



**THE CODE OF FAIR PRACTICE**  
**AGREED BETWEEN**  
**COMPOSERS, PUBLISHERS**  
**AND USERS OF PRINTED MUSIC**

**The Code of Fair Practice  
agreed between composers, publishers and users of printed music  
Revised edition 2012**

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This document was drawn up by the Music Publishers Association with the support of the following organisations, who have agreed to accept its contents, and recommend its observance by all music users:

**ABRSM**

**Association of British Choral Directors**

**Association of British Orchestras**

**British Dyslexia Association**

**British Academy of Songwriters, Composers & Authors**

**British Association of Symphonic Bands & Wind Ensembles**

**British & International Federation of Festivals for Music, Dance & Speech**

**Conservatoires UK**

**Incorporated Society of Musicians**

**International Association of Music Libraries (UK and Ireland Branch)**

**Making Music**

**Music Publishers Association Ltd (representing those publishers in Appendix C and on the MPA website)**

**Musicians' Union**

**Music Mark – The UK Association of Music Education**

**National Association of Choirs**

**National Operatic & Dramatic Association**

**Royal Academy of Music**

**Royal Air Force School of Music**

**Royal College of Organists**

**Royal Marines Band Service**

**Royal Military School of Music, Kneller Hall**

**Royal School of Church Music**

**Schools Music Association**

**Sing for Pleasure**

**Trinity College London**

**Tŷ Cerdd/Music Centre Wales (formerly the Welsh Amateur Music Federation)**

This Code does not apply to all music; in particular

- i. **it cannot be used or applied UNLESS THE COPYRIGHT OWNER'S NAME IS LISTED IN APPENDIX C AND ON THE MPA WEBSITE;**
- ii. **it can NEVER be used or applied to IMPORTED publications**

The benefit of this Code is open to any music user and is not limited to members of the participating organisations.

Permission granted in this Code shall apply equally to organisations as to individuals and to others acting on behalf of the intending user.

The organisations which have accepted this document are anxious that it should be as widely available as possible and further copies will gladly be supplied by any of these organisations. Furthermore, no copyright is claimed in this document and it may be copied or downloaded if this will assist in its wider distribution.

Lastly, it should be remembered that this Code may be revised or withdrawn at any time in the future, either because the organisations which have accepted it wish to do so, or because it may be necessary to do so if copyright law itself is revised.

*Revised edition 2012*

## PREFACE

The concept of copyright is well known, although many may not understand its full extent. A musical work is copyright during the life of the composer and for 70 years afterwards.

But, for example, the printed edition of a song for voice and keyboard may include several different copyrights: of the composer for the music; of the writer for the words; of the authorised arranger for the keyboard version from the composer's original; of the editor in the case of an edition of a non-copyright work and of the publisher who makes the printed image. Furthermore, any one of these copyrights can outlive the others.

If copies are made in breach of copyright, then the copyright owner can sue for damages. The person or institution having to pay damages will also nearly always have to pay the costs of the legal action; the latter can easily run into five figures.

Ultimately legal sanctions may not be a real solution to day-to-day practicalities, though an indifference to them will have consequences which most fair-minded people would regret. One of the marks of civilised communities is the recognition of the concept of copyright; that is the need to protect the livelihoods of those members of the community who are gifted with creative thought, whether they are painters or writers or composers. Copyright gives a property and ownership in what they create which must then not be used in any way without their permission and without their proper remuneration. Illegal copying discourages creativity and investment by music publishers. In recent years this has not been just a likelihood, but a fact which most music users have experienced.

However, creators and publishers recognise that photocopying machines do serve a very valuable purpose in many circumstances provided that their use is not abused and they accept that a literal and strict interpretation of the law will not always produce a result which is reasonable or appeals to common sense. This document attempts to introduce reasonableness into the present-day situation, while appealing to the goodwill and understanding traditionally shown by the vast majority of music users. Of those who offend, it is thought that most do so because they have not stopped to think about the matter.

## INTRODUCTION TO THE CURRENT LAW

This Code aims only to cover essential aspects of the copying and arranging of musical works which are protected by copyright law; it does not attempt to deal with the subject of recordings, broadcasts, films, videos etc. The law on the subject is contained in the Copyright, Designs and Patents Act 1988 and some of the more important clauses are reproduced in Appendix A of this Code.

