
Regulation 3 amends regulation 2 of the 2006 Regulations by removing the definition of qualifying individual. This amendment is consequential to the amendments to regulation 10.

Regulation 4 amends regulation 7(4)(c) by removing the requirement that a foreign charity needs to have its central administration in the specific countries previously listed in Schedule 2 in order to be a “qualifying body”.

Regulation 5 amends regulation 9 so as to bring together all the provisions relating to transmission of resale right. It incorporates the provisions previously found in regulation 10 which provided that resale right may vest by operation of the law in personal representatives, official receivers and trustees in bankruptcy.

Regulation 6 amends regulation 10 so as to omit the reference to the countries listed in Schedule 2 and to make clear that resale right may only be exercised by authors of non EEA states where the legislation for that state affords resale right protection to authors of EEA states and to their successors in title. The amendments to Regulation 10 make it clear that there are no nationality requirements for heirs of artists who themselves qualify for artist’s resale right.

Regulation 7 amends regulation 16. This amendment is consequential on the amendments made to regulations 2, 9 and 10.

Regulation 8 inserts into the 2006 Regulation a new regulation 17 which require the Secretary of State to review the operation and effect of the 2006 Regulations and publish a report within the period of 5 years beginning with the 1st January 2012 and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the 2006 Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the 2006 Regulations or to amend them. The old regulation 17 which is being replaced will no longer be necessary from the date that these Regulations come into force as it contains transitional provisions which will at that date become spent.

Regulation 9 revokes Schedule 2 of the 2006 Regulations which lists the countries outside the EEA whose nationals may enjoy resale right which is unnecessary in the light of amendments made to Regulation 10.

A full impact assessment of the effect that this instrument will have on the costs of business is available from the Intellectual Property Office, Room 3B46, Concept House, Cardiff Road, Newport, NP10 8QQ and is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk.