



THE COPYRIGHT ACT 1991

THE COPYRIGHT (CERTIFICATION OF LICENSING SCHEME)
(EDUCATIONAL RECORDING AGENCY LIMITED)
(AMENDMENT) ORDER 1998

Coming into operation

1st April 1998

Whereas by virtue of the Copyright (Certification of Licensing Scheme) (Educational Recording Agency Limited) Order 1993(a) ("the principal Order") the Department of Trade and Industry ("the Department") certified for the purposes of section 35 of the Copyright Act 1991(b) 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 Educational Recording Agency Limited has applied to the Department for the principal Order to be amended in accordance with the Schedule to this Order;

In exercise of the powers conferred upon the Department by section 141(2) and (3) of the Copyright Act 1991, and of all other enabling powers, the following Order is hereby made:—

Citation and commencement

1. This Order may be cited as the Copyright (Certification of Licensing Scheme) (Educational Recording Agency Limited) (Amendment) Order 1998 and shall come into force on the 1st April 1998.

Amendment of Scheme

2. The licensing scheme set out in the Schedule to the principal Order is amended in accordance with the Schedule to this Order.

(a) SD 411/93 (b) 1991 c.8

Revocation

3. In the Copyright (Certification of Licensing Scheme) (Educational Recording Agency Limited) (Amendment) Order 1996(c), paragraph 3 of the Schedule is revoked.

Article 2

SCHEDULE

AMENDMENTS OF LICENSING SCHEME

1. In section 4, after "INDEPENDENT TELEVISION ASSOCIATION" insert "LIMITED".

2. For section 10 substitute —

10. (1) For licences taking effect on or after 1st April 1998 but on or before 31st March 1999 the annual tariff, when calculated on a full-time and full-time equivalents per-capita basis by category of student in an educational establishment, shall be —

(i)	Students in primary educational establishments (including educational establishments known as preparatory schools)	21p per capita
(ii)	Students in secondary educational establishments	42p per capita
(iii)	Students in educational establishments of further education (including educational establishments formerly known as sixth form colleges)	78p per capita
(iv)	Students in educational establishments of higher education (including higher education colleges and universities)	£1.28 per capita
(v)	Students in other educational establishments designated from time to time by the Department of Trade and Industry	a fee related to the above by type

(2) For licences taking effect on or after 1st April 1999 the annual tariff, when calculated on a full-time and full-time equivalents per-capita basis by category of student in an educational establishment, shall be —

(i)	Students in primary educational establishments (including educational establishments known as preparatory schools)	21p per capita
(ii)	Students in secondary educational establishments	42p per capita

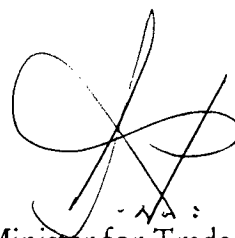
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| (iii) | Students in educational establishments of further education (including educational establishments formerly known as sixth form colleges) | 80p per capita |
| (iv) | Students in educational establishments of higher education (including higher education colleges and universities) | £1.30 per capita |
| (v) | Students in other educational establishments designated from time to time by the Department of Trade and Industry | a fee related to the above by type |

NOTE: Under the Licensing Scheme discounted rates below the above tariff may be negotiated covering large user groups and may form part of licences agreed to operate for more than one year."

MADE

H¹ Feb.

1998



Minister for Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Order.)

Under section 35 of the Copyright Act 1991 recordings of broadcasts and cable programmes may be made by or on behalf of educational establishments without thereby infringing copyright, except to the extent that there is a licensing scheme certified for the purposes of that section.

The licensing scheme operated on behalf of the BBC, independent television companies and certain copyright societies by the Educational Recording Agency Limited is certified by the Copyright (Certification of Licensing Scheme) (Educational Recording Agency Limited) Order 1993 (SD 411/93) as amended. This Order gives effect to a variation of the scheme relating to the tariff for licences granted under the scheme.