If a musical work is in copyright (which it will be if any of the composers, editors or authors have not been dead for more than 70 years, or the work published in the last 25 years, whichever is the longer) then *copying the work and/or arranging it* are infringements of the copyright unless the person doing so enjoys a specific exception under the Act, or has the specific licence of the copyright owner to do so.

The exceptions allowed under the Act are as follows:

### **1. Research and Private Study**

Fair dealing for the purpose of research or private study is permitted by S.29 (see Appendix A).

### **2. Class/Music Room**

Teachers and students are permitted to copy (by hand) in the course of instruction. A reprographic process must not be used; this does not include the right of arranging.

### **3. Examinations**

Nothing done for the purpose of an examination (including continuous assessment) infringes copyright, except that candidates performing a musical work in an examination may not use reprographic copies; this is also set out in S.32 (see Appendix A).

### **4. Limit Under Act**

Educational establishments may make reprographic copies providing that they do not exceed 1% of any work in any one quarter of the year and providing a licence scheme is not available which covers this provision which is given in S.36 (see Appendix A and (6) below).

### **5. Libraries**

Librarians of prescribed libraries may make and supply a copy of *part* of a musical work for the purpose of research or private study to a person who must pay for the copy; in addition the librarian may not do so if the requirement is related to any similar requirement of another person. The details are to be found in S.39 and S.40 (see Appendix A).

### **6. Visually Impaired Persons**

A single copy is permitted to be made for a visually impaired person who is in lawful possession of a publication, as per S.31A (See Appendix A). An 'approved body' (i.e. an educational establishment or a body that is not conducted for profit, such as a choir) may also make copies of any printed music publications on behalf of visually impaired persons provided that they have obtained the 'MPA Visually Impaired Persons Licence'. See [www.mpaonline.org.uk](http://www.mpaonline.org.uk) for further details. (Also see page 8 below for permission relating to 'Reading Impairments')

### **7. Licensing Schemes**

In addition to the above statutory exceptions, permission to copy may be obtained through a licensing scheme if and where one exists. This means that the copyright owner voluntarily grants a licence on certain conditions (of which payment may be one). This includes the **MPA Schools Licensing Scheme** which enables school teachers to copy publications, subject to certain conditions (see [www.schools.cla.co.uk/your-cla-schools-licence/schools-printed-music-licence](http://www.schools.cla.co.uk/your-cla-schools-licence/schools-printed-music-licence)). There are also several licenses for the reproduction of hymns and hymn texts available from **CCLI** (see [www.ccli.co.uk](http://www.ccli.co.uk)). Licensing schemes are subject to the review and control of the Copyright Tribunal established under the Act, and in addition there are circumstances in which the Secretary of State for Business Innovation & Skills has power to extend an existing scheme or impose a new one.

# CODE OF FAIR PRACTICE ON THE GRAPHIC COPYING OF MUSIC

## General Principles

1. **Copyright owners (composers and their publishers) recognise that musicians and students need reasonable access to copyright material so that their music may be widely performed and studied.**
2. **At the same time, composers and their publishers must be properly compensated for their work so that the economic incentive and means for the creation and publication of music continue to exist. It follows that copying (whether by photocopying or by any other means) in order to evade hire or purchase will always be wrong.**

## Permissions

The copyright owners listed in Appendix C and on the MPA website have agreed that they will not institute proceedings if copies are made in the following circumstances in respect of music both printed and published in the UK, notwithstanding the Copyright, Designs and Patents Act 1988.

The terms 'copy' or 'copies' cover any form of graphic reproduction of a printed music publication (i.e. photocopying, scanning and other methods of digital/photographic reproduction) as well as the transcribing of music notation by hand or using notation software. Note, however, that copies can only be made within the scope of the permissions given.

A copy made, for instance, to aid a performance due to a difficult page-turn (see point 2 below) may not then be passed on or (in the context of an electronic copy) made available to someone else for a use not permitted under either the Code or the law. Users of this Code are therefore advised to password protect any electronic copies made under the Code or law if these copies are accessible to others.

Whenever a copy is made it must bear on the first page of the music the copyright line (e.g. © Copyright 1992 by XYZ Music Co Ltd London) which appears at the beginning of the work. This information should be written by hand where necessary on the original from which the copy is made. Please also note any additional notices required in respect of some permissions.

1. **Emergencies:** Music which has been lost or damaged when it is too late to replace it by purchase or hire before a pre-arranged concert may be copied, without any application to the copyright owner, provided that:
  - a. if it is available on sale, a replacement is purchased as soon as possible thereafter when the copy made will be destroyed, or
  - b. if the work is on hire, the copy made is returned with the other hire material after the performance.

