



Copyright Act 1956

1956 CHAPTER 74 4 and 5 Eliz 2

PART IV

PERFORMING RIGHT TRIBUNAL

27 Applications to tribunal

- (1) For the purposes of this Part of this Act a case shall be taken to be covered by a licence scheme if, in accordance with a licence scheme for the time being in operation, licences would be granted in cases of the class to which that case belongs:

Provided that where, in accordance with the provisions of a licence scheme,—

- (a) the licences which would be so granted would be subject to terms and conditions whereby particular matters would be excepted from the licences, and
- (b) the case in question relates to one or more matters falling within such an exception,

that case shall be taken not to be covered by the scheme.

- (2) Any person who claims, in a case covered by a licence scheme, that the licensing body operating the scheme have refused or failed to grant him a licence in accordance with the provisions of the scheme, or to procure the grant to him of such a licence, may apply to the tribunal under this section.
- (3) Any person who claims that he requires a licence in a case not covered by a licence scheme, and either—
- (a) that a licensing body have refused or failed to grant the licence, or to procure the grant thereof, and that in the circumstances it is unreasonable that the licence should not be granted, or
 - (b) that any charges, terms or conditions subject to which a licensing body propose that the licence should be granted are unreasonable,
- may apply to the tribunal under this section.

Status: This is the original version (as it was originally enacted).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

- (4) Where an organisation (whether claiming to be representative of persons requiring licences or not) or a person (whether requiring a licence or not) applies to the tribunal to be made a party to an application under the preceding provisions of this section, and the tribunal is satisfied that the organisation or person has a substantial interest in the matter in dispute, the tribunal may, if it thinks fit, make that organisation or person a party to the application.
- (5) On any application under subsection (2) or subsection (3) of this section the tribunal shall give to the applicant and to the licensing body in question and to every other party (if any) to the application an opportunity of presenting their cases respectively; and if the tribunal is satisfied that the claim of the applicant is well-founded, the tribunal shall make an order declaring that, in respect of the matters specified in the order, the applicant is entitled to a licence on such terms and conditions, and subject to the payment of such charges (if any) as—
 - (a) in the case of an application under subsection (2) of this section, the tribunal may determine to be applicable in accordance with the licence scheme, or
 - (b) in the case of an application under subsection (3) of this section, the tribunal may determine to be reasonable in the circumstances.
- (6) Any reference in this section to a failure to grant or procure the grant of a licence shall be construed as a reference to a failure to grant it, or to procure the grant thereof, within a reasonable time after being requested to do so.