made and supplied by the archivist without infringing any right conferred by this Chapter, provided that—

- (a) the copy is supplied in response to a request from a person who has provided the archivist with a declaration in writing which includes the information set out in sub-paragraph (4), and
- (b) the archivist is not aware that the declaration is false in a material particular.

(4) The information which must be included in the declaration is—

- (a) the name of the person who requires the copy and the recording which is the subject of the request,
- (b) a statement that the person has not previously been supplied with a copy of that recording by any archivist, and
- (c) a statement that the person requires the copy for the purposes of research for a non-commercial purpose or private study, will use it only for those purposes and will not supply the copy to any other person.

(5) Where an archive makes a charge for supplying a copy under this paragraph, the sum charged must be calculated by reference to the costs attributable to the production of the copy.

(6) Where a person (“P”) makes a declaration under this paragraph that is false in a material particular and is supplied with a copy of a recording which would have been an illicit recording if made by P—

- (a) P is liable for infringement of the rights conferred by this Chapter as if P had made the copy, and
- (b) the copy supplied to P is to be treated as an illicit recording for all purposes.

(7) In this paragraph references to an archivist include a person acting on behalf of an archivist.

(8) Expressions used in this paragraph have the same meaning as in section 61.”.