

Educational Establishments Tariff 'EE' (2008.02)



Effective from 1st February 2008 to 31st January 2009
(Also showing previous year's details in brackets)

1. Scope of tariff

This tariff applies to performances of copyright music (including any words associated therewith) which is controlled by The Performing Right Society Limited ('PRS') or any of the societies in other countries with which PRS is affiliated, at:

- schools which are wholly or partially government-funded. 'Schools' includes all primary and secondary schools – or any combination thereof – including special schools
- independent ('private' and 'public') schools
- schools, when the school provides extended hours care for pupils
- nurseries, pre-schools or playgroups forming part of any school.

This tariff does not apply to:

- performances specified in section 34 of the Copyright, Designs and Patents Act 1988 as amended (see page 3);
- 'grand right works' ('dramatico-musical works' and ballets), for which permission must be sought direct from the appropriate rights owner (see page 3).

2. Exclusions

The following are excluded from the tariff and licensed separately by PRS:

- performances at sixth form colleges, universities and other institutions of further or higher education, and their student unions
- gyms or leisure centres, in dedicated areas or buildings, open to individuals not associated with the schools and/or operated commercially
- featured music at events, or in facilities, run by a party other than the school *or* where any profit or benefit does not go entirely to the school. This includes, but is not limited to, concerts, festivals, theatrical performances, dance and aerobic classes
- any other commercial uses that could not reasonably be considered part of schools activities and would be licensable under other PRS tariffs
- performances at any other premises
- performances at nurseries, pre-schools and playgroups on separate sites.

3. General conditions

This tariff is subject to PRS's General Conditions Applicable to Tariffs and Licences, available on request from PRS.

4. Royalty rates

Where the music user *has* applied for and obtained PRS's licence before musical performances commence, the **standard** royalty rate will be charged and payable for the first year of the licence.

Where the music user *has not* applied for and obtained PRS's licence before musical performances commence, the **higher** (standard plus 50%) royalty rate will be charged and payable for the first year of the licence.

After the first year of the licence, in either case, the **standard** royalty rate will be charged and payable.

The following rates of charge apply to all royalties falling due between 1st February 2008 and 31st January 2009 inclusive of both dates.

	Higher Royalty	Standard royalty
4.1 General performances The annual royalty for each school, for a licence under this tariff covering school performances of PRS-controlled musical repertoire (unless excluded above) such as: <ul style="list-style-type: none"> • use during school activities • unlimited featured music at school events for 201 to 250 pupils on the school roll at the start of the academic year, is:	£104.52 (£100.50)	£69.68 (£67.00)
4.2 for each unit of 50 pupils thereafter.....	£14.82 (£14.25)	£9.88 (£9.50)
4.3 For up to 200 pupils (or part thereof)	£93.60 (£90.00)	£62.40 (£60.00)

5. Value Added Tax

Every Licensee under this tariff will pay to PRS 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

Every year on 1st February the rates in section 4 will be adjusted for inflation. The adjustment formula will apply to the standard rates the mean (to the nearest whole percentage point) of the percentages by which the Retail Prices Index and the Average Earnings Index (unadjusted) change for each September.

September is the latest month prior to the anniversary date for which figures are published for both indices.

After application of the percentage adjustment the standard royalty rates are rounded to the nearest penny.

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

7. Information to be supplied by Licensees

Every Licensee under this tariff will, if requested from time to time, supply to PRS or its authorised agent:

- a statement of the total number of pupils on the school roll at the start of the academic year;
- such other particulars as may reasonably be required.

Notes to Tariff 'EE'

February 2008



1. What is PRS?

The Performing Right Society Limited is the UK association of composers, songwriters and music publishers. It administers the performing right in their music, in relation to the provisions of the Copyright, Designs and Patents Act, 1988 (as amended).

2. What is a PRS licence and who needs one?

PRS's general practice is to grant its licence to the proprietors of, or other bodies responsible for, premises where performances of music take place. The licence authorises the public performance of any of the millions of the works in its international repertoire. The licence is necessary for the public performance of copyright music controlled by PRS, regardless of the nature of the entertainment (excepting 5. and 6. below) or the kind of premises at which the performance takes place. There are particular arrangements for educational establishments, as follows.

3. Does a school, college, etc need a PRS licence?

Yes, to authorise the public performance of copyright music controlled by PRS.

Government-funded establishments

Since April 1999 CEFM (the Centre for Education and Finance Management Limited) – see 11. below - has acted as PRS's authorised licensing agent to administer the collection of licence royalties for the majority of UK school premises (sometimes via a Local Education Authority).

Independent ('private' & 'public') schools

CEFM also acts as PRS's agent in licensing these schools.

Colleges of Further Education

Colleges of Further Education are licensable under a tariff ('FE') also administered for PRS by CEFM.

