

Guidelines for Amateur Music Hire

Preface

These Guidelines for Amateur Music Hire are designed to help those using materials held by music publishers' hire libraries for non-professional rehearsal or performance.

The Guidelines are intended to demonstrate the commitment of music publishers, through their representative body, the Music Publishers Association (MPA), to make their music accessible to those wishing to perform it and to provide the best possible service in so doing. The Guidelines endeavour to address all the issues that arise on a daily basis. Music users who understand and are aware of these issues can help avoid unwelcome problems that might spoil their performance and enjoyment of the music itself.

We recognise that the successful hire of music depends upon full co-operation between music publishers and users. These Guidelines have the support of Making Music (the National Federation of Music Societies) and the International Association of Music Libraries (UK & Ireland Branch) and, as such, reflect the already excellent level of co-operation between music publishers and amateur users that has developed over many years.

I commend these Guidelines to all potential hirers of music for amateur rehearsal and performance and, most particularly, to those who will be hiring music for the first time.

Stephen Navin

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OTHER USEFUL ADDRESSES:

Christian Copyright Licensing (Europe) Ltd

PO Box 1339

Eastbourne

East Sussex

BN21 4YF

www.ccli.co.uk

Mechanical-Copyright Protection Society Ltd

[MCPS]

Copyright House

29-33 Berners Street

London

W1T 3AB

www.mcps.co.uk

International Association of Music Libraries (UK & Ireland) [IAML]

c/o Peter Baxter – General Secretary

Edinburgh City Libraries

Music Library

George IV Bridge

Edinburgh

EH1 1EJ

www.iaml-uk-irl.org

Performing Right Society Ltd [PRS]

Copyright House

29-33 Berners Street

London

W1T 3AB

www.prs.co.uk

Making Music (the National Federation of Music Societies)

7 - 15 Rosebery Avenue

London

EC1R 4SP

www.makingmusic.org.uk

Introduction

These Guidelines have been devised to assist users wishing to hire music for amateur rehearsal and performance. Whether you need choral scores or complete orchestral materials, these established procedures will help you to ensure that you receive what you want, when you want it. These Guidelines have been developed to help avoid misunderstandings, delays and errors on the part of users and publishers alike.

When ordering, it is recommended that you should, whenever possible, have to hand music publishers' current catalogues. Whilst not all publishers produce a printed catalogue, those that do will usually be willing to make one available upon request. In addition, many MPA member companies issue their catalogues electronically and make them available via their web sites. Reference to catalogues will simplify your ordering, reduce the possibility of error and assist the publisher in fulfilling your order.

Ordering Materials

Orders may be placed in writing by letter, fax or e-mail, and in some cases by telephone - practice varies between individual publishers. Hire fee quotations will be given upon request and it is recommended that such quotations are obtained prior to ordering.

All orders need to state clearly the following information:

- Name and description of performing body or bodies
- Name of organisation to be invoiced
- Contact name, telephone number, dispatch/invoice address
- Composer, title and edition of work
- Exact requirements (ie number of scores, string parts, vocal scores etc)
- Date for delivery of materials and duration of hire (usually by the month)
- Number, date(s) and venue(s) of performance(s)
- Name of conductor and soloist(s)

Publishers will accept orders up to one year in advance. Orders should be placed at the earliest opportunity to secure materials and certainly no later than one month in advance of the date the materials are required. Some publishers may be able to supply materials on shorter notice, but cannot guarantee to do so. For example, certain materials may need to be imported from abroad, in which case additional time will be needed and a carriage cost may be levied.

In cases where a Local Authority or educational establishment will be paying the hire fee, their official numbered order must be included.

Permission to Perform or Record

The publisher's hire agreement relates to the hire of physical musical scores only for the hire purposes specified therein and does not confer any permissions to record or perform the music embodied in the printed parts.

Music is protected by copyright in accordance with the Copyright, Designs and Patents Act 1988. Generally speaking, a musical work is in copyright during the life of the composer and for 70 years afterwards. It is unlawful to perform, broadcast, record or copy by any means music that is protected by copyright without the specific authorisation of the copyright owner.

Prior permission to perform music in public must be obtained by the venue proprietor or concert promoter from the Performing Right Society Limited (PRS) unless one or other already holds a PRS annual licence covering concerts and recitals. Before performing in any public place (including churches), hirers of music must check that the venue concerned is in possession of a valid licence direct from PRS or, when appropriate: through Making Music; by way of the PRS Church Licence through Christian Copyright Licensing (Europe) Ltd; or, for schools and colleges, through the Centre

for Education Management. If you are unsure, please contact PRS on 0845 300 60 33 or email live.licence@prs.co.uk.

