

**2005 No. 223**

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**The Copyright (Educational Establishments) Order 2005**

*Made* - - - - - *2nd February 2005*

*Laid before Parliament* *8th February 2005*

*Coming into force* - - - *1st April 2005*

The Secretary of State, in exercise of the powers conferred upon her by section 174(1)(b) of the Copyright, Designs and Patents Act 1988(a), hereby makes the following Order:

1. This Order may be cited as the Copyright (Educational Establishments) Order 2005 and shall come into force on 1st April 2005.
2. The descriptions of educational establishments mentioned in the Schedule to this Order are specified for the purposes of Part I of the Copyright, Designs and Patents Act 1988.
3. The Copyright (Educational Establishments) (No.2) Order 1989(b) is hereby revoked.

2nd February 2005

*Sainsbury of Turville,*  
Parliamentary Under Secretary of State for Science and Innovation  
Department of Trade and Industry

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(a) 1988 c. 48.  
(b) S.I. 1989/1068.

## SCHEDULE

Article 2

### Higher Education

1. Any university empowered by Royal Charter or Act of Parliament to award degrees and any college, or institution in the nature of a college, in such a university.
2. Any institution in England and Wales which provides a course of any description mentioned in Schedule 6 to the Education Reform Act 1988(a).
3. Any institution in Scotland which provides higher education within the meaning of section 38 of the Further and Higher Education (Scotland) Act 1992(b).
4. Any institution in Northern Ireland—
  - (a) which provides a course of any description mentioned in Schedule 1 to the Further Education (Northern Ireland) Order 1997(c); or
  - (b) which is a college of education within the meaning of article 2(2) of the Education and Libraries (Northern Ireland) Order 1986(d).

### Further Education

5. Any institution in England and Wales the sole or main purpose of which is to provide further education within the meaning of section 2 of the Education Act 1996(e).
6. Any institution in Scotland the sole or main purpose of which is to provide further education within the meaning of either section 1(5)(b) of the Education (Scotland) Act 1980(f) or section 1(3) of the Further and Higher Education (Scotland) Act 1992.
7. Any institution in Northern Ireland the sole or main purpose of which is to provide further education within the meaning of article 3 of the Further Education (Northern Ireland) Order 1997.

### Theological Colleges

8. Any theological college.

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(a) 1988 c.40.

(b) 1992 c.37.

(c) S.I. 1997/1772 (N.I. 15).

(d) S.I. 1986/594 (N.I. 3).

(e) 1996 c.56; section 2(3) was amended by section 215(2) of the Education Act 2002 (c. 32) which gave effect to Part 3 of Schedule 22 to that Act; there are also other amendments to section 2 which are not relevant to this Order.

(f) 1980 c.44.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

The Order specifies education establishments for the purposes of Part I of the Copyright, Designs and Patents Act 1988, that is to say, sections 31B (multiple copies for visually impaired persons), 33 to 36A (educational use of works, recordings, etc in which copyright subsists) and sections 137 to 141 (reprographic copying of works under licence). It revokes the Copyright (Educational Establishments) (No. 2) Order 1989.

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