STATUTORY INSTRUMENTS

1965 No. 1506

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The Performing Right Tribunal Rules 1965

Made - - - -	*28th July* 1965
Laid before Parliament	*9th August* 1965
Coming into Operation	*1st September* 1965

I, Gerald, Baron Gardiner, Lord High Chancellor of Great Britain, in exercise of the powers conferred upon me by paragraph 6 of Schedule 4 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, and after having consulted the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1958(b), do hereby make the following Rules :—

Citation and commencement

1. These Rules may be cited as the Performing Right Tribunal Rules 1965, and shall come into operation on 1st September 1965.

Interpretation

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

"the Act" means the Copyright Act 1956 and a section referred to by number means the section so numbered in the Act;

"the Tribunal" means the Performing Right Tribunal;

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

"costs", in relation to proceedings in Scotland, means "expenses";

"the office" and "the Secretary" mean respectively the office and the Secretary for the time being of the Tribunal;

"originator" means an organisation, licensing body or person who has referred a scheme to the Tribunal under section 25(1) or 26(1), or who has applied to the Tribunal under section 27(2) or (3);

"intervener" means an organisation or person who has applied under section 25(3), 26(3) or 27(4) to be made a party to proceedings before the Tribunal;

"party" includes an intervener whose application is pending;

"credentials" means—

(*a*) the validity of an organisation's claim to be representative of a class of persons, or

(*b*) the possession by an intervener of a sufficient interest in the matter in dispute.

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

(b) 6 & 7 Eliz. 2. c. 66.

(2) A form referred to by number means the form so numbered in Schedule 1 to these Rules.

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

Commencement of proceedings

3.—(1) A licence scheme may be referred under section 25 or referred again under section 26, and an application for a declaration that the applicant is entitled to a licence may be made under section 27, by serving on the Secretary a notice substantially in accordance with Form 1, Form 2 or Form 3, as the case may be.

(2) The originator shall, at the same time, serve on the Secretary a statement in writing setting out the case he intends to make together with a list of the documents relevant to the reference or application which are, or have been, in his possession.

(3) The Secretary shall, as soon as may be practicable, serve copies of the originator's notice, statement of case and list of documents—

(*a*) in the case of a reference under section 25 or an application under section 27, on the licensing body named in the notice, or

(*b*) in the case of a further reference under section 26, on every party to the reference on which the Tribunal made the latest previous order with respect to the licence scheme.

Application for special leave under section 26(2)

4.—(1) An application under section 26(2) for the special leave of the Tribunal may be made by serving on the Secretary a notice substantially in accordance with Form 4.

(2) The Secretary shall, as soon as may be practicable, serve copies of the notice on every party to the reference on which the Tribunal made the latest previous order with respect to the licence scheme and any such party may, within 14 days of the service upon him of such notice, make representations in writing to the Tribunal in connection with the application.

(3) The Tribunal, after considering any such representations and, if it thinks fit, after having given the applicant and any such party who has made such representations an opportunity of being heard, shall grant or dismiss the application as it may think just.

Advertisement of reference or application

5.—(1) Except where the Chairman otherwise directs, the Secretary shall give notice by advertisement in such manner as the Chairman may think fit of every reference under section 25 or 26 and of every application under section 27.

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

(2) An advertisement under the last foregoing paragraph of this rule shall state—

(*a*) the names and addresses of the originator and (if it is not the originator) the licensing body and any organisation or person on whom copies of the notice of reference or application have been served ;

(*b*) the nature of the reference or application;

(*c*) the time, not being less than 21 days from the latest publication of the advertisement, within which—

(i) an organisation or person may apply to the Tribunal to be made a party to the proceedings, and

(ii) an objection to the originator's credentials may be made in accordance with the next following rule.

Objection to originator's credentials

6.—(1) In the case of a reference under section 25 or 26, a licensing body, or an organisation or person on whom notice of the reference has been served in accordance with rule 3, or an intervener, intending to object to the originator's credentials shall, within such time as may be specified for this purpose in the advertisement published under the last foregoing rule, serve on the Secretary a notice of objection substantially in accordance with Form 5.

(2) If notice of objection to the originator's credentials has been served on the Secretary in accordance with the last foregoing paragraph of this rule, or if the Tribunal intends to make such objection of its own motion, the Secretary shall, on the expiration of the time limited under rule 5(2)(*c*), serve upon every party to the proceedings notice substantially in accordance with Form 6, and the proceedings shall (unless the Tribunal or the Chairman shall otherwise direct on the grounds that no reasonable cause of objection has been disclosed) be stayed from the date of such notice until further order.

