



THE COPYRIGHT ACT 1991

**THE COPYRIGHT (CERTIFICATION OF LICENSING SCHEME)
(EDUCATIONAL RECORDING AGENCY LIMITED)
(AMENDMENT) ORDER 2005**

Coming into operation

1st April, 2005

Whereas by virtue of the Copyright (Certification of Licensing Scheme) (Educational Recording Agency Limited) Order 1993¹ (“the principal Order”) the Department of Trade and Industry (“the Department”) certified for the purposes of section 35 of the Copyright Act 1991² 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 2005 and shall come into operation on 1st April, 2005.

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.

¹ SD 411/93

² 1991 c.8

Price 40p

Revocation

3. The Copyright (Certification of Licensing Scheme) (Educational Recording Agency Limited) (Amendment) Order 2003³ is revoked.

Article 2

SCHEDULE

AMENDMENTS OF LICENSING SCHEME

1. For section 4 substitute —

The Licensor Members of ERA and the works and performances forming part of the ERA repertoire in respect of which the relevant rights are generally owned or controlled by such Licensors will for the purposes of Licences issued under the Licensing Scheme comprise:

AUTHORS' LICENSING AND COLLECTING SOCIETY LIMITED ("ALCS")

Those literary and dramatic works which are owned by or controlled by persons represented by ALCS and which are included in any broadcast.

BBC WORLDWIDE LIMITED

The broadcasts of the British Broadcasting Corporation and all those copyright works owned or controlled by the British Broadcasting Corporation which are included in any broadcast.

CHANNEL FOUR TELEVISION CORPORATION ("Channel 4")

The broadcasts made on Channel 4, E4 and/or Film Four and/or any other broadcast service operated by Channel 4 or any of its subsidiary companies and all those copyright works owned or controlled by Channel 4 or any of its subsidiary companies included in any broadcast .

CHANNEL 5 BROADCASTING LIMITED ("Channel 5")

The broadcasts of the television broadcasting service known as Channel 5 and all those copyright works of Channel 5 which are included in any broadcast .

DESIGN AND ARTISTS COPYRIGHT SOCIETY LIMITED ("DACS")

Those artistic works (as defined in the Act) in which the copyright is owned or controlled by the members of DACS or the members of those copyright societies represented by DACS and which are included in any broadcast.

EQUITY.

The performances by persons represented by Equity which are included in any broadcast.

THE INCORPORATED SOCIETY OF MUSICIANS ("ISM").

The literary and musical works which are owned by or controlled by persons represented by ISM and the performances by persons who are represented by ISM which are included in any broadcast.

THE BRITISH PHONOGRAPHIC INDUSTRY LIMITED ("BPI")

Those sound recordings which are owned or controlled by persons represented by BPI and which are included in any broadcast from which an ERA Recording is made.

INDEPENDENT TELEVISION NETWORK Ltd ("ITV Network")

The broadcasts made on ITV Network Limited and/or any other broadcast service operated by ITV Network Limited or any of its subsidiary companies and all those copyright works owned or controlled by ITV Network Limited or any of its subsidiary companies included in any broadcast.

MECHANICAL COPYRIGHT PROTECTION SOCIETY LIMITED ("MCPS")

Those musical works and sound recordings which are owned or controlled by members of MCPS and entrusted by its members to MCPS and which are included in any broadcast from which an ERA Recording is made.

MUSICIANS' UNION ("the MU")

The performances by persons represented by the MU which are included in any broadcast.

THE PERFORMING RIGHT SOCIETY LIMITED ("PRS")

The musical works which are owned or controlled by the PRS or by persons represented by the PRS and which are included in any broadcast from which an ERA recording has been made.

SIANEL PEDWAR CYMRU ("S4C")

The broadcasts made on S4C, S4C Digital and/or S4C2 and/or any other broadcast service operated by S4C or any of its subsidiary companies and all those copyright works owned or controlled by S4C or any of its subsidiary companies included in any broadcast.

2. For section 10 substitute —

"10. For licences taking effect on or after 1st April, 2005 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 —

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| (i) | Students in primary educational establishments (including educational establishments known as preparatory schools) | 29p per capita |
| (ii) | Students in secondary educational establishments | 50p per capita |
| (iii) | Students in educational establishments of further education (including educational establishments formerly known as sixth form colleges) | 95p per capita |
| (iv) | Students in educational establishments of higher education (including higher education colleges and universities) | £1.50 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 *4th MARCH* 2005



Minister for Trade and Industry

³ SD 65/03