

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

Effective from 1st April 2018

1. Scope of Tariff

This tariff shall apply to public performance of musical works and sound recordings in 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 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 mean establishments in fixed premises where the 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 from 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) and sound recordings, the public performing rights in which are controlled by the Society or by any of the Societies/organizations 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 royalty rate payable in respect of the first year is reduced by one-fourth where the licence has been applied for and obtained before music 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 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. Royalty Licence Fee

The annual Royalty fees payable for performance of the Society's repertoire covered by this tariff for each unit of 50 persons (or part thereof) admitted to the establishment in question during a Licence period (or licensed capacity of the premises – as the case may be), 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	4,000	4,676	5,344	6,012	6,680

6. Inflation Adjustment

- (a) This tariff which replaces all previous versions of Tariff “DCD” comes into effect on the 1st April 2018 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 2019 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) the royalties payable under this tariff will be adjusted by the mean (to the nearest whole percentage point) of the percentages by which the Consumer Price Index has changed. The result will be rounded to the nearest ¢10.
- (c) All Licence Royalties 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.