

---

STATUTORY INSTRUMENTS

---

**2016 No. 221**

The Collective Management of Copyright  
(EU Directive) Regulations 2016

PART 5

Amendments and Transitional Provision

**Amendments**

**44.** In subsection (2) of section 116 (licensing schemes and licensing bodies) of the Copyright, Designs and Patents Act 1988<sup>(1)</sup>—

- (a) the words after “a “licensing body” means” become paragraph (a); and
- (b) after that paragraph insert—

“, or,

- (b) any other organisation which is a collective management organisation as defined by regulation 2 of the Collective Management of Copyright (EU Directive) Regulations 2016.”.

**45.** The Copyright (Regulation of Relevant Licensing Bodies) Regulations 2014<sup>(2)</sup> are revoked.

**46.**—(1) The Copyright and Rights in Performances (Extended Collective Licensing) Regulations 2014<sup>(3)</sup> are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) omit the definitions of “code of practice”, “Codes Regulations” and “specified criteria”;
- (b) in the definition of “relevant licensing body” for “section 116(2)” substitute “section 116(2)(a)”.

(3) In regulation 4 (authorisation to operate an Extended Collective Licensing Scheme)—

- (a) in paragraph (3)(b) for “its code of practice” substitute “ the Collective Management of Copyright (EU Directive) Regulations 2016”; and
- (b) omit paragraph (4)(c).

(4) In regulation 5 (application for authorisation), in paragraph (1)—

- (a) omit sub-paragraphs (m) and (n);
- (b) in sub-paragraph (o) for “with the terms of its code of practice” substitute “with the Collective Management of Copyright (EU Directive) Regulations 2016”.

(5) In regulation 10 (application for the renewal of an authorisation), in paragraph (2)—

- (i) in sub-paragraph (b) omit “(m),”;

---

<sup>(1)</sup> 1998 c.48.

<sup>(2)</sup> S.I. 2014/898.

<sup>(3)</sup> S.I. 2014/2588.

- (ii) omit sub-paragraph (g);
- (iii) in sub-paragraph (h) for “the terms of its code of practice” substitute “the Collective Management of Copyright (EU Directive) Regulations 2016”.
- (6) In regulation 11 (review of Extended Collective Licensing Scheme), in paragraph (1)—
  - (i) omit sub-paragraph (c);
  - (ii) in sub-paragraph (d) for “the terms of its code of practice” substitute “the Collective Management of Copyright (EU Directive) Regulations 2016”;
  - (iii) in sub-paragraph (h) omit “(m),”.
- (7) In regulation 14 (revocation of an authorisation), in paragraph (2)(c) for “specified criteria” substitute “the Collective Management of Copyright (EU Directive) Regulations 2016”.
- (8) In regulation 16 (opt out from an extended collective licensing scheme), in paragraph (3)—
  - (i) in sub-paragraph (a) insert at the end “and”;
  - (ii) omit sub-paragraph (c) and the “and” which precedes it.
- (9) In regulation 17 (licensing of works) omit paragraphs (3), (4) and (5).
- (10) In regulation 18 (licence fee) in paragraph (5) before “right holder” insert “non-member”.

### **Transitional provisions**

**47.** Despite the revocation by these Regulations of the Copyright (Regulation of Relevant Licensing Bodies) Regulations 2014—

- (a) regulation 2 (interpretation) shall continue to apply for the purposes of the regulations referred to in paragraphs (b) to (g);
- (b) regulation 6 (code reviewer) shall continue to apply in relation to a review and report on a code of practice in respect of a period before the date on which these Regulations come into force;
- (c) regulation 7 (licensing code ombudsman) shall continue to apply in relation to a dispute concerning compliance with a code of practice before the date on which these Regulations come into force;
- (d) regulation 8 (recovery of fees) shall continue to apply in relation to the cost of administering the operation of those Regulations;
- (e) regulation 9 (power to request information) shall continue to apply in relation to information relating to licensing activities before the date on which these Regulations come into force;
- (f) regulation 10 (financial penalties) shall continue to apply in relation to a failure to comply with the obligations specified under that regulation; and
- (g) regulation 11 (imposition of penalty) and 12 (appeals) shall continue to apply in relation to a financial penalty imposed under regulation 10.

**48.** Despite the omission by these Regulations of the definitions “code of practice”, “Codes Regulations” and “specified criteria” in regulation 2 of the Copyright and Rights in Performances (Extended Collective Licensing) Regulations 2014 those definitions shall continue to apply for the purposes of regulation 10(2)(g), 11(1)(c) and 14(2)(c) of those Regulations.

**49.** Despite the revocation by these Regulations of regulations 10(2)(g) and 11(1)(c) of the Copyright and Rights in Performances (Extended Collective Licensing) Regulations 2014, those sub-paragraphs shall continue to have effect in relation to a report to which they apply which has been produced.

**50.** Despite the revocation by these Regulations of regulation 14(2)(c) of the Copyright and Rights in Performances (Extended Collective Licensing) Regulations 2014 that sub-paragraph shall continue to apply in relation to a failure to comply which occurred before the date on which these Regulations come into force.

### **Review**

**51.**—(1) The Secretary of State must from time to time—

- (a) carry out of review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how [Directive 2014/26/EU](#) of 26 February 2014<sup>(4)</sup> (which is implemented by means of these Regulations) is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which this regulation comes into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

---

(4) OJ No.L.84, 20.3.2014 p.72.