

## SCHEDULE

Regulation 2(2)

### CONSEQUENTIAL AMENDMENTS, REPEALS AND REVOCATIONS

#### Interpretation

1. References in this Schedule to the “1988 Act” are references to the Copyright, Designs and Patents Act 1988(1).

#### Consequential amendments

2. In section 27(6)(2) of the 1988 Act (meaning of infringing copy)—
- (a) omit the entries relating to sections 32(5), 35(3), 36(5) and 37(3)(b),
  - (b) insert into the list in the proper place the following entries—
    - “section 29A(3) (copies for text and data analysis for non-commercial research),”,
    - “section 35(5) (recording by educational establishments of broadcasts),”,
    - “section 36(8) (copying and use of extracts of works by educational establishments),”,
    - “section 42A(5)(b) (copying by librarians: single copies of published works),”,
    - “section 43(5)(b) (copying by librarians or archivists: single copies of unpublished works),” and
    - “section 61(6)(b) (recordings of folksongs),”.
3. In section 40A(2)(3) of the 1988 Act, omit “prescribed”.
4. In section 79(4) of the 1988 Act—
- (a) omit subsection (4)(c), and
  - (b) after subsection (4) insert—
    - “(4A) The right is also not infringed by any act done for the purposes of an examination which by virtue of any provision of Chapter 3 of Part 1 would not infringe copyright.”.
5. In section 143(5) of the 1988 Act—
- (a) omit subsection (1)(a), and
  - (b) in subsection (3) omit “35,”.
6. In section 179(6) of the 1988 Act (index of defined expressions for the purposes of Part 1 of the 1988 Act)—
- (a) for the entry relating to the definition of “archivist” substitute—

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“archivist (in sections 40A to 43)	section 43A(5),”
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(b) for the entry relating to the definition of “librarian” substitute—

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“librarian (in sections 40A to 43)	section 43A(5),”
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(1) 1988 c.48.

(2) Section 27(6) has been amended but none of the amendments are relevant.

(3) Section 40A was inserted by S.I. 1996/2967, regulation 11(2) and is prospectively amended by section 43 of the Digital Economy Act 2010 (c.24).

(4) Section 79 has been amended but none of the amendments are relevant.

(5) Section 143(1)(a) was amended by S.I. 2003/2498, regulation 2(2) and Schedule 2.

(6) Section 179 has been amended but none of the amendments are relevant.

(c) insert in alphabetical order in the table each of the following entries—

“conducted for profit (in sections 40A to 43)	section 43A(4),”
“curator (in sections 40A to 43)	section 43A(5),”
“library (in sections 40A to 43)	section 43A(2),”
“museum (in sections 40A to 43)	section 43A(3),”

and

(d) omit the entries for “prescribed conditions” and “prescribed library or archive”.

7. In section 197(5)(7) of the 1988 Act (meaning of illicit recording)—

(a) insert into the list in the proper place—

“paragraph 1D(3) (copies for text and data analysis for non-commercial research),”

“paragraph 6ZA(7) (copying and use of extracts of recordings by educational establishments),”

“paragraph 6F(5)(b) (copying by librarians: single copies of published recordings),”

“paragraph 6G(5)(b) (copying by librarians or archivists: single copies of unpublished recordings),” and

“paragraph 14(6)(b) (recordings of folksongs),”

(b) omit the entry for paragraph 4(3), and

(c) for the entry relating to paragraph 6(2), substitute—

“paragraph 6(5) (recording by educational establishments of broadcasts),”.

8. In paragraph 6B of Schedule 2(8) to the 1988 Act—

(a) in sub-paragraph (1), omit “prescribed”; and

(b) omit sub-paragraph (2).

9. In paragraph 16(1) of Schedule 2A(9) to the 1988 Act, omit “6,” and “recording of broadcasts by educational establishments,”.

10.—(1) Schedule 5A(10) to the 1988 Act (permitted acts to which section 296ZE applies) is amended as follows.

