



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER VII

COPYRIGHT LICENSING

Reprographic copying by educational establishments

140 Inquiry whether new scheme or general licence required

- (1) The Secretary of State may appoint a person to inquire into the question whether new provision is required (whether by way of a licensing scheme or general licence) to authorise the making by or on behalf of educational establishments for the purposes of instruction of reprographic copies of—
 - (a) published literary, dramatic, musical or artistic works, or
 - (b) the typographical arrangement of published editions,of a description which appears to the Secretary of State not to be covered by an existing licensing scheme or general licence and not to fall within the power conferred by section 137 (power to extend existing schemes and licences to similar works).
- (2) The procedure to be followed in relation to an inquiry shall be such as may be prescribed by regulations made by the Secretary of State.
- (3) The regulations shall, in particular, provide for notice to be given to—
 - (a) persons or organisations appearing to the Secretary of State to represent the owners of copyright in works of that description, and
 - (b) persons or organisations appearing to the Secretary of State to represent educational establishments,

Status: This is the original version (as it was originally enacted).

and for the making of written or oral representations by such persons; but without prejudice to the giving of notice to, and the making of representations by, other persons and organisations.

- (4) The person appointed to hold the inquiry shall not recommend the making of new provision unless he is satisfied—
 - (a) that it would be of advantage to educational establishments to be authorised to make reprographic copies of the works in question, and
 - (b) that making those works subject to a licensing scheme or general licence would not conflict with the normal exploitation of the works or unreasonably prejudice the legitimate interests of the copyright owners.
- (5) If he does recommend the making of new provision he shall specify any terms, other than terms as to charges payable, on which authorisation under the new provision should be available.
- (6) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section (and section 141) a “general licence” means a licence granted by a licensing body which covers all works of the description to which it applies.