(3) As soon as may be practicable after service of notice under the last foregoing paragraph of this rule, the Chairman shall give directions for the purpose of the consideration by the Tribunal of the objection. Such consideration shall, unless the Chairman otherwise directs, take place at an oral hearing before the Tribunal and the Tribunal shall give to the originator, any objector and any other party an opportunity of being heard or of making representations in writing.

(4) If, after considering the objection, the Tribunal is not satisfied of the originator's credentials, it shall direct that no further proceedings shall be taken by any party in connection with the reference, otherwise than in relation to any order for costs which the Tribunal may make under rule 24.

(5) If, after considering the objection, the Tribunal is satisfied of the originator's credentials, it shall direct that the reference shall proceed and the Tribunal or the Chairman may give such consequential directions as to the extension of the time limited for taking any step required or authorised under these Rules, or as to any further matter, as it or he may think fit.

(6) When the Tribunal has arrived at its decision on the objection, or where the objection has been withdrawn or is not proceeded with, the Secretary shall give notice substantially in accordance with Form 7 to every party to the proceedings.

(7) In computing the time limited by these Rules for the taking of any step in the proceedings, no account shall be taken, save in so far as the

Tribunal or the Chairman may direct, of any period elapsing between the date of the notice served under paragraph (2) of this rule and the date from which the Tribunal directs, under paragraph (5) of this rule, that the reference shall proceed.

Applications to be made a party

7.—(1) An application to the Tribunal by any organisation or person to be made a party to a reference under section 25 or 26, or to an application under 27, may be made by serving on the Secretary notice of intervention substantially in accordance with Form 8.

(2) Notice under the last foregoing paragraph of this rule shall not be served after the expiration of the time limited under rule 5(2)(*c*):

Provided that the Tribunal or the Chairman may give leave, subject to such conditions as it or he may think fit, to serve such notice notwithstanding the expiration of the time so limited.

(3) On being served with notice under paragraph (1) of this rule, the Secretary shall, as soon as may be practicable—

(*a*) serve copies of the notice on every other party to the proceedings, and

(*b*) serve on the intervener copies of—

(i) the originator's statement of case and list of documents, and

(ii) any other notice of intervention which has been served upon him.

Objections to intervener's credentials

8.—(1) Any party intending to object to an intervener's credentials shall, within 14 days of being served with a copy of the notice of intervention under the last foregoing rule, serve on the Secretary a notice of objection substantially in accordance with Form 9.

(2) The Secretary shall, as soon as may be practicable, serve on every other party to the proceedings a copy of any notice of objection served on him under the last foregoing paragraph of this rule.

(3) If the Tribunal intends of its own motion to object to an intervener's credentials, the Secretary shall, on the expiration of the time limited under rule 5(2)(*c*), serve on the intervener notice substantially in accordance with Form 10 and shall serve copies of such notice on every other party.

(4) Subject to any direction to the contrary that the Chairman may give under rule 12, an objection to an intervener's credentials shall not operate as a stay of the proceedings and shall be considered by the Tribunal at the same time as the reference or application in question.

Licensing body's answer

9.—(1) A licensing body on whom there has been served a copy of the originator's statement of case in accordance with rule 3 (3), shall, within 42 days of such service, serve on the Secretary a written answer to the originator's statement together with a list of the documents relevant to the reference or application which are, or have been, in its possession.

(2) The Secretary shall, as soon as may be practicable, serve copies of such answer and list of documents on every other party.

Interveners' cases

10.—(1) Every intervener shall, within 21 days of the expiration of the

time limited under rule 5(2)(c), serve upon the Secretary a statement in writing setting out the case he intends to make together with a list of the documents relevant to the reference or application which are, or have been, in his possession.

(2) The Secretary shall, as soon as may be practicable, serve upon every other party copies of every intervener's statement of case and list of documents.

Amendment of statement of case and answer

11.—(1) Subject to paragraph (3) of this rule, a party may at any time amend his statement of case or answer by serving on the Secretary the amended statement or answer.

(2) On being served with an amended statement of case or answer, the Secretary shall, as soon as may be practicable, serve copies thereof on every other party.

