

Dance tuition schools

Tariff 'DS' (2014.11)



*As agreed with the Teachers' Committee of the British Dance Council
Effective from 1st November 2014
(Also showing previous year's details in brackets)*

1. **Scope of tariff**

This tariff applies to performances of copyright music within the repertoire* of the Performing Right Society Limited (*PRS for Music**) at dance tuition schools, centres or studios.

2. **Exclusions**

This tariff excludes:

- premises where dance tuition plays a minor or ancillary role within another and different commercial activity (such as a bar, restaurant or club);
- premises having a miscellany of musical performances licensed under an appropriate *PRS for Music* tariff such as that for community buildings (Tariff 'CB');
- aerobics, keep fit and other exercise-to-music classes.

3. **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*.

4. **Royalty rates**

Where our music is used without a licence having first been obtained, 50% will be added to the royalty charged and payable for the first year of the new licence.

Otherwise, the following rates of charge apply to all royalties falling due from 1st November 2014.

* See Definitions, section 9

<p>5.1 Dance tuition classes *</p> <p><i>PRS for Music's</i> charge for a licence under this tariff is calculated at</p> <p>¹ 'actual takings' means the total annual takings from fees, subscriptions, admission charges or like receipts in respect of dance tuition classes, but excluding: Value Added Tax and monies from sales of refreshments or other goods or services.</p>	<p><i>PRS for Music</i> royalty</p> <p>1.0% of actual takings ¹</p>
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<p>5.2 Practice or club dances *</p> <p>For all practice or club dances promoted by a dance teacher holding <i>PRS for Music's</i> licence for his or her tuition classes, the royalty charge will be calculated at</p> <p>² 'actual takings' means the total annual takings from fees, subscriptions, admission charges or like receipts in respect of practice or club dances, but excluding: Value Added Tax and monies from sales of refreshments or other goods or services.</p>	<p>2.0% of actual takings ²</p>
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<p>5.3 Minimum royalty</p> <p>The minimum annual royalty under this tariff is</p>	<p>£47.94 (£47.00)</p>
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6. Certificate of takings

Solely for the purposes of administering this tariff, *PRS for Music* reserves the right, on reasonable request, to be provided by the licensee with a statement certified by an accountant who is qualified to be appointed auditor to a public company in verification of the actual takings (as defined) for any particular licence-year(s).

7. 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.

8. Inflation adjustment

Every year on 1st November, the monetary sum 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 June.

June 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 the royalty rate will be rounded to the nearest penny.

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

9. Definitions

- **dance tuition class** means a class at which instruction in dancing is given to all the persons present for at least 20 minutes in each hour of the duration of the class.
- **practice or club dances** means dancing sessions, other than dance tuition classes, such as those open to members of the public on payment at the door or by subscription, or limited to school members and their guests.
- **repertoire** means all and any musical works (including any words associated therewith), the right of public performance in which is controlled by the Performing Right Society Limited or by any of the societies in other countries with which *PRS for Music* is affiliated.
- **PRS for Music** is the trading name of the Performing Right Society Limited

2014.11 edition

FREQUENTLY ASKED QUESTIONS

1. What is *PRS for Music*?

When music is played in public the owner of the copyright is entitled to payment from the music user and, clearly, music is indispensable to dance tuition schools. The Performing Right Society (*PRS for Music*) is an organisation that collects and distributes the money (known as 'royalties') to its members – the owners of the copyright – and to affiliated societies overseas. For further information please visit www.prsformusic.com

2. What authority does *PRS for Music* have to license music?

To be within the law (the Copyright, Designs and Patents Act 1988), you must have permission from the copyright owners before making use of their music. As most music creators and publishers have assigned their performance rights to *PRS for Music* (or to affiliated societies overseas), its blanket annual licence makes it easy for dance school proprietors to fulfil their legal obligation to countless copyright owners.

3. Is the dance teacher or the venue responsible for holding a *PRS for Music* licence?

If you hire, for example, a local authority venue, education authority establishment, or a community building run by a voluntary organisation, it is usual for *PRS for Music* to issue its licence direct to the venue proprietor or responsible management committee to cover a miscellany of uses by various parties. If no venue licence is in issue or if you run your own school, studio or centre (premises), then a Tariff DS licence is appropriate for you - whether for music from CDs or tapes, by a pianist, and so on.

4. What is PPL?

Phonographic Performance Limited (PPL) is a quite separate licensing body representing producers of *sound recordings* (physical tapes, discs and records) on which *original copyright musical works* (controlled by *PRS for Music*) may be carried. So, where music is played from discs or tapes a *PRS for Music* and a PPL licence may be necessary.

For PPL **Tel:** 020 7534 1000 **Fax:** 020 7534 1111 **Website:** www.ppluk.com

5. Isn't the "educational" use of music exempt?

Only in a very limited way. So far as *original copyright musical works* controlled by *PRS for Music* are concerned (as distinct from *sound recordings*), copyright legislation provides, in effect, that music as part of the activities of an educational establishment (meaning a regular state or independent school) for teachers and pupils is not an infringement. However, this provision relates to music in school lessons, not to commercial dance tuition schools outside the general school curriculum.

6. Do I need to declare takings from children's tap and ballet classes?

Takings from classes including copyright music such as modern jazz, pop and stage show numbers must be declared. If the *only* music used in a class is entirely in the public domain (e.g. non-copyright classical music) or specially written by *non-members* of *PRS for Music* or other society, then exclude those particular takings. If in doubt, please provide *PRS for Music* with details of the music used.

7. Do I have to pay VAT?

Yes. Whether you are registered for VAT or not, *PRS for Music* is required by H M Revenue and Customs to invoice VAT at the relevant rate on its royalty charges.

8. Where does the money go?

All the money *PRS for Music* (excluding MCPS) receives is paid out in royalties to UK copyright owners and to affiliated societies overseas, with only essential administration costs being deducted.

9. How can I contact *PRS for Music* for further advice or apply for a licence?

Existing licence holders

Tel **0845 309 3090**

E-mail customerservice@prsformusic.com

Applicants for a new licence

Tel **0800 068 4828**

E-mail musiclicence@prsformusic.com