
STATUTORY INSTRUMENTS

1989 No. 1129

The Copyright Tribunal Rules 1989

References and applications with respect to licensing by licensing bodies

Commencement of proceedings (Forms 7 & 8)

20.—(1) Proceedings with respect to licensing by licensing bodies shall be commenced by the service on the Secretary by the applicant of a notice—

(a) in Form 7 in the case of a reference under section 125 or 126 of the Act,

(b) in Form 8 in the case of an application for a review of an order under section 127 of the Act, together with a statement of the applicant's case.

(2) As soon as practicable after receipt of the notice, the Secretary shall serve a copy of the same (with a copy of the applicant's statement) on the licensing body named in the notice under paragraph (1)(a) above, and in the case of an application for review of an order under section 127, on any person named in the notice under paragraph (1)(b) above.

(3) In the case of a reference under section 125 of the Act the Tribunal shall, as soon as practicable after the receipt of the applicant's notice, decide whether to entertain the reference and may for that purpose, at its discretion, allow representations in writing to be made by the applicant or the licensing body or both and if, after considering the reference and representations (if any) the Tribunal—

(a) decides to entertain the reference, it shall give such directions as to the taking of any steps required or authorised under these Rules, or as to any further matter (including any order as to costs) as the Tribunal thinks fit, and

(b) declines to entertain the reference, 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 48.

(4) The decision of the Tribunal shall be in writing and shall include a statement of its reasons, and the Secretary shall serve a copy thereof on the applicant and the licensing body.

Application for special leave (Form 3)

21.—(1) An application under section 127(2) of the Act for the special leave of the Tribunal for the review of its order under that section shall be made by the service on the Secretary by the applicant of a notice in Form 3 together with a statement of the grounds for the application. The applicant shall serve a copy of the notice and statement on every person who was a party to the reference on which the Tribunal made the last previous order with respect to the licence.

(2) Within 14 days of the service upon him of such notice, any such party may make representations in writing to the Tribunal regarding the application for special leave, and he shall serve a copy of any such representations on the applicant and inform the Secretary of the date of such service.

(3) The Tribunal, after considering the application and any representations and, if it considers necessary, 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 (with such order as to costs) as

it may think fit, and if it grants the application it may give such directions as to the taking of any steps required or authorised under these Rules or as to any further matter as the Tribunal thinks fit.

(4) The decision of the Tribunal shall be in writing and shall include a statement of its reasons, and the Secretary shall serve a copy thereof on the applicant and on any party who made representations.

Procedure, and decision of Tribunal

22.—(1) Except where otherwise directed under rule 20(3), the licensing body or other person shall, within 21 days of the service of the notice under rule 20(2), serve on the Secretary his written answer to the applicant’s statement, and shall serve a copy of the same on the applicant and inform the Secretary of the date of such service.

(2) Rules 10 to 16 shall apply to proceedings in respect of a reference or application under rules 20 and 21 as they apply to proceedings in respect of a reference or an application under rule 3.

(3) The final decision of the Tribunal on a reference or an application under rule 20 shall be given in writing and shall include a statement of the Tribunal’s reasons and there shall be annexed to the decision a copy of the order and, where the Tribunal has varied a previous order, a copy of that order as varied.

(4) The Secretary shall as soon as practicable serve on every party to the proceedings a copy of the Tribunal’s decision. Rules 18 and 19 shall apply with regard to the publication and the effective date of the decision.

Intervener’s application (Forms 5 & 6)

23.—(1) A person or organisation who claims to have a substantial interest in proceedings in respect of a reference or an application under rule 20 may apply to the Tribunal to be made a party to that reference or application by serving on the Secretary a notice of intervention in Form 5, together with a statement of his interest.

(2) As soon as practicable after receipt of a notice under this rule the Secretary shall—

- (a) serve a copy of the notice on every other party to the proceedings, and
- (b) serve on the intervener a copy of the applicant’s reference or application and statement of case, together with any other notice of intervention which has been served on him.

(3) Within 14 days of the service upon him of the notice, a party intending to object to an intervener’s credentials shall serve on the Secretary a notice of objection in Form 6 and shall serve a copy of the same on the intervener and inform the Secretary of the date of such service.

(4) The Tribunal, after considering the intervener’s application and any objection to his credentials and, if it considers necessary, after having given the intervener and any party who has served a notice of objection an opportunity of being heard, shall, if satisfied of the substantial interest of the intervener, grant the application and may thereupon give such directions or further directions as to the taking of any steps required or authorised under these Rules or as to any further matter as may be necessary to enable the intervener to participate in the proceedings as a party.

(5) Subject to any direction to the contrary that the Chairman may give under rule 11(2)(vii) an objection to an intervener’s credentials shall not operate as a stay of proceedings and shall be considered by the Tribunal at the same time as the reference or application in question.