

---

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules prescribe the amendments which are to be made to the Copyright Tribunal Rules 1989 following the provision made by the Broadcasting Act 1990 (c. 42) (“the 1990 Act”):

- for the inclusion as of right of sound recordings in broadcasts and cable programme services and
- imposing a duty on a person providing a programme service, to provide advance information about programmes included in that service.

The 1990 Act extended the jurisdiction of the Copyright Tribunal to deal with additional applications and references which it provides are to be heard and determined by that Tribunal (“the additional matters”).

The procedure before the Tribunal in respect of the additional matters is set out in these amending Rules by reference to each additional function of the Tribunal and, accordingly—

(1) rule 2(a) inserts additional definitions required by the 1990 Act, including a reference to the 1990 Act itself;

(2) rule 2(b) inserts new rules 26A to 26D which relate to applications with respect to the settlement of terms of payment for the inclusion as of right of sound recordings in broadcasts or cable programme services and references with respect to the reasonableness of any condition imposed as to that inclusion or any information required by a licensing body;

(3) rule 2(c) inserts new rules 41A to 41D which relate to applications to settle terms of payment for the use of copyright information relating to programmes to be included in a programme service;

(4) rule 2(d) inserts a new rule 50A applying the existing rule 50 relating to service of notices or other documents to the giving of notice to the Tribunal which is required by the 1990 Act before the rights referred to above may be exercised;

(5) rule 3 replaces Schedule 1 (Table of fees) amended only so far as necessary to introduce the fees applicable to the additional matters;

(6) rule 4 amends Schedule 3 (Forms) by the replacement of amended existing forms (3, 5 and 6) and introduction of the additional forms (10A, 10B, 10C, 16A and 16B), which are referred to in, and made necessary by the amendments to, these Rules.