

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Paragraph 6E. (See end of Document for details)

SCHEDULES

SCHEDULE 2

RIGHTS IN PERFORMANCES: PERMITTED ACTS

Modifications etc. (not altering text)

- C1** Sch. 2 continued (31.10.2003) by virtue of [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#) , [reg. 33](#) (with [regs. 31-40](#))

[^{F1} Copying by librarians etc : replacement copies of recordings

Textual Amendments

- F1** Sch. 2 paras. 6C-6H and cross-headings inserted (1.6.2014) by [The Copyright and Rights in Performances \(Research, Education, Libraries and Archives\) Regulations 2014 \(S.I. 2014/1372\)](#), [regs. 1, 6](#)

- 6E. (1) A librarian, archivist or curator of a library, archive or museum may, without infringing any rights conferred by this Chapter, make a copy of a recording of a performance in that institution's permanent collection—
- (a) in order to preserve or replace that recording in that collection, or
 - (b) where a recording in the permanent collection of another library, archive or museum has been lost, destroyed or damaged, in order to replace the recording in the collection of that other library, archive or museum,
- provided that the conditions in sub-paragraphs (2) and (3) are met.
- (2) The first condition is that the recording is—
- (a) included in the part of the collection kept wholly or mainly for the purposes of reference on the institution's premises,
 - (b) included in a part of the collection not accessible to the public, or
 - (c) available on loan only to other libraries, archives or museums.
- (3) The second condition is that it is not reasonably practicable to purchase a copy of the recording to achieve either of the purposes mentioned in sub-paragraph (1).
- (4) The reference in sub-paragraph (1)(b) to a library, archive or museum is to a library, archive or museum which is not conducted for profit.
- (5) Where an institution makes a charge for supplying a copy to another library, archive or museum under sub-paragraph (1)(b), the sum charged must be calculated by reference to the costs attributable to the production of the copy.
- (6) 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.]

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Paragraph 6E.