

# **Brief history of Exhibition Payment Right**

**a-n The Artists**

**Information Company**

**a·n**

## **Introduction**

The Brief history of Exhibition Payment Right provides a historical context and evidence-base within the Paying artists research and advocacy campaign that was activated in 2013 by a-n and AIR (Artists Interaction and Representation). This initiative aims to understand what the range of different experiences and practice is as regards artists' payment within publicly-funded exhibitions, to identify both good and poor practice, and to consider what kind of recommendations might be made for sharing and spreading good practice more widely.

We know that in 1979, the (then) Arts Council of Great Britain implemented the Payment to Artists for Exhibition of Work scheme and set a standard fee of £100 per solo show for artists when exhibiting their work in the public. A lobby in the years prior from artists including Conrad Atkinson, an Artists Union member, had played a significant part in this policy breakthrough.

Arts Council of Great Britain devolved the scheme to the Regional Arts Associations (RAAs) in 1983 as a three-year trial. Alongside, exhibition payment schemes were under development in other nations in the UK. Towards the end of the trial period, a review was undertaken in England by the Council of Regional Arts Associations (CoRAA).

Although it was intended to establish an integrated Exhibition Payment Right scheme across England, the CoRAA review did not arrive at a common agreement. Thus, each association (and arts council) pursued a scheme that reflected their perspective on the value of payment to artists and their ambitions and expectations for the galleries they funded.

The value of artists within the overall arts ecology seems to have been clearly understood by some funders. The Welsh Arts Council stated in 1985: "Thousands of people visit exhibitions and enjoy and appreciate what the artist makes. The public gallery, working with the public's money and on the public's behalf, must come to recognise that the artist – as much as and even more than everyone else involved in making, lighting, organising, writing about and touring exhibitions – deserves and needs proper payment for their work."

Arts Council of Great Britain said: "Public galleries and museums choose to exhibit the works of living artists for the enjoyment and education of visitors. Both these functions are of wide benefit to the community. Artists provide a service, and, just as other workers in the gallery are

entitled to be paid for their labour, so too artists are entitled to be paid for the use that is made of their work. Artists are professional workers as well. Every other professional sector in the arts expects that this public benefit should be recognised, and recompensed, by the payment of a fee.... The argument for EPR is based on equity – on fairness and justice. All artists should benefit from the consumption of their work by the public.”



For this report, and to find out what happened beyond those great aspirations for a universally adopted 'right' for artists, we looked back into the unique reference resource that is a-n's archive.

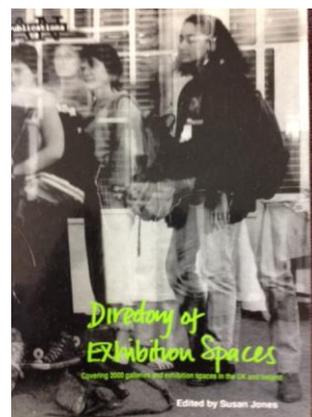
We studied various publications brought out 1980-2000 including Artists Newsletter (forerunner to the now defunct a-n Magazine), four editions of the Directory of Exhibition Spaces and the a-n/National Artists Association (NAA) Exhibition Contract. We have also referenced unpublished documents within the a-n archive produced by the National Artists Association, that was formed in 1985 and for many years worked closely with a-n on research and advocacy in support of artists' rights and well-being.

Overall, the a-n archive reveals evidence of a willingness amongst most funding bodies and the (then independent) Crafts Council to make the scheme work. It also shows how a partnership between a-n and the NAA ensured widespread consultation within the process of developing and implementing schemes within regions and nations with artists and arts organisers through published surveys that were filled in and posted back, and a series of Arts Council of Great Britain-funded consultation meetings.

NAA committee member Roland Miller pointed out in an essay for Artists Newsletter in December 1985: "The artist, once the work has been delivered to the gallery, loses contact with it and with most of the people who will see it. There is no mechanism that relates the numbers of people enjoying or in other ways benefitting from the artworks on show to a reward or wage for the artist who produced them."

As the Timeline following shows, there was early enthusiasm and allocation of budgets for payments to artists for exhibitions. Publicly-funded galleries stated in editions of a-n's Directory of Exhibition Spaces whether they paid fees to artists for exhibiting – and sometimes how much – and if they supported the principle of EPR. Significantly, the

galleries gave details of other aspects of their support to exhibiting artists, summarising exhibition policies, whether they “welcomed proposals” and explaining how exhibitions were selected.



Early evidence states that: “Arts Council of Great Britain is very supportive of the principle of Artists Exhibiting Fees. They wish to shift the emphasis of the scheme to accepting the principle and working towards the practicalities. This has resulted in the new title ‘Exhibiting Payments Right’ (EPR). A discussion paper written by ACGB and the RAAs will soon be circulated, to local authorities, CoRRA, the Museums Association etc, for comment. The responsibility for payment would shift to the gallery or exhibition space. The ACGB paper recommends a figure of £250 for a solo exhibition. The artist could negotiate with the gallery for a higher fee, but all arrangements should be laid out in a contract between artist and gallery.”

Significantly, the discussion paper goes on to say: “All revenue and project-funded organisations will be obliged to include costs of their estimate of exhibiting fees in their applications. Grants may be conditional on exhibiting fees being paid. Galleries will be expected to find a proportion of the fees from their own funds although ACGB and the RAAs may have some money available for this purpose.”

The archive reveals that a-n worked assiduously within its publications to track and maintain the profile of the scheme, noting in the 1989 edition of the Directory of Exhibition Spaces: “‘Supports Exhibition Payment Right’ in a listing denotes a commitment to the principle that artists should be recompensed for the public showing of their work, the Directory of Exhibition Spaces provides the first ever published list of that commitment and it is hoped that by the third edition of the book, the principle will have been turned into a nationally agreed ‘Right’.

It is fair to say that many regional arts associations and arts councils worked hard to foster belief in this payment scheme amongst the galleries they supported. In 1995, some RABs withdrew their own budgets for EPR with expectation that their galleries would maintain a scheme within their programme budgets, thus taking responsibility for upholding the right of artists for fair and proper payment and demonstrating the intrinsic value of artists within the public exhibition process.

In some cases and mindful of the CoRAA discussion paper, penalties were put in place for galleries who didn't comply. One such example was in Southern Arts, whose guidelines in 1986/87 stated: "The Association now attaches great importance to this move towards the proper remuneration of artists, it will not consider any other form of grant-aid to organisations not implementing EPR."

Despite the broad support for exhibition payment, after the CoRAA review period the funding bodies simply could not collectively agree on or establish a universally-adopted scheme. Thus, each pursued their own interpretation of it, with various fee rates and conditions attached.

Whilst a significant recommendation from Roland Miller's report for the NAA in 1988 was that: "EPR should eventually be incorporated into a form of nationally-binding legislation through a statutory instrument such as the British Copyright Act", this was not pursued further.

Notably however, it was an artist in 1996 who suggested a new way to financing and securing a universal scheme. Artist and former NAA Chair Helen Smith proposed establishment of a "centrally held EPR-fund, into which all galleries paid their annual allocation, to be matched by National Lottery funds", to create an endowment fund, this creating a solution to long-term funding of an exhibition payment scheme. This interesting proposal appears not to have been researched further.

Over the years following however, it seems that the argument for and principles underpinning Exhibition Payment Right were either gradually abandoned or simply forgotten about.

By 1995, plans for the Year of the Artist 2000<sup>1</sup> were under development: "The overall aim of the Year of the Artist would be to place the artist at the centre of society, to create better understanding of the role of the artist...".

1998, The Chairs of the Regional Arts Boards – who through the transition in 1990 from Association to Board now enjoyed policy-making autonomy from the Arts Council of England – produced a paper on Year of the Artist 2000. Their solution to placing the artist at the



June 2000 ~ May 2001

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<sup>1</sup> Year of the Artist Evaluation of the programme in England, Arts Council England Research report 26, Lucy Hutton and Clare Fenn.

centre of society did not depend on public exhibition of their work.

Amongst Year of the Artist's stated aims were two specific to artists' livelihoods:

- "to deliver lasting opportunities for artists creatively, structurally and financially
- to help expand the arts economy and support attempts to create new opportunities for employing artists, including campaigns to improve the economic status of the arts and artists."

Rather than public exhibitions, the proposal was to fund 1000 artists' residencies that would: "enable artists to work alongside more 'normal' people who do not at present recognise the way the arts can and do impinge on their lives." Whether Year of the Artist succeeded in its ambitions to change public perception of artists through participatory engagement and improve artists' economic status is not under scrutiny in this report. Rather, we have simply analysed how artists prior to that Year were regarded and remunerated within the public exhibition process.

It seems clear now from reviewing the archive of reports and commentaries that it was the strong line adopted by the funding bodies that was a defining factor in establishing and maintaining exhibition payments to artists over a period of years. The funders' unequivocal requirement for "equity" in the treatment of artists by galleries and the associated deep understanding of the symbiotic relationship between artists work and access to it by the public were highly influential amongst the portfolio of galleries then supported, and ensured that the various schemes were continued.

However, it seems that once arts funders had turned their attention to newer policies for demonstrating artists' value to society – such as the residency programme for Year of the Artist – that the vital link between maintaining the rights of artists and the role of the publicly-funded galleries to show work to the public was broken.

However, some interesting exhibition-based models were apparent. a-n's web-based report published in 2005, cited a new way to acknowledge artists' value within the exhibition form: "Amongst alternatives to EPR is the Film and Video Umbrella approach that pays artists a combined commission and exhibition fee. Standard practice followed over last 5 years is that the artists' fee is 10% of overall budget. Fees range from £2,000 to £7,000, which reflects the scale of projects of £20,000 to £70,000. "

Significantly, Arts Council England – 33 years on – is again calling for funded galleries to pay artists “properly and fairly”. The historical evidence provided here about past frameworks or models provide a reference for how this aspiration might be achieved and monitored, for the benefit of artist and public alike.

Might it be conceivable within this, as Roland Miller proposed way back in 1985 – and given the growth in visitor numbers to contemporary visual arts exhibitions - to now forge a mechanism “that relates the numbers of people enjoying or in other ways benefitting from the artworks on show to a reward or wage for the artist who produced them.”?

**Susan Jones**

Director, a-n The Artists Information Company

Other Paying artists reports can be accessed at [www.a-n.co.uk/publications/topic/4082494](http://www.a-n.co.uk/publications/topic/4082494)

## Timeline

1977 Artists' Union members make case to Arts Minister for an exhibition payment scheme

1979 Arts Council of Great Britain (ACGB) establishes Payment to Artists for Exhibiting on the principle of recompense for public access to an artist's work with £100 flat rate fee.

1983 Payment to Artists for Exhibiting devolved from ACGB to English Regional Arts Associations (RAAs) as a three-year trial scheme.

1984 Payment to Artists for Exhibiting scheme in operation in England, Wales, and Ireland through an agreed register of galleries but not in Scotland. The Crafts Council ruled out the payment of fees for exhibitions "as a matter of policy".

a-n (then Artists Newsletter) and National Artists Association jointly survey artists and arts organisations on payment to artists for exhibiting, to inform future policy.