(3) No amended statement of case or answer shall, without the leave of the Tribunal or the Chairman, be served after such date as the Chairman may direct under rule 12.

Directions

12.—(1) As soon as may be practicable after every party has delivered his statement of case or answer, or the time limited by these rules for doing so has expired, the Chairman shall appoint a date and place for the attendance of the parties for the purposes of his giving directions as to the further conduct of the proceedings.

(2) The Secretary shall give to every party not less than 14 days' notice of the date and place appointed under the last foregoing paragraph of this rule.

(3) On the appointment, the Chairman shall, after giving to every party attending the appointment an opportunity of being heard, and after considering any representations in writing made by any party, give such directions as he thinks fit with a view to the just, expeditious and economical disposal of the proceedings and, without prejudice to the generality of the foregoing, may give directions as to—

(i) the date and place of the oral hearing if one is desired by any party;

(ii) the procedure to be followed in regard to the submission and exchange of written arguments if no party requires an oral hearing;

(iii) the date after which no amended statement of case or answer may be delivered without leave;

(iv) the preparation and delivery by the originator of a schedule, to be agreed by all parties, setting out the issues to be determined by the Tribunal and the contentions of each party in relation thereto;

(v) the admission of any facts or documents;

(vi) the discovery and inspection of documents;

(vii) the giving of evidence on affidavit;

(viii) the consideration by the Tribunal of any objection made to an intervener's credentials.

(4) The Chairman may postpone, or adjourn to a later date to be appointed by him, the giving of any directions under this rule.

(5) At any time after directions have been given under this rule, the Chairman may, whether or not any application in that behalf has been made under the next following rule, give such further directions as he may think fit.

(6) If any party fails to comply with any direction or order given or made under this or the next following rule, the Chairman may give such consequential directions as may be necessary and may order such party to pay any costs occasioned by his default.

Interlocutory applications

13.—(1) Except where the Tribunal or the Chairman, whether generally or in any particular case, otherwise directs or these Rules otherwise provide, every interlocutory application shall be disposed of by the Chairman.

(2) The application shall be made by notice in writing to the Secretary and shall state the grounds upon which it is made.

(3) Unless the notice is accompanied by the written consent of all parties to the order or direction applied for, the Secretary shall serve copies of the application on every other party to the proceedings.

(4) Any party who objects to the application may, within 7 days after being served with a copy thereof, send written notice of objection to the Secretary and to the applicant and in that case, before disposing of the application, the Chairman shall consider any such objection and may, if he thinks fit, give all parties concerned an opportunity of being heard.

Consolidation of proceedings

14. Where there is pending before the Tribunal more than one reference under section 25 or 26 relating to the same licence scheme, or more than one application under section 27 relating to the same licensing body, the Chairman may, if he thinks fit, either of his own motion or on an application made under the last foregoing rule, order that some or all of the references or applications, as the case may be, shall be considered together, and may give such consequential directions as may be necessary :

Provided that the Chairman shall not make an order under this rule of his own motion without giving all parties concerned a reasonable opportunity of objecting to the proposed order.

Procedure and evidence at hearing

15.—(1) Every party to a reference or application which is considered at an oral hearing before the Tribunal shall be entitled to attend the hearing and to address the Tribunal and to call evidence.

(2) The hearing shall be in public.

(3) Evidence before the Tribunal shall be given orally or, if the parties so agree or the Tribunal or the Chairman so orders, by affidavit, but the Tribunal may at any stage of the proceedings require the personal attendance of any deponent for examination and cross-examination.

Representation and rights of audience

16.—(1) Subject to paragraph (6) of this rule, a party to proceedings before the Tribunal may authorise some other person to act for him in the proceedings.

(2) The appointment of an agent under the last foregoing paragraph

of this rule shall be made in writing and shall not be effective until written notice thereof shall have been given to the Secretary.

(3) Only one agent shall be appointed to act for a party at any one time.

(4) For the purpose of service on a party of any document, or of the taking of any step required or authorised by these Rules, an agent appointed by a party shall be deemed to continue to have authority to act for such party until the Secretary has received written notice of the termination of his appointment.

(5) On receiving notice of the appointment of an agent, or of the termination of such an appointment, the Secretary shall send a copy thereof to every other party.

(6) A party may be represented at any hearing, whether before the Tribunal or the Chairman, by counsel or solicitor, or by any other person allowed by the Tribunal or the Chairman to appear on his behalf, or may, save in the case of a corporation or unincorporated body, appear in person.

