Status: *Point in time view as at 25/04/2013.*
Changes to legislation: *There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: General provision about licensing. (See end of Document for details)*

SCHEDULES

[F1][SCHEDULE 2A

LICENSING OF PERFORMERS' [F1] ... RIGHTS

Textual Amendments

F1 Sch. 2A inserted (1.12.1996) by S.I. 1996/2967, **reg. 22(2)** (with Pt. III)

F1 Word in Sch. 2A heading omitted (25.4.2013) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(1), **Sch. 22 para. 3**

[F1General provision about licensing

Textual Amendments

F1 Sch. 2A paras. 1A-1D and cross-heading inserted (25.4.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(1), **Sch. 22 para. 5**

1C (1) This paragraph and paragraph 1D apply to regulations under paragraphs 1A and 1B.

(2) The regulations may provide for a body to be or remain authorised to grant licences only if specified requirements are met, and for a question whether they are met to be determined by a person, and in a manner, specified in the regulations.

(3) The regulations may specify other matters to be taken into account in any decision to be made under the regulations as to whether to authorise a person to grant licences.

(4) The regulations must provide for the treatment of any royalties or other sums paid in respect of a licence, including—

(a) the deduction of administrative costs;

(b) the period for which sums must be held;

(c) the treatment of sums after that period (as bona vacantia or otherwise).

(5) The regulations must provide for circumstances in which an authorisation to grant licences may be withdrawn, and for determining the rights and obligations of any person if an authorisation is withdrawn.

(6) The regulations may include other provision for the purposes of authorisation and licensing, including in particular provision—

(a) for determining the rights and obligations of any person if a right ceases to qualify as an orphan right (or ceases to qualify by reference to any rights owner), or if a rights owner exercises the right referred to in paragraph 1B(3), while a licence is in force;

(b) about maintenance of registers and access to them;

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(c) permitting the use of a work for incidental purposes including an application or search;

(d) for a right conferred by section 205C to be treated as having been asserted under section 205D;

(e) for the payment of fees to cover administrative expenses.

1D (1) The power to make regulations includes power—

(a) to make incidental, supplementary or consequential provision, including provision extending or restricting the jurisdiction of the Copyright Tribunal or conferring powers on it;

(b) to make transitional, transitory or saving provision;

(c) to make different provision for different purposes.

(2) Regulations under any provision may amend this Part, or any other enactment or subordinate legislation passed or made before that provision comes into force, for the purpose of making consequential provision or extending or restricting the jurisdiction of the Copyright Tribunal or conferring powers on it.

(3) Regulations may make provision by reference to guidance issued from time to time by any person.

(4) The power to make regulations is exercisable by statutory instrument.

(5) A statutory instrument containing regulations may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.**]]**

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