

# MEMBERS' CLUBS TARIFF 'JMC' (2016.08)



Effective from 1st August 2016

(Also showing previous year's details in brackets)

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## 1. Scope of tariff

This tariff applies to performances of copyright music within PRS for Music's\* repertoire\* at clubs bona fide established and conducted in good faith as non profit-making members' clubs capable of satisfying:

- the conditions for determining a qualifying club for the purposes of Part 4 of the Licensing Act 2003 for England and Wales, or
- the conditions prescribed for the purposes of section 125 of the Licensing (Scotland) Act 2005 by reg. 2 of the Licensing (Clubs) (Scotland) Regulations 2007 for Scotland, or
- the conditions for registration under the Registration of Clubs (Northern Ireland) Order 1996 for Northern Ireland.

It does not apply to establishments whose main object is bingo nor to youth or proprietary clubs.

Pursuant to an Order of the Copyright Tribunal dated 7 October 2013, this tariff does not apply to premises operated by not-for-profit-amateur sports clubs that qualify for Tariff AMS.

## 2. General conditions

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

## 3. Royalty rates

Where the music user *has* applied for and obtained PRS for Music'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 for Music'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 from 1st August 2016.

	Higher royalty	Standard royalty
<b>3.1 Featured music*</b>		
<b>3.1.1 Live music</b>		
<b>3.1.1.1</b> Where the annual expenditure on the provision of music* by performers* is £9,203 (£9,023) or more the royalty in respect of performances of music by those performers is	3.75%	2.5% of such expenditure
<b>3.1.1.2</b> Where the annual expenditure on the provision of music is less than £9,203 (£9,023) the royalty per function for the first 100 persons capacity* in respect of performances of music by performers in person is at the rate of	£7.34 (£7.19)	£4.89 (£4.79)
and per 25 persons capacity (or part thereof) thereafter	£1.82 (£1.79)	£1.21 (£1.19)
<b>provided that:</b> The maximum annual royalty for performances in category 3.1.1.2 is	£362.60 (£355.47)	£241.73 (£236.98)

\* See Definitions, section 6

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	Higher royalty	Standard royalty		Higher royalty	Standard royalty
<p><b>3.1.2 Featured recorded music*</b> For all featured performances by record, compact disc or tape player* primarily for entertainment by means of discotheque equipment or otherwise for dancing and for karaoke performances*, the royalty per function for the first 100 persons capacity is</p> <p>and for each 25 persons capacity (or part thereof) thereafter</p> <p><b>provided that:</b> Where such featured performances are given at a function, and in the same room, where performances are also given in person and in respect of which royalties are paid under paragraph 3.1.1 above, the royalty in respect of performances by record, compact disc or tape player per function for the first 100 persons capacity is</p> <p>and for each 25 persons capacity (or part thereof) thereafter</p>	<p>£7.34 (£7.19)</p> <p>£1.82 (£1.79)</p> <p>£3.56 (£3.48)</p> <p>£0.90 (£0.89)</p>	<p>£4.89 (£4.79)</p> <p>£1.21 (£1.19)</p> <p>£2.37 (£2.32)</p> <p>£0.60 (£0.59)</p>	<p><b>provided that:</b> Where there are no more than three functions in a licence year this minimum charge will not apply. The charges for those functions – whether in terms of permits or an annual licence – will however be subject to a minimum of</p> <p><b>3.2 Background or mechanical music*</b> The annual royalty for performances by the following is:</p> <p><b>3.2.1 Television screen (without video)</b> with a screen no greater than 26 inches (66 cms)</p> <p>with a screen greater than 26 inches (66 cms)</p> <p><b>3.2.2 Radio</b></p> <p><b>3.2.3 Video player</b> (with or without television facilities through the same screen) except performances where there are special seating arrangements for viewing, or when the player is used for discotheque performances:</p> <p>with a screen no greater than 26 inches (66 cms)</p> <p>with a screen greater than 26 inches (66 cms)</p>	<p>£45.32 (£44.43) per function</p> <p>£30.21 (£29.62) per function</p> <p>£151.10 (£148.13) per screen</p> <p>£226.58 (£222.14) per screen</p> <p>£151.10 (£148.13) per set</p> <p>£226.58 (£222.14) per player</p> <p>£302.16 (£296.24) per player</p>	<p>£100.73 (£98.75) per screen</p> <p>£151.05 (£148.09) per screen</p> <p>£100.73 (£98.75) per set</p> <p>£151.05 (£148.09) per player</p> <p>£201.44 (£197.49) per player</p>
<p><b>3.1.3 Cinema &amp; featured video</b> For performances (whether by means of the sound track or otherwise) during film or video shows in a room or place being specially used for the primary purpose of video or cinema exhibition, and with seating arranged accordingly the royalty per function for the first 100 persons capacity is</p> <p>and for each 25 persons capacity (or part thereof) thereafter</p>	<p>£3.56 (£3.48)</p> <p>£0.90 (£0.89)</p>	<p>£2.37 (£2.32)</p> <p>£0.60 (£0.59)</p>			
<p><b>3.1.4 Minimum royalty for featured music</b> The minimum royalty for an annual licence for featured music under this section of the tariff is</p>	<p>£181.28 (£177.72)</p>	<p>£120.85 (£118.48)</p>			

