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PLAYING MUSIC IN PUBLIC

Generally, when playing music in public, Phonographic Performance Limited (PPL) and Performing Rights Society (PRS) Licences are required.

PPL

Under the UK Copyright Law (the Copyright, Design & Patents Act 1988), a PPL Licence is required when sound recordings, subject to PPL control, are played in public. Owning a sound recording does not give you the automatic right to play it in public.

After a protracted two year legal battle with PPL, British Gymnastics has been able to prove that the playing of music by its Clubs and Coaches for the purpose of training, competitions and displays is exempt from the Act, provided no remuneration is received by the person initially loading the tape and pressing the Play button; a condition which all Clubs should be able to meet.

The exemption from the PPL Licence for the playing of sound recordings in public, does not cover the copying of music from commercially sound recordings on to other media, such as tape, mini-disc, CD or laptop computer and this is illegal without the necessary permission from PPL. British Gymnastics has secured a Group Licence for its registered Clubs and Coaches to be able to copy original material on to other media for the purposes of training, competitions, displays etc and this is known as a 'Dubbing Licence'.

The PPL Dubbing Licence covers material from 3,000 Record Companies and 30,000 Performers and would cover most commercially available material. However, we are aware that material from Disney, Andrew Lloyd-Webber and Cirque du Soleil is specifically excluded and if in doubt, Clubs and members should consult the PPL Website (www.ppluk.com).

PRS

The PRS is a non-profit making membership organisation of composers, songwriters, authors and publishers of music of all styles including classic, pop, jazz and music for films, adverts and TV. The essential function of PRS is to collect and distribute music royalties on behalf of its members. A PRS Music Licence is required by anyone using or intending to perform music in public by whatever means (live, DJ, jukebox, TV, radio etc) and in venues as adverse as halls to hairdressers, discos to dentist waiting rooms. All UK-based Radio and TV Broadcasters, Satellite Broadcasters, cable operators and website owners require a PRS Licence.

British Gymnastics has never entered into any corporate agreement with PRS and individual Clubs and members should make their own judgement as to whether they require a PRS Licence. Currently, British Gymnastics is in protracted discussion with PRS, since it is our belief that the playing of personal music for the purpose of training does not constitute a 'public performance' and British Gymnastics is lobbying strongly to secure exemption from PRS for the use of music in this way. It is, however, quite clear that where music is played in competitions or displays, where any element of the performance is in public, then such a performance would require a PRS Licence and that this would need to be secured on an event by event or premise by premise basis from PRS.

British Gymnastics will inform all clubs as soon as there has been any development in the situation; however, for the time being clubs must consider their own position and be responsible for any liability.

Full information about the PRS is available from their Website (www.mcps-prs-alliance.co.uk). If Clubs are challenged by the PRS, please contact British Gymnastics who will endeavour to advise you on a case by case basis.