



BRIEFING PAPER

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Playing music in public

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Summary

Members of Parliament sometimes receive enquiries from constituents asking why their organisation or business needs a licence to play music.

This is a copyright issue. Under the *Copyright, Designs and Patents Act 1988*, permission is needed from the relevant copyright holders – those who create, record and publish music – in order to play or perform music in public.

There is no statutory definition of "playing in public", but the courts have ruled that it is "any playing of music outside of a domestic setting".

[PRS for Music](#) licenses the public performance of original musical works, however performed (i.e. live or otherwise), on behalf of the composers, writers and publishers of music.

[PPL](#) licenses the public performance of sound recordings on behalf of record companies and the musicians on the recording.

PPL and PRS for Music have set up [PPL PRS Ltd](#) to offer a single [joint music licence](#) for organisations and businesses playing music in public.

Any queries about the need for a licence – or its cost – [should be put](#) to PPL PRS Ltd.

If complaints cannot be resolved, they can be taken to [Ombudsman Services](#).

1. Introduction

Under the *Copyright, Designs and Patents Act 1988* (as amended), permission is needed from the relevant copyright holders – those who create, record and publish music – in order to play or perform music in public.

PRS for Music and PPL are music licensing societies that issue licences and collect royalties for the use of copyright-protected music on behalf of their members.

[PRS for Music](#) licenses the public performance of original musical works, however performed (i.e. live or otherwise), on behalf of the composers, writers and publishers of music.

[PPL](#) licenses the public performance of sound recordings on behalf of record companies and the musicians on the recording.

PPL and PRS for Music have set up [PPL PRS Ltd](#) to offer a single [joint music licence](#) for organisations and businesses playing music in public.

What does “playing in public” mean?

There is no statutory definition of “playing in public”, but the courts have given guidance on its meaning and ruled that it is “any playing of music outside of a domestic setting”. PPL's [Code of Conduct](#) states”:

(...) “playing in public” has a broad legal meaning – it is not defined in the 1988 Act but the courts have given guidance on this and determined that it is effectively any playing of sound recordings (including via television and radio) other than in a domestic setting. So playing recorded music in a workplace can be “playing in public”; it is not a requirement for the general public to have access to the place where the music is being played...[p2]

Examples of cases where performances have been regarded as having taken place in public are the following:

the playing of gramophone records and the radio over loudspeakers to workers at a factory during working hours ... the playing of a radio in a private room of a public house, but which could be heard in the adjoining public bar; the playing of a radio in a private room adjoining a restaurant, but which could be heard in the restaurant, the principle being that the performance took place wherever it could be heard...¹

¹ *Copinger and Skone James on Copyright*, 15th ed, 2005, p436

2. PRS for Music

[PRS for Music](#) represents composers and music publishers and collects royalties on their behalf whenever their music is publicly performed - either live or recorded, on television or radio, or in premises ranging from concert halls to corner shops.

Composers assign the “performing right” in their compositions to PRS for Music so that it can act on their behalf. The following rights are assigned upon membership of PRS for Music:

- to perform a work in public
- to communicate a work to the public (including the right to broadcast a work or otherwise make it available by electronic transmission)
- film-synchronisation

The cost of a licence depends on the type and size of the business premises as well as the nature and extent to which music is used. The PRS [website](#) gives details of licences and tariffs.

PRS for Music sets out its service standards in a [Code of Conduct](#) (November 2012).

3. PPL

[PPL](#) represents the copyright interests of record companies and performers.

Record companies transfer their rights in recorded music to PPL so that it can issue licences to businesses, effectively giving them the record companies' permission for their recorded music to be played in public. The performers on those recordings are then legally entitled to receive a fair payment where they are played in public.

The cost of a licence depends on factors such as the business type; the size of the area in which the music can be heard; how recorded music is used (e.g. as background music, via a television, or a telephone on-hold system); and the type of social activity (eg, dance class).

Details of the different tariffs are available from the [PPL website](#).