Universities

PRS itself issues licences direct (under Tariff 'UC') to **universities** and similar institutions of higher education.

4. What's included in Tariff EE?

All performances of music as part of school-run activities, including events run for a profit where the profits go entirely to the school (e.g. PTA events).

These performances might include:

1. Concerts, music recitals, etc (not including 'dramatico-musical works' such as Disney or West End musicals – see Note 6)
2. Extra-curricular clubs and classes
3. Breakfast and after-school clubs (for pupils at the school)
4. Holiday clubs (for pupils at the school)
5. Background music, including background music in eating areas and staff rooms
6. Parent Teacher Association events
7. School discos and dances
8. Social clubs for pupils and teachers
9. Use of premises by non-profit organisations (such as local clubs or community groups), where the attendance does not exceed 40 people
10. Use in school-owned vehicles used for school activities
11. School fetes
12. School sports events
13. Music on hold on school telephone systems.

In addition, remember that PRS does not charge for:

14. Use of premises as rehearsal space
15. Music performed as part of the curriculum
16. Use of premises for a family party.

5. Are there musical performances which PRS may not license?

Yes. The *first* subsection of **section 34** of the **Copyright, Designs and Patents Act 1988** provides:

- (1) *The performance of a literary, dramatic or musical work before an audience consisting of teachers and pupils at an educational establishment and other persons directly connected with the activities of the establishment -*
- (a) *by a teacher or pupil in the course of the activities of the establishment,*
 - or
 - (b) *at the establishment by any person for the purposes of instruction,*
- is not a public performance for the purposes of infringement of copyright.*

[Subsection (3) goes on to say that *A person is not for this purpose directly connected with the activities of the educational establishment simply because he is the parent of a pupil at the establishment.*]

Accordingly, PRS does not require to issue a licence for music use as part of the curriculum.

6. Is there any music which PRS does not control and license?

Yes. For further details about the borderline of rights administered by PRS in relation to theatrical performances please ask for PRS' leaflet *Music in Theatres*, but in the context of productions which may occur in schools, PRS does **not** control, in summary:

(a) Grand Right Works, namely:

(i) Dramatico-musical works

Staged or full concert performances of operas, operettas, musical plays, revues and pantomimes in so far as they consist of words and music written specially for them; and what are termed '**dramatic excerpts**' from dramatico-musical works. However, where musical items do not exceed 25 minutes, do not constitute a 'potted version' or a complete act, the non-dramatic (concert) performance of copyright music from operas, musical plays and the like is controlled by PRS.

(ii) Ballets

Performances of ballet, whether the music has been specially composed for the ballet or not, if "accompanied by a visual representation of ballet" (meaning, in practice, that there are ballet dancers or even puppets).

(b) Music specially written for a dramatic work (eg incidental music to a play): when performed in, or in conjunction with that dramatic work.

(c) Cantata-musicals *if* dramatised as musicals and PRS has handed back the performing right to the copyright owner (see **7.** below).

(d) Music in the Public Domain when performed in its *original* form. Generally speaking, the period of copyright protection is the life of the last-surviving creator and 70 years thereafter. However, PRS normally controls copyright adaptations (eg arrangements, transcriptions, translations, settings and editions) of works drawn from the Public Domain.

Permission must be sought direct from the copyright owner (often a music publisher) before copyright works outside PRS's control can lawfully be performed. It is essential that you obtain such permission before beginning rehearsals, especially in the case of popular musical plays ('musicals').

7. Cantata-musicals

(a) When the cantata-musical is sung **in concert** as a cantata (without any staged elements), PRS normally controls and licenses.

(b) However, when a cantata-musical is **dramatised** as a musical (staged with elements such as acting, lighting, costume, etc), it may well be that a special arrangement has been made whereby PRS has handed back the performing right to the copyright owner (normally the music publisher), in which case a licence will be required from that copyright owner. If no such arrangement has been made, then PRS controls and licenses. Please read carefully any notice on this point printed in the vocal score, libretto or other edition of the work. If in doubt, contact the publisher before any rehearsals take place.

8. Pantomimes

Generally, PRS regards the use in pantomimes of pre-existing musical works in its repertoire as being covered under its 'blanket' licence with individual educational establishments, local authority, representative body, or agent such as the CEFM.

Please note that PRS does not control the use of excerpts from dramatico-musical works (musical plays, etc.) if excerpts are presented in a manner which, by dramatic action, costume, scenery or other visual effects, portrays the writers' original conception of the work from which the excerpt is taken. Such 'dramatic excerpts' require authorisation direct from the copyright owner (e.g. a music publisher or other company).

9. Are programme returns required?

It is a condition of PRS' blanket licence that, *if requested*, details (including titles, composers' and publishers' names, etc) of all musical works performed should be returned by the licence holder to PRS or its authorised agent.

