

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

SCHEDULES

SCHEDULE 6

Section 301.

PROVISIONS FOR THE BENEFIT OF [F1GREAT ORMOND STREET HOSPITAL FOR CHILDREN]

Textual Amendments

- F1** Words in Sch. 6 heading substituted (23.5.2016) by [NHS \(Charitable Trusts Etc\) Act 2016 \(c. 10\), ss. 3\(5\), 5\(3\)](#)

Interpretation

- 1 (1) In this Schedule—
[F2 “GOSH Children's Charity” means Great Ormond Street Hospital Children's Charity (company registration number 9338724);]
“the Hospital” means [F3Great Ormond Street Hospital for Children],
F4
...
“the work” means the play “Peter Pan” by Sir James Matthew Barrie.
(2) Expressions used in this Schedule which are defined for the purposes of Part I of this Act (copyright) have the same meaning as in that Part.

Textual Amendments

- F2** Definition in Sch. 6 para. 1(1) inserted (23.5.2016) by [NHS \(Charitable Trusts Etc\) Act 2016 \(c. 10\), ss. 3\(7\)\(a\), 5\(3\)](#)
F3 Words in Sch. 6 para. 1(1) substituted (23.5.2016) by [NHS \(Charitable Trusts Etc\) Act 2016 \(c. 10\), ss. 3\(7\)\(b\), 5\(3\)](#)
F4 Definition in Sch. 6 para. 1(1) omitted (23.5.2016) by virtue of [NHS \(Charitable Trusts Etc\) Act 2016 \(c. 10\), ss. 3\(7\)\(c\), 5\(3\)](#)

Entitlement to royalty

- 2 (1) [F5GOSH Children's Charity is] entitled, subject to the following provisions of this Schedule, to a royalty in respect of any public performance, commercial publication [F6or communication to the public] of the whole or any substantial part of the work or an adaptation of it.
(2) Where [F7GOSH Children's Charity is] or would be entitled to a royalty, another form of remuneration may be agreed.

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Textual Amendments

- F5** Words in Sch. 6 para. 2(1) substituted (23.5.2016) by [NHS \(Charitable Trusts Etc\) Act 2016 \(c. 10\)](#), [ss. 3\(8\)\(a\)](#), 5(3)
- F6** Words in Sch. 6 para. 2(1) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 2\(1\)](#), [Sch. 1 para. 6\(2\)\(f\)](#) (with [regs. 31-40](#))
- F7** Words in Sch. 6 para. 2(2) substituted (23.5.2016) by [NHS \(Charitable Trusts Etc\) Act 2016 \(c. 10\)](#), [ss. 3\(8\)\(b\)](#), 5(3)

Modifications etc. (not altering text)

- C1** Sch. 6 para. 2: power to amend conferred (23.5.2016) by [NHS \(Charitable Trusts Etc\) Act 2016 \(c. 10\)](#), [s. 5\(3\)](#), [Sch. 2 para. 5\(2\)\(a\)](#)

Exceptions

- 3 No royalty is payable in respect of—
- (a) anything which immediately before copyright in the work expired on 31st December 1987 could lawfully have been done without the licence, or further licence, of the [^{F8}copyright owner at that time]; or
 - (b) anything which if copyright still subsisted in the work could, by virtue of any provision of Chapter III of Part I of this Act (acts permitted notwithstanding copyright), be done without infringing copyright.

Textual Amendments

- F8** Words in Sch. 6 para. 3(a) substituted (23.5.2016) by [NHS \(Charitable Trusts Etc\) Act 2016 \(c. 10\)](#), [ss. 3\(9\)](#), 5(3)

Saving

- 4 No royalty is payable in respect of anything done in pursuance of arrangements made before the passing of this Act.

Procedure for determining amount payable

- 5
- (1) In default of agreement application may be made to the Copyright Tribunal which shall consider the matter and make such order regarding the royalty or other remuneration to be paid as it may determine to be reasonable in the circumstances.
 - (2) Application may subsequently be made to the Tribunal to vary its order, and the Tribunal shall consider the matter and make such order confirming or varying the original order as it may determine to be reasonable in the circumstances.
 - (3) An application for variation shall not, except with the special leave of the Tribunal, be made within twelve months from the date of the original order or of the order on a previous application for variation.
 - (4) A variation order has effect from the date on which it is made or such later date as may be specified by the Tribunal.

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^{F9}[(5) The provisions of Chapter VIII of Part I (general provisions relating to the Copyright Tribunal) apply in relation to the Tribunal when exercising any jurisdiction under this paragraph.]

Textual Amendments

F9 Sch. 6 para. 5(5) added (1.12.1996) by [S.I. 1996/2967](#), **reg. 24(3)** (with [Pt. III](#))

[^{F10} Sums received to be held for the benefit of the Hospital

Textual Amendments

F10 Sch. 6 para. 6 and crossheading substituted (23.5.2016) by [NHS \(Charitable Trusts Etc\) Act 2016 \(c. 10\)](#), **ss. 3(10)**, 5(3)

6 The sums received by GOSH Children's Charity by virtue of this Schedule, after deduction of any relevant expenses, are to be held by it for the purposes of the Hospital.]

Right only for the benefit of the Hospital

7 (1) The right of [^{F11}GOSH Children's Charity] under this Schedule may not be assigned and shall cease if [^{F12}GOSH Children's Charity purports] to assign or charge it.
(2) The right ^{F13}... shall cease if the Hospital ceases to have a separate identity or ceases to have purposes which include the care of sick children.

^{F14}(3)

Textual Amendments

F11 Words in Sch. 6 para. 7(1) substituted (23.5.2016) by [NHS \(Charitable Trusts Etc\) Act 2016 \(c. 10\)](#), **ss. 3(11)(a)(i)**, 5(3)

F12 Words in Sch. 6 para. 7(1) substituted (23.5.2016) by [NHS \(Charitable Trusts Etc\) Act 2016 \(c. 10\)](#), **ss. 3(11)(a)(ii)**, 5(3)

F13 Words in Sch. 6 para. 7(2) omitted (23.5.2016) by virtue of [NHS \(Charitable Trusts Etc\) Act 2016 \(c. 10\)](#), **ss. 3(11)(b)**, 5(3)

F14 Sch. 6 para. 7(3) omitted (23.5.2016) by virtue of [NHS \(Charitable Trusts Etc\) Act 2016 \(c. 10\)](#), **ss. 3(11)(c)**, 5(3)

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