
STATUTORY INSTRUMENTS

2014 No. 1372

The Copyright and Rights in Performances (Research, Education, Libraries and Archives) Regulations 2014

Education

4.—(1) For section 32(1), substitute—

“32 Illustration for instruction

(1) Fair dealing with a work for the sole purpose of illustration for instruction does not infringe copyright in the work provided that the dealing is—

- (a) for a non-commercial purpose,
- (b) by a person giving or receiving instruction (or preparing for giving or receiving instruction), and
- (c) accompanied by a sufficient acknowledgement (unless this would be impossible for reasons of practicality or otherwise).

(2) For the purposes of subsection (1), “giving or receiving instruction” includes setting examination questions, communicating the questions to pupils and answering the questions.

(3) To the extent that a term of a contract purports to prevent or restrict the doing of any act which, by virtue of this section, would not infringe copyright, that term is unenforceable.”.

(2) For section 35(2), substitute—

“35 Recording by educational establishments of broadcasts

(1) A recording of a broadcast, or a copy of such a recording, may be made by or on behalf of an educational establishment for the educational purposes of that establishment without infringing copyright in the broadcast, or in any work included in it, provided that—

- (a) the educational purposes are non-commercial, and
- (b) the recording or copy is accompanied by a sufficient acknowledgement (unless this would be impossible for reasons of practicality or otherwise).

(2) Copyright is not infringed where a recording of a broadcast or a copy of such a recording, made under subsection (1), is communicated by or on behalf of the educational establishment to its pupils or staff for the non-commercial educational purposes of that establishment.

(3) Subsection (2) only applies to a communication received outside the premises of the establishment if that communication is made by means of a secure electronic network accessible only by the establishment’s pupils and staff.

(4) Acts which would otherwise be permitted by this section are not permitted if, or to the extent that, licences are available authorising the acts in question and the educational establishment responsible for those acts knew or ought to have been aware of that fact.

(1) Section 32 was amended by [S.I. 2003/2498](#), regulation 11.

(2) Section 35 was amended by [S.I. 2003/2498](#), regulation 12 and regulation 2(2) and Schedule 2.

- (5) If a copy made under this section is subsequently dealt with—
 - (a) it is to be treated as an infringing copy for the purposes of that dealing, and
 - (b) if that dealing infringes copyright, it is to be treated as an infringing copy for all subsequent purposes.
- (6) In this section “dealt with” means—
 - (a) sold or let for hire,
 - (b) offered or exposed for sale or hire, or
 - (c) communicated otherwise than as permitted by subsection (2).”.
- (3) For section 36(3), substitute—

“36 Copying and use of extracts of works by educational establishments

(1) The copying of extracts of a relevant work by or on behalf of an educational establishment does not infringe copyright in the work, provided that—

- (a) the copy is made for the purposes of instruction for a non-commercial purpose, and
- (b) the copy is accompanied by a sufficient acknowledgement (unless this would be impossible for reasons of practicality or otherwise).

(2) Copyright is not infringed where a copy of an extract made under subsection (1) is communicated by or on behalf of the educational establishment to its pupils or staff for the purposes of instruction for a non-commercial purpose.

(3) Subsection (2) only applies to a communication received outside the premises of the establishment if that communication is made by means of a secure electronic network accessible only by the establishment’s pupils and staff.

- (4) In this section “relevant work” means a copyright work other than—
 - (a) a broadcast, or
 - (b) an artistic work which is not incorporated into another work.

(5) Not more than 5% of a work may be copied under this section by or on behalf of an educational establishment in any period of 12 months, and for these purposes a work which incorporates another work is to be treated as a single work.

(6) Acts which would otherwise be permitted by this section are not permitted if, or to the extent that, licences are available authorising the acts in question and the educational establishment responsible for those acts knew or ought to have been aware of that fact.

(7) The terms of a licence granted to an educational establishment authorising acts permitted by this section are of no effect so far as they purport to restrict the proportion of a work which may be copied (whether on payment or free of charge) to less than that which would be permitted by this section.