1985 The Council of Regional Arts Associations (CoRAA) conduct a review of the scheme and its operation for 1986 and beyond, involving ACGB and local authorities.

1987 An "inconclusive" review resulted in varying approaches, rates and eligibility criteria applied by the associations and arts councils.

Scottish Arts Council survey artists on principle of Exhibition Payment Right (EPR) in Scotland.

Welsh Arts Council increases exhibiting fee to £500 for solo exhibition; Northern Arts Board to £200, North West Arts Board to £250 and South West Arts Board to minimum of £250.

1988 National Artists Association funded by ACGB to run a consultation programme and provide recommendations for adoption of EPR in Great Britain and Northern Ireland

1989 Crafts Council operates EPR from 1 April.

Whilst RAAs retain designated budgets for EPR fees, they begin to shift responsibility for paying all/part of EPR to funded galleries

a-n's *Directory of Exhibition Spaces* indicates 19% (382 of 2000) galleries "support principle of EPR" and 5% state they "pay exhibition fee".

1990 As a result of the Wilding Review, Regional Arts Associations become Regional Arts Boards (RABs)

1993 a-n's *Directory of Exhibition Spaces* indicates that 14% (367 of 1665) galleries in the UK are paying artists fees for exhibiting.

*The NAA Public Exhibition Contract* published by a-n (then a-n Publications) includes clause on exhibition fees and EPR reference.

1995 Some RABs withdraw budgets for EPR with expectation that galleries will maintain it within their own operating budgets.

1995 a-n's *Directory of Exhibition Spaces* indicates that 12% (2397 of 195) galleries in the UK are paying artists fees for exhibiting

Arts Council think-tank for Year of the Artist 2000 says: "The overall aim of the Year of the Artist would be to place the artist at the centre of society, to create better understanding of the role of the artist..."

1996 NAA proposal for a "centrally held EPR-fund, into which all galleries paid their annual allocation, to be matched by National Lottery funds" presented at National Lottery seminar organised by South West Arts and the NAA.

1997 LIFT recommendations for delivering Year of the Artist 2000 "celebrating the role of the artist in Britain" include "proper payment for artists" but with no specific mention of the exhibition (or any other artform) platform.

1998 In March 2001 announcement of restructured arts funding system, integrating the Arts Council and RABs into a single organisation.

RAB Chairs' group produces paper on Year of the Artist 2000 that proposes 1000 artists' residencies that "enable artists to work alongside more 'normal' people who do not at present recognise the way the arts can and do impinge on their lives."

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## **Payment to Artists for Exhibition of Work**

### **The scheme and how it works**

First published in Artists Newsletter, December 1984

by **Richard Padwick**

The following is based on the information, which is currently available to artists as produced by the administering bodies.

#### **General Principle**

"Exhibitions represent the most frequent way for the work of artists to be presented to the public, yet it is in this activity that artists have most often been taken for granted. They have been expected (more as a result of lack of thought than deliberate exploitation) to carry not only the cost of producing work for an exhibition and transporting it to the venue, but also to contribute to the costs of hiring the space, printing the catalogue, posters and invites, a private view and so on."

Welsh Arts Council.

The 'Payment to Artists for Exhibition of Work' scheme, implemented by the Arts Council of Great Britain in 1979 and subsequently devolved to the English Regional Arts Associations in 1983, was established on the principle of recompense for public access to an artist's work.

"The payment for exhibiting work is quite distinct from any commission fee, installation fee, or any other payment made to the artist within the terms of an exhibition agreement with the artists'

Yorkshire Arts.

'Such payments should be made therefore to living artists and not to their heirs or estate."

Northern Arts.

#### **Who operates the scheme?**

The principle has been adopted by the twelve English Regional Arts Associations, Welsh Arts Council, Arts Council of Northern Ireland, the Irish Arts Council. The Scottish Arts Council, however, has not operated the scheme and has recently rejected it in principle. "The Panel (members of the Awards Panel are always professional artists) felt that the positive things they could do to help the individual artist was to initiate the Small Assistance Grants that had already been approved in principle and

perhaps to expand the bursaries currently administered through the print workshop and sculpture workshop.”

The way the scheme is operated varies between region and region. The following gives an account of the similarities and the differences.

### **Amount payable**

“The scale of rates has been agreed nationally and is standard across the country. The flat rate payment is £100 per solo exhibition and £50 for a two person exhibition. Payment for additional showings (up to six venues) is £25 and pro rata in the case of two-man (sic) shows (ie £12.50 per artist)’.

Northern Arts

However the Welsh Arts Council allows for a minimum payment of £150 for a first showing and £40 for subsequent showings. For two or more exhibitors the fees are divisible by the number involved (up to 5).

Southern Arts says in their information sheet that the flat rate is £100 for a solo exhibition but adds that “Some galleries will have more than one space capable of holding exhibitions and the size of such spaces may vary considerably. An element of flexibility is built into the scheme and subject to agreement with Southern Arts certain spaces within the gallery might either be omitted from the scheme or a moderation of the payment by half be made.” £50 is, therefore, paid to artists exhibiting in approved smaller galleries, but these payments are also described as ‘suggested’ amounts.

East Midlands Arts is the only region attempting an explanation of what constitutes a solo exhibition: “For these purposes, a one-person show should include a substantial, independent body of work displayed in an area or space not shared with another artist working in the same medium.”

Neither the level of payments nor the overall budget have been increased since the scheme’s inception, despite inflation. Many RAAs recognise that the current level is only a ‘token’ payment. The Welsh Arts Council, with its high rates, declares “At its present level the fee must be regarded only as an absolute minimum but the wide-spread acceptance of such a fee structure is still a base to work from and build upon!”

The Greater London Arts Association says "Whilst such payments have unfortunately remained at a necessarily modest level the scheme has helped to establish the professional status of the visual artist exhibiting in public galleries, GLAA is fully supportive of the scheme and will continue to argue strongly for the fees to be raised to and maintained at a more realistic level."

The Arts Council of Great Britain however feels that "it will be difficult to increase the present level of payments made to this scheme."

Northern Arts, who tried to increase payments in 1983 in line with the Welsh Arts Council, subsequently put them back to £100 and £50.

### **Who is eligible?**

"The scheme applies to professional artists only, ie those artists who have either completed a full-time course of study in an art school or who in other ways have demonstrated their status as artists. Full time and part-time students are not eligible."

Northern Arts.

This is a fairly standard condition, but how does it relate to the new part-time MA courses?

Craftworkers are almost universally excluded: "The Crafts Council has specifically ruled out the payment of fees for exhibitions as a matter of policy."

South West Arts and Eastern Arts, however, include craftworkers and Northern Arts says that it is considering a similar scheme for 'craftsmen' (sic).

Artists are usually described as painters, sculptors, printmakers. The position of performance artists is not always clear. Where they are mentioned they are excluded because 'alternative schemes exist for subsidy of their fees'. Are they also excluded by another condition requiring exhibition to be a minimum of three weeks?

In some regions only 'British' artists are described as being eligible, in others the phrase "artists living in the UK" is used. These are clearly very different. Some areas (Eastern Arts, GLAA, Northern and Yorkshire Arts) extend the scheme to 'foreign artists exhibiting in England where a reciprocal arrangement is in force in their country.' No one lists what

these countries might be. The Welsh Arts Council makes no limitations about the eligibility of artists.

### **What exhibitions are eligible?**

Not all exhibitions are eligible. In the first place it depends upon the nature of the gallery. Private and commercial galleries are universally excluded. Wales describes very clearly that the scheme is offered for exhibition in "Art Galleries and Exhibition Spaces in Wales owned, managed or funded by a Local Authority Regional Arts Association, University or other public bodies".

Others are not nearly so clear-cut. Eastern Arts says in "galleries ... large enough to accommodate a substantial show". No definition of substantial is made.

Southern Arts in "Municipal art galleries, arts centres, universities and polytechnics having a defined exhibition area with properly funded programme of contemporary exhibitions open to the public.

Excluded are informal spaces ancillary to buildings such as libraries, theatres and arts centres. "Payments can only be made to artists exhibiting in main gallery shows and do not apply to foyer, bar, corridor or staircase exhibitions."

GLAA

Other regions merely publish a list of 'eligible' or 'approved' galleries without explanation of the basis for approval.

However, the situation is further complicated because most regions have two types of galleries – ones at which payment is 'automatic' (in theory) and others in which payment is 'discretionary'.

### **Galleries**

Automatic payments are available at those galleries which have been approved by the Regional Arts Associations. Nowhere, however, are listed the criteria for selection; presumably it's to do with the consistency of the quality of the programme.

Payments are then only automatic provided the gallery meets a number of conditions. "The exhibition should be of at least three weeks duration'. 'The payment will only be made if it can be shown that the gallery has

agreed with the artists to meet in full costs of transport and insurance for the exhibition, and to make adequate provisions for publicising and promoting it.' – Eastern Arts.

"The payment is over and above what an artist would normally expect the organiser to provide by way of transport, insurance, publicity, installation, security."

Southern Arts

"Venues must have substantially covered the overheads of the exhibition." East Midlands Arts

The Regional Arts Associations presumably trust the approved galleries to abide by these conditions. GLAA, Eastern Arts and South West Arts have devolved (and Southern Arts hope to) responsibilities to the automatic galleries and hand over a lump sum to them with which to pay the exhibiting artists directly. In other RAAs the scheme is not devolved and the RAAs make individual payments to artists.

There is a further catch, however, to 'automatic' payments which only a few RAA's are open enough to admit. As GLAA points out they "can offer no guarantee that each artist exhibiting in the gallery will automatically receive a fee, even if their eligibility is indisputable. The funds are very limited, and GLAA will endeavour to maintain a fair policy towards allocation of such resources."

Eastern Arts and the Welsh Arts Council issue similar warnings: "Eastern Arts retains the right to refuse to make payments at its discretion" and the Welsh Arts Council say "... as long as an exhibition fulfils the criteria and money is still available, a grant will normally be made".

So make sure your exhibition is held at the beginning of the financial year. Merseyside Arts has already run out of funds for the scheme at the beginning of November!

Presumably galleries not 'approved' for 'automatic' payments are not trusted sufficiently either to abide by the conditions (as above) or to consistently show work of an 'acceptable' standard. All exhibitors at discretionary galleries must make an application to the RAA showing photographic evidence of their work.

Lincolnshire and Humberside Arts is the only RAA to admit that quality of work is taken into account. "The Art Consultants will assess the standard of work submitted".

North West Arts requests that application forms should only be sent to "eligible professional artists" but still require "relevant visual material".

The remaining RAAs hide behind the term 'discretionary' and do not describe what criteria they use for accepting or rejecting a claim. Only Lincolnshire and Humberside Arts and East Midlands Arts say who makes the decisions, respectively Arts Consultants and Visual Arts Panel. Northern Arts simply says "applications will be considered by a committee".

North West Arts also requests artists to give account of any regular employment – presumably because full-time lecturers are not eligible for payment if they exhibit at their own college's gallery. More interestingly Southern Arts also wants to know the artist's occupation but do not appear to have a similar prohibition.

Lincolnshire and Humberside Arts operates the scheme in probably a rather different way to everyone else, in the sense that the group of Visual Arts Consultants take decisions on whether payment is made to an artist. No gallery, therefore, in the region has an automatic right to payment for artists exhibiting in their gallery.