Each copy must be marked with the following: 'Emergency copy. Destroy after use'

2. **Performance Difficulties:** A performer who possesses a piece of music and who needs for his personal use a second copy of a page of the work for ease of performance due to a difficult page-turn, may make one copy of the relevant part for that purpose without any application to the copyright owner. Copying whole movements, or whole works is expressly forbidden under this section. When such a work has been hired, the copy made must be returned with the other hire material after the performance.

Each copy must be marked with the following: 'Copy made with permission'

3. **Study and Research:** Bona fide students or teachers, whether they are in an educational establishment or not, may without application to the copyright owner make copies of short excerpts of musical works provided that they are for study only (not performance). Copying whole movements or whole works is expressly forbidden under this permission.

Each copy must be marked with the following: 'Copy for study only'

4. **Orchestra and Band Parts, and Classroom Sets:** In the case of works published either for orchestra or for band (but not for smaller ensembles) or in classroom sets and where the publisher has expressly stated in writing extra parts are not sold individually but only in sets, copies of extra parts may be made provided that the number so made does not exceed a "quarter set" in quantity and provided that the person or organisation making the copies has already purchased one or more sets. Note: A "quarter set" is defined as a quarter of the total number of parts in the publisher's standard set. In this instance it is the number of parts and not the number of pages which is the criterion.

Each copy must be marked with the following: 'Copy made with permission'

5. **Hired Orchestral Works:** If an orchestra is likely to hire a work again on a future occasion, a single copy of each of the scored string parts may be made for future reference in order to retain a record of the bowing and fingering marks used by that orchestra. Such copies may not be used for reproduction or performance.

Each copy must be marked with the following: 'Copy made to record markings only'

6. **Out of Print:** If a work appears to be out of print, any person or organisation wishing to obtain that work should give notice of this intention to the publisher<sup>1</sup>. The publisher shall then within 3 weeks inform that person or organisation of the terms on which the publisher is either able to supply it or will allow copies to be made.

Notes:

- a. If the publisher allows copies to be made a fee should be expected as the publisher will usually have an obligation to pay the composer a royalty.
  - b. It may occasionally happen that the publisher will refuse permission to reproduce because the work has been deliberately withdrawn either at the request of the composer or for copyright reasons; such refusal will not entitle a user to make copies.
7. **Non-Supply:** If a person or organisation has ordered music from a dealer or publisher and it has not been supplied within 1 month of the order date, that person or organisation must give notice to the publisher\* requiring him/her to supply within 3 weeks or give permission to make the necessary copies on payment of a fee (see 6 above).

Notes:

- a. The "order date" requires firm evidence of the date on which it was given to a dealer or publisher; the date on which the purchaser makes a request to his/her own Authority or supplies department is irrelevant for this purpose.
  - b. Difficulties over non-supply often arise because users programme works without first checking on their availability from the publishers. It is in the users' own interests to make such enquiries before setting programmes.
8. **Extracts from Complete Editions:** If a person or organisation wishes to use a whole work which is only published as a small part of a complete or collected edition and which is not published separately, notice must be given to the publisher who may either offer to provide such separate publication on given terms or allow copies to be made on payment of a fee.

Note:

"Complete or collected editions" has a special and limited meaning; it refers only to multi-volume publications, usually supplied on subscription and which contain the entire output of one composer

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<sup>1</sup> A suitable form appears in Appendix B.

or school, e.g. Musica Britannica. It specifically does not refer to anthologies or small collections such as Schubert's Songs, or Beethoven's Piano Sonatas, or Bach's 48 Preludes and Fugues.

9. **Opera Choruses:** Where no separate chorus part for a dramatico musical work is available either on sale or for hire and the vocal score is not available on hire, the chorus material may be copied from the vocal score provided that it does not exceed 10% of the vocal score (measured by the number of pages) and is not intended for separate performance. A larger proportion than 10% requires the specific agreement of the copyright owner, for which a fee may be required.

Each copy must be marked with the following: 'Copy made with permission'

10. **Adjudicator or Examiner Copy:** A person performing a work in front of an examiner or adjudicator may make one copy per examiner/adjudicator provided that the participant or candidate has already purchased his/her own copy and that the copy/copies made is/are retained and destroyed by the adjudicator(s) or examiner(s) immediately after the event.

