1971 No. 636

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The Performing Right Tribunal (Amendment) Rules 1971

Made - - - -	*7th April* 1971
Laid before Parliament	*22nd April* 1971
Coming into Operation	*1st May* 1971

The Lord Chancellor, in exercise of the powers conferred on him by paragraph 6 of Schedule 4 to the Copyright Act 1956(**a**), with the approval of the Treasury in regard to fees and after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1958(**b**), hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Performing Right Tribunal (Amendment) Rules 1971, and shall come into operation on 1st May 1971.

(2) In these Rules a rule or schedule referred to by number means the rule or schedule so numbered in the Performing Right Tribunal Rules 1965(**c**) and a form referred to by number means the form so numbered in Schedule 1 to those Rules.

(3) The Interpretation Act 1889(**d**) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

2. Rule 2(1) shall be amended as follows:—

(1) In the definition of "the Act" after the words "Copyright Act 1956" there shall be inserted the words "as amended"(**e**).

(2) In the definition of "originator" after the words "section 27(2) or (3)" there shall be inserted the words "or section 27A(1) or (6)".

(3) In the definition of "intervener" for the words "26(3) or 27(4)" there shall be substituted the words "26(3), 27(4) or 27A(5)".

3. Rule 3 shall be amended as follows:—

(1) In paragraph (1) after the words "section 27" there shall be inserted the words "and an application for the review of an order may be made under section 27A", and for the words "Form 2 or Form 3" there shall be substituted the words "2, 3 or 3A".

(2) In paragraph (3)(*b*) after the words "every party" there shall be inserted the words "other than the originator".

(3) After paragraph (3)(*b*) there shall be added the following words:

"or

(*c*) in the case of an application under section 27A, on every party to the application other than the originator.".

(**a**) 1956 c. 74. (**b**) 1958 c. 66.
(**c**) S.I. 1965/1506 (1965 II, p. 4359). (**d**) 1889 c. 63.
(**e**) The relevant amending Act is the Copyright (Amendment) Act 1971 (c. 4).

4. Rule 4 shall be amended as follows:—

(1) In the title after the words "*section* 26(2)" there shall be inserted the words "*or* 27A(2)".

(2) In paragraph (1) after the words "section 26(2)" there shall be inserted the words "or 27A(2)", and after the words "Form 4" there shall be inserted the words "or 4A, as the case may be".

(3) In paragraph (2) for the words "on which the Tribunal made the latest previous order with respect to the licence scheme" there shall be substituted the words "or application, as the case may be, on which the Tribunal made the last relevant order.".

5. In rules 5(1), 14, 17 and 18(1) after the words "section 27" there shall in each case be inserted the words "or 27A".

6. In rule 7(1) for the words "under 27" there shall be substituted the words "under section 27 or 27A".

7. Rule 9 shall be amended as follows:—

(1) For the heading there shall be substituted the words "*Written answer*".

(2) In paragraph (1) after the words "licensing body" there shall be inserted the words "or other party".

8. The following form shall be inserted after Form 3:—

"

FORM 3A

Rule 3(1)

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PERFORMING RIGHT TRIBUNAL

Notice of Application under Section 27A

To:—The Secretary
Performing Right Tribunal

1. TAKE NOTICE that [*name and address of person making the application*] (hereinafter called "the originator") hereby applies to the Tribunal under section 27A *[(1)] *[(6)] of the Copyright Act 1956.

*Delete whichever is inapplicable

2. There are delivered herewith:—

(*a*) a statement setting out the originator's case in support of this application, and

(*b*) a list of documents relevant to this application which are, or have been, in the originator's possession.

3. All communications about this application should be addressed to

*[the originator at the address shown above]
*[*name and address*—Solicitor(s)/Agent(s) for the originator]

*Delete whichever is inapplicable

Signed.....

Status of signatory‡.....

Date.....

‡*Insert as appropriate:*
"*Originator*"
"*An officer of the originator*"
"*Solicitor(s) for the originator*"
"*Agent(s) for the originator*" "

9. The following form shall be inserted after Form 4:—

"Rule 4(1)

FORM 4A

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PERFORMING RIGHT TRIBUNAL

Notice of Application for Special Leave of Tribunal under Section 27(A)(2).

To:—The Secretary
Performing Right Tribunal

1. TAKE NOTICE that [*name and address of applicant*] (hereinafter called "the applicant") hereby applies for the special leave of the Tribunal to make an application to it to review its order dated [ ], and bearing the reference number [ ].

2. The applicant is

**Delete whichever is inapplicable*

*[the licensing body operating the scheme]
*[the applicant in the proceedings in which the said order was made].

3. [*Grounds on which the applicant desires to apply to the Tribunal before the time mentioned in Section* 27A(2)].

4. All communications about this application should be addressed to

**Delete whichever is inapplicable.*

*[the applicant at the address shown above]
*[*name and address*—Solicitor(s)/Agent(s) for the applicant]

Signed.....

‡Insert as appropriate:
"Applicant"
"An officer of the applicant"
"Solicitor(s) for the applicant"
"Agent(s) for the applicant"

Status of signatory‡.....

Date..... "

10. In Schedule 2 for paragraph 1 there shall be substituted the following paragraph:—

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"1.—(1) On serving notice in Form 1, 2, 3 or 3A...	6.00
(2) On serving notice in Form 4, 4A, 5, 8 or 9	2.00
(3) On every interlocutory application	1.00
(4) On a request for the reference of a question of law to the Court	2.00"

Dated 31st March 1971.

Hailsham of St. Marylebone, C.

We approve the fees specified in rule 10 of these Rules.

Dated 7th April 1971.

P. L. Hawkins,
Bernard Weatherill,
Two of the Lords Commissioners
of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Performing Right Tribunal Rules 1965 to provide for the procedure in the Performing Right Tribunal relating to the review of orders made under section 27 of the Copyright Act 1956 and to prescribe the fees payable in the proceedings. Provision for such review was introduced by the Copyright (Amendment) Act 1971. A minor amendment relating to written answers has also been made (Rule 7).