Withdrawal of reference or application

17. The originator may withdraw a reference under section 25 or 26, or an application under section 27, at any time before it has been finally disposed of, by notice in writing served on the Secretary (who shall serve copies thereof on every other party to the proceedings), but such withdrawal shall be without prejudice to the Tribunal's power to make an order as to the payment of costs incurred up to the time of service of the notice :

Provided that, on the application of a licensing body named therein or of any other party, the Tribunal may proceed with the reference or application notwithstanding its purported withdrawal and may for this purpose substitute such party as originator and give such consequential directions as may be necessary.

Decision of the Tribunal

18.—(1) The final decision of the Tribunal on a reference under section 25 or 26, or an application under section 27, shall be given in writing and shall include a statement of the Tribunal's reasons, and where on any such reference the Tribunal has varied the scheme there shall be annexed to the decision a copy of the scheme as so varied.

(2) Except where the operation of the order is suspended under rule 20, the Secretary shall send to every party to the proceedings a copy of the Tribunal's decision and shall cause a copy to be made available at the office for public inspection at such times as the Chairman may direct.

(3) The Chairman may in any case direct that short particulars of the decision shall be advertised in such manner as he may think fit.

Application for reference of question of law to the court

19.—(1) A request to refer a question of law to the court under section 30(1) shall (unless made at the hearing) be made by notice in writing to the Secretary and may be made at any time before or within 14 days after the Tribunal has given its decision in the proceedings in which the question arises.

(2) The Tribunal shall, as soon as may be practicable, consider any such request and shall notify its decision thereon to the party by whom the request was made.

Effect of references to the court

20.—(1) Where the Tribunal refers a question of law to the court after giving its decision in any proceedings, it may, if it thinks fit, suspend the operation of any order made in the proceedings; and in that case the Secretary shall give notice of the suspension to all parties to the proceedings and, if particulars of the order have been advertised, shall cause notice of the suspension to be advertised in the same manner.

(2) Where a question of law has been referred to the court, the Tribunal shall not make any further order on the reference or application in connection with which the question arose until the court has given its decision thereon.

Effect of suspension of order

21. If the operation of any order is suspended by the Tribunal under the last foregoing rule or by the court, then, while the order remains suspended, section 29(1) and (3) shall not have effect in relation to the order, but section 25(7)(*b*) (and section 26(5) to the extent that it applies section 25(7)(*b*) for the purposes of section 26) shall continue to have effect as if the order had not been suspended.

Application of Arbitration Acts

22. The provisions of sections 12, 14, 17 and 26 of the Arbitration Act 1950(**a**) shall apply in the case of proceedings before the Tribunal in England and Wales, and the provisions of sections 13, 14, 16, 21 and 24 of, and paragraphs 4, 5 and 8 of Schedule 1 to, the Arbitration Act (Northern Ireland) 1937(**b**) shall apply in the case of proceedings before the Tribunal in Northern Ireland, as those provisions respectively apply to an arbitration where no contrary intention is expressed in the arbitration agreement.

Enforcement of Tribunal's orders in Scotland

23. Any decision of the Tribunal may be recorded in the Books of Council and Session for execution, and may be enforced accordingly.

Costs

24. The costs of and incidental to any proceedings shall be in the discretion of the Tribunal, which may direct that any party against whom an order for costs is made shall pay to any other party a lump sum by way of costs, or such proportion of the costs as may be just and in the last-mentioned case the Tribunal may assess the sum to be paid or may direct that it be assessed by the Chairman, or taxed by a taxing officer of the Supreme Court or the Supreme Court of Northern Ireland, or by the Auditor of the Court of Session.

Fees

25. The fees specified in Schedule 2 to these Rules shall be payable in respect of the matters therein mentioned.

Service of documents

26.—(1) Any notice or other document required by these Rules to be served on or sent to any person may be sent to him by pre-paid post at his address for service, or, where no address for service has been given, at his registered

(**a**) 14 Geo. 6. c. 27. (**b**) 1 Edw. 8 & 1 Geo. 6. c. 8 (N.I.).

office, principal place of business or last-known address, and every notice or other document required to be served on or sent to the Tribunal may be sent by pre-paid post to the Secretary at the office.

(2) Any notice or other document required to be served on a licensing body or organisation which is not a body corporate may be sent to the secretary, manager or other similar officer.