Each copy must be marked with the following: 'Adjudicator/examiner copy. Destroy after use.'

11. **Reading impairments:** A person with any kind of cognitive impairment or condition (such as, but not limited to, dyslexia) (whether diagnosed or not) resulting in a diminished or limited ability to read music or text as conventionally printed, may make copies in a format that enables them more easily to read a publication (such as, but not limited to, by enlarging it and/or by using coloured paper), provided that he/she has already legally acquired his/her own copy of the conventionally printed item.

Each copy must be marked with the following: 'Copy made with permission'.

(See page 5 for 'Visual Impairments')

12. **Audition and Rehearsal Material for Dramatico Musical Works:** If a performance agreement has been made, the copyright holder will, provided that the particular material required is not available on sale or for hire, permit the performing organisation, upon written request, to make copies of a vocal score, complete for rehearsal purposes only and in single extracts for audition purposes only. Such copies shall become the copyright holder's property free of charge and must be returned to them immediately after the performance.

Each copy must be marked with the following: 'Copy made with permission'

13. **Other Permissions:** The permissions given in this section are not exhaustive; publishers will often be willing to grant other permissions, but in all such cases specific application in writing must be made to the publisher.

### Prohibitions

These are stated simply to emphasise that the "Permissions" do not extend to them.

1. Copying in order to evade the hire or purchase of music.
2. Copying works supplied on approval or for inspection.
3. Copying whole works or complete movements (except as allowed in Permissions 4, 5, 8, 9, 10 and 11).
4. Copying works which have been obtained on hire (except as allowed in Permissions 2, 5 and 11).
5. Copying from various publications to make anthologies.
6. Copying or making excerpts from publications which are clearly designed as "consumable" in the course of study such as work-books, tutors, methods, exercises, standard test and answer sheets, and similar material.
7. Selling or hiring any copies which have been made under the "Permissions" section.
8. Copying under any blanket licensing scheme.



## ARRANGING, ADAPTING AND MORAL RIGHTS

In many cases a composer may have no objection, but sometimes a composer will not want other people to make arrangements of a work which he or she has created and the law gives him/her or her the right to refuse. It is particularly significant that under the Copyright, Designs & Patents Act 1988 a teacher in a school, or elsewhere, no longer has the right to make arrangements in the course of his or her work. This Code therefore permits it in certain well-defined circumstances. In addition to the general restriction on "adaptation" of works in S.16 of the Act, composers and authors are given a new right in S.80 (called a Moral Right) that their work should not be subjected to derogatory treatment. "Treatment" is defined as "any addition to, deletion from or alteration to or adaptation of the work, other than an arrangement or transcription of a musical work involving no more than a change of key or register". The treatment of a work is "derogatory" if "it amounts to distortion or mutilation of the work or is otherwise prejudicial to the honour or reputation of the author".

The other Moral Rights granted by the Act are the right to be identified as the author and the right not to have a musical work falsely attributed. These Moral Rights belong to the composer/author and are inalienable. It is therefore advisable that where an arrangement is permitted, the arranger should take care to avoid derogatory treatment and ensure that the original composer is correctly credited.

Arrangements of copyright musical works may be made by teachers or students in the course of instruction for the purposes of an educational establishment, provided that the arrangements are not used in any public performance and/or outside the educational establishment in which they are made and provided that any copy of an arrangement has the following warning label attached to it:

*This arrangement is made for the sole purpose of use within*

\_\_\_\_\_ *(educational establishment) and may not be used for any*

*other purpose without the possibility of infringing copyright.*

*The original title of the work is* \_\_\_\_\_

*by* \_\_\_\_\_ *(composer).*

*In particular, it may not be PUBLICLY PERFORMED, RECORDED, REPRODUCED OR BROADCAST.*

## ARBITRATION

If a user and a copyright owner are unable to agree on the interpretation of any part of this Code, provision has been made for a small arbitration committee to settle the matter, provided that both parties in dispute agree to be bound by the committee's decision. Requests for arbitration should be addressed to the Music Publishers Association Ltd or either one of the following, as appropriate:

Incorporated Society of Musicians  
10 Stratford Place  
London  
W1C 1AA

Making Music  
2-4 Great Eastern Street  
London  
EC2A 3NW

## APPENDIX A

### Extracts from Copyright, Designs and Patents Act 1988

1. Copyright is a property right which subsists in accordance with this Part in the following descriptions of work —
  - (a) original literary, dramatic, musical or artistic works,
  - (b) sound recordings, films or broadcasts, and
  - (c) the typographical arrangement of published editions.
  