(2) In Part 1—

(a) for the entry relating to section 32(1), (2) and (3), substitute—

“section 32 (illustration for instruction)”

(b) for the entry relating to section 36, substitute—

“section 36 (copying and use of extracts of works by educational establishments)”

(c) omit the entries relating to sections 38, 39, 41, 42 and 43,

(7) Section 197(5) was amended by [S.I. 2003/2498](#) regulation 20(4) and Schedule 2 and [S.I. 2006/18](#), paragraph 8 of the Schedule.

(8) Paragraph 6B of Schedule 2 was inserted in to the 1988 Act by [S.I. 1996/2967](#) regulation 20(3), was amended by [S.I. 2006/18](#), paragraph 9 of the Schedule and is prospectively amended by section 43 of the Digital Economy Act 2010 (c.24).

(9) Schedule 2A was inserted into the 1988 Act by [S.I. 1996/2967](#), regulation 22(2) and paragraph 16(1) of Schedule 2A was amended by [S.I. 2003/2498](#), Schedule 1, Part 1, paragraph 17.

(10) Schedule 5A was inserted into the 1988 Act by [S.I. 2003/2498](#), regulation 24(2).

- (d) insert in the proper place the following entries—
    - “section 29A (copies for text and data analysis for non-commercial research)”,
    - “section 41 (copying by librarians: supply of single copies to other libraries)”,
    - “section 42 (copying by librarians etc: replacement copies of works)”,
    - “section 42A (copying by librarians: single copies of published works)”, and
    - “section 43 (copying by librarians or archivists: single copies of unpublished works)”, and
  - (e) for the entry relating to section 75, substitute—
    - “section 75 (recording of broadcast for archival purposes)”.
- (3) In Part 2—
- (a) for the entry relating to paragraph 4 of Schedule 2, substitute—
    - “paragraph 4 of Schedule 2 (illustration for instruction)”,
  - (b) for the entry relating to paragraph 6 of Schedule 2, substitute:
    - “paragraph 6 of Schedule 2 (recording by educational establishments of broadcasts)”,
  - (c) insert into the list in the proper place, the following entries—
    - “paragraph 1C of Schedule 2 (research and private study)”,
    - “paragraph 1D of Schedule 2 (copies for text and data analysis for non-commercial research)”,
    - “paragraph 6ZA of Schedule 2 (copying and use of extracts of recordings by educational establishments)”,
    - “paragraph 6D of Schedule 2 (copying by librarians: supply of single copies to other libraries)”,
    - “paragraph 6E of Schedule 2 (copying by librarians etc: replacement copies of recordings)”,
    - “paragraph 6F of Schedule 2 (copying by librarians: single copies of published recordings)”, and
    - “paragraph 6G of Schedule 2 (copying by librarians or archivists: single copies of unpublished recordings)”.
- 11.** In section 185 of the Broadcasting Act 1990(**11**), omit subsection (2)(a).
- 12.** In section 43(8) of the Digital Economy Act 2010(**12**), omit paragraph (b).
- 13.** In article 2 of the Copyright (Application of Provisions relating to Educational Establishments to Teachers) (No.2) Order 1989(**13**), for the words “which provide for educational use of recordings of broadcasts and copying of passages from published works in which copyright subsists”, substitute “recording by educational establishments of broadcasts and copying and use of extracts by educational establishments”.

### Repeals and revocations

- 14.** The enactments listed in column 1 of the Table are repealed or revoked to the extent specified in column 2.

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(11) 1990 c.42. Section 185(2) was amended by the Communications Act 2003 (c.21), Schedule 15, paragraph 64.

(12) 2010 c.24.

(13) S.I. 1989/1067. Regulation 2 was amended by S.I. 2003/2498, regulation 2(2) and Schedule 2 and S.I. 2010/1172, Schedule 3, paragraph 15.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:  
*The Copyright and Rights in Performances (Research, Education, Libraries and Archives) Regulations 2014 No. 1372*

**Table**

<i>Enactment</i>	<i>Extent of repeal or revocation</i>
The Copyright, Designs and Patents Act 1988	sections 37 to 40
The Copyright and Related Rights Regulations 2003 <b>(14)</b>	regulations 11 to 14 and 16

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**(14)** S.I. 2003/2498.