
STATUTORY INSTRUMENTS

1989 No. 1129

The Copyright Tribunal Rules 1989

Application for Tribunal's consent on behalf of performer

Commencement of proceedings (Form 14)

34. Proceedings under section 190 of the Act for the Tribunal's consent on behalf of the performer to the making of a recording from a previous recording of a performance shall be commenced by the service by the applicant on the Secretary of a notice in Form 14 together with a statement—

- (a) where the identity or whereabouts of the performer cannot be ascertained, of the inquiries made by him in that respect and the result of those inquiries, or
- (b) where the identity or whereabouts of the performer are known, of the grounds on which the applicant considers that the performer's withholding of consent is unreasonable, and by serving a copy thereof on the performer.

Inquiries by Tribunal

35.—(1) Where a notice has been served in accordance with rule 34(a), the Tribunal shall, after requiring of the applicant such further particulars as it may consider necessary, cause to be served on such persons as it considers are likely to have relevant information with regard to the identity or the whereabouts of the performer a notice seeking such information, and at the same time cause to be published, in such publications as it considers appropriate and at such intervals as it may determine, a notice setting out brief particulars of the application and requesting information on the identity or whereabouts of the performer.

(2) On the expiration of 28 days from the date of the publication of the notice, or the date of publication of the last such notice, the Tribunal may, on being satisfied that the identity or whereabouts of the performer cannot be ascertained, make an order giving its consent on such terms as it thinks fit.

Procedure, and decision of Tribunal

36.—(1) Within 21 days of the service of the notice under rule 34(b), the performer may serve on the Secretary his answer setting out his case and of the grounds for his withholding of consent, 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 an application under rule 34(b) as they apply to proceedings in respect of an application under rule 3.

(3) The final decision of the Tribunal on an application under rule 34 shall be given in writing and shall include a statement of the Tribunal's reasons and where the Tribunal has, in default of an agreement between the applicant and the performer, made an order as to the payment to be made to the performer in consideration of the consent given on his behalf by the Tribunal, there shall be annexed to the decision a copy of that order; and 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.

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

Intervener's application (Forms 5 & 6)

37. A person or organisation who claims to have a substantial interest in proceedings in respect of an application under rule 34 may, in accordance with rule 23, apply to the Tribunal to be made a party, and that rule shall apply to proceedings in respect of such an application as it applies to proceedings in respect of an application under rule 20.