

Public Houses

Tariff 'P' (2007.10)



Effective from 1st October 2007 to 30th September 2008
(Also showing previous year's details in brackets)

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1. Scope of tariff

- 1.1 This tariff, which supersedes previous editions of Tariff 'P', applies to performances* of copyright music (including any words associated therewith) which is controlled by the Performing Right Society Ltd ('PRS'), including that assigned to PRS by any of the societies in other countries with which PRS is affiliated, in public houses, bars, wine bars, normal public house trading rooms (including family or children's rooms) and beer gardens.
- 1.2 Unless particular provision has been made in this tariff, it does not normally apply to musical performances in restaurants, dining rooms, halls, concert rooms or function rooms attached to or forming part of the public house's business. These performances will be charged for under PRS' appropriate tariff(s).

2. General conditions

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

* See Definitions, section 6

3. Royalty rates

Where the music user *has* applied for and obtained PRS' 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' 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 October 2007 and 30th September 2008 inclusive of both dates.

	Higher royalty	Standard royalty
3.1 Featured live music*		
3.1.1 Sessions with no charge for admission the royalty per live music session for the first 100 persons capacity of the room* is	£11.43 (£11.00)	£7.62 (£7.33)
3.1.1.1 and per 25 persons capacity (or part thereof) thereafter	£2.90 (£2.79)	£1.93 (£1.86)
3.1.2 Expenditure option Where there is no charge for admission <i>and</i> the total annual expenditure on the provision of music* by performers* for such sessions is £15,500 (£15,000) or more: By notifying PRS <i>before</i> the start of a licence-year, a licensee under this tariff may request that such featured live music sessions be assessed, for the ensuing licence-year, as a percentage of the annual expenditure for those sessions, as follows:	9% of such expenditure (9%)	6% of such expenditure (6%)
3.1.3 Sessions with a charge for admission: The royalty charge for a whole licence-year, is	4.5% of the gross receipts* (4.5%)	3% of the gross receipts* (3%)
3.1.4 Provided that		
3.1.4.1 PRS will apply the session rates in 3.1.1 & 3.1.1.1 if the gross receipts per session (under 3.1.3) are, on average, less than £254.00 (£244.00).		
3.1.4.2 In the case of incomplete or uncertified declarations of expenditure (under section 3.1.2) or gross receipts (under 3.1.3), PRS may exercise its contractual right of audit and, if appropriate, charge the session rates in 3.1.1 & 3.1.1.1.		
3.1.4.3 For the avoidance of doubt, sessions with no charge for admission and on which is incurred no expenditure on the provision of music by performers will be charged according to section 3.1.1 and, if appropriate, 3.1.1.1.		

* See Definitions, section 6

	Higher royalty	Standard royalty
3.2 Featured recorded music* For any performance type within section 3.2		
3.2.1 Discotheques (with or without dancing)		
3.2.2 Karaoke performances*		
3.2.3 Music quizzes*		
3.2.4 Other featured recorded music the royalty charge per session for the first 100 persons capacity of the room is	£11.43 (£11.00)	£7.62 (£7.33)
and for each 25 persons capacity (or part thereof) thereafter	£2.90 (£2.79)	£1.93 (£1.86)
3.2.5 Featured recorded with featured live music For each session with both featured live music (charged under 3.1) <i>and</i> featured recorded music, the additional charge for the featured recorded music element - for the first 100 persons capacity of the room – is	£5.73 (£5.51)	£3.82 (£3.67)
3.2.5.1 and for each 25 persons capacity (or part thereof) thereafter, is	£1.46 (£1.40)	£0.97 (£0.93)
3.3 Sundry musical performances		
3.3.1 For occasional and spontaneous (ie not pre- arranged or promoted) musical performances, whether instrumental or vocal, by customers or bar employees, the annual royalty is	£100.13 (£96.27)	£66.75 (£64.18)
3.3.2 For musical performances by means of video or film soundtracks in a room or place being specially used for the primary purpose of these shows and with seating arranged accordingly - whether or not there is a bar or serving area for the customers using the facility and whether or not a charge is made for admission - the royalty per session for the first 100 persons capacity of the room is	£5.73 (£5.51)	£3.82 (£3.67)
3.3.2.1 and for each 25 persons capacity (or part thereof) thereafter	£1.46 (£1.40)	£0.97 (£0.93)

* See Definitions, section 6

3.4 Background, electronic or mechanical music*

The annual royalty, per category, is as follows:

3.4.1 Bar area up to 120 square metres	Higher royalty	Standard royalty
3.4.1.1 Stand-alone radio*	£125.15 (£120.33)	£83.43 (£80.22)
3.4.1.2 Stand-alone television* and/or system television*	£100.13 (£96.27)	£66.75 (£64.18)
3.4.1.3 Record and/or compact disc and/or tape player* and/or digital music service*	£250.32 (£240.69)	£166.88 (£160.46)
3.4.1.4 Music centre and/or radio-cassette player and/or CD radio-cassette player*	£311.07 (£299.10)	£207.38 (£199.40)
3.4.1.5 Video player* (with or without television facilities through the same screen)	£150.21 (£144.44)	£100.14 (£96.29)
3.4.2 Bar area 121 square metres or more	Higher royalty	Standard royalty
3.4.2.1 Stand-alone radio*	£187.73 (£180.50)	£125.15 (£120.33)
3.4.2.2 Stand-alone television* and/or system television*	£150.20 (£144.41)	£100.13 (£96.27)
3.4.2.3 Record and/or compact disc and/or tape player* and/or digital music service*	£375.48 (£361.04)	£250.32 (£240.69)
3.4.2.4 Music centre and/or radio-cassette player and/or CD radio-cassette player*	£466.61 (£448.65)	£311.07 (£299.10)
3.4.2.5 Video player* (with or without television facilities through the same screen)	£225.32 (£216.66)	£150.21 (£144.44)

* See Definitions, section 6

3.5 Jukeboxes

3.5.1 The **annual** royalty per machine is:

	bar area up to 120 square metres		bar area 121 square metres or more	
	Higher Royalty	Standard royalty	Higher royalty	Standard royalty
3.5.1.1 Audio jukebox*	£293.99 (£282.68)	£195.99 (£188.45)	£330.48 (£317.78)	£220.32 (£211.85)
3.5.1.2 Video jukebox*	£385.28 (£370.46)	£256.85 (£246.97)	£421.77 (£405.56)	£281.18 (£270.37)

3.6 Minimum annual royalty

The **minimum** annual royalty for a licence under this tariff is

Higher
royalty

£100.13
(£96.27)

Standard
royalty

£66.75
(£64.18)

4. Value Added Tax

Every PRS licensee will pay to PRS, in addition to the royalty due under the appropriate band, a sum in respect of Value Added Tax calculated at the relevant rate on the royalty payable.

5. Inflation adjustment

Except as provided below, every year on 1st October, the flat rate monetary sums in this tariff 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 in the year to the previous May.

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

After application of the inflation adjustment each flat rate royalty will be rounded to the nearest penny. In section 3.1.4.1 the threshold will be rounded to the nearest pound.

In section 3.1.2 the expenditure threshold will be adjusted in comparison with the base figures for May 1999 (at an October 1999 threshold of £12,000) and will be rounded to the nearest five hundred pounds.

For the purposes of computation, each of the standard royalties in section 3.4.2 (for bar areas of 121 square metres or more) is a 50% increase on the corresponding standard royalties in section 3.4.1 (for bar areas up to 120 square metres).

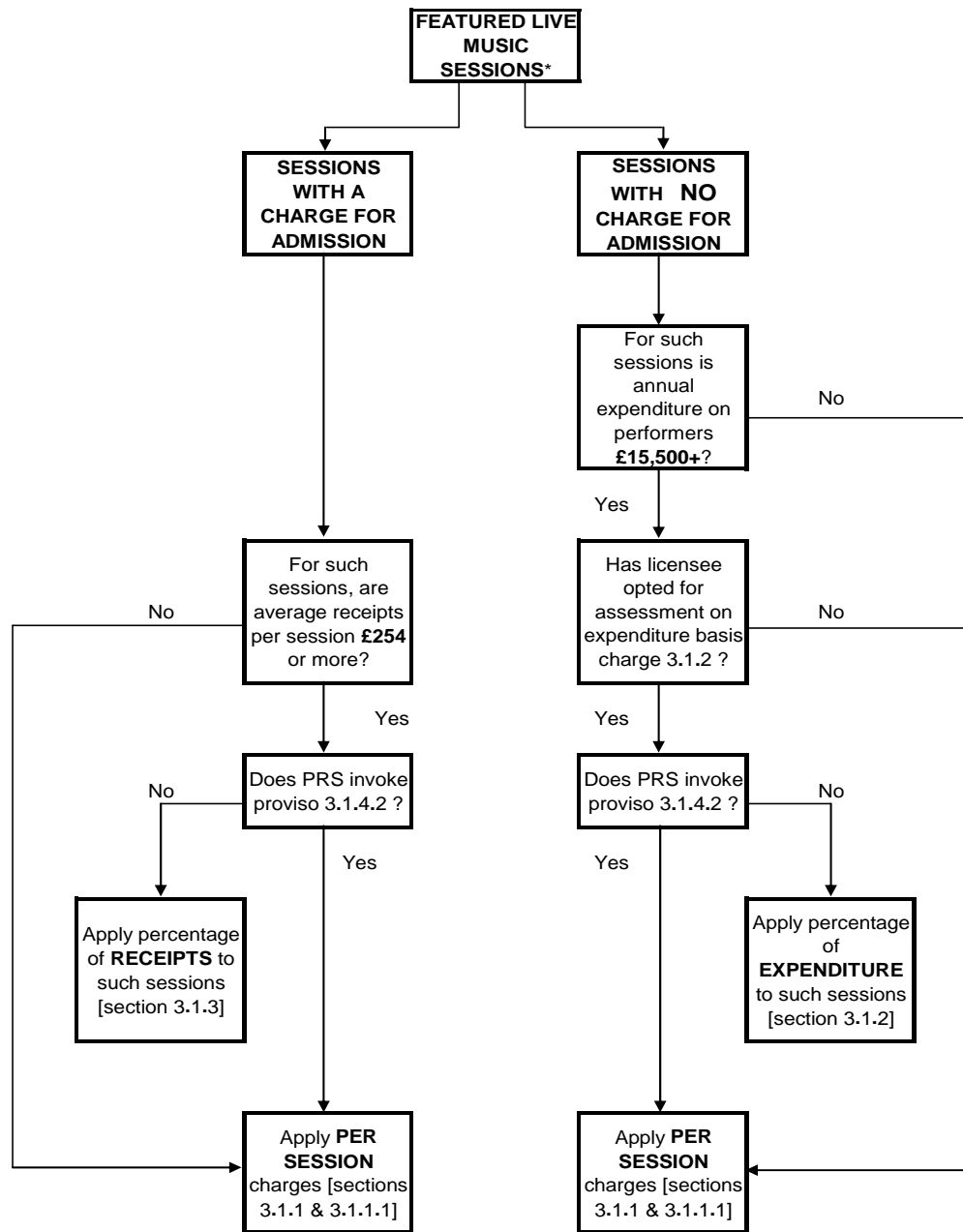
All royalties are charged at the royalty rate in force at the beginning of the licence-year.

