

Code of Practice British Equity Collecting Society Limited Updated July 2015

Introduction

British Equity Collecting Society (BECS) is the only collective management organisation for audiovisual performers based within the United Kingdom.

It represents the interests of over 31,000 members in the negotiation and administration of performers' remuneration throughout European Union territories.

BECS enforces statutory rights of performers within the United Kingdom and collects revenue from the exploitation of these and other rights from the UK and overseas.

BECS also acts as a collection and distribution agent for fees collectively negotiated by Equity which are distributed to performers utilising the expertise and data handling capacity of BECS.

Although BECS does not itself operate licensing schemes, BECS has adopted this Code of Practice to ensure that its conduct in representing its members and the third with whom it conducts its activities take place to the extent relevant in accordance with The Copyright (Regulation of Relevant Licensing Bodies) Regulations 2014¹.

Member's mandates

Members of BECS are 'Performers'². Any performer (or the heir(s) of a performer who becomes a member of BECS³) who has performed in Film, Television, Radio (spoken word) or on Audio Books can join BECS.

Performers register to join BECS by signing Registration Forms. These Registration Forms set out the terms of membership of BECS. Applicants for membership are required to agree contractually to these terms of membership. They cross refer to the statutes of the company which include the criteria for membership set out in the Memorandum and Articles of Association of BECS..

The criteria include members giving express consent to BECS being appointed to act as their agent to collect, distribute and administer "Performers' Remuneration".

¹ S.I.2014 No. 898

² Performers are described in the BECS Articles of Association.

³ Performer Heirs who are eligible for membership of BECS are described in the BECS Articles of Association.

Rights managed

“Performers’ Remuneration” is defined and covers any income or remuneration arising or payable to Performers from:

- The rental right;
- Any blank tape or other levies on copying media or devices;
- The cable retransmission of programmes incorporating their performance;
- Any other right of a similar collective character which the Board of Management resolves should fall to be collected by BECS.

The Registration Forms include recognition that the Board of Management of BECS has resolved that BECS may act as collection agent for fees collectively negotiated by Equity which are to be distributed to performers.

Our mission

It is BECS’s mission to provide the best possible service to both its members and customers to ensure that payments are collected and paid to performers in economically effective ways. We seek to manage the rights of our members with optimum efficiency and to provide a service to the UK Audiovisual Industry to enable the use of collective licensing solutions in areas of new media by the effective administration of micro payments.

Data Protection

BECS takes the privacy of its members extremely seriously. Any personal data relating to members is held securely and is only made accessible to authorised personnel for the purposes set out in BECS Privacy Policy.

The Policy is posted on BECS’ website at www.equitycollecting.org.uk and may be updated from time to time.

In order to ensure that appropriate revenues are collected and correctly allocated and so that BECS can provide members with a better service, limited personal data relating to performers and (if appropriate) agents of performers, is shared with trusted, relevant third parties. Third parties include Equity, the operators of performers’ databases, other collecting societies with which BECS enters into reciprocal agreements, and broadcasters.

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Such trusted third parties may include organisations from which payments are collected on behalf of members and performers. Some of these third parties may be located outside the EU.

Distribution rules and Policies

BECS makes every effort to develop appropriate rules for the way in which different sources of revenue are allocated to performers and their performances.

The BECS Board ⁴is responsible for the conduct of the company's business and operations, including its strategic direction and formulation of policy on behalf of, and in the best interests of the broader membership.

In particular the Board advises on the formulation and development of distribution policies which are not prescribed by third party collecting societies or other customers transferring or arranging for the transfer of monies to BECS for onward payment to performers.

Day to day implementation of policies developed and approved by the BECS Board is conducted by BECS' management in accordance with powers delegated to it by the BECS Board.

BECS Board takes into account a number of factors when determining how money should be shared between programmes and performers. Two important factors are the origin of the revenue and whether payments are contractual or non-contractual.

When setting a new distribution policy:-

(a) the BECS Board will be asked to review and approve the terms of the Policy and any significant changes to it following recommendations from the management of BECS;

(b) in approving or amending and distribution Policy the BECS Board will take into consideration the impact on performers or groups of performers relevant to application of the Policy and will attach conditions as the trial or pilot nature of a Policy when appropriate; and

⁴ Members of the BECS Board are published on the BECS website at www.equitycollecting.org

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(c) the BECS Board will instruct that approved distribution Policies are published by BECS and made available for reference by performers on www.equitycollecting.org.uk

Graded Productions

If performers' rights revenue from European sources is not already split between performers by the originating collecting society, BECS apportions performer shares according to time spent on screen and programme duration.

This entails classifying productions as either 'film character' or 'ensemble' and grading performances according to the importance of the character played. Performers' rights are only paid to credited cast members.

'Film character' productions are split into four grades:

- Principal Performer (PP) Leading characters in a production around whom the story revolves.
- Featured Performer (FP) Major characters who are integral to the storyline but secondary to the principals.
- Secondary Performer (SP) Secondary characters who, whilst part of the storyline, do not have a focal role.
- Cast Member (CM) All remaining characters on the cast list.

'Ensemble' productions are split into two grades:

- Main Artist (MA) All members of the standing cast of an ensemble programme.
- Cast Member (CM) Other performers in an ensemble production.

Claims

BECS endeavours to ensure that all qualifying performers are included on cast lists and that performers are allocated the appropriate grade. There are two grounds on which a performer may make a claim against a grading decision:

- If a performer believes they have been left off a cast list
- If a performer believes they have been allocated the wrong grade.

