

Holiday centres Tariff 'HC' (2008.02)



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

1. Scope of tariff

This tariff applies to public performances of copyright music within the Society's repertoire* at holiday centres.

2. General conditions

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

3. Royalty rates

3.1 The rate payable in respect of the first licence year by any licensee who has not within the previous 12 months held the Society's licence is increased by fifty per cent (**higher** royalty) unless a licence has been applied for and obtained before musical performances in public commence.

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

3.2 Subject to clauses 3.3 to 3.5 below, the annual royalty payable by each holiday centre for a licence under this tariff shall be calculated by reference to Actual Bed Nights* in each tariff year and by the application of clause 5 hereof to the following sum for each such Actual Bed Night:

| | Higher royalty | Standard royalty |
|--|------------------------------|------------------------------|
| For the period 1st January 2008 to 31st December 2008..... | 6.971 pence (6.702 pence) | 4.647 pence (4.468 pence) |

3.3 For chalets and similar accommodation sold or rented as a unit the number of Actual Bed Nights shall be deemed to be the full sleeping capacity of the unit multiplied by the number of nights when the unit is occupied unless a record of the Actual Bed Nights is kept in respect of such unit.

- 3.4** In the calculation of Actual Bed Nights no account shall be taken of nights spent by children under two years of age.
- 3.5** In respect of Actual Bed Nights provided for gatherings of a religious purpose, or for gatherings of an educational purpose attended by children (aged 16 or under), the royalty shall be calculated at one-half of the rate which would otherwise be applicable.

4. Value Added Tax

Every licensee under the Society's tariffs will pay to the Society in addition to the royalty due, a sum in respect of Value Added Tax calculated at the relevant rate on the royalty payable.

5. Inflation adjustment

The royalty rate set out in clause 3 above will be adjusted on 1st January 2009 and on each succeeding anniversary of this tariff thereafter by the adjustment specified below.

The adjustment shall be the mean (to the nearest whole percentage point) of the percentages by which the Retail Prices Index and the Index of Average Earnings (unadjusted) change for October 2008 (and subsequently for October of the following years), when compared with their respective figures for October in the previous year. October is the latest month prior to the anniversary date for which figures are likely to be published for both indices.

After application of the mean percentage adjustment the royalty rate is rounded to the nearest one thousandth of a penny.

All royalties shall be calculated at the royalty rate in force at the beginning of the licence year.

6. Certification

- 6.1** The number of Actual Bed Nights upon which the royalty is calculated and the details of any adjustments thereto in accordance with clause 3.3 to 3.5 above shall be certified by an accountant who is qualified to be appointed auditor to a public company but is not an employee of the licensee, or a company in the same group of companies as the licensee.
- 6.2** The certificate specified in clause 6.1 hereof shall certify separately the number of Actual Bed Nights accounted for:
- (i) at full rate under clause 3.2,
 - (ii) at any assumed rate under clause 3.3,
 - (iii) at any nil rate under clause 3.4, and
 - (iv) at half rate under clause 3.5.

In the case of any gathering accounted for at half rate under clause 3.5, the certificate shall also provide a description in general terms of the nature of the gathering.

- 6.3** Any licensee accounting for Actual Bed Nights under clause 3.5 shall, at the written request of the Society and in confidence, supply the Society with such information as the Society may reasonably require to prove entitlement to the half rate.

7. Period of this tariff

This tariff came into force with effect from 6th January 1991 and shall remain in force indefinitely unless or until it is varied by Order of the Copyright Tribunal.

8. Definitions

- **Actual Bed Night** means a night spent by customers/guests at a holiday centre so that, on any night of any licence year, the number of Actual Bed Nights shall be equal to the number of holiday centre guests and customers staying overnight at the holiday centre.
- **the Society** means the Performing Right Society Limited.
- **the Society's repertoire** means all and any musical works (including any words associated therewith), the right of public performance in which is controlled by the Society or by any of the societies in other countries with which the Society is affiliated.

Tariff 'HC' was established by the Copyright Tribunal under powers granted by the Copyright, Designs and Patents Act, 1988. This document represents a statement of the main provisions of that tariff. A full copy of the Order of the Copyright Tribunal is available on request.

2008.01 edition