

General conditions: Applicable to tariffs & licences



(2007.06)

1. Tariffs

1.1 Tariffs are published by the Society for general information; the publication of a tariff does not constitute an offer to grant permission under that or any other tariff. The appropriate tariff or rate of royalty applicable to a music user will be determined by the Society on the basis of all relevant circumstances.

1.2 The Society does not undertake to offer a licence or permit at the rates of charge shown under a tariff in respect of any performance which may take place before a licence is issued.

1.3 An applicant for a licence is required to give such information as may be necessary to enable the Society to decide which tariff is applicable and determine the initial royalty payable. If the Society offers a form it must be completed.

2. Annual return

2.1 If so required the Licensee shall not more than 30 days (in the case of Tariff 'D' this shall be 42 days) after the end of the licence year, or of receiving such a request, provide such information on the Society's reassessment form, or as otherwise agreed, as will enable the Society to calculate the royalty due.

2.2 Where the information includes declarations of auditable data such as expenditure on the provision of music and/or of amounts received by way of receipts for lettings, box office receipts or other such financial data, it may be required to be certified by an accountant who is qualified to be appointed auditor to a public company or who is approved by the Society for the purpose, showing for example the Licensee's total expenditure on the provision of music, and/or gross letting receipts during the preceding licence-year.

3. Payment of royalties

3.1 Royalties are generally payable annually in advance against the Society's invoice, at the commencement of each licence and then on each renewal date for the licence as invoiced, or as soon after that date as the invoice is delivered.

3.2 Where a Licensee has paid an estimated amount, in advance, on account of royalties, that amount will be adjusted at the end of the licence-year based on the details of entertainments held during that year as declared by the Licensee on the appropriate PRS form. These details will also form the basis of an on-account charge for the ensuing year.

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Representing music creators and publishers of music
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3.3 If a Licensee does not complete and return the Society's reassessment form referred to in Condition 2.1 or fails to provide certified accounts as referred to in Condition 2.2, the Society shall be entitled to estimate the relevant figures and submit an invoice for royalties in accordance with that estimate. Any such estimate shall be adjusted to conform to the actual figures when the Licensee has furnished the requisite details.

3.4 Where the Society issues a permit for an occasional function or series of functions, the royalties due under that permit are payable against the Society's invoice, or as otherwise stipulated by the Society.

3.5 All royalties are charged at the royalty rate in force at the beginning of the licence-year for which they are due or, in the case of a permit, on the date of the event which it covers.

4. Programme details

If so required, a Licensee shall furnish the Society, on forms which will be provided by the Society, or as otherwise agreed, with such particulars of the musical works publicly performed at the entertainments as are reasonably required to enable the royalties paid to be distributed to the parties interested in those works.

5. Right of entry

The Society, by its auditor or agent, shall have the right of access during normal business hours, and by arrangement with the Licensee, to any premises licensed by the Society, solely for the purpose of checking the particulars on which the royalty payable is calculated, for which purpose the Licensee shall make available all necessary records.