
STATUTORY INSTRUMENTS

1989 No. 1129

The Copyright Tribunal Rules 1989

Miscellaneous and general

Application of Arbitration Acts

46. The provisions of sections 12, 14, 17 and 26 of the Arbitration Act 1950(1) (which are set out in Part 1 of Schedule 2), 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(2) (which are set out in Part 2 of Schedule 2), 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

47. Any decision of the Tribunal may be enforced in Scotland in like manner as a recorded decree arbitral.

Costs

48.—(1) The Tribunal may, at its discretion, at any stage of the proceedings make any order it thinks fit in relation to the payment of costs by one party to another in respect of the whole or part of the proceedings.

(2) Any party against whom an order for costs is made shall, if the Tribunal so directs, 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

49. The fees specified in Schedule 1 shall be payable in respect of the matters therein mentioned.

Service of documents

50.—(1) Any notice or other document required by these Rules to be served on 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 office, principal place of business or last known address, and every notice or other document required to be served on the Secretary may be sent by pre-paid post to the Secretary at the office.

(2) Service of any notice or document on a successor in title or successor in interest of a party to any proceedings shall be effective if served or sent to him in accordance with this rule.

(1) 1950 c. 27.

(2) 1937 c. 8 (N.I.).

(3) 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.

(4) 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.

(5) 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 a solicitor or agent acts.

Time

51.—(1) Except in the case of the time limit imposed under rule 42(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.

(2) A party in whose favour time is extended by consent under paragraph (1)(b) above shall, as soon as may be practicable after the necessary consents have been obtained, serve notice thereof on the Secretary.

(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

52. The office shall be open between 10.00am and 4.00pm Monday to Friday, excluding Good Friday, Christmas Day and any day specified or proclaimed to be a bank holiday under section 1 of the Banking and Financial Dealings Act 1971(3).

Failure to comply with directions

53. 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, order that such party be debarred from taking any further part in the proceedings without leave of the Tribunal.

Power of Tribunal to regulate procedure

54. 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

55.—(1) In relation to any proceedings which are pending under Part IV of the Copyright Act 1956(4) when these Rules come into force, these Rules shall apply subject to such modifications as the Tribunal or the Chairman may, in the circumstances, consider appropriate.

(2) The Performing Right Tribunal Rules 1965(5), and the Performing Right Tribunal (Amendment) Rules 1971(6) are hereby revoked, but without prejudice to anything done thereunder.

(3) 1971 c. 80.
(4) 1956 c. 74.
(5) S.I.1965/1506.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
