

# Proprietary Clubs Tariff 'J' (2011.08)



*Effective from 1st August 2011*  
(Also showing previous year's details in brackets)

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## 1. Scope of tariff

This tariff applies to performances of copyright music within *PRS for Music's*\* repertoire\* at proprietary or other clubs and similar establishments, but excluding those non-profit making members' clubs to which *PRS for Music's* Tariff 'JMC' applies.

Excluded from the operation of this tariff are youth clubs and establishments whose main object is bingo.

## 2. General conditions

This tariff is subject to *PRS for Music's* General Conditions Applicable to Tariffs and Licences, available on request from *PRS for Music*.

\* See Definitions, section 6

### 3. Royalty rates

Where the music user *has* applied for and obtained *PRS for Music's* licence before musical performances commence, the **standard** royalty rate will be charged and payable for the first year of the licence.

Where the music user *has not* applied for and obtained *PRS for Music's* licence before musical performances commence, the **higher** (standard plus 50%) royalty rate will be charged and payable for the first year of the licence.

After the first year of the licence, in either case, the **standard** royalty rate will be charged and payable.

The following rates of charge apply to all royalties falling due from 1st August 2011.

	Higher royalty	Standard royalty
<b>3.1 Featured music*</b>		
<b>3.1.1 Featured live music</b>		
<b>3.1.1.1</b> Where the annual expenditure on the provision of music* by performers* is £14,187 (£13,641) or more the royalty in respect of performances of music by those performers is .....	9% of such expenditure (9%)	6% of such expenditure (6%)
<b>3.1.1.2</b> (i) Where the annual expenditure on the provision of music is less than £14,187 (£13,641), or (ii) where the Licensee incurs no expenditure for performances of live music when the premises are let or loaned to third parties, the royalty per function for the first 100 persons capacity* of the room in respect of performances of music by performers in person is .....	£13.61 (£13.08)	£9.07 (£8.72)
and per 25 persons capacity (or part thereof) thereafter .....	£3.44 (£3.30)	£2.29 (£2.20)
<b>3.1.1.3 Provided that:</b>		
The <b>maximum</b> annual royalty for performances in category 3.1.1.2 is .....	£1,276.83 (£1,227.69)	£851.22 (£818.46)

\* See Definitions, section 6

	<b>Higher royalty</b>	<b>Standard royalty</b>
<b>3.1.2      Featured recorded music*</b>		
For any type of featured performances by record, compact disc or tape player*:		
<b>3.1.2.1</b> primarily for entertainment by means of discotheque equipment or otherwise for dancing,		
<b>3.1.2.2</b> and for karaoke performances*,		
the royalty per function for the first 100 persons capacity of the room is .....	£13.61 (£13.08)	£9.07 (£8.72)
and per 25 persons capacity (or part thereof) thereafter .....	£3.44 (£3.30)	£2.29 (£2.20)
<b>3.1.3      Provided that:</b>		
Sessions where both live and featured recorded music is performed, other than karaoke performances, will be charged at the same rate above unless the live music is chargeable under 3.1.1.1, in which case the charge for the recorded music for the first 100 persons capacity is .....	£6.78 (£6.53)	£4.52 (£4.35)
and per 25 persons capacity (or part thereof) thereafter .....	£1.68 (£1.62)	£1.12 (£1.08)
<b>3.1.4      Cinema &amp; featured video</b>		
For performances (whether by means of the sound track or otherwise) during film or video shows in a room or place being specially used for the primary purpose of video or cinema exhibition, and with seating arranged accordingly the royalty per session for the first 100 persons capacity of the room is .....	£6.78 (£6.53)	£4.52 (£4.35)
and per 25 persons capacity (or part thereof) thereafter .....	£1.68 (£1.62)	£1.12 (£1.08)

