

Use of music in performances

Most companies use music in their shows; if you are intending to use music, you need to declare it to the venue and to PRS, and in some cases clear permission to use the music you want. The forms are straightforward to fill in but you need to do it well in advance – ideally 30 days, but a minimum of 14 days before your first performance.

Which sections of the forms you need to fill in depends on whether your music is:

- 1. Specially written for the show:** You agree the rights and royalty payments directly with the composer/their agent and inform the venue
- 2. “Within the frame” of the show:** You clear the rights with PRS on the purple form, either to PRS directly or to the venue, and the venue pays for its use
- 3. “Outside the frame” of the show:** You declare it on the purple form, either to PRS directly or to the venue, and the venue pays for its use

If you fail to declare PRS-controlled music, or get prior clearance for interpolated music, it is an infringement of copyright and could result in legal action being taken against you or the venue. That’s why it is usually a condition of your contract with the venue that you complete the PRS return.

1. Music which has been specially written for the production

If the music used in your production has been written by a member of your company, or if you have already agreed royalty payments directly with the composer of the music you are using, then you do not need to fill out the Declaration Form. This is called “grand rights” and includes operas, musicals and other plays with specifically composed scores. The rights to this music aren’t controlled by PRS.

You must inform your venue if this is the case, as this information needs to be included in their quarterly return to PRS.

2. Interpolated Music: “within the frame” of the show.

“Interpolated” music is defined by PRS as: *music not specially written for a theatrical production (and excluding overture, entr’acte, exit and incidental music) and which is performed by or intended to be audible to a character or characters in that theatrical production.*

“Interpolated” music in performances is covered by the venue. If you intend to use interpolated music in your production, you need to fill in the details of the interpolated music you use on the **back** of the Declaration Form. The venue will then be charged the appropriate amount for this music.

Getting permission to use interpolated music

You will need to fill in the details of the music you want to use on the back of the purple form and get **two** members of your company to sign the Declaration at the bottom, and return it to the venue.

Ideally, the form should be returned to the venue 30 days before your first performance; 14 days is the shortest amount of time in which venues can process your declaration. Publishers have first refusal on licensing interpolated works, so PRS needs to make a referral. This can cause problems if the music, or your show, is not finalised until late on. If you know roughly what you will be using and how long you intend to use it (e.g. two minutes of Song 1, four minutes of Song 2, etc.), fill out the form as accurately as you can, and any last minute changes can be communicated by phone to PRS.

3. Music outside the frame of the show

a. Incidental music

“Incidental” music is defined by PRS as: *music heard by the theatre audience as an accompaniment to the play but which is not performed by, or intended to be audible to, any of the characters in the play.* As an example, this could be scene change or background music.

Venues will pay a weekly fee for “incidental” or “curtain” music; the company does not pay any fee, but you do need to fill in the details of the incidental music you use on the **front** of the Declaration Form.

b. Overture, Entr’acte, Exit Music

Venues pay an annual fee to PRS (under “Tariff T”) which covers performance of:

- **Overture:** pre-performance music
- **Entr’acte:** music played during the interval
- **Exit Music:** music post-performance.

You will not need to fill in the details of music played at these times on the purple PRS form.

PRS contact details

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What is PRS and what does it do?

PRS is a non-profit-making organisation of composers, songwriters, authors and publishers of music of all styles. PRS essentially collects royalties from music users and distributes them on behalf of its members. It is the only UK organisation dealing with composers and publishers – PPL is similar but deals with performers and record companies. Music from other countries is covered under reciprocal agreements between PRS and its sister societies around the world.