

TARIFFA GHAL WIRJIET TA' XOGHLIJET MUŻIKALI F'ĊINEMATOGRAFI
TARIFF FOR CINEMATOGRAPH PERFORMANCES

(Tariffa "C")
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Issehh mill-1 ta' Jannar, 2009
Effective from 1st January 2009

1 L-ISKOP TAT-TARIFFA
SCOPE OF THE TARIFF

Din it-tariffa t'applika għal wirjiet pubbliċi ta' mużika tutelata bid-dritt ta' l-awtur fi hdan r-ripertorju tas-Socjeta' fil-funzjonijiet u avvenimenti fil-kors jew in konnessjoni ma, esibizzjoni ta' films, go 'cinemas' jew post ieħor fejn isiru esibizzjonijiet regolari ta' films kummerċjali ta' mhux anqas minn tlett' ijiem fil-gimgha għal perjodu ta' mhux anqas min erba' xhur fis sena, u licenzji mahruġa taht dina t-tariffa jkunu jkopru dawn il-kategoriji ta' mużika pprezentata fir-ripertorju tas-Socjeta'.

This tariff shall apply to public performances of the Society's repertoire given 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, and licences issued under this tariff shall cover the following categories of public performances of the Society's repertoire.

- (i) akkompanjament f'esibizzjoni ta' 'films' inkluzi 'films' ta' reklami kemm jekk ir-ripertorju jintwera permezz ta' 'sound track' tal-'film' jew anke b'mod ieħor;
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;
- (ii) xogholijiet mużikali fl'intermissjoni, għal-skopijiet ta' 'play in', u 'play out';
performances for intermission, play in, and play out purposes;
- (iii) xogholijiet mużikali fil foyer taċ-'cinema' u fi spazju ta' dan il-bini li jaqa' taht il-kontroll tad-Detentur tal-licenzja, imwassal f'wiehed mill-'auditoria', jew mużika li tiffirma parti minn attrazzjonijiet futuri, basta li l-foyer jew spazju ieħor m'għandux post ieħor fejn nies joqgħodu bil qieghda jew jiġu servuti ikel u xorb.
performances in a cinema foyer and all other areas within the said premises 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 cafe or otherwise for the consumption of refreshments;
- (iv) xogholijiet mużikali fil-forma ta' mhux aktar minn tlett tipi ta' varjeta murija qabel, waqt jew wara kull esibizzjoni tal-programm kollu.
performances in the form of not more than three items of variety entertainments introduced before, during or after each exhibition of the complete picture programme.

2 FEJN MA' TAPPLIKAX IT-TARIFFA
EXCLUSIONS

Din it-tariffa ma' tapplikax għal wirjiet pubbliċi fir-ripertorju tas-Socjeta', hlief dawk imsemmija f'paragrafu 1. hawn fuq, u kull licenzja mogħtija mis-Socjeta' taht din it-tariffa hija sugġetta għal kundizzjoni li id-Detentur irid jinnotifika lis-Socjeta' kull wirja jew avveniment jew xogħol mużikali ieħor miżmum fl-istabbiliment licenzjat taht din it-tariffa w jrid iħallas id-drittijiet kollha dovuti skond it-tariffa.

This tariff does not apply to performances of the Society's repertoire other than those expressly mentioned in paragraph 1. hereof, and any licence granted by the Society under this tariff is subject to the condition that the licensee shall notify the Society 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.

Partikolarment, u minghajr pregudizzju għal dak kollu li intqal fil-paragrafu preċedenti, din it-tariffa ma' tapplikax għal xogħolijiet mużikali fir-ripertorju tas-Socjeta' mogħtija jew in konnesjoni ma' esebizzjoni fejn m'hemmx hlas ta' flus għad-dhul, bi flus jew b'mod ieħor, oltre esebizzjonijiet meħuda akkont għall-iskop biex wieħed jikkalkula id-dhul attwali skond il-paragrafu 4 ta' din it-tariffa, *In particular, and without prejudice to the generality of the preceding sub-paragraph, this tariff does not apply to performances of the Society's 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.*

3 DEFINIZZJONIJIET DEFINITIONS

Għall-iskop ta' din it-Tariffa :
For the purpose of this tariff:

- (a) "Dhul attwali" jfisser kull dhul mill-'box office' riċevut mid-Detentur matul is-sena kontabbli (barra kull element ieħor f'dak li għandu x'jaqşam mat- Taxxa fuq il-Valur Miżjud u kull pagament ieħor miġbur skond il-Liġi fuq riċevuti attwali) b'konnessjoni ma' kull esebizzjoni ta' films ;li tagħha t'applika dina t-tariffa u, fejn id-dhul jsir b' riklam jew 'token' jew 'vouchers' minflok flus jew valur ta' dawk il-flus, fl-ammont li kieku kien jiġi mħallas id-dhul normali li kien jiġi mitlub.

