

**Changes to legislation:** There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988.  
Cross Heading: Copying by librarians or archivists: single copies of unpublished recordings. (See end of Document for details)

## SCHEDULES

### SCHEDULE 2

#### RIGHTS IN PERFORMANCES: PERMITTED ACTS

##### Modifications etc. (not altering text)

- C1** Sch. 2 continued (31.10.2003) by virtue of [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#) , [reg. 33](#) (with [regs. 31-40](#) )

*<sup>F1</sup>Copying by librarians or archivists: single copies of unpublished recordings*

##### Textual Amendments

- F1** Sch. 2 paras. 6C-6H and cross-headings inserted (1.6.2014) by [The Copyright and Rights in Performances \(Research, Education, Libraries and Archives\) Regulations 2014 \(S.I. 2014/1372\)](#), [regs. 1, 6](#)

- 6G. (1) A librarian or archivist may make and supply a single copy of the whole or part of a recording without infringing any of the rights conferred by this Chapter in the recording, provided that—
- (a) the copy is supplied in response to a request from a person who has provided the librarian or archivist with a declaration in writing which includes the information set out in sub-paragraph (2), and
  - (b) the librarian or archivist is not aware that the declaration is false in a material particular.
- (2) The information which must be included in the declaration is—
- (a) the name of the person who requires the copy and the material which that person requires,
  - (b) a statement that the person has not previously been supplied with a copy of that material by any library or archive, 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.
- (3) But the rights conferred by this Chapter are infringed if—
- (a) the recording had been published or communicated to the public before the date it was deposited in the library or archive, or
  - (b) the rights owner has prohibited the copying of the recording,
- and at the time of making the copy the librarian or archivist is, or ought to be, aware of that fact.
- (4) Where a library or 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.

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- (5) 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.]

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