(3) The Tribunal or the Chairman may direct that service of any notice or other document be dispensed with or effected otherwise than in the manner provided by these rules.

(4) Service of any notice or document on a party's solicitor or agent shall be deemed to be service on such party, and service on a solicitor or agent acting for more than one party shall be deemed to be service on every party for whom such solicitor or agent acts.

Time

27.—(1) The time for doing any act may (whether it has already expired or not) be extended—

(*a*) with the leave of the Tribunal or the Chairman, or

(*b*) by the consent in writing of all parties, except where the Tribunal or Chairman has fixed the time by order or (if the time is prescribed by these Rules) has directed that it may not be extended or further extended without leave :

Provided that the time limited under rule 19(1) shall not be extended without leave.

(2) A party in whose favour time is extended by consent under the last foregoing paragraph of this rule shall, as soon as may be practicable after the necessary consents have been obtained, give the Secretary written notice thereof.

(3) Where the last day for the doing of any act falls on a day on which the office is closed and by reason thereof the act cannot be done on that day, it may be done on the next day on which the office is open.

Office hours

28. The office shall be open at such times as the Chairman may direct.

Failure to comply with directions

29. If any party fails to comply with any direction given, in accordance with these Rules, by the Tribunal or the Chairman, the Tribunal may, if it considers that the justice of the case so requires, direct that such party be debarred from taking any further part in the proceedings without leave of the Tribunal.

Power of Tribunal to regulate procedure

30. Subject to the provisions of the Act and these Rules, the Tribunal shall have power to regulate its own procedure.

Transitional provisions and revocation of previous rules

31.—(1) In relation to any proceedings which are pending when these Rules come into operation, the Tribunal or the Chairman may direct that they shall apply subject to such modifications as it or he may, in the circumstances, consider desirable.

(2) The Performing Right Tribunal Rules 1957(a), the Performing Right Tribunal (Amendment) Rules 1959(b) and the Performing Right Tribunal (Amendment) Rules 1960(c) are hereby revoked, but without prejudice to anything done thereunder.

Dated 27th July 1965.

Gardiner, C.

We approve the fees prescribed by these Rules in respect of proceedings before the Performing Right Tribunal.

Ivor Davies,

J. McCann,

Two of the Lords Commissioners of Her Majesty's Treasury.

Dated 28th July 1965.

(a) S.I. 1957/924 (1957 I, p. 492). (b) S.I. 1959/1170 (1959 I, p. 744).
(c) S.I. 1960/2428 (1960 I, p.766).

SCHEDULE 1

FORM 1 Rule 3(1)

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PERFORMING RIGHT TRIBUNAL

Notice of Reference under Section 25

To:— The Secretary
Performing Right Tribunal

1. TAKE NOTICE that [*name and address of organisation or person making the reference*] (hereinafter called " the originator ") hereby refers to the Tribunal the licence scheme hereinafter described, operated by the [*name and address of licensing body*] (hereinafter called " the licensing body "), which is a licensing body for the purposes of the Copyright Act, 1956.

2. The scheme to which this notice relates (hereinafter referred to as " the scheme ") is [*short description of scheme*].

3. The originator is
*[an organisation claiming to be representative of persons requiring licences in cases]
*[a person claiming that he requires a licence in a case] to which the scheme applies.

*Delete whichever is inapplicable

*4. The originator is an organisation representing [*here give particulars of the persons whom the originator claims to represent and the grounds on which it claims to represent them*].

*Delete if inapplicable

5. There are delivered herewith:—
(*a*) a statement setting out the originator's case in support of this reference, and
(*b*) a list of the documents relevant to this reference which are, or have been, in the originator's possession.

6. All communications about this reference 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 "

Rule 3(1) FORM 2

COPYRIGHT ACT 1956

PERFORMING RIGHT TRIBUNAL

Notice of Further Reference under Section 26

To:— The Secretary

Performing Right Tribunal

1. TAKE NOTICE that [*name and address of licensing body, organisation or person making the further reference*] (hereinafter called "the originator") hereby refers to the Tribunal the licence scheme *[confirmed] *[varied] by the Tribunal by an order dated [ ], and bearing the reference number [ ].

*Delete whichever is inapplicable

2. There are delivered herewith:—

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

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

3. All communications about this further reference 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"

FORM 3 Rule 3(1)

COPYRIGHT ACT 1956

PERFORMING RIGHT TRIBUNAL

Notice of Application under Section 27

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 27 *[(2)] *[(3)] of the Copyright Act 1956.

