



PRS for Music

Performing Right Society – Letters of Direction Implementation Information

October 2024

PRS for Music Limited

Performing Right Society – LOD Implementation Information

Part A – Documentation to be submitted

For PRS to implement a 'writer's share' Notice/Letter of Direction (LOD) requiring PRS to make payments to a third party, PRS requires the following documentation:

1. Where a writer member wishes to direct PRS to pay their 'writer's share' to a third party but has **not** made any underlying assignment of their 'writer's share':
 - A Letter of Direction (LOD), signed by the writer member. PRS' LOD template can be tailored/completed accordingly.
2. Where a writer member wishes to direct PRS to pay their 'writer's share' to a third party in connection with an **underlying assignment** of their 'writer's share':
 - A Letter of Direction (LOD), signed by the writer member. PRS' LOD template can be tailored/completed accordingly; and
 - A copy of the assignment agreement between the writer/assignee.

The commercial terms of the assignment agreement can be redacted accordingly, PRS just requires evidence that the assignment of the writer's 'writer's share' has taken place (otherwise PRS will treat the LOD as being revocable).

3. In both cases:
 - If a finite schedule of works has been assigned, this schedule must be supplied in Excel format, preferably listing the PRS tunecodes (PRS is unable to work with scanned lists, unless it's fewer than 30 titles).
 - If the majority of the writer's catalogue has been assigned, the parties should confirm which works are excluded from the deal as this speeds up the processing at PRS' end.
 - If the *entire* catalogue including all future compositions has been assigned, this can be stated in the LOD and it is not necessary to supply PRS with a works schedule.
 - If the assignee is based outside of the UK: we require a copy of the relevant documentation confirming their tax residency.
 - If payments are to be made to non-UK bank account: our relevant PRS overseas bank form must be completed (we can forward this on request).

*[Note, PRS's Policy on Assignments and Letters of Direction with respect to the PRS writer's share (the "**Policy**") sets out conditions that must be satisfied in order for PRS to implement a work-specific assignment. For more information, please refer to the Policy on our website.]*

Part B – Implementation Process

Internal review:

Once the above documentation has been received, all LOD requests are reviewed internally before PRS can confirm implementation.

Effective date of implementation:

PRS can only implement LODs effective from a future distribution point.

LOD set-up fee:

PRS applies a one-off £400 set-up fee to implement each individual LOD if: a) the payee is not a PRS member and, b) split-accounting is required between the writer/payee (i.e. the payee is not to receive 100% of the writer's share for the writer's entire catalogue including future works). If the payee is UK-based VAT will be added to this fee.

Examples of cases where PRS cannot proceed:

There may be reasons why PRS is unable to implement an LOD. Please see our Policy and FAQs on our website for further details. This includes:

- if the writer has received an advance under PRS's advances scheme or is otherwise in debt to PRS (e.g. has a negative balance on their PRS account); if the writer has already assigned the income to one or more third parties; and/or if the writer's income has already vested by operation of law in any third party, including any Trustee in Bankruptcy. It is part of the assignee's due diligence to establish the above.
- where a work-specific assignment does not meet all of the conditions set out in the Policy, there will not be an automatic waiver of the prohibition on work specific assignments. A writer can ask PRS to consider a waiver on an exceptional case-by-case basis but this is at PRS's discretion – please see the Policy for further information.

Implementation timescales:

Following the internal review and confirmation by PRS that an LOD can be implemented in accordance with the Policy, LODs can then take several weeks for PRS to implement (depending on volumes and complexity) and therefore parties are advised to submit documentation three months in advance of a specific distribution, otherwise implementation will be effective from subsequent PRS distribution points. Pay-through from any interim PRS distributions prior to implementation must be settled between the writer and the assignee.

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