

SCHEDULE

PART 2

Modifications to the provisions of Part 1 of the 1988 Act applied by this Order

44. Sections 145 to 148(1) apply as modified and set out as follows—

“145 The Copyright Tribunal

- (1) There shall be a Copyright Tribunal for the Cayman Islands.
- (2) The Copyright Tribunal shall consist of a chairman, two deputy chairmen and not less than three other members, appointed by the Cabinet.
- (3) A person is not eligible for appointment as chairman or deputy chairman unless—
 - (a) he is a barrister or attorney of at least seven years’ standing or he has held judicial office; or
 - (b) he has considerable experience of copyright matters.

146 Membership of the Copyright Tribunal

- (1) The members of the Copyright Tribunal shall hold and vacate office in accordance with their terms of appointment, subject to the following provisions.
- (2) The term of appointment of a member of the Copyright Tribunal shall not exceed 3 years, and may be renewed.
- (3) A member of the Copyright Tribunal may resign his office by notice in writing to the Cabinet.
- (4) The Cabinet may by notice in writing to the member concerned remove him from office if—
 - (a) he has become bankrupt or made an arrangement with his creditors;
 - (b) he is incapacitated by physical or mental illness; or
 - (c) he is in the opinion of the Cabinet otherwise unable or unfit to perform his duties as member.

(5) If a member of the Copyright Tribunal is by reason of illness, absence or other reasonable cause for the time being unable to perform the duties of his office, either generally or in relation to particular proceedings, a person may be appointed by the Cabinet to discharge his duties for a period not exceeding six months at one time or, as the case may be, in relation to those proceedings.

147 Financial provisions

147 There shall be paid to the members of the Copyright Tribunal such remuneration, and such allowances, as the Cabinet may determine, and, under the Public Service Management Law (2011 Revision), support staff for the Tribunal may be appointed.

(1) Section 146 was amended by the Judicial Pensions and Retirement Act 1993 (c.8), section 26 and Schedule 6, paragraph 49, the Constitutional Reform Act 2004 (c.4), section 15(1), Schedule 4, Part 1, paragraphs 198 and 199 and S.I. 2006/1016, article 4 and Schedule 3.

Status: This is the original version (as it was originally made).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

148 Constitution for the purposes of proceedings

- (1) For the purposes of any proceedings, the Copyright Tribunal shall consist of—
 - (a) a chairman, who shall be either the chairman or a deputy chairman of the Tribunal;
and
 - (b) two other members appointed by the Minister from the panel of members.
- (2) If the members of the Copyright Tribunal dealing with any matter are not unanimous, the decision shall be taken by majority vote; and if, in such a case, the votes are equal the chairman shall have a further, casting vote.
- (3) If the chairman is unable to continue, he shall appoint one of the remaining members to act as chairman.
- (4) The chairman may (where necessary) appoint a suitably qualified person to attend the proceedings and advise the members on any technical questions on copyright issues arising.
- (5) A person is suitably qualified for the purpose of subsection (4) if he is, or is eligible for appointment as, chairman or deputy chairman of the Copyright Tribunal.”