

Ghana Music Rights Organization

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GHAMRO

Postal Address: Private Mail Bag,
Ministries Post Office, Accra Ghana.
Telephone: 0573-168111
Facsimile: 0302-228447
Email: ghanamusicright@gmail.com

Copyright Building
Next to Teachers' Hall Complex
Educational Loop
4 Barnes Close, Accra
Greater Accra Region, Ghana

TARIFF FOR NIGHTCLUBS & COMMERCIAL DANCE HALLS (Tariff "NCD")

Effective from 1st January 2015

1. *Scope Of Tariff*

This tariff shall to Nightclubs and commercial dance halls as defined in paragraph 2 of this tariff.

2. *Definitions*

Under this tariff:

- (a) **Nightclub** means establishments in fixed premises equipped and furnished for the purpose of the conduct of commercial enterprises for profit of entertainments consisting of the provision of music, wholly or principally by recorded means and with a disc-jockey or other presenter, the provision of facilities for dancing, and the availability of refreshments. Provided that no establishments shall be deemed to fall within this definition:-
 - (i) if the establishment is open to the public for less than 100 nights per year, save in the case of establishments trading only during a season or part of the year which shall be excluded if they are open to the public for an average of less than three nights per week of the season; or
 - (ii) if the provision of music and of facilities for dancing is only a part of, and plays only a minor and ancillary role in, another and different commercial activity conducted in the premises In question.
- (b) Commercial dance halls means establishments in fixed premises where than main business carried on is dancing and where dances take place on not less than one day each week throughout the year or during a season of not less than 75 days in the year.
- (c) Licence period means any period of one year form either the commencement of the Licence or from any anniversary of that date, while the Licence subsists.
- (d) The Society's repertoire means all and any musical works (including any words associated therewith), the public performing rights in which are controlled by the Society or by any of the Societies in other countries with which the Society is affiliated.
- (e) The Licensee is the company or persons to whom the Society's Licence is granted hereunder.

3. *Application for Licences*

The rate payable in respect of the first year is reduced by one-fourth where the licence has been applied for and obtained before musical performances commenced.

- (a) An applicant for a Licence under this tariff shall complete the appropriate application form and give to the Society such information as may be required to enable it decide whether this tariff applicable
- (b) The Society is not bound to issue a Licence under this tariff unless application is has been made therefor in advance. For Licence issued in any other circumstances, the royalty for the first year will be the tariff charge plus 50%.

4. *Licence Fee*

The annual Licence fees payable for performance of the Society's repertoire covered by this tariff for the each unit of 50 persons (or part thereof) admitted to the establishment in question during a Licence period, adjusted in accordance with paragraph 7, payable annually in advance will be as follows:-

CAPACITY	STAR 1	STAR 2	STAR 3	STAR 4	STAR 5
MINIMUM	2,400	2,800	3,200	3,600	4,000

5. *Manner of Payment*

- (a) Within 30 days from the end of each Licence period, a Licensee shall furnish to the Society a statement, certified by an account who is qualified to be appointed an auditor to a public company or who is approved by the Society, showing the actual number of persons admitted to the licensed premises for Nightclubs or dancing sessions during the Licence period.
- (b) As the actual royalty payment by the Licensee in respect of each Licence period cannot be ascertained until the actual total admissions for that year have been certified pursuant to paragraph (a) above the Licensee shall, when the certified statement in respect of the preceding period is submitted to the Society, make a payment on account of the royalty due for the ensuing Licence period which is equal to the amount of the actual royalty for that preceding Licence period.
- (c) When a Licence is issued on the opening of a new Nightclub or commercial dance halls, or the re-opening of a Nightclub or commercial dance hall after a closure, or otherwise for the first time in the terms of this tariff, a provisional royalty shall be calculated in respect of the initial Licence period on the basis of a certificate, prepared in accordance with the provisions of paragraph (a) above, for the most recent year of operation at the Nightclub or dance hall (if any). Should it be certified that the number of persons admitted to the licensed premises during that period cannot be declared, the number admitted shall be deemed to have been one-half of the licensed capacity of the licensed premises. This number shall be multiplied by the number of nights when the licensed premises were opened for business as a Nightclub or commercial dance hall (whether to the public or on private hire) during that year or, where it was not open for that year, then by the number of nights it is expected to be open during the ensuing year.
- (d) A provisional royalty shall be payable in respect of each ensuing Licence period on the basis of the actual numbers admitted for Nightclub or dancing sessions to the licensed premises during the previous Licence period and all provisional royalties shall be adjusted on the basis of actual admissions during the Licence period as certified under sub-paragraph (a) above.
- (e) Should the Licensee fail to produce a certificate as required in sub-paragraphs (a) or (c) above and where appropriate to complete the form required by paragraph 3(a) above then the premises shall be deemed not to be a Nightclub or a commercial dance hall for the purposes of this tariff.

6. *Inflation Adjustment*

- (a) This tariff which replaces all previous versions of Tariff "DCD" comes into effect on the 1st January 2015 and applies to all Licence periods beginning on and after that date. The basis of the annual fee set out in paragraph 4 will be adjusted in accordance with paragraph 6(b) on the 1st January 2016 and on each succeeding anniversary of this tariff thereafter.
- (b) On each anniversary of this tariff the basis of the annual fee expressed in paragraph 4 (as adjusted from year to year) will be multiplied by a fraction of which the numerator is the Retail Prices Index for December 2014, being the latest month prior to that anniversary date for which a figure is published, and the denominator is the Retail Price Index for December in the previous year. The result will be rounded to the nearest ¢10.
- (c) All Licence fees are charged at the royalty rate in force at the beginning of the Licence period.

7. *Certificates and Checking the Particulars of Admissions*

- (a) The Licensee will keep records of all admitted persons admitted to the Licensed premises during nightclub and dance hall sessions, whether those persons are admitted to functions when the premises are hired to an organisation which invites or admits guests, or to functions open to the general public.
- (b) The Society through its representative will have the right of entry to the licensed premises at reasonable times, and without prior notice, for the purpose of observing the system of counting all admissions to the premises and checking records relating thereto.

- (c) The Licensee will also, when called upon by the Society, produce certificates as set out in paragraph 5(a) above showing the total number of admissions on any particular stay specified by the Society, provided that the Society shall not be entitled to request such details in respect of more than seven days in any Licence period.
- (d) All information provided to the Society for the purposes of this tariff and made available to the Society shall be used by the Society solely for the purposes of administering the tariff, and that information or any part of it shall not be used for any other purpose or divulge by the Society.