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STATUTORY INSTRUMENTS

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**2010 No. 791**

**The Copyright Tribunal Rules 2010**

**PART I**  
**PRELIMINARY**

**Citation and Commencement**

1. These Rules may be cited as the Copyright Tribunal Rules 2010 and shall come into force on 6th April 2010.

**Interpretation**

2.—(1) In these Rules—

“the Act” means the Copyright, Designs and Patents Act 1988;

“applicant” means a person or organisation who has made a reference or application to the Tribunal in accordance with rule 7;

“application” means the application form and statement of grounds filed with the Tribunal in accordance with rule 7(1);

“application form” means the form set out in Schedule 1;

“bank holiday” has the meaning conferred by section 1 of the Banking and Financial Dealings Act 1971<sup>(1)</sup>;

“the Chairman” means the Chairman of the Tribunal or a deputy chairman or any other member of the Tribunal appointed to act as chairman;

“costs”, in relation to proceedings in Scotland, means “expenses”;

“court” means—

(a) as respects England and Wales, the High Court;

(b) as respects Scotland, the Court of Session;

(c) as respects Northern Ireland, the High Court of Northern Ireland;

“intervener” means a person or organisation who has applied under rule 15 to be made a party to proceedings;

“the office” means the office for the time being of the Tribunal;

“proceedings” means proceedings in respect of an application before the Tribunal;

“relevant fee” means the fee payable to the Tribunal as set out in Schedule 2;

“the Secretary” means the Secretary for the time being of the Tribunal;

“small application” has the meaning given in rule 17(6);

“standard application” has the meaning given in rule 17(6);

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(1) 1971 c.80.

“statement of truth” means—

- (a) in Northern Ireland, an affidavit;
- (b) in England and Wales and Scotland a statement which meets the requirements of paragraphs (2) and (3) below;

“the Tribunal” means the Copyright Tribunal;

“the Tribunal address for service” has the meaning set out in rule 4; and

“the Tribunal Website” has the meaning set out in rule 5.

(2) A statement of truth is a statement that—

- (a) The party putting forward the document, or
- (b) in the case of a witness statement, the maker of the witness statement believes the facts stated in the document are true.

(3) A statement of truth must be signed by—

- (a) In the case of a statement of grounds, a response or a request for permission to intervene, the party or the legal representative of the party and
- (b) In the case of a witness statement, the maker of the statement.

(4) The powers conferred on the Tribunal by rules 39(3) and 42 may be exercised by either the Chairman or the Tribunal.

### **Overriding objective**

**3.**—(1) The Rules set out a procedural code with the overriding objective of enabling the Tribunal to deal with cases justly.

(2) Dealing with a case justly includes, so far as practicable—

- (a) ensuring that the parties are on an equal footing;
- (b) saving expense;
- (c) dealing with the case in ways which are proportionate—
  - (i) to the amount of money involved,
  - (ii) to the importance of the case,
  - (iii) to the complexity of the issues, and
  - (iv) to the financial position of each party;
- (d) ensuring that it is dealt with expeditiously and fairly; and
- (e) allotting to it an appropriate share of the resources available to the Tribunal, while taking into account the need to allot resources to other cases.

(3) The parties are required to help the Tribunal to further the overriding objective.

### **Tribunal address for service**

**4.** The address for service of documents on the Tribunal is: The Secretary of the Copyright Tribunal, 21 Bloomsbury Street, London WC1B 3HF or such other address as may be notified in the London, Edinburgh and Belfast Gazettes and on the Tribunal Website.

### **Tribunal Website**

**5.** The location of the Tribunal Website is: [www.ipso.gov.uk/ctribunal.htm](http://www.ipso.gov.uk/ctribunal.htm) or such other location as may be notified from time to time in such manner as the Chairman may direct.

## **Representation and rights of audience**

6. In proceedings a party may be represented by—
- (a) a person who, for the purposes of the Legal Services Act 2007<sup>(2)</sup> is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation within the meaning of that Act;
  - (b) an advocate or solicitor in Scotland or a barrister or solicitor in Northern Ireland; or
  - (c) any other person allowed by the Tribunal to appear on his behalf.

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(2) 2007 c. 29.