
STATUTORY INSTRUMENTS

1994 No. 247

COPYRIGHT

**The Copyright (Certification of Licensing Scheme
for Educational Recording of Broadcasts and
Cable Programmes) (Educational Recording
Agency Limited) (Amendment) Order 1994**

Made - - - - *2nd February 1994*

Coming into force - - *1st April 1994*

Whereas by virtue of the Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts and Cable Programmes) (Educational Recording Agency Limited) Order 1990⁽¹⁾ (“the Principal Order”) the Secretary of State certified for the purposes of section 35 of the Copyright, Designs and Patents Act 1988⁽²⁾ (“the Act”) the licensing scheme set out in the Schedule to the Principal Order, being a scheme operated by the Educational Recording Agency Limited;

And whereas the Principal Order was amended by the Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts and Cable Programmes) (Educational Recording Agency Limited) (Amendment) Order 1992⁽³⁾ and the Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts and Cable Programmes) (Educational Recording Agency Limited) (Amendment) Order 1993⁽⁴⁾;

And whereas the Educational Recording Agency Limited has applied to the Secretary of State for the Principal Order (as amended) to be further amended in accordance with article 2 of this Order;

Now, therefore, the Secretary of State, in exercise of powers conferred upon him by section 143 of the Act, hereby makes the following Order:—

1. This Order may be cited as the Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts and Cable Programmes) (Educational Recording Agency Limited) (Amendment) Order 1994 and shall come into force on 1st April 1994.

2. The licensing scheme set out in the Schedule to the Principal Order shall be amended as follows:

(1) S.I.1990/879.
(2) 1988 c. 48.
(3) S.I. 1992/211.
(4) S.I. 1993/193.

- (a) in the subparagraph immediately preceding paragraph 5, there shall be substituted for the first sentence the words “However, Licences under the E.R.A.Licensing Scheme shall not authorise the recording of Open University programmes.”;
- (b) in paragraph 10 there shall be substituted for all the words which appear immediately before the words “NOTE 1”, the following—
 - “(a) For licences taking effect on or after 1st April 1994 but on or before 31st March 1995, the annual tariff, when calculated on a full-time and full-time equivalents per capita basis by type of Educational Establishment, shall be: —
 - (i) Primary/Preparatory Educational Establishments (including Preparatory Schools)—18p per student.
 - (ii) Secondary Educational Establishments—37p per student.
 - (iii) Educational Establishments of Further Education (including sixth form colleges)—61p per student.
 - (iv) Educational Establishments of Higher Education (including Higher Education Colleges and Universities)—£1.22 per student.
 - (v) Other Educational Establishments designated from time to time by the Secretary of State—a fee related to the above by type.
 - (b) for licences taking effect on or after 1st April 1995, the annual tariff, when calculated on a full-time and full-time equivalents per capita basis by type of Educational Establishment, shall be:
 - (i) Primary/Preparatory Educational Establishments (including Preparatory Schools)—19p per student.
 - (ii) Secondary Educational Establishments—38p per student.
 - (iii) Educational Establishments of Further Education (including sixth form colleges)—63p per student.
 - (iv) Educational Establishments of Higher Education (including Higher Education Colleges and Universities)—£1.25 per student.
 - (v) Other Educational Establishments designated from time to time by the Secretary of State—a fee related to the above by type.”.

Patrick McLoughlin
Parliamentary Under Secretary of State for Trade
and Technology
Department of Trade and Industry

2nd February 1994.

EXPLANATORY NOTE

(This note is not part of the Order)

The licensing scheme operated by the Educational Recording Agency Limited was certified, for the purposes of section 35 of the Copyright, Designs and Patents Act 1988, by the Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts and Cable Programmes) (Educational Recording Agency Limited) Order 1990 (as amended by the Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts and Cable Programmes) (Educational Recording Agency Limited) (Amendment) Orders of 1992 and 1993) made under section 143 of that Act.

A variation of the licensing scheme is not effective unless a corresponding amendment of the Order certifying the scheme is made.

This Order, made under section 143 of the Act, further amends the licensing scheme as scheduled to the 1990 Order to provide for increases in the annual tariff for licences for 1994 and 1995, and to modify the licence so as to include within its scope broadcasts and programmes made by the Open College.