10. Adaptations of works

PRS cannot authorise any alteration of lyrics, the adaptation of a musical work, or the photocopying of sheet music. Prior authorisation *must* be obtained from the copyright owner (usually the music publisher).

11. Further enquiries

For general enquiries please contact PRS's authorised agent **CEFM** as follows:

<p>The Centre for Education & Finance Management Ltd Red Lion House 9-10 High Street High Wycombe Bucks HP11 2AZ</p>	<p>Telephone: 01494 473014 Fax: 01494 751423 E-mail: prs@cefm.co.uk Website: www.cefm.co.uk</p>
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For musical performances outside the Scope of Tariff EE, please contact **PRS** direct:

<p>Performing Right Society Ltd Public Performance Sales 29-33 Berners Street London W1T 3AB</p>	<p>Telephone: 0845 300 6033 E-mail: musiclicence@prs.co.uk Website: www.prs.co.uk</p>
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12. Who's who of other music industry organisations?

CCLÉ	<p>Christian Copyright Licensing (Europe) Ltd Chantry House, 22 Upperton Road, Eastbourne, East Sussex, BN21 1BF Tel: 01323 436103 Fax: 01323 436112 Website: www.ccli.co.uk CCLÉ issues licences to schools (and churches) to reproduce the words, and record (audio or video) the music during Collective Worship, of over 120,000 hymns and worship songs from more than 1,200 catalogues. As agent for PRS, CCLÉ also administers the PRS Church Licence to cover musical performances in churches, certain church halls and Christian bookshops.</p>
CLA	<p>Copyright Licensing Agency Ltd Saffron House, 6-10 Kirby Street, London, EC1N 8TS Tel: 020 7400 3100 Fax: 020 7400 3101 Website: www.cla.co.uk UK reproduction rights organisation issuing licences, within limitations, to copy extracts from most books, journals and periodicals published in the UK and certain publications in other countries.</p>
ERA	<p>Educational Recording Agency New Premier House, 150 Southampton Row, London, WC1B 5AL Tel: 020 7837 3222 Fax: 020 7837 3750 Website: www.era.org.uk Issues licences to educational establishments and local education authorities to record broadcast programmes for educational purposes.</p>
FACT	<p>Federation Against Copyright Theft 7 Victory Business Centre, Worton Road, Isleworth, Middx TW7 6ER Tel: 020 8568 6646 Fax: 020 8560 6364 Website: www.fact-uk.org.uk An investigative organisation funded by major British and US film, video and TV companies to combat counterfeiting, piracy and misuse of their copyright products.</p>
Filmbank	<p>Filmbank Distributors Limited Warner House, 98 Theobald's Road, London WC1X 8WB Tel: 020 7984 5966 Fax 020 7984 5951 Website: www.filmbank.co.uk Filmbank represents most of the Hollywood and independent film studios and issues "non-theatrical licences" for public screenings taking place outside of the cinema or home.</p>
MCPS	<p>Mechanical Copyright Protection Society Limited Elgar House, 41 Streatham High Road, London SW16 1ER Tel: 020 8378 7500 Fax: 020 8378 7501 Website: http://www.mcps-prs-alliance.co.uk The licensing body formed to collect payment on behalf of music publishers where copies (recordings) are made of pieces of music whose copyright is owned by publisher-members of MCPS.</p>
MU	<p>Musicians' Union 60-62 Clapham Road, London SW9 0JJ Tel: 020 7582 5566 Fax: 020 7582 9805 Website: www.musiciansunion.org.uk The organisation representing the vast majority of British professional musicians.</p>
PPL	<p>Phonographic Performance Limited 1 Upper James Street, London, W1R 3HG Tel: 020 7534 1000 Fax: 020 7534 1111 Website: www.ppluk.com The licensing body formed by the British recording industry for the collection and distribution of revenue in respect of the copyright in UK public performance and broadcasting of <i>sound recordings</i>, which mostly carry original copyright <i>musical works</i> controlled by PRS. Licences from PRS and PPL may be required if commercial recordings are played in public. *</p>
VPL	<p>Video Performance Limited 1 Upper James Street, London, W1R 3HG Tel: 020 7534 1400 Fax: 020 7534 1414 Website: www.vpluk.com The licensing body set up for the collection and distribution of revenue in respect of the UK public performance and broadcasting of <i>video recordings</i>, which mostly carry original copyright <i>musical works</i> controlled by PRS. *</p>
* Note	<p>Under UK copyright law there are separate rights in the public performance of <i>musical works</i> and their lyrics (normally controlled by PRS), in contrast to the public performance of the <i>sound recordings</i> or music <i>videos</i> carrying those works (controlled by PPL and VPL, respectively).</p>