\* See Definitions, section 6

	<b>Higher royalty</b>	<b>Standard royalty</b>
<b>3.1.5 Aerobic, keep fit and dancing classes</b> The charge <b>per class</b> is as follows		
<b>3.1.5.1</b> for rooms/studios/pools with a capacity* up to 30 persons .....	£2.04 (£1.97)	£1.36 (£1.31)
<b>3.1.5.2</b> for rooms/studios/pools with a capacity* over 30 persons .....	£2.55 (£2.46)	£1.70 (£1.64)
(calculated at the rate in 3.1.5.1 above plus 25%)		
<b>3.2 Jukeboxes*</b> The <b>annual</b> royalty <b>per machine</b> for performances by the following is:		
<b>3.2.1 Audio jukebox*</b> .....	£339.65 (£326.58)	£226.43 (£217.72)
<b>3.2.2 Audio jukebox with background music facility*</b> .....	£478.17 (£459.78)	£318.78 (£306.52)
<b>3.2.3 Video jukebox*:</b>		
with a screen no greater than 26 inches (66 cm) .....	£446.97 (£429.78)	£297.98 (£286.52)
with a screen greater than 26 inches (66 cm) .....	£536.37 (£515.75)	£357.58 (£343.83)
<b>3.2.4 Video jukebox with background music facility*:</b>		
with a screen no greater than 26 inches (66 cm) .....	£554.22 (£532.91)	£369.48 (£355.27)
with a screen greater than 26 inches (66 cm) .....	£621.29 (£597.39)	£414.19 (£398.26)
<b>3.2.5 Combined audio/video jukebox with background music facility*:</b>		
with a screen no greater than 26 inches (66 cm) .....	£612.32 (£588.77)	£408.21 (£392.51)
with a screen greater than 26 inches (66 cm) .....	£668.31 (£642.60)	£445.54 (£428.40)
<b>3.2.6</b> For each additional coin-entry point for 3.2.1, 3.2.2, 3.2.3, 3.2.4 or 3.2.5 above....	£44.70 (£42.98)	£29.80 (£28.65)

\* See Definitions, section 6

	<b>Higher royalty</b>	<b>Standard royalty</b>
<b>3.3 Background or mechanical music*</b>		
The <b>annual</b> royalty for performances by the following is:		
<b>3.3.1 Area 120 square metres or less</b>		
<b>3.3.1.1 Terrestrial television only</b> (without video player) .....	£125.18 (£120.36)	£83.45 (£80.24)
<b>3.3.1.2 Terrestrial television with satellite/cable facility</b> (without video player) .....	£187.74 (£180.53)	£125.16 (£120.35)
<b>3.3.1.3 Radio</b> .....	£156.39 (£150.38)	£104.26 (£100.25)
<b>3.3.1.4 Record and/or compact disc and/or tape player</b> .....	£312.90 (£300.87)	£208.60 (£200.58)
<b>3.3.1.5 Music centre and/or radio-cassette player and/or CD radio-cassette player *</b> .....	£388.82 (£373.86)	£259.21 (£249.24)
<b>3.3.1.6 Video player*</b> (with or without television facilities through same screen) .....	£187.74 (£180.53)	£125.16 (£120.35)
<b>3.3.2 Area over 120 square metres</b>		
<b>3.3.2.1 Terrestrial television only</b> (without video player) .....	£187.74 (£180.53)	£125.16 (£120.35)
<b>3.3.2.2 Terrestrial television with satellite/cable facility</b> (without video player) .....	£281.66 (£270.83)	£187.77 (£180.55)
<b>3.3.2.3 Radio</b> .....	£234.57 (£225.56)	£156.38 (£150.37)
<b>3.3.2.4 Record and/or compact disc and/or tape player</b> .....	£469.32 (£451.28)	£312.88 (£300.85)

\* See Definitions, section 6

	<b>Higher royalty</b>	<b>Standard royalty</b>
<b>3.3.2.5 Music centre and/or radio-cassette player and/or CD radio-cassette player</b> * .....	£583.20 (£560.78)	£388.80 (£373.85)
<b>3.3.2.6 Video player</b> (with or without television facilities through same screen) .....	£281.66 (£270.83)	£187.77 (£180.55)
<b>3.4 Minimum annual royalty</b>		
The royalties payable under this tariff are subject to a minimum of .....	£125.18 (£120.36)	£83.45 (£80.24)

#### 4. Value Added Tax

Every Licensee under *PRS for Music's* tariffs will pay to *PRS for Music* in addition to the royalty due, a sum in respect of Value Added Tax calculated at the relevant rate on the royalty payable.