PPL has published codes of conduct (undated) setting out its commitments to [members](#) and [licensees](#).

4. The joint PPL PRS licence

An organisation or business playing music in public used to need two licences – one from PRS for Music and one from PPL. However, PPL and PRS have now set up [PPL PRS Ltd](#) to offer a single [joint music licence](#). A range of information on the licence is available from the [PPL PRS Ltd website](#).

A licence will usually be needed to play music in the following:

- shops
- offices and factories
- hairdressers and beauty salons
- cinemas and theatres
- hotels and guesthouses
- restaurants and cafes
- pubs, bars and nightclubs
- sports grounds and other sporting facilities (such as bowling alleys)
- gyms and other health facilities
- bingo halls and casinos
- social clubs and members' clubs
- churches and halls
- public transport²

How much will a licence cost?

The PPL PRS website explains:

The cost of TheMusicLicence for a particular business or organisation depends on a number of factors, such as the size of the business or organisation and the ways it uses music.

PPL and PRS for Music each have a separate set of licensing tariffs, covering different business types or ways of using music. The tariffs applicable to a particular business or organisation set out the relevant factors for calculating what TheMusicLicence will cost.

Things like the size of a business are measured in different ways under different tariffs, depending on what is appropriate for each business type. So, to calculate your fee, we may need you to provide information such as square meterage, number of employees, or venue capacity. We may also need to know the types of devices you use to play recorded music, and information about any live performances of music.

Although we make every effort to ensure the accuracy of the website information and pricing, regrettably errors do occasionally occur. Therefore, please contact us directly to discuss the tariffs relevant to you and get an accurate quote for TheMusicLicence.³

It also has the following [FAQs](#):

Will the cost of PPL and PRS for Music tariffs be different under TheMusicLicence?

² Gov.UK, [Get a licence to play live or recorded music](#) [accessed 11 March 2019]

³ PPL PRS website, [FAQ on How much is the music licence?](#) [accessed 11 March 2019]

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PPL and PRS for Music will continue to set their respective licensing tariffs separately from each other. Those tariffs will be applied by PPL PRS Ltd when issuing TheMusicLicence to customers. PPL and PRS for Music will each continue to review the cost of their respective tariffs from time to time, but the launch of TheMusicLicence will not in itself affect the costs under those tariffs.

Will the amount I pay for my licence change as a result of switching to TheMusicLicence?

Previously, business and organisations playing or performing music in public would, in most cases, have had to purchase separate music licences from each of PPL and PRS for Music. If you already had both licences, then the amount you will pay will not change as a result of switching to TheMusicLicence (though it may be slightly different from what you paid previously to reflect changes in usages and any adjustments provided for by the applicable PRS for Music and PPL tariffs).

However, some businesses or organisations may have previously only purchased one of these two licences (either from PPL or PRS for Music) even where they legally required both licences. If this applies to you, then it is likely that TheMusicLicence will cost more than you paid before, as it will give you the legal permission you need (but did not previously have) from both PPL and PRS for Music.

Is a music licence required if an organisation already has a TV licence?

A TV licence authorises the installation and use of television equipment and is required under broadcasting legislation – i.e. part 4 of the *Communications Act 2003* (as amended) and the *Communications (Television Licensing) Regulations (SI 2004/692)* (as amended).⁴

A TV licence does not give permission to use the music contained in television programmes in a public place – hence the need for a separate music licence.

Queries and complaints

Queries about the joint licence (e.g. whether one is required and its cost) should be put to PPL PRS UK. Contact details are:

Helpline: 0800 0720 808

PPL PRS Ltd
Mercury Place
St. George's Street
Leicester
LE1 1QG

[PPL PRS UK online contact form](#)

If complaints cannot be resolved, they can be taken to [Ombudsman Services](#).

⁴ The Regulations set out the various types of television licence, the criteria for obtaining them, the fees payable, and the different concessions available. The TV Licensing [website](#) gives further information on these areas.

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