## **Contracts**

Exhibition agreements between artist and gallery should be "in the view of Northern Arts, regulated by written contract". Eastern Arts "encourages a written contract... A Copy of such an agreement making clear the extent of the gallery's financial commitment should be submitted in support of applications". These are fairly standard comments. None insist on written agreements.

## **Payment process**

In general, artists have to complete the application forms which must be endorsed by the gallery and accompanied by slides for consideration by the RAA.

Payment is generally made after the exhibition is held. There are, however, some variations. Eastern, East Midlands, Southern, South West

Arts and West Midlands Arts request the application after the exhibition has been held, which means artists do not know whether they will receive payment until after they have exhibited. Lincolnshire and Humberside Arts request the application form before opening and North West Arts "as soon as an exhibition agreement is reached. Notification will be given of availability or otherwise, of the payment but a cheque will be issued only on receipt from the artist confirming that the exhibition has taken place."

The Welsh Arts Council allows "application to be made at any time during the financial year." Where the RAAs have devolved or partly devolved the scheme to galleries, the galleries make an application at the beginning of the year and are given a block grant. The gallery then pays the artist directly.

The Welsh Arts Council also operates another slight but significant variation on the scheme. They only pay out £140 "towards a fee of at least £150". The gallery must make up the difference. "The grants are offered to the gallery (or organisation in charge of the gallery) to assist THEM in paying the Exhibition Fee. It is the gallery therefore, not the exhibitor(s) that make the application."

This method forces the galleries to acknowledge the principle of the scheme, and recognises that it is ultimately the galleries' responsibility to make the payments. In England galleries are absolved of this responsibility because the RAAs meet all the payment.

## **Galleries at which payment is made**

### **Arts Council of Northern Ireland**

Arts Council Gallery Belfast

The Council has provided within its subsidy funding resources to other galleries ie The Orchard Gallery in Derry to pay such fees.'

### **East Midlands Arts**

#### **Automatic**

Midland Group, Nottingham

#### **Discretionary**

Derby City Museum & Art Gallery

Kimberline Exhibition Hall, Leicester Polytechnic

Loseby Gallery, Leicester

Northampton Museum & Art Gallery

Portland Gallery, University of Nottingham

St Michael's Gallery, Derby

**Note:** Leicester Museum & Art Gallery and Nottingham Castle are not included because of strong opposition to the scheme by those local authorities.

### **Eastern Arts**

**Devolved system** (ie payments operated by the galleries)

The Cambridge Darkroom  
Gainsborough's House, Sudbury  
Kettle's Yard Gallery, Cambridge  
Lady Lodge Arts Centre, Peterborough  
The Minories, Colchester  
Norwich School of Art Gallery  
Peterborough City Museum & Art Gallery  
Wells Centre, Norfolk

### **Discretionary**

Becroft Art Gallery, Southend  
Bury St Edmunds Art Gallery  
Castle Museum, Norwich  
Chelmsford and Essex Museum  
Fitzwilliam Museum, Cambridge  
Great Yarmouth Museums  
Hertfordshire College of Art & Design, St Albans  
Hitchin Museum & Art Gallery  
Ipswich Museums  
Kings Lynn, Fermoy Gallery  
Letchworth Museum & Art Gallery  
Library Concourse, University of East Anglia, Norwich  
Lowestoft Arts Centre  
Luton Museum and Art Gallery  
Playhouse Gallery, Harlow  
Sainsbury Centre for the Visual Arts, Norwich  
Stevenage Leisure Centre

### **Greater London Arts Association**

Payments operated by the following galleries:

AIR Gallery  
Bermondsey Artists Group (Café Gallery)  
Camden Arts Centre  
Camerawork  
Cockpit Gallery  
Coracle Press Gallery

ICA Gallery  
Kenwood House  
Matt's Gallery  
Morley Gallery  
Pentonville Gallery  
Photographers Gallery  
Riverside Studios Gallery  
South London Art Gallery  
Tower Hamlets Arts Committee  
Whitechapel Art Gallery  
Woodland Art Gallery

### **Lincolnshire and Humberside Arts**

No stipulation – selection made on the 'standard' of the work exhibited.

### **Merseyside Arts**

No stipulation – payments based on having a reasonable body of work' adequately displayed at any public venue

### **North West Arts**

#### **Discretionary**

Alsager Gallery  
Astley Cheetham Art Gallery, Stalybridge  
Blackburn Art Gallery  
Bolton Museum & Art Gallery  
Bury Art Gallery  
Bury Metro Arts Association  
Chapman Gallery, University of Salford  
Grosvenor Art Gallery, Chester  
Grundy Art Gallery, Blackpool  
Grundy House Gallery, Blackpool  
Harris Museum and Art Gallery, Preston  
Haworth Art Gallery, Accrington  
John Holden Gallery, Manchester Polytechnic  
Lancaster City Art Gallery  
Langley Furrow Gallery, Rochdale  
Mid-Pennine Arts Association  
Oldham Art Gallery  
Rochdale Art Gallery  
Royal Northern College of Music, Manchester  
Towneley Hall Art Gallery, Blackburn  
Turnpike Gallery, Leigh  
Whitworth Art Gallery, Manchester

## **Northern Arts**

### **Automatic**

Abbot Hall Art Gallery, Kendal  
Bede Gallery, Jarrow  
Brewery Arts Centre, Kendal  
Newcastle Media Workshop  
Side Gallery, Newcastle upon Tyne  
Sunderland Arts Centre

### **Discretionary**

Billingham Art Gallery  
Bondgate Gallery, Alnwick  
Bowes Museum, Barnard Castle  
Buddle Arts Centre, Wallsend  
Carlisle Museum and Art Gallery  
Cleveland Gallery, Middlesbrough  
Darlington Arts Centre  
DLI Museum and Art Gallery, Durham  
Gray Art Gallery, Hartlepool  
Hatton Gallery, Newcastle University  
Hexham Arts Centre  
Laing Art Gallery, Newcastle  
Middlesbrough Art Gallery  
Newcastle Polytechnic Gallery  
Sunderland Museum & Art Gallery  
Washington Arts Centre  
Whitehaven Museum and Art Gallery

## **South East Arts**

Galleries that administer the scheme:

Righton Polytechnic Gallery  
Easton Rooms, Rye  
Gardner Centre for the Arts, Sussex University  
Hastings Museum and Art Gallery  
Kiln Gallery, Farnham Maltings  
Margate Library  
Medway Centre, Rochester

## **Payments to artists for public exhibition of their work**

First published in Artists Newsletter, December 1984

The scheme 'Payments to Artists for Exhibition of Work' operates in England, Wales, Northern Ireland and Ireland. Scotland has recently rejected the scheme and in England it comes under re-consideration next year. The administering bodies – the arts councils and the English regional arts associations – have no method of finding out what artists think about the scheme. If you want your voice heard fill in the questionnaire (below) and return it to Artists Newsletter by Friday December 21. We will ensure that your views are passed on to the relevant organisation.

### **Introduction**

by **Roland Miller**

If a group of workers is alienated from those who receive the products of their work, and if the same workers are cut off from sharing in the financial rewards that accrue from the sales or use of these products – then a situation will arise in which this group will have no control over its collective destiny. I believe this to be the case with artists.

The sense of being cut off from the 'true' public as heightened in the case of public exhibitions by the lack of a role for the artist. Attempts are made, and with some success, to present artists talking about their work, being present in the gallery, holding workshops, being accessible, but this is to miss the point: the artist, once the work has been delivered to the gallery, loses contact with it and with most of the people who will see it. There is no mechanism that relates the numbers of people enjoying or in other ways benefitting from the artworks on show to a reward or wage for the artist who produced them.

Where a payment is made – and we are considering here an existing scheme for payments to artists when their work is shown in public, it is at a standard rate (no sliding scale to allow for numbers of attendance at the exhibition), it only applies to selected galleries, to a limited number of artists, and, most important of all, it is not a legislated right.

In my view, artists whose work is available to a public in public places should be involved in a social contract, and thereby rewarded for the work they have done and are doing. Some regional arts associations do ask for a written contract between gallery and artist when payments through the

'public access' scheme are made, although this is not mandatory, and certainly not standard.

Even in those situations such as placements, residencies and other schemes that link a working artist to an industrial, social or educational institution, the artist will often suffer from misunderstandings of role, and the work produced be arbitrarily used or not used without consultation, sometimes under assumption that art produced in these situations is intended to 'flatter' the institutions' view of itself – helping to spread the 'Social Grease' identified by Hans Haacke<sup>1</sup>.

I believe that we are in a transitional state at present, with a growing awareness on the part of cultural managers that artists have a real function within society, and that they must be justly rewarded for carrying out this function in the variety of ways that have developed in the last decade and a half. We have not yet, however, managed to empower artists as a significant group of workers or producers, so that in any discussion of the financial structure of the arts within society, artists are usually absent, and have no representatives.

This need not be so. Where artists' resale rights or their equivalent are administered by an artists' collecting society (as for example in France, Germany and certain other states in Europe) a percentage of the profits from sales of contemporary artworks helps to fund centrally administered welfare and legal services for the society's members.

Artists don't have to put up with the inequitable situation in Britain, where a sense of powerlessness and exploitation is overwhelming. Other groups of workers in the 'creative sector' have found solutions to similar problems. Amongst writers, for example, the combination of organizations such as Writers' Guild and the Authors' Lending and Copyright Society has helped to bring about legally enforceable Public Lending Right, (PLR) and other agreements covering work produced for television, film, theatre, and publication, so that the writers may justly share in the profits made from the financial exploitation of their work.

Through Public Lending Right, authors are paid on a sliding scale based on the estimated number of borrowings from public libraries. Because of the role of the writers' and authors' groups in administering the various contracts and monitoring schemes, there is the additional advantage that the generality of writers may benefit from the higher earnings of the few. Most such societies finance their administration through a percentage of the fees they handle, and in some schemes (PLR, for example) a ceiling

on earnings by any one member means that excess profit cannot be made at the expense of the limited central fund.

In the field of 'public access', PLR is an important legislative advance, and it was pushed through an often reluctant Parliament by the efforts of writers like Brigid Brophy, Maureen Duffy, and (Lord) Ted Willis, with the backing of the membership of the writers' societies.

The public library is, with the bookshop, the most important point of contact between a writer's product and the public. In the case of artists, the equivalents should be public exhibitions and commercial galleries. Whilst there are few practical parallels between the sale of books and the sale of original artworks, because of the unit costs, and the differences between one-off works and reproducible multiples<sup>2</sup>, in the case of public libraries and public galleries (often housed in the same building!) some common ground may exist.

Public Lending Right and the longer-established system of royalty payments to authors has meant that a rate of compensation may be established so that workers (in this case authors) are linked economically to the service provided to the public who receive the results of their labours. This link is expressed as a right, and results in a financial reward for the labour expended. The nearest equivalent to PLR in visual art is the 'payment to artists for exhibiting work' scheme, or 'recompense for public access to an artist's work'. It was introduced five or more years ago in a handful of regional arts associations (RAAs) and it has not, yet, been established as a right.