- (8) If a copy made under this section is subsequently dealt with—
 - (a) it is to be treated as an infringing copy for the purposes of that dealing, and
 - (b) if that dealing infringes copyright, it is to be treated as an infringing copy for all subsequent purposes.
- (9) In this section “dealt with” means—
 - (a) sold or let for hire,
 - (b) offered or exposed for sale or hire, or

- (c) communicated otherwise than as permitted by subsection (2).”.
- (4) For paragraph 4 of Schedule 2(4), substitute—

“Illustration for instruction

- 4.—(1) Fair dealing with a performance or a recording of a performance for the sole purpose of illustration for instruction does not infringe the rights conferred by this Chapter provided that the dealing is—
- (a) for a non-commercial purpose, and
 - (b) by a person giving or receiving instruction (or preparing for giving or receiving instruction).
- (2) To the extent that a term of a contract purports to prevent or restrict the doing of any act which, by virtue of this paragraph, would not infringe any right conferred by this Chapter, that term is unenforceable.
- (3) Expressions used in this paragraph have the same meaning as in section 32.”.
- (5) For paragraph 6 of Schedule 2(5), substitute—

“Recording by educational establishments of broadcasts

- 6.—(1) A recording of a broadcast, or a copy of such a recording, may be made by or on behalf of an educational establishment for the educational purposes of that establishment without infringing any of the rights conferred by this Chapter in relation to any performance or recording included in it, provided that the educational purposes are non-commercial.
- (2) The rights conferred by this Chapter are not infringed where a recording of a broadcast or a copy of such a recording, made under sub-paragraph (1), is communicated by or on behalf of the educational establishment to its pupils or staff for the non-commercial educational purposes of that establishment.
- (3) Sub-paragraph (2) only applies to a communication received outside the premises of the establishment if that communication is made by means of a secure electronic network accessible only by the establishment’s pupils and staff.
- (4) Acts which would otherwise be permitted by this paragraph are not permitted if, or to the extent that, licences are available authorising the acts in question and the educational establishment responsible for those acts knew or ought to have been aware of that fact.
- (5) If a recording made under this paragraph is subsequently dealt with—
- (a) it is to be treated as an illicit recording for the purposes of that dealing, and
 - (b) if that dealing infringes any right conferred by this Chapter, it is to be treated as an illicit recording for all subsequent purposes.
- (6) In this paragraph “dealt with” means—
- (a) sold or let for hire,
 - (b) offered or exposed for sale or hire, or
 - (c) communicated otherwise than as permitted by sub-paragraph (2).

(4) Paragraph 4 of Schedule 2 was amended by [S.I. 2003/2498](#), regulation 11(2).

(5) Paragraph 6 of Schedule 2 was amended by [S.I. 2003/2498](#), regulation 12(2).

(7) Expressions used in this paragraph (other than “dealt with”) have the same meaning as in section 35 and any provision made under section 174(2) with respect to the application of that section also applies for the purposes of this paragraph.

Copying and use of extracts of recordings by educational establishments

6ZA.—(1) The copying of extracts of a recording of a performance by or on behalf of an educational establishment does not infringe any of the rights conferred by this Chapter in the recording provided that the copy is made for the purposes of instruction for a non-commercial purpose.

(2) The rights conferred by this Chapter are not infringed where an extract of a recording of a performance, made under sub-paragraph (1), is communicated by or on behalf of the educational establishment to its pupils or staff for the purposes of instruction for a non-commercial purpose.

(3) Sub-paragraph (2) only applies to a communication received outside the premises of the establishment if that communication is made by means of a secure electronic network accessible only by the establishment’s pupils and staff.

(4) Not more than 5% of a recording may be copied under this paragraph by or on behalf of an educational establishment in any period of 12 months.

(5) Acts which would otherwise be permitted by this paragraph are not permitted if, or to the extent that, licences are available authorising the acts in question and the educational establishment responsible for those acts knew or ought to have been aware of that fact.

(6) The terms of a licence granted to an educational establishment authorising acts permitted by this paragraph are of no effect so far as they purport to restrict the proportion of a recording which may be copied (whether on payment or free of charge) to less than that which would be permitted by this paragraph.

(7) If a recording made under this paragraph is subsequently dealt with—

- (a) it is to be treated as an illicit recording for the purposes of that dealing, and
- (b) if that dealing infringes any right conferred by this Chapter, it is to be treated as an illicit recording for all subsequent purposes.

(8) In this paragraph “dealt with” means—

- (a) sold or let for hire,
- (b) offered or exposed for sale or hire, or
- (c) communicated otherwise than as permitted by sub-paragraph (2).

(9) Expressions used in this paragraph (other than “dealt with”) have the same meaning as in section 36 and any provision made under section 174(2) with respect to the application of that section also applies for the purposes of this paragraph.”.