*Delete whichever is inapplicable

2. The originator requires a licence [*purpose for which licence is required*].

3. 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.

4. 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 "

Rule 4(1) FORM 4

COPYRIGHT ACT 1956

PERFORMING RIGHT TRIBUNAL

Notice of Application for Special Leave

of Tribunal under Section 26(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 refer again to the Tribunal the licence scheme

*Delete whichever is inapplicable
*[confirmed]
*[varied]
by the Tribunal by an order dated [ ], and bearing the reference number [ ].

2. The applicant is

*Delete whichever is inapplicable
*[the licensing body operating the scheme]
*[an organisation claiming to be representative of persons requiring licences in cases of the class to which the said order applies]
*[a person claiming that he requires a licence in a case of the class to which the said order applies].

3. [*Grounds on which the applicant desires to refer the scheme to the Tribunal before the time mentioned in Section* 26(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 _____

Status of signatory‡ _____

Date _____

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

FORM 5 Rule 6(1)

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PERFORMING RIGHT TRIBUNAL

Party's Notice of Objection to Originator's Credentials

To:— The Secretary
Performing Right Tribunal

1. TAKE NOTICE that, in connection with the proceedings instituted by notice of reference dated [ ] and given by [*name of originator*],
[*name of party making the objection*],, being
*[the licensing body named in the notice of reference]
*[*[a person] *[an organisation] on whom a copy of the notice of reference was served on [*date of service*] under rule 3 of the Performing Right Tribunal Rules]
*[an intervener in the proceedings by virtue of notice of intervention given on [*date of notice of intervention*]]
objects to the originator's credentials.

*Delete whichever is inapplicable

2. This objection is made on the grounds that [*grounds on which it is contended that the originator is not reasonably representative of the class of persons it claims to represent*].

Signed _____

Status of signatory‡ _____

Date _____

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

Rule 6(2) FORM 6

COPYRIGHT ACT 1956

PERFORMING RIGHT TRIBUNAL

Tribunal's Notice of making of an Objection to Originator's Credentials

To:— [*name of party*]

1. TAKE NOTICE that, in connection with the proceedings instituted by notice of reference dated [ ] and given by [*name of originator*], an objection has been made to the originator's credentials by
*[the Tribunal]
*[*name of objector*].

*Delete whichever is inapplicable

2. The objection is made on the grounds that [*grounds on which it is contended that the originator is not reasonably representative of the class of persons it claims to represent*].

3. The arrangements for the consideration of the objection by the Tribunal will be
*[notified to you as soon as may be practicable]
*[as follows].

*Delete whichever is inapplicable

4. As from the date of this notice—
(i) the proceedings will be stayed, and
(ii) time, as limited by the Performing Right Tribunal Rules for the taking of any step in the proceedings, will cease to run,

until further notice.

Signed _____
Secretary to the Tribunal

Date _____

FORM 7 Rule 6(6)

COPYRIGHT ACT 1956

PERFORMING RIGHT TRIBUNAL

Notice of Disposal of Objection to Originator's Credentials

To:—[*name of party*]

TAKE NOTICE that, in connection with the proceedings instituted by notice of reference dated [ ] and given by [*name of originator*], and with the objection to the originator's credentials, of which you were informed by notice dated [ ]:

*1. [*If the Tribunal has considered the objection and is satisfied of the originator's credentials*] *Delete if inapplicable

The Tribunal has considered the objection and is satisfied of the originator's credentials, and, accordingly as from [*date from which Tribunal directs that stay is to be lifted*]:—

(i) the stay imposed on the proceedings on [*date of notice under rule* 6 (2)] will cease to operate, and

(ii) time, as limited by the Performing Right Tribunal Rules for the taking of any step in the proceedings, will begin to run again.

*2. [*If the Tribunal has considered the objection and is not satisfied of the originator's credentials*] *Delete if inapplicable

The proceedings are determined as from the date of this notice, save for the purpose of any order the Tribunal may make as to costs.

*3. [*If the objection has been withdrawn or is not proceeded with*] *Delete if inapplicable

The objection *[has been withdrawn] *[is not being proceeded with], and, accordingly, as from [*date from which Tribunal directs that stay is to be lifted*]:—

(i) the stay imposed on the proceedings on [*date of notice under rule* 6 (2)] will cease to operate, and

(ii) time, as limited by the Performing Right Tribunal Rules for the taking of any step in the proceedings, will begin to run again.