"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.

- (b) "Cinema site" tfisser post b'aktar minn skrin wieħed jew aktar li jappartjenu lill-istess sid jew operatur.

"Cinema site" means cinema premises with one or more screens owned or operated by the same person

- (c) "Film" jfisser wirja fuq kull mezz min fejn stampa tiċċaqlaq tkun tista tigi prodotta.

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

- (d) "Money Holding Capacity" tfisser għal kull mod ta' divertiment, is-somma kollha imħallsa għad-dhul fuq kull sigġu fl'istabbiliment fejn tali divertiment jiġi miżmum, tnaqqis ta' Taxxa fuq il-Valur Miżjud, jew kull taxxa governattiva oħra jew xi impozizzjoni ta' natura simili li tkun in forza f'dak iż-żmien.

"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.

4 NOTIFIKA ANNWALI ANNUAL RETURNS

Mhux anqas minn l-aħħar jum tax-xahar meta tiskadi kull liċenzja, id-Detentur taht din it-tariffa jrid jissupplixxi lis-Socjeta' rendikont mahruġ minn 'accountant' kwalifikat sabiex jkun appuntat awditur ta' kumpanija pubblika jew li jiġi approvat mis-Socjeta' fejn juri l-irċevuti attwali għas-sena tal-liċenzja preċedenti.

Not later than the last day of the renewal month in each licence year, a Licensee under this tariff shall

furnish to the Society a statement, certified by an accountant who is qualified to be appointed auditor to a public company or who is approved by the Society showing the Actual receipts for the preceding licence year.

Jekk id-Detentur ma' jagħmilx dan, is-Socjeta' t'assessja id-drittijiet għas-sena segwenti fuq il-'money holding capacity'.

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

5 DRITTIJET ANNWALI ANNUAL ROYALTY

- 5.1 Id-dritt annwali li jithallas mid-Detentur taħt din it-tariffa jkun:
The annual royalty payable by a licensee under this tariff shall be:
- 1%
tal-irċevuti attwali tad-
Detentur
of the licensee's Actual
Receipts
- 5.2 Il-MINIMU ta' l-ammont tad-dritt annwali għal kull Detentur jkun:
The MINIMUM annual royalty per licensee shall be:
- € 215.91 / LM92.69

6 APPLIKAZZJONI GHAL LICENZJI APPLICATIONS FOR LICENCES

(i) Min japplika għal liċenzja taħt din it-tariffa jrid jissupplixxi lis-Socjeta' dik l-informazzjoni fuq il-formola addattata tas-Socjeta' sabiex ikun raġionevolment neċessarju għas-Socjeta' tiddeċidi jekk it-tariffa hija applikabbli. Is-Socjeta' maż-żommx lura milli tikkonċedi liċenzja lill-applikant li għandu bżonn għal wirjiet pubbliċi tar-ripertorju tas-Socjeta' mogħti fil kors ta', jew b'konnessjoni ma, l-esebizzjoni ta' films li jaqaw taħt din it-tariffa.

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

(ii) Is-Socjeta' mhijiex marbuta li toffri liċenzja jew permess taħt din it-tariffa rigward wirjiet pubbliċi jekk l-applikazzjoni ma' ssirx qabel il-wirja.

The Society 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.

7 TAXXA FUQ IL-VALUR MIŻJUD VALUE ADDED TAX

Kull Detentur ta' Liċenzja taħt it-tariffi tas-Socjeta' jhallas lis-Socjeta', b'zieda mad-dritt dovut, somma import ta' Taxxa fuq il-Valur Miżjud kalkolata skond ir-rata rilevanti fuq dak id-dritt.

A licensee under this tariff shall pay to the Society, in addition to the royalty due under this tariff, a sum in respect of Value Added Tax calculated at the relevant rate on the royalty payable.

8 REVIŻJONIGHALL-INFLAZZJONI INFLATION ADJUSTMENT

Is-Socjeta' żżomm id-dritt, mingħajr avviż, li żżid ir-rati monetarji f'din it-tariffa minn żmien għal żmien, basta illi kumulattivament tali żiediet ma jaqbzux żiediet kontemporanji fir-rati ufficjali tal-inflazzjoni skond kif maħruġa mill-Ufficju Ċentrali ta' l-Istatistika. (L-Indiċi tal prezzijiet bl-immnuta Frar 2005 = 105.33; Diċembru 2002 = 100)

The Society 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 rates of inflation as issued by the Central Office of Statistics. (Retail Price Index Feb 2005 = 105.33; Dec 2002 = 100)