#### 5. Inflation adjustment

Every year on 1st August, the monetary sums in this tariff will be adjusted for inflation. The adjustment formula will apply to the standard rates, using the mean (to the nearest whole percentage point) of the percentages by which the Retail Prices Index and Average Weekly Earnings index (unadjusted) change in the year to the previous March.

March is the latest month prior to the anniversary date for which figures are likely to be published for both indices.

After application of the inflation adjustment any expenditure threshold figure will be rounded to the nearest pound, with all other royalty rates rounded to the nearest penny.

All royalties will be charged at the royalty rate in force at the beginning of the licence-year.

\* See Definitions, section 6

## 6. Definitions

- **annual expenditure on the provision of music** means the total of:  
  
gross salaries, gross wages; plus fees, expenses or other emoluments paid to performers (excluding any disc jockeys);  
  
and gross fees (net of any Value Added Tax) paid to third parties for the services of performers.
- **audio jukebox** see jukeboxes.
- **audio jukebox with background music facility** see jukeboxes.
- **background or mechanical music** means music when performed by a record player, compact disc player, tape player, or video player otherwise than for featured purposes, or music performed by a radio or television set operated on the premises or diffused through a loud-speaker from another part of the premises or a source outside the premises.
- **capacity** means where the accommodation of a room is limited to seating, the capacity shall be the total number of seats available in that room; where, as for example in the case of discotheque performances, there is no formal means of calculating the accommodation limit of a room the capacity shall be the maximum number of persons which can reasonably be accommodated in the room, or permitted under any regulation by Fire Authorities.
- **combined audio/video jukebox with background music facility**  
see jukeboxes.
- **featured music** or **featured recorded music** means music performed by:  
  
performers in person, or  
  
a record, compact disc or tape player primarily for entertainment such as by means of discotheque equipment (with or without dancing) or in conjunction with cabaret or similar entertainment, or  
  
cinematograph equipment or video player.
- **jukeboxes:**  
  
**audio jukebox** means a machine (other than a video jukebox) for playing recorded music, capable of being operated by the insertion of a coin, token or card.

**video jukebox** means a machine for playing recorded music synchronised with a video or similar visual display and capable of being operated by the insertion of a coin, token or card.

**audio jukebox with background music facility** or **video jukebox with background music facility** or **combined audio/video jukebox with background music facility** means a combination of units of equipment capable of playing recorded music from more than one source through a single sound system, or any jukebox capable of being switched to free-play.

- **karaoke performances** means those performances given by unpaid singers in conjunction with specially produced recorded music, with or without the provision of video-presented synchronised lyrics.
- **music centre** and/or **radio cassette player** and/or **CD radio cassette player** means a combination of units of equipment (comprising radio and recorded means) capable of reproducing sound from more than one source through a single sound system.
- **performers** means singers and performers of musical instruments, including orchestra conductors or leaders, whether or not they combine in their performance other activities such as dancing or acting as comperes.
- **PRS for Music** is the trading name of the Performing Right Society Limited.
- **PRS for Music's repertoire** means all and any musical works (including any words associated therewith), the right of public performance in which is controlled by *PRS for Music* or by any of the societies in other countries with which *PRS for Music* is affiliated
- **record, compact disc or tape player** means any gramophone, compact disc, tape or cassette player, or other mechanical/electronic device for playing musical works, except:
  - a video player, or
  - a device, such as a jukebox, capable of being operated by the insertion of a coin, token or card.
- **video jukebox** see jukeboxes.
- **video jukebox with background music facility** see jukeboxes.
- **video player** means any equipment for exhibiting videograms, whether on tape or disc, except video players capable of being operated by the insertion of a coin, token or card.

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