



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER X

MISCELLANEOUS AND GENERAL

Interpretation

174 Meaning of “educational establishment” and related expressions.

- (1) The expression “educational establishment” in a provision of this Part means—
 - (a) any school, and
 - (b) any other description of educational establishment specified for the purposes of this Part, or that provision, by order of the Secretary of State.
- (2) The Secretary of State may by order provide that the provisions of this Part relating to educational establishments shall apply, with such modifications and adaptations as may be specified in the order, in relation to teachers who are employed by a [^{F1}local authority (as defined in section 579(1) of the Education Act 1996) or (in Northern Ireland) a local education authority,] to give instruction elsewhere to pupils who are unable to attend an educational establishment.
- (3) In subsection (1)(a) “school”—
 - (a) in relation to England and Wales, has the same meaning as in [^{F2}the Education Act 1996];
 - (b) in relation to Scotland, has the same meaning as in the ^{M1}Education (Scotland) Act 1962, except that it includes an approved school within the meaning of the ^{M2}Social Work (Scotland) Act 1968; and

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 174. (See end of Document for details)

- (c) in relation to Northern Ireland, has the same meaning as in the ^{M3}Education and Libraries (Northern Ireland) Order 1986.
- (4) An order under subsection (1)(b) may specify a description of educational establishment by reference to the instruments from time to time in force under any enactment specified in the order.
- (5) In relation to an educational establishment the expressions “teacher” and “pupil” in this Part include, respectively, any person who gives and any person who receives instruction.
- (6) References in this Part to anything being done “on behalf of” an educational establishment are to its being done for the purposes of that establishment by any person.
- (7) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** Words in s. 174(2) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 36**
- F2** Words in s. 174(3) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 83** (with [Sch. 39](#))

Modifications etc. (not altering text)

- C1** Ss. 161, 162, 171(1)(3), 172-179 applied (1.12.1996) by [S.I. 1996/2967](#), **reg. 17(4)** (with Pt. III)

Marginal Citations

- M1** 1962 c. 47.
- M2** 1968 c. 49.
- M3** [S.I. 1986/594 \(N.I.3\)](#).

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