1957 No. 866

The Copyright Royalty System (Records) Regulations, 1957

Made - - - -	*17th May*, 1957
Laid before Parliament	*24th May*, 1957
Coming into Operation	*1st June*, 1957

The Board of Trade in pursuance of the powers conferred upon them by subsections (1), (2), (7) and (11) of section 8 of the Copyright Act, 1956(a), hereby make the following Regulations:—

Notice

1.—(1) The notice required by subsections (1) and (5) of section 8 of the Act shall contain the following particulars:—

(*a*) the name and address of the person by whom the notice is given, hereinafter called " the manufacturer ";

(*b*) the name of the work to which the notice refers, hereinafter called " the work ", a description sufficient to identify it and the name of the author or publisher;

(*c*) a statement that the manufacturer intends to make records of the work or an adaptation thereof and the address at which he intends to make such records;

(*d*) sufficient particulars to identify a record of the work or an adaptation thereof made in or imported into the United Kingdom in such circumstances that section 8 of the Act applies to the records which the manufacturer intends to make;

(*e*) the type or types of record on which it is intended to reproduce the work or adaptation, and an estimate of the number of records of each type initially intended to be sold or otherwise supplied for the purpose of retail sale;

(*f*) the ordinary retail selling price (as hereinafter defined) of the records, or, where it is intended to reproduce the work on more than one type of record, the ordinary retail selling price of each type of record, the manufacturer intends to make and the amount of the royalty payable on each record;

(*g*) the earliest date at which any of the records will be delivered to a purchaser or otherwise supplied as aforesaid;

(*h*) whether any other musical, literary or dramatic work is to be reproduced on the same record with the work and, in relation to any such other work, the particulars specified in sub-paragraph (*b*) of this paragraph.

(2) The notice shall, not less than 15 days before any record on which the work is reproduced is delivered to a purchaser or otherwise supplied as aforesaid, be sent by registered post or published by advertisement as follows:—

(*a*) if the name and an address within the United Kingdom of the owner of the copyright, or his agent for the receipt of notice, are known or can by reasonable inquiry be ascertained, the notice shall be sent to such owner or agent at such address;

(a) 4 & 5 Eliz. 2. c. 74.

(*b*) if such name and address are not known and cannot by reasonable inquiry be ascertained, an advertisement shall be inserted in the *London Gazette* giving the particulars specified in paragraphs (*a*), (*b*), (*c*) and (*d*) of Regulation 1 and stating an address from which the particulars specified in paragraphs (*e*), (*f*), (*g*) and (*h*) may be obtained.

Payment of Royalties

2.—(1) Royalties may be paid in such manner and at such times as are specified in any agreement which may be made between the manufacturer and the owner of the copyright.

(2) In the absence of any agreement to the contrary, the following provisions of this Regulation shall apply to the manner in and time at which royalties shall be paid and the steps to be taken to ensure the receipt of royalties by the owner of the copyright.

(3) (*a*) If within 7 days of the date of the notice prescribed in Regulation 1 the owner of the copyright intimates to the manufacturer, by notice in writing sent by registered post, some convenient place within the United Kingdom from which adhesive labels can be obtained, the manufacturer shall by notice in writing specify the number and denomination of the labels he requires and at the same time tender a sum equivalent to the amount of royalty represented by the labels required.

(*b*) If, within 6 days of receipt of the notice required by sub-paragraph (*a*) of this paragraph to be given by the manufacturer, the copyright owner supplies the labels required, the manufacturer shall not deliver to a purchaser or otherwise supply for the purpose of its being sold by retail any record made by him to which the notice prescribed in Regulation 1 refers unless there is attached thereto, or (if the type of record is such that it is not reasonably practicable to attach an adhesive label thereto) to the container in which it is intended to be delivered to a retail purchaser, a label supplied as aforesaid and representing the amount of the royalty payable in respect of that record.

(4) (*a*) If the owner of the copyright does not take the steps specified in sub-paragraphs (*a*) and (*b*) of paragraph (3) of this Regulation within the times therein respectively specified, the manufacturer may deliver to a purchaser or otherwise supply as aforesaid any record to which the notice specified in Regulation 1 hereof refers without complying with the requirements of paragraph (3) of this Regulation.

(*b*) The manufacturer shall keep an account of all records delivered by him to a purchaser or otherwise supplied as aforesaid in accordance with this paragraph and the amount of the royalties due to the owner of the copyright in respect thereof shall be transferred to a special account and held in trust for the owner of the copyright.