The Arts Council of Great Britain (ACGB) devolved the scheme to all RAA's for a trial period of three years, 1983/84, 1984/85, 1985/86; after which it will be reconsidered. The terms under which this payment is made are set out in ACGB guidelines, but they are not uniform throughout the UK, although all RAAs do administer the scheme in some form. It is not in operation in Scotland, and although it is widely used in Wales, it seems to apply rarely in Northern Ireland, in spite of the fact that the Arts Council of Northern Ireland claims to 'use the model designed by the Welsh Arts Council'.<sup>3</sup>

The scheme has a fixed sum of money available (that has not been altered since 1983) and the sums for each RAA seem to vary between £15,000 and £3000, but exact figures are hard to come by. Indeed there is some reticence on the part of some RAAs in publicising details of the scheme's present operation and its future. As usual, it seems unlikely that

artists as a national group will be consulted about the future of the scheme after the trial period in 1986.

It is in order to gauge artists' feelings about the scheme that we are publicising what we know of it with a questionnaire to artists. The results and some of the responses of RAAs to our questions will be published early in 1985, in the hope that we can bring some influence to bear on the discussions about the scheme's future that we are told will take place then.

The most serious deficiency of the scheme, in my view, is that it is not automatic, not having been accepted as a right. It is discretionary, payment ultimately depending on decisions made by RAA panels and officers.

Once the scheme of payments is established as a "right" the next step could be to introduce a central fund out of which payments would go to all artists involved in public exhibitions wherever they take place, on a sliding scale based upon public accessibility. And if, as in the case of PLR, a ceiling were established to limit the earnings of the most 'exhibited' artists, any surplus amount would be available for re-distribution to all artists involved as a social or welfare or legal aid fund.

By extending the payments scheme to cover the exhibition of works by artists who had died within the last 50 years.<sup>4</sup> we might at last begin to gain some of the advantages enjoyed by our colleagues in some other countries.

'Payments to Artists for Exhibition of Work' is the first such scheme for recompensing artists for the use of their work to operate in most parts of the UK, and it should be encouraged, inadequate though it may be, in the hope that artists will in time receive a more just reward for their services to society. As the Welsh Arts Council's guidelines for the payments scheme put it.<sup>5</sup> "Exhibitions represent the most frequent way for the work of artists to be presented to the public, yet it is in this activity that artists have most often been taken for granted."

And yet, of course there can be alternatives. When artists have explored the non-commodity areas of their work (art as idea, art as social intervention, art as collective experience) they have been pulled up sharply with cries of 'non art' from critics, art historians, and exhibition organisers like Norman Rosenthal.<sup>6</sup>

The truth, I suspect, is that such departures from the artistic 'Norm' challenge, amongst other things, the theory that 'painting alone is the meaning bearer of the spiritual life in our culture'. Martha Rosler made this point in the Channel 4 programme *Voices* (Spring 1984), and when she referred to the necessary growth in alternative artforms in the 1970s, Norman Rosenthal gleefully pointed out that galleries like Castelli and Sonnabend in New York had successfully subsumed performance, conceptual art and other non-object-based artforms, denaturing them by pressing them into commodity format.

A similar reaction against the liberating movements of the seventies may be discerned in attempts to downgrade or marginalise everything that is not painting or sculpture in the Fine Art Departments of Art Schools, and the abandoning after six or seven years of revenue grants for performance artists funded by the ACGB.

It was the notion of artists being paid to do their work rather than for their work when done that inspired the case for revenue grants for visual artists in the seventies. (The Welsh Arts Council's guidelines – op. cit. – express support for "the principle that artists should be paid for what they do; not for what they are".)

There are at present hints amongst those who operate the payments scheme that in future it might work differently, with artists being paid for "collaboration with the local authority galleries in, for example, guiding the presentation of the work and participating in any events organised by the gallery staff to stimulate discussion and greater understanding enjoyment amongst visitors to the show... as an idea it seems worth thinking through as it would help to establish the fact that the artist is a professional person, to whom a fee should be paid for the public presentation of their work".<sup>7</sup>

I am sure that most artists will appreciate the sentiments behind this suggestion that they should, as a group of workers, be more closely associated both with the public who receive their works, and with the just financial rewards that their services should earn.

## **References**

- (1) Hans Haacke reproduced a statement by David Rockefeller on the uses of art to enhance commercial corporate identity & reputation in a 1975 work under the title 'On Social Grease'. See *Circa* magazine No 18 Sept/Oct '84.

- (2) The marketing of artists' prints provides a nearer equivalent to books, but this also requires legislation in favour of artists. In New York in 1980 a law was enacted requiring the registration of all prints made from original artworks – a necessary step in the enforcement of artists' royalty rights. We have no such protection in the UK.
- (3) Letter dated 17 October 1984 to Artist Newsletter from Brian Ferran, Art Director of the Arts Council of Northern Ireland.
- (4) Following provisions of the Berne Convention (1971) on copyright extension to the heirs and estate of a deceased artist.
- (5) 1 April 1984 – 31 March 1985.
- (6) Norman Rosenthal, Exhibitions Secretary of the Royal Academy of Arts, joint organiser of both 'A New Spirit in Painting' London 1981 and 'Zeitgeist' Berlin 1982.
- (7) Letter dated 19 October 1984 to Artist Newsletter from Sally Medlyn, Visual Arts Officer & Deputy Director, North West Arts.

Note: some of the ideas and quotations in this introductory article have already appeared in a different context in articles by Roland Miller in Circa magazine (Belfast) Nos 17 & 18, 1984.

## **Payment to artists for exhibition of work - Questionnaire**

First published in Artists Newsletter, December 1984

Compiled by Roland Miller

This questionnaire is based on the scheme 'Payments to artists for Exhibition of Work' which has been operated in some form or other in England, Wales and Northern Ireland. In England, the scheme first established by the Arts Council of Great Britain in 1979 was devolved to the Regional Arts Associations (RAAs) for a three year trial period – 1983/84, 1984/85, 1985/86. During the early part of 1985 the scheme will be reassessed and the results of this will lead to a fresh initiative from 1 April 1986. In Scotland, the scheme has been rejected in principle by the Scottish Arts Council's Art Panel.

The purpose of this questionnaire is to find out what artists think of the scheme as opposed to the thoughts of the administrators who run it. It would be useful if you could fill in the answers. We hope to build up a comprehensive picture of artists' opinions on this type of funding which will be submitted to the English Regional Arts Associations (RAAs) as evidence for their reconsideration of the scheme, and to other relevant bodies.

### **General principle**

Do you believe that artists should receive a payment to recompense them for making their work publicly accessible (in an exhibition) as of right?

#### Questions to artists

The general rule seems to be that British artists (or those living in the UK) qualify for payments provided that they are alive, 'professional' and either 'artists' or 'photographers' but not (depending on the region where the exhibition is to take place) craftworkers, performance artists, amateurs or students. In some cases other categories are excluded – see (e) below.

It should be noted that most RAAs reserve the right to make the final decision as to whether the artist or gallery qualifies for the payment scheme – there are few truly 'automatic' payments.

(a) Do you think this general rule, however applied in detail, is OK?

(b) The word 'professional' sometimes causes problems: the definition is most often used in this 'payment to artists' context is: those artists

and photographers are considered 'professional' "who have either completed a full-time course of study in an art school or other approved institution or who in other ways have demonstrated their status as visual artists".

Do you find this definition acceptable?

(c) The stipulation that an artist must be 'living' to qualify for payment would seem to rule out payments to heirs a deceased artist. Do you think this is right?

If not, how would you like this rule to be amended? It could, for example, take into account a period of time after an artist's death of 50 years, in accordance with the Berne Convention 1971 Paris revision.

(d) 'Foreign' artists may qualify for the payments scheme if a reciprocal agreement exists in their country. Do you find this an acceptable rule?

If not, what regulation (if any) would you wish to see applied in this case?

(e) Most RAAs explicitly exclude one or more of the following categories of artworkers from the payments scheme. Do you find this acceptable in the case of:

- Architects
- Commercial artists
- Commercial photographers
- Craftworkers
- Designers
- Graphic artists
- Illustrators
- Performance artists
- Amateur artists
- Students

### **Questions to galleries**

Galleries are required to show that payments to artists does not go towards defraying the costs of the exhibition itself (ie transport, insurance, publicity, etc) and that it is a genuine payment to the artist for the use of work rather than a disguised lecture, copyright or other fee.

(a) Do you consider this requirement reasonable?

(b) Would you like to see other conditions placed upon galleries operating the scheme (describe them)?

- (c) The list of galleries that qualify for the scheme in respect of exhibitions they put on varies according to region. Would you like to see the criteria regularised nationally so that:
- i) The scheme is expanded to cover all exhibition spaces, even 'non art' ones?
  - ii) Galleries other than public ones (ie commercial/private) are included? (note that this may be difficult to administer).
  - iii) The number of qualifying galleries is fixed at the beginning of each financial year?
  - iv) Which galleries qualify and which do not is left to the discretion of each RAA (much as it is at present)?
  - v) All payments for qualifying exhibitions in all galleries become automatic rather than (as currently) discretionary?
  - vi) A minimum term of 3 weeks is placed on exhibitions' qualifying period. Do you think this is reasonable?

#### Levels of payment

- (a) Is the current level of payment under the scheme as devolved by ACGB to the RAAs of £100 basic per non-touring, one-person show, £50 per person for two-person show and the Welsh Arts Council's £150 minimum and pro-rata for up to 5 exhibitors:
- Adequate
  - Too low
  - Too high

#### What fee(s) would you suggest?

- (b) Payments (except for WAC) are currently only for one or two-person shows. Would you like to see this rule altered and if so, to what figure?
- (c) Some RAAs have indicated they would like payments to artists (if the scheme continues) to be written into gallery budgets at the beginning of each financial year. Do you think this is a good idea?
- (d) In some cases, RAAs have expressed the hope that in future, local authorities where they are responsible for public exhibitions will take over responsibility for the payments to artist's scheme. Do you agree with this suggestion?
- (e) Given that budgets available for the payments scheme are at a standstill throughout the initial 3 year devolutionary period (1983-86) and that we are constantly being reminded that we can at best expect

zero growth rate in future, would you like to see artists' organisations and pressure groups campaigning for:

- (i) More money to be distributed directly to artists through the scheme?
- (ii) Whatever sums are available from RAAs to be matched with equal amounts from local authorities (where these run public galleries)?
- (iii) Whatever sum is set aside for a continuation of the payments scheme to be safeguarded for a further period of time after 31 March 1986
- (iv) Other comments

### **Questions to artists**

- (a) Have you ever received a payment(s) under the scheme since devolution to RAAs in 1983? (If so where and of how much?)
- (b) If you have ever been refused payment within the terms, as you understand them, of the scheme please state what reasons(s) if any were given for refusal.
- (c) Do you think that the scheme for payments to artists for (public) exhibition of work should continue in roughly the same form that it now takes, after 31 March 1986? If not, what changes would you like to see?

Please state where you are normally resident:

- England
- Ireland
- Northern Ireland
- Scotland
- Wales

## **Payments to artists for public exhibition of their work**

Response to the survey, first published in Artists Newsletter March 1985

### **A New Model Scheme**

Based upon the response by a sample of artists to the questionnaire published in Artists Newsletter, December 1984, based on existing scheme.