12. (1) The following provisions have effect with respect to the duration of copyright in a literary, dramatic, musical or artistic work.  
  
(2) Copyright expires at the end of the period of 70 years from the end of the calendar year in which the author dies, subject as follows.  
  
(3) If the work is of unknown authorship, copyright expires —
  - (a) at the end of the period of 70 years from the end of the calendar year in which the work was made, or
  - (b) if during that period the work is made available to the public, at the end of the period of 70 years from the end of the calendar year in which it is first so made available [...]
  
15. Copyright in the typographical arrangement of a published edition expires at the end of the period of 25 years from the end of the calendar year in which the edition was first published.
  
16. (1) The owner of the copyright in a work has, in accordance with the following provisions of this Chapter, the exclusive right to do the following acts in the United Kingdom —
  - (a) to copy the work (see S.17);
  - (b) to issue copies of the work to the public (see S.18);
  - (ba) to rent or lend the work to the public (see S.18A)
  - (c) to perform, show or play the work in public (see S.19);
  - (d) to communicate the work to the public (see S.20);
  - (e) to make an adaptation of the work or do any of the above in relation to an adaptation (see S.21);and those acts are referred to in this Part as the 'acts restricted by copyright'.  
  
(2) Copyright in a work is infringed by a person who without the licence of the copyright owner does, or authorises another to do, any of the acts restricted by the copyright.
  
17. (1) The copying of the work is an act restricted by the copyright in every description of copyright work; and references in this Part to copying and copies shall be construed as follows.  
  
(2) Copying in relation to a literary, dramatic, musical or artistic work means reproducing the work in any material form. This includes storing the work in any medium by electronic means.
  
21. (1) The making of an adaptation of the work is an act restricted by the copyright in a literary, dramatic or musical work.  
For this purpose an adaptation is made when it is recorded, in writing or otherwise.  
  
(2) The doing of any of the acts specified in sections 17 to 20, or subsection (1) above, in relation to an adaptation of the work is also an act restricted by the copyright in a literary, dramatic or musical work. For this purpose it is immaterial whether the adaptation has been recorded, in writing or otherwise, at the time the act is done.

- (3) In this Part 'adaptation' —  
(b) in relation to a musical work, means an arrangement or transcription of the work.

22. The copyright in a work is infringed by a person who, without the licence of the copyright owner, imports into the United Kingdom, otherwise than for his private and domestic use, an article which is, and which he knows or has reason to believe is, an infringing copy of the work.

29. (1) Fair dealing with a literary, dramatic, musical or artistic work for the purposes of research for a non-commercial purpose does not infringe any copyright in the work, provided that it is accompanied by sufficient acknowledgement.

(1B) no acknowledgement is required in connection with fair dealing for the purposes mentioned in subsection (1) where this would be impossible for reasons of practicality or otherwise.

(1C) Fair dealing with a literary, dramatic, musical or artistic work for the purposes of private study does not infringe any copyright in the work.

(2) Fair dealing with the typographical arrangement of a published edition for the purposes of research or private study does not infringe any copyright in the arrangement.

(3) Copying by a person other than the researcher or student him/herself is not fair dealing if —

(a) in the case of a librarian, or a person acting on behalf of a librarian, he does anything which regulations under S.40 would not permit to be done under S.38 or S.39 (articles or parts of published works: restriction on multiple copies of same material), or

(b) in any other case, the person doing the copying knows or has reason to believe that it will result in copies of substantially the same material being provided to more than one person at substantially the same time and for substantially the same purpose.

### 31A Making a single accessible copy for personal use

(1) If a visually impaired person has lawful possession or lawful use of a copy ("the master copy") of the whole or part of -

(a) a literary, dramatic, musical or artistic work; or

(b) a published edition,

which is not accessible to him because of the impairment, it is not an infringement of copyright in the work, or in the typographical arrangement of the published edition, for an accessible copy of the master copy to be made for his personal use.

(2) Subsection (1) does not apply [...] if the master copy is of a musical work, or part of a musical work, and the making of an accessible copy would involve recording a performance of the work or part of it [...]

(3) Subsection (1) does not apply in relation to the making of an accessible copy for a particular visually impaired person if, or to the extent that, copies of the copyright work are commercially available, by or with the authority of the copyright owner, in a form that is accessible to that person.