\* See Definitions, section 6

	Higher royalty	Standard royalty		Higher royalty	Standard royalty
<b>3.2.4 Record and/or compact disc and/or tape player and/or music centre</b>	£332.37 (£325.86)	£221.58 (£217.24)	with a screen greater than 26 inches (66 cms)	£592.14 (£580.53)	£394.76 (£387.02)
<b>provided that:</b> Where two or more such instruments (or screens in the case of televisions and video players) are used in the same premises, whether those instruments are of the same or of different kinds, the combined charges for those instruments will be reduced by 10%.	per player	per player			
<b>3.3 Jukeboxes</b> The <b>annual</b> royalty per machine for performances by the following is:			<b>3.3.4 Video jukebox</b> with background music facility* with a screen no greater than 26 inches (66 cms)	£611.85 (£599.85)	£407.90 (£399.90)
<b>3.3.1 Audio jukebox*</b>	£374.97 (£367.62)	£249.98 (£245.08)	with a screen greater than 26 inches (66 cms)	£685.88 (£672.42)	£457.25 (£448.28)
<b>3.3.2 Audio jukebox</b> with background music facility*	£527.90 (£517.55)	£351.93 (£345.03)	<b>3.3.5 Combined audio/video jukebox</b> with background music facility* with a screen no greater than 26 inches (66 cms)	£675.98 (£662.72)	£450.65 (£441.81)
<b>3.3.3 Video jukebox*</b> with a screen no greater than 26 inches (66 cms)	£493.44 (£483.77)	£328.96 (£322.51)	with a screen greater than 26 inches (66 cms)	£737.79 (£723.33)	£491.86 (£482.22)
			<b>3.3.6</b> For each additional coin-entry point for 3.3.1, 3.3.2, 3.3.3, 3.3.4 or 3.3.5 above	£49.35 (£48.38)	£32.90 (£32.25)

\* See Definitions, section 6

#### 4. Value Added Tax

Every Licensee under PRS for Music's tariffs will pay to PRS for Music 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

Every year on 1st August the monetary sums in this tariff will be adjusted for inflation. The adjustment formula will apply to the standard rates, using the mean (to the nearest whole percentage point) of the percentages by which the Retail Prices Index and Average Weekly Earnings index (unadjusted) change in the year to the previous March.

March 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 any expenditure threshold figure will be rounded to the nearest pound, with all other royalty rates rounded to the nearest penny.

All royalties will be charged at the royalty rate in force at the beginning of the licence year.

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### 6. Definitions

- **annual expenditure on the provision of music** means the total of:
  - gross salaries, gross wages; plus fees, expenses or 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, capable of being operated by the insertion of a coin, token or card.
- **audio jukebox with background music facility or video jukebox with background music facility or combined audio/video jukebox with background music facility or music centre and/or radio cassette player** means a combination of units of equipment capable of reproducing sound from more than one source through a single sound system.
- **background or mechanical music** means music when 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 diffused through a loud-speaker from another part of the premises or a source outside the premises.
- **capacity** shall be calculated as follows:
  - where the accommodation of a room is limited to the number of seats, the capacity will be calculated by reference to the total number of seats; but where, as in the case of discotheque performances, there is no formal means of calculating the accommodation of a room, that capacity will be assessed by reference to the maximum number of persons which can reasonably be accommodated in the room or which is permitted under any regulation by Fire Authorities or under the Club's Rules. Where the capacity exceeds 100 persons one quarter of the charge will be levied on each 25 persons.
- **featured music or featured recorded music** means music performed by:
  - performers in person, or
  - a record, compact disc or tape player primarily for entertainment such as by means of discotheque equipment or otherwise for dancing or in conjunction with cabaret or similar entertainment, or
  - cinematograph equipment or video player.
- **karaoke performances** means those performances given by unpaid singers in conjunction with specially produced recorded music, with or without the provision of video-presented synchronised lyrics.
- **music centre** means instruments combining a radio and a tape player and/or record player.
- **performers** means singers and performers of musical instruments, including orchestra conductors or leaders, whether or not they combine in their performance other activities such as dancing or acting as comperes.
- **PRS for Music** is the trading name of the Performing Right Society Limited
- **PRS for Music's repertoire** means all and any musical works (including any words associated therewith), the right of public performance in which is controlled by *PRS for Music* or by any of the societies in other countries with which *PRS for Music* is affiliated.
- **record, compact disc or tape player** means any gramophone, compact disc, tape or cassette player, or other mechanical/electronic contrivance for playing musical works, except:
  - a video player, or
  - a contrivance, such as a jukebox, capable of being operated by the insertion of a coin, token or card.
- **video jukebox** means a machine for playing recorded music synchronised with a video or similar visual display and capable of being operated by the insertion of a coin, token or card.