
STATUTORY INSTRUMENTS

1996 No. 2967

The Copyright and Related Rights Regulations 1996

PART II

AMENDMENTS OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988

Performers' rights

Performers' rights: jurisdiction of Copyright Tribunal

24.—(1) After section 205A (inserted by regulation 22(1)) insert—

“Jurisdiction of Copyright Tribunal

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205B.—(1) The Copyright Tribunal has jurisdiction under this Part to hear and determine proceedings under—

- (a) section 182D (amount of equitable remuneration for exploitation of commercial sound recording);
- (b) section 190 (application to give consent on behalf of owner of reproduction right);
- (c) section 191H (amount of equitable remuneration on transfer of rental right);
- (d) paragraph 3, 4 or 5 of Schedule 2A (reference of licensing scheme);
- (e) paragraph 6 or 7 of that Schedule (application with respect to licence under licensing scheme);
- (f) paragraph 10, 11 or 12 of that Schedule (reference or application with respect to licensing by licensing body);
- (g) paragraph 15 of that Schedule (application to settle royalty for certain lending);
- (h) paragraph 17 of that Schedule (application to settle terms of licence available as of right).

(2) The provisions of Chapter VIII of Part I (general provisions relating to the Copyright Tribunal) apply in relation to the Tribunal when exercising any jurisdiction under this Part.

(3) Provision shall be made by rules under section 150 prohibiting the Tribunal from entertaining a reference under paragraph 3, 4 or 5 of Schedule 2A (reference of licensing scheme) by a representative organisation unless the Tribunal is satisfied that the organisation is reasonably representative of the class of persons which it claims to represent.”.

(2) In section 149 (jurisdiction of the Tribunal)—

- (a) in the opening words for “The function of the Copyright Tribunal is” substitute “The Copyright Tribunal has jurisdiction under this Part”;

(b) omit paragraphs (g) and (h).

(3) In paragraph 5 of Schedule 6 (determination by Tribunal of royalty or other remuneration to be paid), after sub-paragraph (4) add—

“(5) The provisions of Chapter VIII of Part I (general provisions relating to the Copyright Tribunal) apply in relation to the Tribunal when exercising any jurisdiction under this paragraph.”.