
STATUTORY INSTRUMENTS

2014 No. 898

The Copyright (Regulation of Relevant Licensing Bodies) Regulations 2014

PART 2

Regulation of relevant licensing bodies

Notice of non-compliance and direction to adopt a code of practice

3.—(1) If the relevant circumstances are met, the Secretary of State may direct a relevant licensing body to adopt and publish a code of practice that complies with the specified criteria.

(2) For the purposes of paragraph (1), the relevant circumstances are—

(a) the relevant licensing body is not a micro-business;

(b) that in the opinion of the Secretary of State the relevant licensing body either—

(i) has no code of practice; or

(ii) has a code of practice which does not comply in material respects with the specified criteria; and

(c) where sub-paragraph (b)(ii) applies, that the Secretary of State has notified the relevant licensing body that its code of practice does not comply in material respects with the specified criteria and the relevant licensing body has not amended, within the period of 49 days from the date of the notification, its code of practice to comply in material respects with the specified criteria.

(3) In deciding whether or not any code of practice of a relevant licensing body complies in material respects with the specified criteria under paragraph (2)(b)(ii) or regulation 4, the Secretary of State may have regard to a report produced by a code reviewer.

(4) The Secretary of State may request a code reviewer to produce a report in order to assist him in making his decision under paragraph (3).

(5) A notification under paragraph (2)(c) must be given by—

(a) serving a copy on the relevant licensing body; and

(b) publishing the notification in such manner as the Secretary of State considers appropriate for the purpose of bringing the matters to which the notification relates to the attention of persons likely to be affected by them.

Effect of a direction

4.—(1) The relevant licensing body must, within 49 days of the date on which a direction under regulation 3 is made, notify to the Secretary of State a code of practice that complies with the specified criteria and that it proposes to adopt in accordance with the direction.

(2) Following receipt of a code of practice notified in accordance with paragraph (1), the Secretary of State shall inform the relevant licensing body in writing that the code of practice notified either—

- (a) meets the specified criteria and is approved by the Secretary of State; or
- (b) does not meet the specified criteria and that the Secretary of State intends to impose a code of practice on the relevant licensing body.

(3) Once its code of practice has been approved by the Secretary of State and the approval notified to the relevant licensing body, the body shall within 7 days of notification adopt the approved code of practice and operate its licensing activities in accordance with that code of practice.

Imposition of code of practice

5.—(1) The Secretary of State may impose a code of practice if he—

- (a) is satisfied that the code of practice notified under regulation 4(1) does not meet the specified criteria or that the relevant licensing body has failed to adopt an approved code of practice in accordance regulation 4(3);
- (b) gives notice to the relevant licensing body of the code of practice to be imposed upon it; and
- (c) has considered any representations made by the relevant licensing body in accordance with the notice and not withdrawn.

(2) The notice must—

- (a) state the reasons for the proposed refusal of approval for any code of practice notified by the relevant licensing body;
- (b) contain the code of practice that the Secretary of State proposes to impose on the relevant licensing body; and
- (c) state the period (not less than 14 days starting with the date of delivery of the notice) within which representations may be made in relation to the proposed imposition of the code of practice.

(3) Where the Secretary of State decides to impose the code of practice contained in the notice, the Secretary of State shall notify the relevant licensing body and give it a written statement of reasons for the decision together with the date from which the approved code of practice is to have effect as the code of practice adopted by the body (the “effective date”).

(4) The relevant licensing body shall operate its licensing activities in accordance with the imposed code with effect from the effective date.

Code reviewer

6.—(1) The Secretary of State may appoint a suitably qualified person as code reviewer to review and report to the Secretary of State, when requested to do so by the Secretary of State, on the codes of practice adopted by the relevant licensing bodies, including how they relate to the specified criteria, and on compliance with the codes of practice.

(2) Before making an appointment under paragraph (1) the Secretary of State shall consult with those persons whom the Secretary of State considers to represent the interests of relevant licensing bodies, licensees, the persons on whose behalf a relevant licensing body is authorised to negotiate or grant licences and the Comptroller.

(3) The code reviewer may serve notice on any relevant licensing body requiring that relevant licensing body to provide information, documents or assistance to the code reviewer for the purposes of a review or report and may copy any information or documents provided in accordance with the notice.

(4) A relevant licensing body shall provide the code reviewer with any information, documents or assistance requested under paragraph (3) within 14 days of receipt of the request.

(5) Any reference in this regulation or in regulation 7 to the provision of information or of a document includes a reference to the provision of a legible and intelligible copy of information recorded otherwise than in legible form.

(6) The Secretary of State may pay the reasonable expenses and allowances of the code reviewer in respect of any work which the Secretary of State requests the code reviewer to carry out under these Regulations.

Licensing code ombudsman

7.—(1) The Secretary of State may appoint a suitably qualified person as licensing code ombudsman to investigate and determine disputes about a relevant licensing body's compliance with its code of practice.

(2) A relevant licensing body, licensee or a person on whose behalf a relevant licensing body is authorised to negotiate may refer a dispute about a relevant licensing body's compliance with its code of practice or other matter to the licensing code ombudsman.

(3) The licensing code ombudsman may serve notice on any relevant licensing body requiring it to provide to the licensing code ombudsman any information, documents or assistance for the purposes of investigating a dispute referred to in paragraph (1) and copy any document or information provided in accordance with the notice.

(4) A relevant licensing body shall provide the licensing code ombudsman with any information, documents or assistance requested under paragraph (3) within 14 days of receipt of the request.

(5) A relevant licensing body shall comply with a determination of the licensing code ombudsman.

(6) The Secretary of State may pay the reasonable expenses and allowances of the licensing code ombudsman in respect of any work which the licensing code ombudsman carries out under these Regulations.

Recovery of fees by the Secretary of State

8.—(1) Subject to paragraph (2), the Secretary of State may require a relevant licensing body to pay to the Secretary of State a fee to reimburse the Secretary of State the cost of administering the operation of these Regulations.

(2) The aggregate amount of fees recovered from the relevant licensing bodies under paragraph (1) must not be more than the cost to the Secretary of State of administering the operation of these Regulations.

(3) The relevant licensing body shall pay the fee within 24 days of the date on which the relevant licensing body is notified of the fee.