

PERFORMING RIGHT TRIBUNAL

THE REFERENCE OF ASSOCIATION OF INDEPENDENT CINEMAS, LTD.

SHORT PARTICULARS OF THE DECISION

In respect of performances of copyright music in cinemas, the Performing Right Society grant licences in accordance with the provisions of what is known as "Tariff C".

Although that tariff is in substance of general application, it incorporates by reference certain special agreements which the Society has made with two separate associations of cinematograph exhibitors, through which the individual members of those associations obtain certain privileges, mainly by way of discounts from the licence fees payable by them.

The older and by far the larger of the two associations is the Cinematograph Exhibitors' Association of Great Britain and Ireland (known as the "C.E.A."). The other, originally a breakaway association from the C.E.A., is the Association of Independent Cinemas Ltd. (known as the "A.I.C."), which referred the dispute to the Tribunal. The C.E.A. joined in the reference as an "Interested Party".

Shortly, the complaint of the A.I.C. was that, as a result of the operation of a scale of discounts related to the size of membership, members of the C.E.A. obtained, without (it was argued) any merit of their own, a substantial advantage over the members of the A.I.C.

The question, therefore, for the Tribunal was whether such discrimination could be justified. What was said in support of it was that an organisation of the size and influence of the C.E.A. was of such commercial value to the Performing Right Society as to merit specially favourable terms. But the Tribunal considered that, while that might once have been true, when the industry was rapidly expanding, it could now no longer be justified; whereas its effect on recruitment of members to the A.I.C. was calculated to operate unfairly. It had an even greater penal effect on those independent exhibitors who wished to belong to neither association and consequently qualified for no discount at all.

The total abolition of discounts, however, would only have the effect of giving an unsought bonus to the Society, at the expense of all but the few independent exhibitors. On the other hand, there was no case for reducing the total fees recoverable from the industry by the Society.

It seemed accordingly to the Tribunal that justice could be met by making an all-round allowance from the gross fee arrived at on the basis of a formula which was already in satisfactory operation, calculated so as to produce, as nearly as possible, the same net receipts as the Society was already collecting.

This result was achieved by fixing the allowance at 7%. That represented a net gain of 7% for the small number of independent exhibitors, a gain of 2% for the members of the A.I.C., neither a gain nor a loss for the Performing Right Society, and all at the cost of no more than $\frac{1}{2}$ % diminution in the amount hitherto enjoyed by the members of the C.E.A. by way of discount.

The same minimum fee of six guineas (other than for concerts, for which there had always been a minimum of two guineas, and which still holds good) was fixed for every exhibitor.

Each party was left to bear its own costs.

A copy of the Decision may be inspected at the offices of the Tribunal, 24 Kingsway, London, W.C.2, during office hours.

STATUTORY NOTICES TO CREDITORS AND OTHERS

In the Estate of Minnie Jane Patterson, late of 16 Eglantine Avenue, Belfast, Widow, deceased.

NOTICE is hereby given, pursuant to Section 28 of the Trustee Act (Northern Ireland) 1958, that all persons claiming to be creditors of the above named

deceased, or having any claim against or interest in the property of the deceased, who died on the 12th day of March, 1961, are hereby required to send, on or before the 5th day of July, 1961, particulars of such claims or interest to the undersigned, Solicitors for the personal representatives of the deceased.

And Notice is hereby further given that after the said 5th day of July, 1961, the said personal representatives will proceed to convey or distribute the property of the said deceased among the parties entitled thereto, having regard only to the claims and demands of which particulars shall have been received.

Dated the 28th day of April, 1961.

W. G. WILSON & SONS, Solicitors, 29 Wellington Place, Belfast.

In the Estate of Elizabeth Rankin Curry, deceased, late of Lodge Road, Coleraine, County Londonderry, Spinster.

NOTICE is hereby given, pursuant to Section 28 of the Trustee Act (Northern Ireland) 1958, that all persons claiming to be creditors of the above named deceased, or having any claim against or interest in the property of the deceased, who died on the 15th day of October, 1960, are hereby required to send, on or before the 31st day of July, 1961, particulars of such claims or interests to the undersigned, Solicitors for the personal representatives of the deceased.

And Notice is hereby further given that after the said 31st day of July, 1961, the said personal representatives will proceed to convey or distribute the property of the said deceased among the parties entitled thereto, having regard only to the claims and demands of which particulars shall have been received.

Dated this 2nd day of May, 1961.

MACAULAY, O'NEILL & MARTIN, Solicitors for the Personal Representatives, Coleraine, County Londonderry, and having an address for service at 83 Royal Avenue, Belfast, 1.

In the Estate of Dorothy Rosa Hammond, late of 29 Enterprise Avenue, Portstewart, County Londonderry, Spinster, deceased.

NOTICE is hereby given, pursuant to Section 28 of the Trustee Act (Northern Ireland) 1958, that all persons claiming to be creditors of the above named deceased, or having any other claim against or interest in the property of the said deceased, who died on 29th November, 1960, are hereby required to send written particulars of such claims or interests to the undersigned, Solicitors for the personal representative of the said deceased, on or before 15th July, 1961, after which date the said personal representative will proceed to convey or distribute the property of the said deceased among the parties entitled thereto, having regard only to the claims and demands of which particulars shall then have been received.

Dated the 28th day of April, 1961.

GREER HAMILTON & GAILEY, Solicitors for the Personal Representative, 16 Donegall Square South, Belfast; and 27 High Street, Ballymoney, Co. Antrim.

In the Estate of William McKee, late of 7 Brookvale Avenue, in the City of Belfast, deceased.

NOTICE is hereby given, pursuant to Section 28 of the Trustee Act (Northern Ireland) 1958, that all persons claiming to be creditors of the above named deceased, or having any claim against or interest in the property of the deceased, who died on the 7th day of September, 1958, are hereby required to send, on or before the 3rd day of July, 1961, particulars of such claims or interests to the undersigned, Solicitors for the personal representative of the deceased.