

Popular music concerts

Tariff 'LP' (2009.07)



*As varied by the Performing Right Tribunal on 6 February 1964
and further so varied on 11 November 1966, 24 October 1973, and 5 April 1988.*

Effective from 1st July 2009 (Also showing previous year's details in brackets)

Entertainments for which there is no admission charge are not covered by licences issued under this tariff. Particulars of such entertainments, if any, are to be notified to *PRS for Music*^{*}, when the appropriate charges will be quoted on the basis of such particulars.

1. Scope of tariff

This tariff applies to musical entertainments consisting entirely or almost entirely of copyright light or "popular" music* performed, where a charge is made for admission, in any place not otherwise covered by an appropriate tariff.

It specifically applies to concerts or recitals of such music.

This tariff does not apply to variety, revue or pantomime.

2. Applications for licences and permits

- 2.1 An applicant for a licence or permit under this tariff shall complete the appropriate application form and give to *PRS for Music* such information as may be required to enable it to decide whether this Standard Tariff is appropriate.
- 2.2 *PRS for Music* is not bound to issue a licence or permit under this tariff unless application has been made therefor in advance of the entertainment in respect of which the licence is sought.

3. Licence period

- 3.1 Every licence under this tariff shall be for the period ending on the licence date* next after the date of issue and shall continue in force thereafter from year to year unless terminated either by *PRS for Music* or the licensee by one month's notice in writing to expire on the licence date in any year.
- 3.2 Alternatively, *PRS for Music* may, in its discretion, issue a single permit in respect of an isolated entertainment or entertainments.

* See Definitions, section 11

4. ***PRS for Music's* charge**

PRS for Music's charge for a licence or a permit under this tariff is, subject to a minimum charge of £32.00 (previous year £30.00) in respect of each entertainment, **3%** (three per centum) **of the gross receipts*** from the entertainments covered by the licence or permit.

5. **Manner of payment**

The charges under this tariff shall be paid in the following manner:

5.1 **Licences**

- 5.1.1** Within two days after each entertainment takes place the licensee shall pay to *PRS for Music* a sum on account equal to 3% of 75% of the money-holding capacity*, or, at the option of the licensee, the licensee may within seven days after such entertainments pay to *PRS for Music* the total charge due if the same shall have been ascertained;
- 5.1.2** not later than 4 weeks after the end of each licence period the licensee shall, unless such certified statement has already been supplied to *PRS for Music*, submit to *PRS for Music* a statement certified by an accountant qualified to be appointed auditor to a public company, showing the gross receipts during that licence period*, indicating the amounts deducted therefrom on account of library and party booking discounts and Value Added Tax together with satisfactory proof of such payments;
- 5.1.3** upon receipt of this certified statement, *PRS for Music* shall calculate the charge payable under the licence in respect of that licence period and shall notify the licensee of the amounts so calculated;
- 5.1.4** any payment due from the licensee or *PRS for Music* as a result of setting off the payments made on account under sub-paragraph 5.1.1 above against the charge as calculated under sub-paragraph 5.1.3 above shall be paid by the party from whom it is due within seven days from the notification to the licensee of the amount of the charge.

5.2 **Permits**

- 5.2.1** Within two days after the entertainment takes place the licensee shall pay to *PRS for Music* a sum on account equal to 3% of 75% of the money-holding capacity;
- 5.2.2** not later than 28 days after the entertainment takes place the licensee shall pay to *PRS for Music* the total charge due;
- 5.2.3** *PRS for Music* reserves the right to require the licensee to submit, in respect of any entertainment, a statement certified by an accountant qualified to be appointed auditor to a public company, showing the gross receipts in respect of the entertainment, indicating the amounts deducted therefrom on account of library and party booking discounts and Value Added Tax together with satisfactory proof of such payments.

* See Definitions, section 11

6. Value Added Tax

In cases where section 42 of the Finance Act, 1972 (as amended from time to time) does not apply, the Licensing Body [*PRS for Music*] shall be entitled to add to the royalty payable under a licence or permit issued pursuant hereto a sum equal to the amount of Value Added Tax for which the Licensing Body is liable in respect of the said royalty, and shall furnish the licensee with a tax invoice showing the amount of Value Added Tax in accordance with the Value Added Tax (General) Regulations 1972, as amended from time to time.

7. Inflation Adjustment

- 7.1 The minimum charge of £15.00 as set out in the Performing Right Tribunal order of 5th April 1988 will be adjusted on each 1st January ("the anniversary date") in accordance with paragraph 7.2 below.
- 7.2 The minimum charge as defined in 7.1 above shall be multiplied by a fraction of which the numerator is the Retail Prices Index for the latest month [October] for which a figure is published prior to the anniversary date and the denominator is the Retail Prices Index for October 1987. The product shall be rounded to the nearest pound and the rounded sum shall be the minimum charge for the licence-year beginning with the anniversary date.
- 7.3 All royalties shall be charged at the royalty rate in force at the beginning of the licence period, or in the case of a permit, on the date of the events which it covers.

8. Checking the particulars

Subject to the provisions of paragraph 5 above, *PRS for Music*, by its auditor, shall have the right of free entry to the place of performance on the occasion of each entertainment solely for the purpose of checking the particulars on which the charges under the licence or permit are from time to time assessed, for which purpose the licensee shall make available to the auditor all the necessary records and the books of account.

9. Programme details

Licensees under this tariff will be required to send to *PRS for Music* immediately after each entertainment, on *PRS for Music's* prescribed form, particulars of all musical works performed at the entertainment.

10. Commencement

All previous tariffs of charges for concerts of light or popular music are withdrawn as from 6th July 1988.

11. Definitions

- **gross receipts** means all monies paid or payable in respect of admission charges in connection with any entertainment to which this tariff applies, less library and party booking discounts and Value Added Tax or any other government tax or imposition of like nature for the time being in force.
- **licence date** means the day of the year agreed by *PRS for Music* and the Licensee for the commencement of the licensee's licence period.
- **licence period** means a period ending on the licence date next after the issue of the licence and thereafter each ensuing period of twelve months ending on the licence date.
- **light or popular music** means all copyright music and all copyright words or lyrics set to music and includes what is called "classical jazz" but does not include what is usually known as "classical" or "serious music".
- **money-holding capacity** means, in respect of each entertainment, the aggregate of the amounts charged for admission for every seat at the premises at which the entertainment takes place, less Value Added Tax, or any other government tax or imposition of a like nature for the time being in force.
- ***PRS for Music*** is the trading name for the Performing Right Society Limited

Tariff 'LP' was established by the Performing Right Tribunal under the Copyright Act 1956 [since superseded by the Copyright Tribunal and the Copyright, Designs and Patents Act 1988, respectively]. This document represents a statement of the main provisions of that tariff. A full copy of the Order of the Tribunal is available on request.