* See Definitions, section 6

6. Definitions

- **annual expenditure on the provision of music** means the total of: gross salaries, gross wages, fees, expenses and other emoluments paid to performers (excluding any disc jockeys); and gross fees (net of any Value Added Tax) paid to third parties for the services of performers.
- **audio jukebox** means a machine (other than a video jukebox) for playing recorded music, operated only by the insertion of a coin, token or card. For the purposes of this tariff, audio jukebox also means a combination of units of equipment for playing recorded music from more than one source through a single sound system, as well as any audio jukebox which can be switched to free-play.
- **background, electronic or mechanical music** means music performed by a record player, compact disc player, tape player, or video player otherwise than for featured purposes, or music performed by a radio or television set operated on the premises, or music diffused through a loud-speaker from another part of the premises or a source outside the premises.
- **bar area** means the floor area of all bars excluding the counters and the serving areas behind them but otherwise measured from wall to wall, and including halls and passages which are effectively extensions of the customers' drinking area but excluding function rooms, restaurants and other places where the only musical performances are charged for under tariffs other than Tariff 'P'.
Multiply square feet by 0.092903 to convert to square metres.
- **capacity of the room** is the maximum number of persons which is permitted under Fire Authority or similar regulations, or that which can reasonably be accommodated in the room.
- **digital music service** means a unit, other than a jukebox, capable of reproducing sound from data relayed by cable or satellite in a digital format, and typically giving a choice of music channels.
- **featured live music** means musical performances by performers [as defined below] in person, as distinct from those produced exclusively by mechanical / electronic means.
- **featured recorded music** means music performed by a record, compact disc, tape player or other device, used primarily for entertainment, such as discotheque equipment (with or without dancing) or in conjunction with cabaret or similar entertainment or by cinematograph equipment or video player (in the context of section 3.3.2).
- **gross receipts** means all monies paid or payable in respect of admission charges in connection with any entertainment to which this tariff applies, less Value Added Tax.
- **karaoke performances** means those featured music performances given by unpaid singers in conjunction with specially produced recorded music, with or without the provision of video-presented synchronised lyrics.

- **music centre** and/or **radio cassette player** and/or **CD radio cassette player** means a combination of units of equipment for reproducing sound including radio programmes and recordings from more than one source through a single sound system.
- **music quizzes** means performances of music given in conjunction with quizzes in which there is significant music use.
- **performances** includes music played at a civil wedding ceremony if held at a public house.
- **performers** means singers and performers of musical instruments, including orchestra conductors and band leaders, whether or not they combine in their performance other activities such as dancing or acting as comperes.
- **record** and/or **compact disc** and/or **tape player** means any gramophone, compact disc, tape player, cassette player, or other mechanical / electronic device for playing recorded musical works, except for a video player, or a device, such as a jukebox, capable of being operated by the insertion of a coin, token or card.
- **stand-alone radio** or **stand-alone television** means a receiving set of a readily moveable type with integral loudspeakers, often bar or shelf-mounted, as distinct from a digital music service or system television (see below).
- **system television** means an installation, other than a stand-alone television, of television receiving equipment, typically with additional monitor screen(s) or projection equipment and extension loudspeakers linked to relay vision and sound around the licensed premises.
- **video jukebox** means a machine for playing recorded music, synchronised with a video or similar visual display, and operated only by the insertion of a coin, token or card. For the purposes of this tariff, video jukebox also means a combination of units of equipment for playing recorded music from more than one source through a single sound system, as well as any video jukebox which can be switched to free-play.
- **video player** means any equipment for exhibiting videograms, whether from tape, electronic chip or disc, except video players capable of being operated by the insertion of a coin, token or card.



***Important** For any licence-year, one or more bases of PRS royalty charge may be applied to performances of featured live music. This flowchart is illustrative only. The full tariff text determines the assessment of royalties.