(5) If the manufacturer takes in relation to any records the steps specified in paragraph (3) or (4), as the case may be, of this Regulation, the taking of those steps shall be deemed to constitute the payment of royalties on those records in accordance with paragraph (*d*) of subsection (1) of section 8 of the Act.

(6) For the purposes of this Regulation " the date of the notice prescribed in Regulation 1 " means—

(i) in cases where the notice is required to be sent by registered post the date when the notice would in ordinary course of post be delivered;

(ii) in cases where the notice is required to be advertised in the *London Gazette*, the date of such advertisement.

(7) The adhesive label supplied as aforesaid shall be an adhesive label, square in shape, the design to be entirely enclosed within a circle and the side of the label to be not greater than ¾ inch in length. The label shall not contain the effigy of the Sovereign or any other person, nor any word, mark or design such as to suggest that the label is issued by or under the authority of the Government for the purpose of denoting any duty payable to the Government.

Ordinary retail selling price

3. The ordinary retail selling price of any record shall be calculated at the marked or catalogued selling price of single records to the public, or if there is no such marked or catalogued selling price, at the highest price at which single records are ordinarily to be sold to the public, exclusive of purchase tax in either case.

Inquiries

4.—(1) The inquiries referred to in subsection (7) of section 8 of the Act shall be directed to the owner of the copyright by name or (if his name is not known and cannot by reasonable inquiry be ascertained) in general terms as the owner of the copyright in the work in respect of which the inquiries are made and shall contain—

(*a*) a statement of the name of the musical, literary or dramatic work in respect of which the inquiries are made, a description sufficient to identify it and of the name of the author or publisher;

(*b*) a statement of the name and address of the person making the inquiries;

(*c*) an allegation that a record of the work or an adaptation thereof has previously been made in or imported into the United Kingdom for the purposes of retail sale, with the trade name (if known) and a description of such record sufficient to identify it;

(*d*) an inquiry whether the record so described was made in or imported into the United Kingdom for the purposes of retail sale by or with the licence of the owner of the copyright.

(2) The inquiries shall be sent by registered post or published by advertisement as follows:—

(*a*) if an address within the United Kingdom of the owner of the copyright or his agent is known or can by reasonable inquiry be ascertained, the inquiries shall be sent to such address;

(*b*) if such an address is not known and cannot by reasonable inquiry be ascertained, the inquiries shall be advertised in the *London Gazette*.

(3) The prescribed time for reply to such inquiries shall be:—

(*a*) to an inquiry duly sent by registered post, 7 days after the date when the inquiry would in ordinary course of post be delivered;

(*b*) to an inquiry duly advertised in the *London Gazette*, 7 days after the date of such advertisement.

Interpretation

5. In these Regulations " the Act " means the Copyright Act, 1956.

6. The Interpretation Act, 1889(a), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(a) 52 & 53 Vict. c. 63.

Citation and operation

7. These Regulations may be cited as the Copyright Royalty System (Records) Regulations, 1957, and shall come into operation on the 1st day of June, 1957.

Dated this 17th day of May, 1957.

F. J. Erroll,
Parliamentary Secretary
to the Board of Trade.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations prescribe the notice to be given by a record manufacturer who wishes to take advantage of the right given by section 8 of the Copyright Act, 1956, to make records of a copyright musical work if a record of that work has previously been made in or imported into the United Kingdom by or with the consent of the copyright owner for the purpose of retail sale. The Regulations also prescribe the steps to be taken in order to ensure that the copyright owner shall receive the statutory royalty to which he is entitled on the retail sale of records of his work made under section 8 of the Act; the method prescribed for this purpose by the Regulations applies only in the absence of agreement to the contrary.

1957 No. 924

The Performing Right Tribunal Rules, 1957

Made - - - -	*27th May,* 1957
Laid before Parliament	*31st May,* 1957
Coming into Operation	*1st June,* 1957

I, David, Viscount Kilmuir, Lord High Chancellor of Great Britain, in exercise of the powers conferred upon me by paragraph 6 of the Fourth Schedule to the Copyright Act, 1956(a), and with the approval of the Treasury in regard to the fees prescribed by these Rules in respect of proceedings before the Performing Right Tribunal, do hereby make the following Rules:—

Citation and commencement

1. These Rules may be cited as the Performing Right Tribunal Rules, 1957, and shall come into operation on the first day of June, 1957.

Interpretation

2.—(1) In these Rules, unless the context otherwise requires—

"The Act" means the Copyright Act, 1956;

"The Chairman" means the Chairman, or any person for the time being appointed to act as Chairman, of the Performing Right Tribunal;

(a) 4 & 5 Eliz. 2. c. 74.