

and Wales a Notice of Reference applying to the following class of goods:

Vacuum Flasks and other vacuum vessels, complete with cases, within heading 98.15 of the Convention for the Classification of Goods in Customs Tariffs (Cmd. 1070) commonly known and hereinafter called "the Brussels Nomenclature"; parts thereof classified under any heading of the Brussels Nomenclature.

Unless the Court otherwise directs these proceedings will take place in England.

And notice is hereby further given that

- (a) any supplier of goods of the class to which the said Notice of Reference applies who supplies such goods under arrangements for maintaining minimum prices on resale but who has not duly given notice the Registrar pursuant to section 6(2) of the said Act in respect of such goods,
- (b) any retailer of goods of the class to which the said Notice of Reference applies and
- (c) any trade association representing employees in the distributive trades

who wishes to be represented before the Court in the proceedings must notify the Registrar of Restrictive Trading Agreements at the address below in writing within 28 days hereof stating the nature of his interest and whether he supports or opposes the maintenance of minimum resale prices in respect of all or any of the goods to which the said Notice of Reference applies and giving the name of his Solicitor (if any) and an address in the United Kingdom at which documents may be served upon him.

R. L. Sich, the Registrar of Restrictive Trading Agreements of Chancery House, Chancery Lane, London W.C.2.

#### IN THE RESTRICTIVE PRACTICES COURT (in ENGLAND and WALES)

1965 PR. No. 42 (E & W)

In the Matter of the Resale Prices Act 1964 and in the Matter of a Reference of BINOCULARS and related Classes of Goods.

Notice is hereby given pursuant to Rule 8 of the Restrictive Practices Court (Resale Prices) Rules 1965 that on the 1st day of June 1965 there was issued out of the Restrictive Practices Court in England and Wales a Notice of Reference applying to the following classes of goods:

- (1) Binoculars and field glasses and eye-piece shields therefor, within heading 90.05 of the Convention on Nomenclature for the Classification of Goods in Customs Tariffs (Cmd. 1070) commonly known as and hereinafter called "The Brussels Nomenclature"; rubber rain guards therefor classified under heading 40.14 of the Brussels Nomenclature
- (2) Carrying cases for field glasses within heading 42.02 of the Brussels Nomenclature

Unless the Court otherwise directs these proceedings will take place in England.

And notice is hereby further given that

- (a) any supplier of goods of any of the classes to which the said Notice of Reference applies who supplies such goods under arrangements for maintaining minimum prices on resale but who has not duly given notice to the Registrar pursuant to section 6(2) of the said Act in respect of such goods
- (b) any retailer of goods of any of the classes to which the said Notice of Reference applies and
- (c) any trade association representing employees in the distributive trades

who wishes to be represented before the Court in the proceedings must notify the Registrar of Restrictive Trading Agreements at the address below in writing within 28 days hereof stating the nature of his interest and whether he supports or opposes the maintenance of minimum resale prices in respect of all or any of the goods to which the said Notice of Reference applies and giving the name of his Solicitor (if any) and an address in the United Kingdom at which documents may be served upon him.

R. L. Sich, the Registrar of Restrictive Trading Agreements of Chancery House, Chancery Lane, London W.C.2.

## PERFORMING RIGHT TRIBUNAL

### THE APPLICATION OF ISLE OF MAN BROADCASTING COMPANY LIMITED

#### Short Particulars of Decision

The Performing Right Tribunal publish the following short particulars of the decision in relation to the application of Isle of Man Broadcasting Company Limited ("Manx Radio" for short) for a licence in a case not covered by a licence scheme, in which it is alleged that the charges, terms or conditions subject to which the licensing body (Phonographic Performance Limited, to be called "The P.P.L." hereafter) propose that the licence should be granted are unreasonable. Manx Radio further seeks an order declaring that it is entitled to a licence on such terms and conditions and subject to such charges as the Tribunal may determine to be reasonable in the circumstances.

The terms proposed by the P.P.L. are as follows, that is to say:

- (1) That Manx Radio should be granted a licence for a term of one year from the 8th June 1964 (the date on which it in fact began to broadcast) on condition that the time devoted to the broadcasting of copyright records in the repertoire of Phonographic (known as, and hereafter called, "needle time") should not exceed one fifth of the total broadcasting time used by its station.
- (2) That no record subject to the licence should be broadcast more than twice in each period of 24 hours nor more than ten times in each week.
- (3) That the charges for a block licence to broadcast any record in the repertoire of Phonographic on the above terms should be at the rate of 5 per cent. of 85 per cent. of the gross advertising revenue of Manx Radio.

During the course of the hearing, the P.P.L. offered to extend the proposed period of the licence to correspond with the length of a licence to be granted to Manx Radio by the Postmaster General, i.e. to expire provisionally on the 12th July 1968, at the same time increasing the rate to 8 per cent. of 85 per cent.

At the conclusion of the hearing, Manx Radio offered to pay the P.P.L. charges at the rate of 1½ per cent. of their net advertising revenue after deducting advertising agents' commission (if any) not exceeding 15 per cent. for the period 4th June 1964 to 11th July 1965, and for each subsequent year expiring the 11th July, such charges to be subject to the rebates specified in an agreement made between Manx Radio and The Performing Right Society.

The British Broadcasting Corporation and the Musicians' Union each intervened in the Application as "interested parties". The former supported the proposals of the P.P.L., in particular on the ground that it would be unreasonable for Manx Radio to be accorded more needle time than that which the Corporation itself enjoyed, and on the further ground that a commercial broadcasting station might lower the standard of the programmes which the Corporation was bound to maintain. The Musicians' Union was opposed on principle to any extension of broadcasting on records as damaging to the livelihood and ultimately to the existence of a sound musical profession.

The Tribunal came to the conclusion, notwithstanding the various objections raised to the application, that the terms and conditions proposed by the P.P.L. were in part unreasonable, and made an order declaring that Manx Radio is entitled to a licence on the following terms and conditions and subject to the following charges which the Tribunal determined to be reasonable in the circumstances, that is to say:

- (1) Manx Radio shall be entitled to broadcast on copyright gramophone records in the repertoire of Phonographic during one half of their total weekly broadcasting time, subject to a maximum period of 42 hours in any single week.
- (2) No such record shall be played more than twice in each period of 24 hours nor more than ten times in any week.
- (3) The following charges shall be payable to Phonographic:

(a) Up to the 12th July 1965, in view of the trivial amount involved, the Tribunal do not propose to disturb the charge of 5 per cent. of 85 per cent. on gross advertising revenue, as offered by Phonographic.