Total number of responses 114: percentages in brackets after each point represent proportion of the replies to set questions, excluding 'don't knows' etc. Multiple answers were possible.

#### **GENERAL PRINCIPLES:**

- (1) ARTISTS should receive a payment to recompense them for making their work publicly accessible AS OF RIGHT **(91%)**
- (2) The scheme as presently operated (by the RRAs) (\*) should continue, but with modifications **(61%)**
- (3) The current rates of payment are too low **(79%)**
- (4) More money should be distributed directly to artists through the payments scheme **(90%)**
- (5) Whatever sums of money are set aside for a continuation of the scheme after March 31<sup>st</sup> 1986 (when the current scheme expires) should be safeguarded for a further period of time **(96%)**
- (6) Whatever sums are made available for the scheme under the RAAs should be matched with equal amounts from the appropriate Local Authorities **(88%)**
- (7) Payments should be automatic, so that RAAs do not have a final discretionary say **(86%)**

(\*) RAAs – Regional Arts Associations

#### **DETAILED PROVISIONS:**

##### **(I)ARTISTS**

- (1) The basic qualification for artists and photographers to benefit under the scheme through public exhibition of their work: '(that they) have either completed a full-time course of study in an art school or other approved institution, or have (in other ways) demonstrated their status as visual artists' **(64%)**

- (2) This rule need not only apply to living' artists, but could with justice be extended to cover a period of 50 years after an artist's death, in order to benefit an artist's heirs. (\*) **(52%)**
- (3) Certain categories of exhibition should not be included in the scheme: of work carried out by (a) amateurs; (b) students; and the works that fall within the following classifications – (c) architectural; (d) photographic (commercial); (e) crafts; (f) design; (g) graphics; (h) illustration; (i) performance **(56%-73%)**
- (4) 'Foreign' artists may qualify for payment under the scheme, provided that a reciprocal scheme exists in their own country **(78%)**

(\*) In accordance with the copyright provisions of the Berne Convention 1971 Paris revision.

## **(II) PAYMENTS**

- (1) The 'base rate' of payment should be £250 for a one-person show, of the minimum length. (Some proposals have been made for a rate geared to length of exhibition; to the cost of living; to inflation; or to an average wage-rate based on a national EEC figure). Pro-rata rates should be worked out for higher numbers of artists and for touring and group shows. **(-)**
- (2) The maximum number of individual artists to receive payment in one exhibition should be increased everywhere to 5 (as in Wales) **(80%)**
- (3) The minimum number of weeks for an exhibition run to qualify should be reduced to 2 **(58%)**

## **(III) GALLERIES & EXHIBITION SPACES**

### **Recommendations:**

In general, the artists should receive the payments direct, rather than through galleries or other 'agents', and the organisations responsible for mounting the (public) exhibitions should be able to show that all of the running costs(\*) had been covered before payment was made to artists, and that this side of the agreement was bound by contract. Artists should be informed of the payment well in advance, so that they did not enter into unsecured preliminary expenditure. Such costs as framing should, in any case, be taken on by the galleries or appropriate authorities, or be covered by a separate grant.

(\*) eg: insurance, transport, publicity, catalogues, private view etc.

Even if the above recommendations were not possible, the following improvements should be introduced in the existing scheme:

- (1) Galleries through which payment is made to artists for exhibitions must show that it is genuinely for showing the work, rather than for some other purpose that should be dealt with separately – ie lecture fee, reproduction right payment, etc (& see above) **(84%)**
- (2) The scheme should not be confined to exhibitions in galleries, but should be expanded to all exhibition spaces, even 'non-art' ones **(66%)**
- (3) All payments for 'qualifying' exhibitions in 'qualifying' exhibition spaces should be automatically granted (see General Principles (7) above). **(-)**
- (4) Payments to artists under the scheme should be written into gallery or other budgets at the beginning of each financial year **(79%)**
- (5) If there is to be a fixed number of 'qualifying' exhibition spaces, then it should be set at the beginning of each year **(63%)**
- (6) Commercial and private galleries should not be included in the scheme **(54%)**

This model scheme is copyright Artists Newsletter & Roland Miller 1985 ©

## **Payments to artists for their work**

First published in Artists Newsletter, March 1985

This article is a follow-up to the questionnaire on payments to artists for exhibitions, (printed in Artists Newsletter December 1984) and is based in part on the information in the responses to that enquiry.

### **IDEALISTIC HOPE OR PRAGMATIC REALITY?**

by **Roland Miller**

Whereas the production of art is well understood – at least in the practical sense – by artists, if not always by those who market it, the consumption of art is understood indifferently, if at all, by almost everyone. The notorious ‘scandals’ and sensational publicity that hover around contemporary art like carrion-flies over an exotic flowering plant, testify to its vulnerability. Often misunderstood, exerting a fascination on some, and exciting active denigration as worthless by others, art is either put ‘beyond price’ or treated as beneath honest evaluation. As usual in such polarities, the majority of cases fall in the middle ground. Most artists, too, consider themselves neither as purveyors of masterpieces nor as ‘hobbyists’ working for love alone.

On the whole, artists have a very practical view of the work they do – contrary to the art establishment mythology. Ten or fifteen years ago, when it was not usual to advertise information about grant applications, the feeling at the Arts Council was that, if too many people knew about the grant-aid available, the Council would be swamped by requests from importuning artists that could never be dealt with. This was a corollary to that old lie – ‘staving in a garret produces the best art’. All the evidence we have now states clearly that most artists would welcome a system of properly regulated payment for work based on a rate for the job.

There is a high degree of unanimity amongst artists on the main point at issue: they do wish to be paid through the scheme for making their work available to the public. The scheme as it stands is the only remaining method in England and Wales by which a reasonable number of artists can expect to be paid for work done. In Scotland the ‘Small Assistance Grants’ fulfill a similar function, at around £250 on average per artist. The Arts Council has over the years, tried various methods of financial subsidy to artists, from free-for-all applications for unspecified sums to handouts of up to £6,000 as ‘major awards’ and even higher in the form of commissions to ‘top’ names. The attraction of the ‘payments for exhibitions’ scheme is that it may be regarded as an automatic ‘right’, but

it is precisely that aspect that is said to cause problems. Naturally, if it is the artists who like the automatic element, it is the arts administrators who don't. Certain features of the various 'residency' schemes are attractive, but a very small number only is available, and they are advertised like competitions. Once again the psychology in use is that an artist should feel 'honoured' at being selected for the 'prize' if he or she is successful at gaining a residency, and although the procedure is not unlike applying for a job, and however successful the residency may be, the artist has no 'rights' as an employee would.

That it is a basic right of artists to be paid is also agreed by a substantial majority, but how to turn that right into a workable scheme is much less clear. At the heart of these problems lies a familiar conundrum – what is the role of an artist in society?

If we examine some of the conflicting views (the disagreement, as usual is between artists and arts administrators) that surround this question, we find a wilful disregard of the main issue, and a deliberate avoidance of the principle involved. 2 Arts Council questionnaires (1984) ask, of Arts Associations and of artists: "given that an increase of funding from central sources will not be possible' and 'given that it will be difficult to increase the present level of payments".

And go on to ask what alternatives to the scheme for payments would the respondents suggest. The bias in this form of consultation does not engender confidence. That there is money available for funding the visual arts is beyond doubt, it is a question of where should it go? Towards the running of galleries? To the costs of large-scale prestige national 'shows'? Or into 'agency' schemes where artists' support is identified by non-artists. (One such proposal recently was to fund an 'agent' whose job would be to 'help artists find studio spaces'.)

The majority of artists we contacted think that payments under the scheme in question are too low, and should be increased by an average of 150% (from £100 to £250 basic).

Why should this simple adjustment not be possible? I suggested in the first of these articles that Public Lending Right could be seen as a model of how payments to artists might work, and although there are several important differences between artists' and authors' cases, there seems no good reason why the principle involved in the one should not extend to the other. It is significant that, in his statement to Parliament on 17 December 1984, in which he announced cuts in real terms in government

funding of the Arts Council (by making an increase of only 3%, almost 2% below the level of inflation) Lord Gowrie, Minister 'for' the Arts announced a 37.5% increase in the fund out of which PLR payments to authors are made to £2.75m. It is true that the reasons for this increase are that the original sum in the central fund (£2 million) was set in 1979, although the first payments were not made until 1984, and that since 1984 the number of registered authors under the scheme, including authors now benefiting under a reciprocal arrangement with the authors' society in West Germany has increased considerably.

One of the objections to the payments to artists for exhibitions scheme (from an arts administrator) has been that it is a 'bottomless' pit. However, if the method used in PLR were adapted, this problem could be avoided. In calculating the amounts payable to each author registered under the scheme, administrative costs are deducted from the central fund, and the remainder is distributed according to the number of borrowings of each author's books. There is a 'ceiling' of £5,000 to eliminate unbalanced payments to 'star names' and a bottom limit of £1 per annum. The frequency of borrowing is monitored through a sample of 16 public libraries (20 from July 1985) of which a number are dropped annually, to be replaced by fresh ones to give a fair sample. The sampled borrowings are multiplied out to give national and regional estimated figures. Because payments to authors are made annually, the system would not convert directly to the artists' exhibition situation; and there is another significant difference between books in libraries and artworks in an exhibition – the book is purchased for the library, other copies are available, reprints can be made, whereas, an artwork shown in an exhibition, may be a one-off, may have been loaned by an owner, or created specially for that event by the artist. This aspect of artworks places them somewhat closer to the 'performed' nature of an original event like a play, or a concert.

The royalty payments made by the Performing Right Society to song-writers, composers and original performers of music offer another form of 'continuous' reward for work 'consumed'. Because the PRS payments are intimately connected to actual market response, by forms of monitoring and licensing for the 'playing time' each musical item receives, that system answers the problems of linking a work's popularity with the reward accruing to the work's author. It seems that a means of linking the number of viewers of an exhibition to the payment to the artist(s) responsible would be fair, and it would certainly provide a measure of 'consumption'. There are reservations, naturally, about the evaluation of an open-air public exhibition or one in another context (fair, garden show,

shopping centre etc) but this criterion does have some relevance to artworks. The Performing Right Society has succeeded during the 71 years of its life, in translating a 'right' into a well constructed, efficient, system of payments to its members for the use of their work in public. (Even today the right has to be enforced against the infringements by people who wilfully or unintentionally ignore it.)

If one seeks a more direct comparison, with the protection of artists and their rights in other countries, West Germany offers, as usual, the most accessible figures, although straight equations of financial reward may be less useful than the mechanism itself. Dealing with the basic question 'what is an artist's role' and its sub-question 'how should an artist be paid', we come to the issue of 'the wage' or 'livelihood'. As I have pointed out elsewhere (Arts Express, February '85) the calling of 'artist' has for a long time been regarded as a 'gentleman's hobby'. Many of the responses to our questionnaire forcefully declared that 'art is not a hobby', and reinforced this by claiming that to be chosen to exhibit work in public was tantamount to being declared a 'professional' – a good point. In other major European countries there is a wide variation in the proportion of artists that earn a living by their work. A straight comparison between the UK and, say East Germany is not really possible, because there they do not distinguish as clearly between 'fine' and 'commercial' artists as we do, which is in itself an instructive difference.

