

# Tariff for Cinematographic Performances



(Tariff 'C')

Effective from 1st January 2023

**Applies to:** the performance of copyright music within PRS for Music's repertoire in the course of, or in connection with, the exhibition of films, at cinemas or other premises at which the commercial exhibition of films regularly takes place on not fewer than three days weekly for a period of not less than four months during the year. Licences issued under this tariff shall cover the following categories of public performance of PRS for Music's repertoire:

As an accompaniment to the exhibition of films including filmed advertisements whether the repertoire is performed by means of the sound track of a film or otherwise;

Performances for intermission, play in, and play out purposes;

Performances of music in a cinema foyer and all other areas under the control of the licensee, but only as a relay of music being performed in one of the auditoria or the music comprised in forthcoming attractions, provided that the foyer or other area does not have seating accommodation used for the purposes of a café or otherwise for the consumption of refreshments;

Performances in the form of not more than three items of variety entertainments introduced before, during or after each exhibition or the complete picture programme.

## 1. Annual Royalty

<b>1.1</b> The annual royalty payable by a licensee under this tariff shall be...	1% of the licensee's Actual Receipts
<b>1.2</b> The MINIMUM annual royalty per licensee shall be...	€ 273.66

## 2. Annual Returns

Not later than the last day of the renewal month in each licence year, a Licensee under this tariff shall furnish to PRS for Music a statement, certified by an accountant who is qualified to be appointed auditor to a public company or who is approved by PRS for Music showing the Actual receipts for the preceding licence year.

If the licensee does not comply with this requirement PRS for Music will assess the royalty for the next licence year on the money holding capacity.

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### 3. APPLICATIONS FOR LICENCES

i. Applicants for a licence under this tariff are required to give *PRS for Music* such information on the appropriate form as may be reasonably necessary to enable *PRS for Music* to decide whether the tariff is applicable. *PRS for Music* shall not reasonably withhold the grant of a licence to an applicant who requires a licence for the public performance of *PRS for Music's* repertoire given in the course of, or in connection with, the exhibition of films and falling within this tariff.

ii. *PRS for Music* is not bound to offer a licence or permit under this tariff in respect of any performances unless application has been made in advance of the performance.

### 4. EXCLUSIONS

This tariff does not apply to performances of *PRS for Music* repertoire other than those expressly mentioned in paragraph 1. hereof, and any licence granted by *PRS for Music* under this tariff is subject to the condition that the licensee shall notify *PRS for Music* of all entertainments or events with music held at the premises licensed under this tariff and shall pay all royalties due therefore in accordance with the appropriate tariff.

In particular, and without prejudice to the generality of the preceding sub-paragraph, this tariff does not apply to performances of *PRS for Music* repertoire given in the course of, or in connection with, entertainments to which there is no charge for admission either in money or money's worth, other than entertainments taken into account for the purpose of calculating the actual receipts in accordance with paragraph 4. hereof.

### 5. VALUE ADDED TAX

Every licensee under this *PRS for Music* tariff 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.

### 6. INFLATION ADJUSTMENT

*PRS for Music* reserves the right, without notice, to increase the monetary rates in this tariff from time to time provided that cumulatively those increases shall not exceed contemporary increases in the official Index of Retail Prices.

### 7. DEFINITIONS

**Accounting period** normally means the period following the last Thursday in any relevant calendar year and ending on the last Thursday in the following calendar year.

**Actual receipts** means all box office admission charges received by the Licensee during the Accounting period (excluding any element thereof in respect of Value Added Tax and any other payments levied as a matter of law on Actual receipts) in connection with any exhibition of films to which this tariff applies and, where admission is by advertising or advertisers' tokens or vouchers in lieu of cash or otherwise paid for in money's worth, the amount which would have been paid had normal prices been charged.

**Film** means a recording on any medium from which a moving image may by any means be produced.

**Licensee** means the company or persons to whom *PRS for Music's* licence is granted.

**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's* repertoire** means all and any musical works (including any associated words), the right of public performance in which it is controlled by *PRS for Music*, or any society in other countries with which *PRS for Music* is affiliated.

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