*4. [*If the Tribunal gives any supplementary directions under rule* 6 (5)] *Delete if inapplicable

The Tribunal has given the following directions under rule 6(5):— [*directions given*]

Signed _____
Secretary to the Tribunal

Date _____

Rule 7(1) FORM 8

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PERFORMING RIGHT TRIBUNAL

Notice of Intervention

To:— The Secretary

Performing Right Tribunal

*Delete whichever is inapplicable

1. TAKE NOTICE that [*name and address of intervener*] (hereinafter called "the intervener") wishes to be made a party to the *[reference] *[application] advertised in [*name of newspaper or journal and date of issue*] under reference number [ ].

2. The intervener has a substantial interest in the matter in dispute for the following reasons [*give reasons*].

3. All communications about this intervention should be addressed to *[the intervener at the address shown above]
*[*name and address*—Solicitor(s)/Agent(s) for the intervener]

Signed .....

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

Status of signatory‡ .....

Date .....

Rule 8(1) FORM 9

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PERFORMING RIGHT TRIBUNAL

Party's Notice of Objection
to Intervener's Credentials

To:— The Secretary
Performing Right Tribunal

*Delete whichever is inapplicable

1. TAKE NOTICE that, in connection with the proceedings instituted by notice of *[reference] *[application] dated [ ] and given by [*name of originator*], and with the notice of intervention in these proceedings given by [*name of intervener*] and dated [ ],
[*name of party making the objection*], being

*[the originator]
*[the licensing body named in the notice of *[reference] *[application]]
*[*[a person] *[an organisation] on whom a copy of the notice of reference has been served under rule 3 of the Performing Right Tribunal Rules]
*[an intervener in the proceedings by virtue of a notice of intervention dated],
objects to the intervener's credentials.

*Delete whichever is inapplicable

2. A copy of the notice of intervention was served on the objector on [*date*].

3. This objection is made on the grounds that [*grounds on which it is contended that the intervener has no substantial interest in the matter in dispute*].

Signed .....

Status of signatory‡ .....

Date .....

‡*Insert as appropriate:*
"Objector"
"An officer of the objector"
"Solicitor(s) for the objector"
"Agent(s) for the objector".

FORM 10 Rule 8(3)

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PERFORMING RIGHT TRIBUNAL

Tribunal's Notice of Objection to Intervener's Credentials

To:— [*name of intervener*]

1. TAKE NOTICE that, in connection with the proceedings instituted by notice of *[reference] *[application] dated [ ] and given by [*name of originator*], and with your notice of intervention in those proceedings dated [ ], the Tribunal objects to your credentials.

*Delete whichever is inapplicable

2. This objection is made on the grounds that [*grounds on which it is contended that the intervener has no substantial interest in the matter in dispute*].

3. Unless the Chairman otherwise directs, the objection will be considered by the Tribunal at the same time as the *[reference] *[application].

*Delete whichever is inapplicable

Signed _____
Secretary to the Tribunal

Date _____

SCHEDULE 2

Rule 25 TABLE OF FEES

	£	s.	d.
1.—(1) On serving notice in Form 1, 2 or 3	6	0	0
(2) On serving notice in Form 4, 5, 8 or 9	2	0	0
(3) On every interlocutory application	1	0	0
(4) On a request for the reference of a question of law to the Court	2	0	0

2. The fees specified in the Table shall be paid to the Secretary at the time of service on him of the relevant notice:

Provided that, in the case of Fee No. (4), if the request is made otherwise than by notice in writing, the fee shall be paid to the Secretary on his demand.

3. If the proceedings are disposed of without a hearing, one half of Fee No. (1) shall be repaid to the originator.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules prescribe the procedure to be followed before the Performing Right Tribunal. They replace, with modifications, the Performing Right Tribunal Rules 1957 as subsequently amended. The more important modifications are, first, that rules 3, 9 and 10 require the parties to such proceedings to deliver written statements of their cases; secondly, the Secretary of the Tribunal is made responsible for serving on parties copies of notices and other documents; thirdly, rule 6 provides for the stay of proceedings pending the disposal of an objection to the originator's "credentials"; and, fourthly, rule 29 empowers the Tribunal to debar from taking any further part in the proceedings a party who fails to comply with a direction.