**TABLE 1**  
**Proportion of artists earning a living from their art work.**  
 10 European countries. Statistics gathered in 1983

Country	% living entirely from the work	% gaining half their livelihood from their work
EAST GERMANY	90%	10%
FRANCE	15%	20%
HUNGARY	75-80%	10-15%
IRELAND (REP)	25%	-
NORWAY	30%	50% (inc grants etc)
ROMANIA	47%	-
SWEDEN	49%	-
UK less than	10%	-
WEST GERMANY	5%	25%
YUGOSLAVIA	30%	40%

Source – 'How artists live' pub. IAA Paris, UNESCO 1983

If 'wages' for artists were to become a reality, who would handle the money, and how would it be administered? Because of a refusal to accept the underlying principle, this question has never been seriously examined. The theory behind arts funding in the UK has been, ever since the Arts Council began to emerge in the 1940s (in its earlier form) that one or more QUANGO's would operate, staffed by 'civil servants' but advised by committees, panels, councils, drawn from independent people acquainted with the appropriate artforms. It seems likely that this framework, which has evolved into the four national Arts Councils and the Regional Arts Association, will not endure much longer in that form. The government-appointed management consultant who has been examining the Arts Council has recommended that four managers take over the Council's operations, including one for grants for special projects and individuals.

The advisory panels would have a greatly diminished role – ceasing 'to have any vital functions' (The Guardian) 7 Feb 1985. My own experience of 15 year's involvement on Arts Council committees and RAA panels is that it is the 'officer' responsible for each department that is the most influential voice in any case, the committee/panel powers are hedged and restricted considerably, as it is. However, the swing towards a 'business style' management in arts funding will put the processes involved firmly into the monetarist market-place, as it is already doing to the National Health Service.

In 1978 the Artists Union published correspondence with Lord Donaldson – the then Minister for the Arts. In reply to a point made by Conrad Atkinson, writing to him on behalf of the Arts Union, Donaldson said:

April 1977

'My first reaction is therefore to sympathise with the feeling that artists should be paid a fee for exhibiting at all publicly funded galleries and exhibitions. But on the other hand there is the argument that exhibitions enable an artist's work to be seen and perhaps be discovered and that is the first objective of an artist who wants to be known. The financial benefits cannot be measured because they are indirect and follow after. The idea that there should be a wage structure related to the time spent does not seem to me to be practicable except where artists of known reputation are working for particular employers on specific projects. The artist, like the writer and unlike the artisan, depends upon the merits and artistic standards of his work as well as upon public acceptance and demand for it'.

Conrad Atkinson's reply (via Hugh Jenkins MP) contains a concise summary of many of the points raised in replies to our questionnaire, seven-and-a-half years on:

May 1977

'Firstly, I think that the general tone of the letter shows a clear misunderstanding of the nature of the visual arts and of the problems of visual artists today. These are not basically problems such as 'recognition', 'wanting to be known', 'prestige' ....

They may well related to problems of artists in earlier periods, but they in no way correspond to the needs of the hundreds of artists who are turned out from our postgraduate schools ... at the present time.

These artists cover a wide range of art practice and they are encouraged to seek out the needs of the community in various ways and they are conscious of the need to apply their skills in the services of their society ...

Artists are surprisingly enough, realists in their attitude to work and they realise that the current system can never support more than half a dozen commercially promoted 'superstars'.

Source: The Donaldson Correspondence pub. Artists Union, 1978

There is a remarkable consistency in the artists' replies dealing with the payments scheme in 1984, and the Artists Union position in 1977, and predictably the official response is still stuck in the 18<sup>th</sup> century. After the experience of the last decade of Arts Council/RAA/Local Authority subvention, most responding artists seem now to have serious misgivings, at least at the local level, and the majority would like money that supports artists to come direct to them, without the 'discretionary' intervention of RAAs, direct from a central source, and certainly not via the politically unstable Local Authorities.

The feeling amongst the responding artists is quite definitely for some form of automatic 'rights' payment to artists for work done in their capacity as people servicing society, in many different ways. The expectations of artists in this respect – their role, once again, in society – do differ from what is expected of them by both the public and the Lord Donaldson, and I shall come back to that point later.

The salient points thrown up by our consideration of the scheme for payments to artists fall into four areas of enquiry:

- A how to quantify artists' work and measure its value?
- B how to eliminate the unfair anomalies of the market place and its 'star system'?
- C how to relate public 'consumption' of art to the production of artwork?
- D how to ensure artists a share in the economic exploitation of their work?

Each of these areas follows naturally (or economically) from a first premise – that the present system of rewarding artists is not satisfactory, but that it could be improved. I think that most arts administrators would part company with me on that very point, claiming that the present system is as good as one can get in the circumstances, and there's nothing much you can do about it. I don't accept either excuse.

## **A THE RATE FOR THE JOB**

In spite of the conventional 'official' response – it is not practicable to work out a wage structure for artists, this is belied by the rates that are offered, for example, in payments for residencies, perhaps the nearest one can get to a 'living wage structure' for artists:

### **TABLE 2**

#### **Basic weekly wage\* offered for placements & residencies.**

1984/85

<b>Hospital Residencies</b> (East Midlands Arts 1985) (includes subsistence)	<b>£2,500 for 4 months</b> <b>weekly £156.25</b>
<b>Tyne Tees Television</b> (Artists Agency 1985)	<b>£4,000 for 6 months</b> <b>£166.66</b>
<b>Sheffield various</b> (YAA/City Council 1984)	<b>£2,250 for 3 months</b> <b>weekly £187.50</b>
<b>Sheffield various</b> (YAA/City Council 1985)	<b>£3,250 for 4 months</b> <b>weekly £203.12</b>
<b>Grizedale Forest</b> (Northern Arts 1985)	<b>£5,000 for 6 months</b> <b>weekly £208.33</b> Or <b>£5,000 for 3 months</b> <b>weekly £416.66</b>

Source – published information \*BEFORE TAX & NIC

These rates will only apply, of course, during an artist's fortunate occupancy of a residency, and not many artists may at any one time expect to be 'in work' in this way. As most residencies are more than full-time commitments, few artists could take up one whilst doing any other job, even teaching. It would be more realistic to divide such rates out to cover a whole year, at the last. Similar considerations apply to the rates currently available for part-time art school teaching, which are, of course, regulated by union agreement with the Local Authorities.

### **TABLE 3**

#### **Current part-time teaching wage, BA Hons level.**

(Based on average maximum, 12 hours pw, 10 weeks a term)

##### WEEKLY WAGE DURING TERM

12 hours @ £12.70 ph = £152.40

##### ANNUAL RATE

(30 weeks – spread over a year) – pw = £87.92

Source Leeds Polytechnic \*BEFORE TAX & NIC

Other major sources of funding for artists include commissions, where the rate tends to simply rise with the 'fame' of the artist or the prestige of the site, and prizes, which shouldn't properly count. It is noticeable that anything that depends on the 'winning' of a competition or prize, as the payments scheme for exhibitions in reality does, is thought by the organisers to lead on to 'success' (eg sales) but in the experience of many artists, in fact, doesn't. Here the question of 'right' is of the essence. A reward of £100 for showing one's work in public for three or more weeks is almost criminally insignificant.

To set beside the figures in tables 2 and 3, consider the average weekly earnings, based on manual workers in manufacturing on full-time adult rates:

**Men - £147.23; women - £90.29.**

It does, therefore, appear that in one set of calculations, relating to residencies, artists may be paid at a wage rate near, or even above, the national average. However, the methods of payment, and above all the lack of a statutory right to payments in line with living costs, leave artists at a disadvantage. By comparison with actors and musicians, for whom there are trade-union negotiated levels of payment, enforceable by contract or management agreement, artists are also at a disadvantage.

Finally, the lack of a form of 'rights' payment linked to the commercial exploitation of the products of artists' work disadvantages artists whose work may be sold and distributed in multiple forms, (eg prints). All or any of the above considerations should be taken into account when artists' remuneration is calculated, as, of course should the incidental costs of different art forms, framing, materials, transport etc.

## **B THE 'STAR SYSTEM'**

Perhaps the most insidious qualification that can be made about artists, or anyone for that matter, struggling to maintain a viable standard of living, is that individuals must put up with insupportable levels of poverty, because they may get lucky and 'make it' as stars. I believe that this is a perversion of the extreme version of capitalism. In the United States it takes the form of a poker-work plaque, hanging on the wall of every filling station office and hamburger stand across the nation, which says: 'If you're so smart, how come you ain't rich?' The 'star system' does rely on a correlation between economic success and 'smartness' – luck, opportunism, exploitation. As some, if not all of the phenomena associated with this system are inherent in our mixed economy, the best solution is to try to harness it, rather than hoping to abolish it. In the simplest terms, the success of the few should be used to benefit the less fortunate in the artistic community.

There are several regulatory mechanisms that may be called in, some of which have been suggested by artists dealing with the payments scheme. A means test for example, could be applied, so that artists already earning would receive less than those not earning – but would they in turn receive more? Any system based on actual hours worked might be fairer for some artists, but would be impossible to accurately apply, in many artforms. It seems that the most equitable formula is one that relies on a central pool of money, out of which all artists are paid, and which can increase with the level of economic activity in the art field. Something like this exists in the Union of Artists in the USSR.

However inimical Marxist economics may seem to western mixed economies, we can learn much from them. The unpopularity of the 'star system' amongst artists in the UK suggests strongly that an alternative is needed. The Soviet artists' union doesn't even dispense with stars, it takes advantage of them.

As a form of regulator, 2% of artists' salaries and fees in the form of a tax are contributed to the USSR Art Fund, which also derives income from the

orders for artworks that it handles. There is no State income tax on Art Fund activities. The Art Fund buys works, and commissions them. Artists may conclude as many contracts with the fund as they can practically manage. Two possibilities then are available to an artist:

“Working permanently within the productive system of the Art Fund, many artists prefer to receive a guaranteed minimum salary with monthly payments and final payment at the end of the year ... Most of the artists, however, keep working exclusively on the contract basis. It should be noted that every professional artist, even if not a member of the Union, may work within its productive system and take part in exhibitions.”

Source: USSR Union of Artists publication, 1978

The Art Fund system in Russia also helps pay for artists' welfare, health care, and studio developments and materials – which are manufactured at economic rates in its own factories.

Using a central 'art fund' as both a source of income and employment for artists, a welfare resource, and a method of redistributing the wealth generated within the art market is not a practice confined to Marxist economies. In West Germany such a fund also exists, by agreement between the Federal government and artists' organisations.

In West Germany also artists have special income tax rates to take into account the unevenness of income (ordinance of 22 March 1977). In other ways the high value of art objects on the open market may be financially exploited by the State, through such devices as the exemption from property tax of contemporary art objects preserved in the public interest (ordinance of 30 November 1978) or the projected increase in the deductible rate from 5 to 10% from income and corporation tax of donations for cultural aims. The West German economic regulators have the general effect of diverting from purely private profit some of the large amounts of money generated within the art market, and thus harnessing to some extent the 'star system' produced by the high prices sometimes paid for contemporary art. Two pre-conditions are needed to make such regulators possible: a favourable government policy and a strong artists' organisation.