(4) An accessible copy made under this section must be accompanied by -

(a) a statement that it is made under this section; and

(b) a sufficient acknowledgement.

(5) If a person makes an accessible copy on behalf of a visually impaired person under this section and charges for it, the sum charged must not exceed the cost of making and supplying the copy. [...]

(7) A person who holds an accessible copy made under subsection (1) may transfer it to -  
(a) a visually impaired person entitled to have the accessible copy made under subsection (1); or  
(b) a person who has lawful possession of the master copy and intends to transfer the accessible copy to a person falling within paragraph (a). [...]

32. (1) Copyright in a literary, dramatic, musical or artistic work is not infringed by its being copied in the course of instruction or of preparation for instruction, provided the copying —  
(a) is done by a person giving or receiving instruction,  
(b) is not by means of a reprographic process, and  
(c) is accompanied by sufficient acknowledgement,  
and provided that the instruction is for a non-commercial purpose.

(2) Copyright in a sound recording, film or broadcast is not infringed by its being copied by making a film or film sound-track in the course of instruction, or of preparation for instruction, in the making of films or film sound-tracks, provided the copying —  
(a) is done by a person giving or receiving instruction, and  
(b) is accompanied by sufficient acknowledgement,  
and provided that the instruction is for a non-commercial purpose.

(3) Copyright is not infringed by anything done for the purposes of an examination by way of setting the questions, communicating the questions to the candidates or answering the questions, provided that the questions are accompanied by sufficient acknowledgement.

(4) Subsection (3) does not extend to the making of a reprographic copy of a musical work for use by an examination candidate in performing the work.

(5) Where a copy which would otherwise be an infringing copy is made in accordance with this section but is subsequently dealt with, it shall be treated as an infringing copy for the purpose of that dealing, and if that dealing infringes copyright for all subsequent purposes. For this purpose 'dealt with' means —

(a) sold or let for hire, offered or exposed for sale or hire; or  
(b) communicated to the public, unless that communication, by virtue of subsection (3) is not an infringement of copyright.

34. (1) The performance of a literary, dramatic or musical work before an audience consisting of teachers and pupils at an educational establishment and other persons directly connected with the activities of the establishment —  
(a) by a teacher or pupil in the course of the activities of the establishment, or  
(b) at the establishment by any person for the purposes of instruction,  
is not a public performance for the purposes of infringement of copyright.

(2) The playing or showing of a sound recording, film or broadcast before such an audience at an educational establishment for the purposes of instruction is not a playing or showing of the work in public for the purposes of infringement of copyright.

(3) A person is not for this purpose directly connected with the activities of the educational establishment simply because he is the parent of a pupil at the establishment.

36. (1) Reprographic copies of passages from published literary, dramatic or musical works may, to the extent permitted by this section, be made by or on behalf of an educational establishment for the purposes of instruction without infringing any copyright in the work, provided that they are accompanied by sufficient acknowledgement and the instruction is for a non-commercial purpose.

(1A) No acknowledgement is required in connection with the making of copies as mentioned in subsection (1) where this would be impossible for reasons of practicality or otherwise.

(1B) reprographic copies of passages from published editions may, to the extent permitted by this section, be made by or on behalf of an educational establishment for the purposes of instruction without infringing any copyright in the typographical arrangement of the edition.

(2) Not more than one per cent of any work may be copied by or on behalf of an establishment by virtue of this section in any quarter, that is, in any period 1 January to 31 March; 1 April to 30 June; 1 July to 30 September or 1 October to 31 December.

(3) Copying is not authorised by this section if, or to the extent that, licences are available authorising the copying in question and the person making the copies knew or ought to have been aware of that fact.

39. (1) The librarian of a prescribed library may, if the prescribed conditions are complied with, make and supply from a published edition a copy of part of a literary, dramatic or musical work (other than an article in a periodical) without infringing any copyright in the work, in any illustrations accompanying the work or in the typographical arrangement.

(2) The prescribed conditions shall include the following —

(a) that copies are supplied only to persons satisfying the librarian that they require them for the purposes of —

(i) research for a non-commercial purpose, or

(ii) private study,

and will not use them for any other purpose;

(b) that no person is furnished with more than one copy of the same material or with a copy of more than a reasonable proportion of any work; and

(c) that persons to whom copies are supplied are required to pay for them a sum not less than the cost (including a contribution to the general expenses of the library) attributable to their production.

