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STATUTORY INSTRUMENTS

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**2006 No. 346**

**The Artist's Resale Right Regulations 2006**

**Assignment etc.**

7.—(1) Resale right is not assignable.

(2) Any charge on a resale right is void.

(3) Paragraph (1) does not prevent the transfer of a resale right which was transmitted to a qualifying body under regulation 9 (or is deemed to have been so transmitted under regulation 16), provided that the transfer is to another qualifying body.

(4) A qualifying body is a body which—

(a) is a charity within the meaning of section 96(1) of the Charities Act 1993<sup>(1)</sup> or section 35 of the Charities Act (Northern Ireland) 1964<sup>(2)</sup>;

(b) is a Scottish charity; or

(c) is a foreign charity, and has its central administration in an EEA state or a country listed in Schedule 2.

(5) In paragraph (4)—

(a) “Scottish charity” means—

(i) a body entered in the Scottish Charity Register under section 3 of the Charities and Trustee Investment (Scotland) Act 2005<sup>(3)</sup>; or

(ii) a “recognised body” within the meaning of section 1(7) of the Law Reform (Miscellaneous Provisions)(Scotland) Act 1990<sup>(4)</sup>; and

(b) “foreign charity” means a body which is established outside the United Kingdom for purposes similar to those for which a body within paragraph (4)(a) or (b) may be established, and which is subject to similar rules regarding the distribution and application of its assets.

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(1) 1993 c. 10.

(2) 1964 c. 33.

(3) 2005 asp10; section 3 comes into force on such day as the Scottish Ministers may by order appoint.

(4) 1990 c. 40; section 1 is amended by paragraph 7(a) of Schedule 4 to the Charities and Trustee Investment (Scotland) Act 2005, which comes into force on such day as the Scottish Ministers may by order appoint.