Source: 'The Social Status of the Artist in The Federal Republic of Germany 1980.

As a first step towards the principle of an equitable distribution of finance for contemporary art production, any representative artists' organisation that is hoping to lobby for and organise such a scheme as an art fund

should most seriously consider levying contributions from its members on the sort of sliding scale subscription rate that is used by other 'creators' organisations, with freelance membership – Equity, The Writers Guild, ACTT, etc. Once the principle of contribution according to earnings is established in the art world, the 'star system' may begin to lose some of its unfairness.

The operation of the Public Lending Right scheme, already described, also offers a useful comparison with possible systems of rewarding artists more fairly. It is frequently said by objectors to any system of payment to artists in statutory form for work used in public, that it would unfairly increase benefits to the best known artists. The same objection was raised to PLR, but the following table shows that a mathematical formula has been arrived at that must go some way towards meeting that objection.

**TABLE 4**

**(Comparison statistics – the working of PLR in the first 2 years)**

<b>Authors Earning:</b>	<b>First Year, Feb. 1984</b>	<b>Second Year, Feb. 1985</b>
NIL	1,449	(19%)
	1,715	(18%)
£1 - £99	3,878	5,278
£100 - £499	1,516	1,686
£500 - £999	318	338
£1,000 - £2,499	247	248
£2,000 - £4,000	81	83
Approx £5,000 (max. limit)	48	47
Average Payments (exc NILS)	£261	£216
Account Redistributed Through Maximum Limit	£270,000	£242,000
<b>Total money to Distribute</b>	£1,588,000	£1,662,000
<b>PLR Operating Costs:</b>		
Office & Computer	376,000	303,000
Local Authorities	£36,000	£35,000

Government

Funding

£2,000,000

£2,000,000

Source: Public Lending Right Office, 1985

## **C THE CONSUMPTION OF ART**

If art is perceived as a 'good' by some economists, and as a 'service' by others, as a function of certain selected individuals by some sociologists, and as a right of every member of the community by others; and if there is even uncertainty amongst artists themselves, then this is probably the point at which consideration of artists' payments will be most problematic.

A large number of artists do see their Work as providing some sort of service to the public, and many wish to be rewarded for precisely that function – giving explanatory lectures, inducting visitors to galleries into the processes of colour, perception, interpretation of visual signs, and so on. Teaching, in one form or another, is a positively welcome role for many artists, as long as it derives from the actual production of their work, and has value in an art context rather than a purely educational one. Is this a form of art consumption, though? There does seem to be a genuine desire to find other ways to use art in our society than just have it bought 'off the shelf'. Artists themselves, as in other cases, have a more progressive view than some of the 'authorities' – how many artists would be happy with this view of the role of fine art graduates, expressed within a plea for Art & Design education in the face of government cuts:

Where are the pension fund managers and the super wealthy going to invest their funds, if the Turners or the future are neglected?

Frank Rubner, retiring Head of the School of Creative Arts & Design, Leeds Polytechnic, 1984

Purchasing of masterpieces is not in itself enough. If there were no continuing education and employment of artists, all art, whether as a 'good' or commodity, or as a service, would dry up and become archaeological monuments. A distinction between 'Dead' and 'Live' art has to be made, in order that the former does not stifle the latter.

As in the case of the 'star system', it may be necessary to harness the pure consumption of art, especially the 'old master' art of the past, in order to pay fairly for the development of the living artists of today.

A proposal for legislation that would cover this has already been discussed (UNESCO, 1977) and is summarised in an appendix to the IAA publication 'How Artists Live' (1983). I quote:

### **WHAT IS PAYING PUBLIC DOMAIN?**

We recall, first of all, that works fall into 'the public domain' when they have ceased to be under the protection of Copyright law. In France, for example, this happens 50 years after the author's (& artist's) death; in Germany, the term is 70 years. Released then from private to public exploitation, they can be freely used for the 'public' benefit, which, more often than not, means for commercial purposes. All sorts of beneficiaries can come forward to claim this right: publishers, the record and tape trades, publicists, etc.

The idea has now been propounded to institute a formal 'public domain' which still involved the payment of dues (to someone) by the user of the work thus released from copyright protection. And the dues arising under 'paying public domain' would represent a reduction compared with regular copyright dues.

### **Advantage to Artists**

Money raised in this way could then be used to provide funds to support artists and artistic creativity. In other words, cultural industries and the art market would provide a new contribution to the support of artists while they were still alive; and such aid would complement that which governments already provide and bring relief to Social Welfare organisations by offering assistance to (especially) elderly artists'.

The proposal would also, it is pointed out, protect works of art from misrepresentation when they came into the public domain, and it would act as an inducement to the trade **away from** the use of works by long dead artists instead of those by living artists, as there would no longer be great financial advantage in using the older works. Under the section 'How might Paying Public Domain work? Comes this:

The collection and management of funds raised under Paying Public Domain would be confided to Copyright Societies under the control of writers or artists, or to groups or unions of writers or artists, without governments having any part of them.

If, then, the considerable area of art consumption represented by the trade in old and not-so-old master prints, Christmas cards, etc could be harnessed in this way, a considerable amount of money (presumably as a percentage of market value) would be released for the benefit of living artists. The actual exploitation of living artists' work, and the problems of sharing in that exploitation come within the next section, but it is worth looking finally at the views artists themselves hold of their value to society – that elusive concept of role. Again, the West German situation seems remarkably close to our own, and the following table gives responses very similar to those to our own questionnaire.

**TABLE 5**

**Views on the function of art & artists (selection).**

Art/artists ought to	cross-section of public	full-time professional artists
Answers:		
1 Relax, entertain	65%	41%
2 Produce something beautiful, aesthetically pleasing	52%	31%
3 Make the environment, our cities more humane, more beautiful	40%	53%
4 Create, teach, develop new ways of thinking, seeing, and hearing	37%	54%
5 Help people develop their own imagination and their scope for self-expression	36%	51%
6 Support underprivileged groups, break down privileges	17%	30%
(% includes multiple answers)	%	total %

Source: 'The Social Status of the Artists in the Fed. Rep. of Germany' 80

The problem, then, is to reconcile the expressed wish of artists to be doing something more than simply providing adornments and wealth, with the economic reality of a society in which art is purchased for just those purposes. Our (British) situation is no helped by the emphasis that is now placed on funding for galleries rather than artists, and on administrative infrastructure rather than on direct grants. Nor is it helped by the concentration on marketing, and on art collectors as the taste makers of contemporary art, that is a feature of many recent large scale exhibitions in the UK.

## **D ECONOMIC EXPLOITATION OF ARTISTS' WORK**

Given that there is no easy equivalent in visual art to the book, or the disk, or even to the video cassette or film, it is hard to see how a system analogous to PLR or the royalty payments administered by the Authors' Lending & Copyright Society or the Performing Right Society can work for art. This does not mean that the principle could not be accepted in our own field, nor that artists don't have equal rights with writers and other creators. These points come through most strongly in artists' responses to the relevant questions.

As indicated in the section dealing with the 'star system', there may be viable parallels with the systems devised for authors, and in other countries possibilities have been worked out. The absolute level of trade in a particular product is relevant, of course, and one of the problems with the trade in art is that there is no mechanism here to funnel back profits made from art sales to even those artists whose work is being handled.

The relevant legislation is, of course, 'artists' resale rights' which operates in some form or other in 7 of the 10 member countries of the EEC. Of the remaining 3, Holland operates different schemes to cover this area. Ireland is thought to be about to introduce resale rights (its government is in favour) and only Great Britain has firmly set its face against. The operation of resale rights is relatively simple: after the first sale of an art work, a fixed percentage of the profit on successive sales, taking the initial market price as a base, is returned to the artists, thus ensuring that no artist is cheated of his or her share in the continuing exploitation of their work for profit.

It is held by most European theorists that the main purpose of copyright and reproduction right legislation is not only to protect the interests of the copyright owner (in the sense of frustrating unauthorised copying) but also, and perhaps primarily, to allow the creator (ie the artist) a legitimate share in the economic exploitation of his or her works, during lifetime and for a fixed period afterwards, when the artist's heirs benefit. In order to monitor all forms of copying or reproduction of original works, a collecting society is needed, to act for creators.

In some countries only collective rights are acknowledged, that is, the creators do not act as individuals, but are represented by a society in all rights matters. The difficulties that British artists have had over the years in coping with rights issues stem in part from a failure to organise and act

collectively. To run an effective collecting and rights society costs money, and one of the first things to be noted from the following tables is that administrative costs are a necessary part of the operation.

The maintenance of a level of increase in the distributed income to the PRS members in spite of the rising administrative costs contrasts remarkably with the woeful inability of the Arts Council to even continue raising the grant aid towards art, in spite of continuing increases in central government grant-in-aid

**TABLE 6**

**PRS comparison of total revenue with administration costs.**

<b>Year</b>	<b>(A)</b>	<b>(B)</b>	<b>(B) as % of (A)</b>
	<b>Total Gross Domestic Revenue</b>	<b>Total Licensing &amp; Administration Costs</b>	
1974	£7,973,000	£2,035,000	25.5%
1975	£9,721,000	£2,528,000	26.0%
1976	£11,977,000	£2,935,000	24.5%
1977	£14,555,000	3,405,000	23.4%
1978	£17,526,000	£4,158,000	23.7%
1979	£21,015,000	£4,952,000	23.6%
1980	£26,894,000	£6,375,000	23.7%
1981	£31,942,000	£8,229,000 *	25.8% *
1982	£36,293,000	£9,528,000 *	26.3% *
1983	£38,888,000	£11,010,000 *	28.3% *

Source: Performing Right News to No 19 Sept. 1984

\* after transfer from reserves

We have seen how the operation of PLR required an administrative outlay of 20.6% of the central fund in the first year of operation, dropping to 16.9% in the second year. For BILDKUNST, the collection society for West German visual artists, 14% of the total money collected from the exploitation of artists' rights was spent on administration etc in 1982, leaving 86% for distribution to members. The proportions of income from rights administration (or exploitation) on behalf of BILDKUNST members in different categories were as follows:

**TABLE 7**

Proportions of royalties & rights making up total income from recovery of rights payments on behalf of members of West German artists' collecting society – BILDKUNST

	<b>Library royalties</b>	<b>Reproduction rights</b>	<b>Resale rights</b>
1980	58.0%	32.8%	1.0%
1981	37.5%	21.43%	17.8%
1982	37.0%	20.8%	38.5%

Source – BILDKUNST These percentages net of other income sources

It is noticeable that in Germany the income from artists' resale rights has risen to become the largest single area of recovery of money for artists. Not surprisingly, there has been a steady increase in BILDKUNST's membership over the last 5 years.