Permission to perform dramatico-musical works (operas, operettas, musical plays and ballets etc) must be obtained from the publisher or stage rights owner since PRS does not generally control such 'grand right' performances. Advice should be sought directly from the publisher in respect of permissions for concert performances of dramatic works (whether complete or in part). In all cases, a performing fee (plus VAT) will be payable direct to the publisher in addition to the fee for the hire of materials.

The hirer is responsible for providing the venue (or concert promoter, if different) with a programme containing full details of each performance of non-dramatic works (and any encores) so that these can be returned to PRS. This information must include the title, composer, publisher and the arranger/editor (where applicable) of the work(s) performed, as well as the venue, performance date and name of the venue or concert promoter. Details of performances in churches, unless part of divine worship, must be similarly provided.

Every sound recording whether it be audio only or audio-visual (eg tapes, cassettes, discs or videos) must be authorised by means of a specific licence. Such licences granting permission to record musical works are issued by the Mechanical-Copyright Protection Society Limited (MCPS), which generally acts as agent for the copyright owner. Permission must be additionally sought from the publisher to use hire materials for recordings, for which an extra charge will be made.

With regard to copyright music, this must be performed as written and no alterations, arrangements, adaptations or parodies may be made without the publisher's prior permission. This includes re-orchestration and cuts in performance.

The publisher will be able to advise on the copyright status of a musical work supplied on hire. Users should be aware that even if a work is apparently out of copyright, the specific edition or typographical layout may still be in copyright.

Photocopying and Graphic Reproduction

The owner of the copyright in the music (and in any words to be spoken or sung with the music) has the exclusive right to print, publish and copy such works by virtue of the Copyright, Designs and Patents Act 1988. The MPA has agreed to certain exceptions to this right for the benefit of amateur and other performers, in addition to those already contained in the Act and these can be found in the *Code of Fair Practice* available from the MPA.

Please remember that permission must be sought from the publisher for the reproduction of copyright musical or textual extracts in books, programme notes etc.

Importation

Some orchestral materials legally available overseas may infringe current UK copyright law if imported and therefore advice should be sought from the relevant UK publisher before importation.

Hire Fees

Hire fees for amateur rehearsal and performance are generally based on the type and size of the performing body or bodies, the duration of the work (or extract), the period for which the materials are required and the number of performances. Further supplements and discounts may apply according to the number of individual parts required, the copyright status of the work, or whether the materials are required for rehearsal/readings only. Special fees may apply for territorial première performances, broadcasts and recordings.

Publishers will be happy to provide a copy of their current hire tariffs, or a firm quote for a specific performance, upon request. Hire fees for overseas performances are usually charged at the prevailing local tariff.

Publishers have individual terms for vocal materials in cases where it is made available for hire.

Please be aware that publishers have individual credit and payment terms and may require full settlement in advance of dispatch.

Scores on Approval

Most publishers will endeavour to supply full scores on loan for perusal for the purposes of programme planning. This is particularly the case when the score is not available on sale. The publisher may also be able to quote a purchase price for the score if required, even though it may not be generally available for retail sale.

Dispatch of Materials

Publishers will always endeavour to ensure delivery of the materials on or before the date requested by the hirer. A separate delivery charge will usually be levied in addition to the hire fee (and VAT may be payable on this charge). The materials should be checked against the delivery note upon receipt, and any deficiencies should be notified immediately to the publisher, who will then address the problem.

Return of Materials

The hirer is responsible for the return of materials as supplied. Materials should be packed securely and returned by 'recorded delivery' or other secure method as soon as possible following the last performance, or as otherwise agreed with the publisher. The parcel should contain identification of the hirer and three copies of the concert programme(s).

Publishers may have to charge the full replacement cost for any lost materials and an additional fee may be charged for the late return of materials.

Provided the materials are returned in good time, publishers will allow extra time for the recovery of odd parts that may be missing before invoicing for their full replacement costs. Please note that the publisher will not negotiate with third parties regarding the return of the materials.

Condition of Materials

Publishers will always endeavour to supply the best materials available from their stock at the time of order/reservation. If you have any concerns about the condition of hire materials, please comment directly to the publishers concerned. The hirer is of course responsible for ensuring that the materials are returned complete and in like condition; the publisher may have to charge for any missing or defaced materials at full replacement value.

MPA Hire Librarians' Committee

The MPA Hire Librarians' Committee meets on a regular basis to discuss current practice in the field of music hire. Whilst it cannot arbitrate individual disputes, it will try to assist in resolving difficulties affecting users and publishers generally, and it welcomes comments addressed to the offices of the MPA.