In the first instance, BECS will attempt to resolve claims by discussion with the performer. Performers may be asked to provide documentary evidence to substantiate their claim.

Administration fees

An administration fee is not levied on all sources of income. In particular, no fee is levied on sums linked to new media services where BECS acts as an agent for either the Broadcasters or Equity in distributing payments. Instead, BECS secures a contribution towards its administration costs from the Broadcaster running the services.

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An administration charge is made against some non-contractual and performers' rights payments. This happens when BECS must obtain and process programme data that is essential to running the organisation and making payments possible.

BECS is a not-for-profit organisation and charges are made solely to cover our overheads. Where Equity has directly secured money for distribution, Equity members benefit from reduced charges as their subscriptions are used to subsidise administration costs.

VAT

It may be appropriate to collect VAT on some of the payments collected by BECS. Members who are VAT registered are asked to complete and return a self-billing VAT form.

Distribution

In order to keep costs down and manage micro-payments effectively, BECS has two main distributions per year. Non-contractual and statutory payments are normally distributed in July/August, with contractual payments for new media services later in the year normally September-November. Catch-up payment runs are made on a regular (normally monthly) basis so any missed payments or payments where there has been a change of details can be dealt with.

Organisational Structure

BECS has a Board of Management which is made up from a maximum of 12 individuals who are elected/appointed as follows:

- Up to six persons being members of and being elected by the Equity Council;
- One person nominated by the Management Committee of the Co-operative Personal Management Association;
- One person nominated by the Council of Management of the Personal Managers' Association Limited;
- One Executive Director being the Chief Executive Officer of BECS;
- Up to three persons who are Members of BECS and who have been elected as members of the Board by the membership of BECS in general meeting.

With the exception of the Executive Director who remains on the Board all the time he/she holds the post of CEO, members of the BECS Board of Management elected by the Membership of BECS are elected/appointed every three years and other Board Members are elected/appointed for terms of two years.

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The current BECS Board of Management will be shown at:

www.equitycollecting.org.uk

Contact details for BECS staff will be shown at:

www.equitycollecting.org.uk

Members Meetings

The BECS constitution provides for an Annual General Meeting be held each year, normally in December at which all members of BECS can attend to receive, speak and vote on the Annual Report from the company and any resolutions presented to the meeting.

A General Meeting may be called at the requisition of any three members of the Board of Management or 100 members of the Society.

Any member is entitled to submit a proposition, subject to the required notice being given, to any General meeting. A vote will be taken at the meeting, including any proxy votes properly received, and will be binding on the Company unless the Board decide to ballot the entire membership within 30 days of the meeting. The vote of any ballot will be binding and may supersede any vote taken at the meeting.

International Agreements

BECS has entered into Representation Agreements with a number other Collective Management Societies from which it seeks to collect any monies applicable to BECS members resulting from statutory rights that exist in the countries within which the mandates of such Societies apply:

A list of current Agreements with such societies will be published at:

www.equitycollecting.org.uk

Customer Service

BECS staff seeks to maintain the highest standards in its dealings with members and their agents as well as its customers being producers, broadcasters and Equity the Union. BECS staff is expected to be both courteous and helpful when dealing with calls and correspondence whether it is by post or emails.

BECS Code of Practice updating Code of Conduct from July 2015

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BECS has a small but dedicated staff whose goal it is to acknowledge all calls and emails within 48 hours and letters within 5 working days of their receipt when addressed to the BECS office address. Personally addressed correspondence will be acknowledged within the same time scale subject to the named individual's availability in the office.

Complaints Procedure

Despite best efforts, it is a fact that from time to time things do not go as they should. BECS hopes to rectify any errors and resolve confusion as soon as possible after concerns are identified. If you believe there has been an error or that BECS have dealt with things incorrectly, please contact us by post, phone or email:

British Equity Collecting Society
Guild House
Upper St. Martin's Lane
London
WC2H 9EG
Tel: +44 (0)207 670 0350
Email: becs@equity.org.uk

If you then remain dissatisfied with the response or service you have received from us, the following procedure should be used if you believe that BECS:

- a) has not complied with its stated service standards;
- b) has not applied its stated policy;
- c) has not applied a provision of the Code of Practice and/or the published Complaints procedure; or
- d) has not followed due process in setting a policy and this has adversely affected the administration of your rights.

You are asked to write to BECS setting out your complaint marked for the attention of BECS Complaints. Upon receipt of the complaint, an acknowledgement will be sent back to you within 5 working days.

All formal complaints will be dealt with by the Chief Executive Officer who will, within 15 working days from receipt of your complaint, respond in full.

(Complaints about the CEO should be addressed to the Chairman of the Board of Directors).

If you are unhappy with any response received about your complaint, you should write within 60 days of the date of the response to the Chairman of the Board of Management.

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(Escalation of complaints about the CEO should be sent to the full Board of Management). The Chairman (Board) will respond in writing to you following the next scheduled meeting of the Board and will confirm or vary the earlier decision and advise you of your right of appeal.

Appeal Procedure

If you have followed the set complaints procedure and we have confirmed that there are no further actions we can take, you may within six months of receipt of this confirmation refer the matter to an Independent Complaints Reviewer (Ombudsman). The Ombudsman can only review complaints on issues that are the direct responsibility of BECS. BECS works as an agent for Equity and the Broadcasters and any complaints that relate to decisions which are the responsibility of either Equity or a Broadcaster should be referred to them directly.