40. (1) Regulations for the purposes of S.38 and S.39 (copying by librarian of article or part of published work) shall contain provision to the effect that a copy shall be supplied only to a person satisfying the librarian that his requirement is not related to any similar requirement of another person.

(2) The regulations may provide —

(a) that requirements shall be regarded as similar if the requirements are for copies of substantially the same material at substantially the same time and for substantially the same purpose; and

(b) that requirements of persons shall be regarded as related if those persons receive instruction to which the material is relevant at the same time and place.

174.(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 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 the Education Act 1996

(b) in relation to Scotland, has the same meaning as in the Education (Scotland) Act 1962, except that it includes an approved school within the meaning of the Social Work (Scotland) Act 1968; and

(c) in relation to Northern Ireland, has the same meaning as in the 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.

**APPENDIX B**

**Notice of Proposal to Copy Copyright Music under the Code of Fair Practice**

To: The Copyright Department

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*[Publisher's name and address]*

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Date: \_\_\_\_\_

Please either supply copies of the following publication on stated terms or advise the terms under which copies may be made.

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*[Title of work]*

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*[Composer (Editor/Arranger in brackets)]*

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*[Title of complete edition if an extract]*

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*[Number of copies required]*

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Reason for request:

Publication has not been supplied. Evidence of original order to dealer is enclosed herewith.

[Note: Elapsed time since order date must be at least one month]

Publication has been advised as being out of print by:

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*[Dealer's name and address]*

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This extract is from the complete edition and is not available separately

Name: \_\_\_\_\_

Signed: \_\_\_\_\_

Address: \_\_\_\_\_

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Tel [during normal business/office hours]: \_\_\_\_\_

**Publisher's Confirmation**

This work/extract:

- is now available from: \_\_\_\_\_  
on payment of £\_\_\_\_\_ per copy [*Cheque/PO payable to \_\_\_\_\_*]
- will be sent to you by return on payment of £\_\_\_\_\_per copy [*Pro forma invoice enclosed*]
- may be copied on payment of £\_\_\_\_\_ per copy [*Cheque/PO payable to \_\_\_\_\_*  
\_\_\_\_\_]
- has been withdrawn from publication and may not be copied except within the strict provisions of the Copyright, Designs and Patents Act 1988. We are not able to give any permission.
- may not be copied; the circumstances are not within the code of Fair Practice for the following reason(s): \_\_\_\_\_  
\_\_\_\_\_



## APPENDIX C

In addition to the members of the Music Publishers Association as listed on our website under our Directory of Members, the following entities have also agreed to adhere to the standards set out in this Code of Fair Practice:

A Weekes  
Acuff-Rose Music Ltd  
Augener  
Berkeley Music Ltd  
Bosworth & Co Ltd  
Brampton Music Ltd  
Chiltern Music  
Ernst Eulenburg Ltd  
Forsyth Brothers Ltd  
G Ricordi & Co (London) Ltd  
Galliard Ltd  
Glocken Verlag Ltd  
Harmony Music Ltd  
Island Music Ltd  
James Music Ltd, Dick  
Jaykay Music  
Joseph Williams  
Key Music Ltd  
Light Music Ltd  
Lopés Edition Ltd  
MCA Music Ltd  
MSM & LGB Music Publishers  
Mansem Music  
Memory Lane Music Ltd  
Minster Music  
Misty River Music Ltd  
Musica Britannica Trust, The  
Musisca Ltd  
Myra Music Ltd  
N Simrock  
Newquay Music Ltd  
Novello & Co Ltd  
Octava Music Co Ltd  
Odyssey Group, The  
Orestes Music Publishing Ltd  
Peters, C F  
Power Music Co Ltd  
Ricordi & Co (London) Ltd, G  
Roberton Publications  
Rock Music Co Ltd  
Songs for Today Ltd  
Standard Music Ltd  
State Music Ltd/Odyssey Music Ltd  
TVS Music Ltd  
Weekes, A  
Williams, Joseph  
Yok Music Ltd

**It should be noted that the only person who can make any concession in respect of copyright is the copyright owner, who is not always the same person as the publisher; when checking to ascertain whether a work comes within the terms of this Code, please look at the copyright line (usually to be found at the bottom of the first page of music) which gives the name of the copyright owner.**

Music users who are unable to establish the identity or address of the copyright owner of a particular piece of music are invited to contact the Music Publishers Association who will be pleased to assist.