**TABLE 8**

**Membership of artists for West German collecting society BILDKUNST**

<b>1978</b>	<b>2,700 members</b>
<b>1979</b>	<b>2,802 members</b>
<b>1980</b>	<b>3,392 members</b>
<b>1981</b>	<b>13,676 members</b>
<b>1982</b>	<b>4,116 members</b>

Source – BILDKUNST

For comparison, here are the membership figures for the Performing Right Society – as at 1<sup>st</sup> July 1983:

**TABLE 9**

<b>PRS membership</b>	<b>Full</b>	<b>Associate</b>	<b>Provisional</b>	<b>Total</b>
WRITERS	1,644	6,291	6,855	14,790
PUBLISHERS	318	793	1,236	2,337
COPYRIGHT	2	19	1	22
<b>TOTAL</b>	<b>1,964</b>	<b>7,093</b>	<b>8,092</b>	<b>17,149</b>

Source – PRS Yearbook 1984/85

And the number of authors registered for the purposes of Public Lending Right, when registration closed for the second year of operation (June 30<sup>th</sup> 1984) – 9,395 – an increase of 24% on the first year. (Source – PLR Office)

There are few relevant figures relating to the numbers of artists in the UK that might benefit from some form of redistribution of money resulting from the exploitation of their rights, and until a workable system is established, much will remain in the realm of pure speculation. However, the following may be useful figures:

**TABLE 10**  
**Various figures relating to the artist in the UK 1981/82**

	Visual art	Theatre	Music	Literature
(1) Practitioners	43,100	37,800	51,500	
(2) Audience	6.2m	37m	2.5m	-
(3) Consumer spending	£49.7m	£125m	£22m	£166.4m
(4) Central govt spending	£12.7m	(£80m)	£38.9m	
(5) Local govt spending	£39.5m	£21m	£3.9m	£276.2m

Source: Arts Council of Great Britain Information Dept. 1982

Several caveats must be entered against the foregoing figures, which are not strictly intercompatible.

**Notes on Table 10:**

- (1) expressed as 'employment in the arts' – figures for 1971
- (2) audience for art – attendances at major art galleries in a year\*  
audience for theatre – attendances at theatre/opera/ballet in a year\*  
audience for music – attendances at concerts in a year\*
- (3) spending on art: on 1<sup>st</sup> sales of contemporary British art (79/80) and on reproductions – unspecified (79)  
spending on theatre includes opera, ballet, concerts, circuses  
spending on music: on classical LPs/tapes  
spending on books: on fiction, literature and classics
- (4) central govt spending on art – galleries and museums: on theatre – includes 'entertainments' on music – concerts and 'arts promotions' on literature – libraries

\* refers to year 1981/82 throughout, unless otherwise specified

The information amassed by the Arts Council and condensed into the tables from which table 12 was derived shows in its vagueness the probable lack of factual evidence on which the Council's decisions are made. To base consumer spending on music upon the sale of classical LPs and tapes is patently unreliable if the concern is the livelihood of professional musicians.

One wonders which 'major art galleries' figure in the calculation for art, and how is the term 'employment' interpreted in the case of visual artists. The categories of employment for the 43,000 artists counted in 1971 are stated as – painters, sculptors, commercial artists and related. The central problem remains: how to devise a system of just reward for artists for work done and used or consumed by society.

I come finally to the question of who can or should make the funds available for the proper recompenses of artists. The history of Arts Council involvement in the direct funding of artists is not encouraging, and central government will take no other part in it. Art dealer opposition to the proposal for resale rights in the UK is considerable, and the Society of London Art Dealers (SLAD) claims that its members already benefit artists by the existing system of commercial galleries, sales and commissions – the evidence for this is not convincing. It cannot be said that the present government favours any sector of the art world. Even the 'sacred cows' – the British Museum and the National Gallery, have had their grants cut by 15% and 5% respectively, and the overall grant to national museums and galleries for purchases has been cut by almost 13% (Guardian, 18/12/84). If one looks at the following breakdown of Arts Council spending over the past 5 years, it is clear that art has fared very badly indeed.

**TABLE 11**

Arts Council grant-in-aid and expenditure on administration compared to art, 1979/81 and 1983/85

Year	Grant-in-aid total		General operating		Expenditure	
	From central govt	%inc	costs	%inc	art	%inc
79/80	£83,125,000		£2,490,000		£2,995,000	
80/81	£70,500,000	+11.7%	£3,068,000	+23.2%	£3,407,400	-13.8%
83/84	£93,500,000		£4,047,000		£3,321,000	
*84/85	£101,900,000	+9.0%	£4,165,500	+3.0%	£3,238,250	-2.5%
79/85	% increases	+61.0%		+67.0%		+8.1%

(Source: Arts Council Bulletins, Nos 28, 34,, 56, 65. \*proposed)

Table 11 reveals that spending on the visual arts has dropped from being marginally more than spending on general operating costs, to considerably less, and that the percentage increased in these costs that have kept pace with the government's grant-in-aid to the Arts Council have not done so in the case of art. Remember also that the proportion of art money to go in direct financial help for artists has almost disappeared.

In the last two years, Arts Council allocation to visual arts has fallen by 2.6% (83/84) and 2.5% (84/85 proposed). As the Arts Council has felt able to coolly propose the elimination of the Literature Panel entirely, it could presumably do the same for art.

The final financial consideration must be the allocation by central government of funds for four main areas of spending nationally: defence, education, health and housing:

**TABLE 12**

Government spending 1973-1982; % of gross domestic product at current prices

	<b>Defence</b>	<b>education</b>	<b>health</b>	<b>housing</b>
1973	4.7%	5.4%	4.0%	3.2%
1978	4.6%	5.1%	4.6%	3.2%
1982	5.3%	5.2%	5.1%	2.0%

(Source: Lloyds Bank Group)

The movement of defence spending ahead of education and the gradual decline of spending on housing are bad news for the funding of art and artists, and one fears it can only get worse.

It does seem, finally, that there is a desperate need for a rethinking of artists' attitudes towards their working lives. We haven't secured any decent funding, or any decent workable methods of sharing in the economic exploitation of our work, and we are absolutely at the mercy of political decisions by government and unsympathetic arbitrary decisions by administrators. As for the role of the artist in society – serving society but not being rewarded for the service done – we artists do know what we want, now we have to set about getting it.

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## **Payments to Artists**

First published in Artists Newsletter April 1985

### EDITORIAL

Since publishing the questionnaire and Roland Miller's two-part article on the 'Payments to Artists for Exhibiting Scheme', at least one regional arts association has distributed its own questionnaire to artists in its region. No doubt other RAAs have, are, or will be doing so in the near future. To recap, the scheme, originally devised by the Arts Council of Great Britain, was devolved to the RAAs to be run in the same way for a period of three years from 1983/84. 1985/86 will be the last year and the RAAs can now decide if they want to continue the scheme, abandon it altogether or modify it: hence the questionnaire.

If you receive a questionnaire from your RAA, you are advised to consider it very carefully before completing it as your replies could affect the future of financial support to artists for a long time to come.

It is a welcome sign that the RAAs feel the need to canvas artists' opinions but there are problems with the questionnaire – produced incidentally by the Arts Council not the RAAs – in that it does not so much ask artists' opinions as offer them a choice of two possibilities. But there are, however, many more possibilities which could be considered but perhaps they aren't very palatable to the arts administrators. The questionnaire is an example of how politicians, whilst seeming to be open and democratic by seeking people's views are in fact only presenting them with very limited alternatives. It may be compared with 'democratic' elections in a one-party state – you aren't offered any real choice for change.

To explain, it is necessary to go through the questionnaire point by point:

(1) As a beneficiary under the above scheme, do you consider the present payment provided for exhibiting to be appropriate?

The questionnaire is only being distributed to artists who have received a payment under the scheme and, it appears, only to a selection of them. By not distributing the questionnaire generally, it restricts comments only to the types of artists who are already eligible – so no possibility of expanding the scheme to other types of artists – craftspeople for instance.

(2) If not, what scale of payments would you suggest as a minimum sensible requirement for a one-person exhibition?

Clearly, the 'leading' phrase in this question is 'minimum sensible'. Why minimum unless they want you to put down the lowest figure? What is 'sensible' to the administrators may be very different than what is sensible to an artist trying to earn an income. £100 may be sensible to the RAA which has many other calls on its funds and £1000 may be sensible to an artist who has spent several months preparing work for an exhibition which is unlikely to generate any sales income. (The public sector galleries make minimal efforts to sell work albeit because they have other more pressing responsibilities.)

- (3) Do you think that the scheme should be extended to include the division of payments made beyond the present limit of two-person exhibitions?
- (4) Given that it will be difficult to increase the present level of payments made to this scheme, do you think that the current funding (here the RAA fills in their annual budget for the scheme) could be better deployed in other areas of support for artists?

The Tory government keeps telling us that the country has insufficient funds to give, say, to the arts or the health service but seems to have no difficulty in finding finances for Trident or for keeping the Fortress Falklands. It is mainly a question of priorities. If payments for exhibiting were higher on the ACGB/RAA priority list, then more funds would be available for them. And the only way of making it a higher priority is for artists to demand it because they are unlikely to demand it on your behalf! Remember that it was artists who persuaded the Arts Council to adopt the scheme in the first place, even if they did not succeed in getting the level of payments they sought.

The second catch in this question is that whilst assuming a static budget, it asks if the money could be better deployed in other areas of support to artists but it does not ask whether funds in other areas could be transferred to this scheme. This would seem to be a possibility not considered.

- (5) If so, please specify in which areas you think assistance might appropriately be given.

This is an extension of the single-path direction of the previous question.

If the scheme is abolished, there is no guarantee that the RAAs will spend the money released on support to artists. Remember the emphasis of funding is moving towards the support of organisations who present arts and away from the makers of art. If it is transferred to a different artists' support scheme, it is more likely that it will get caught up in the selection process where twelve good men (usually) and true appointed by the arts funders, sit in a smoke-filled room (see March editorial!) and make judgements on artists' work. The Payments to Artists for Exhibiting Scheme is the only means of support which escapes, in theory, the selection process. At least, in theory it is.

In practice in many RAAs, the payment is 'discretionary' which means that the system is loath to relax the central control over culture. 'Discretionary' means that both galleries and artists are selected – the better known you are, the more likely you are to receive payment. This has been cited by a few artists as a reason to abolish the scheme but surely it implies that it should be improved by widening its franchise. This could be done by extending it to artists working in all media in all public exhibitions and by making it operable nationally – yes I mean in Scotland and Northern Ireland as well. It could be established firmly as a right to be eventually enforced by legislation as happened with Public Lending Right in libraries.

If you do not want to see this scheme disappear (and if it does go it is very unlikely ever to be reinstated), or to be changed out of all recognition at the hands of the twelve English RAAs tell them so. (Note: Scotland does not operate a comparable scheme. Wales has reconfirmed its commitment to continue the scheme recognising their fee of £150 as a minimum.) Do not wait to receive a questionnaire – in all likelihood you will not be 'selected' to receive one – and if you do receive one beware of the trap it offers. Write to your RAA, or write a letter for publication in Artists Newsletter and other art magazines. Make your voice heard! Ask the National Artists Association to take it up as a priority.

### **Additional note from Roland Miller**

I have had some responses to the two articles and questionnaire on payment to artists for public exhibition of their work from art administrators and gallery staff. There is a general acknowledgement that the principle of artists receiving payment is correct, but this is tempered by the defensive response that 'there is no money' or 'it is too difficult' to administer a workable scheme for regular payments.

More worrying, however, is the revelation that in responses to the Arts Council of Great Britain's Glory of the Garden document (the main avenue for application of the so-called 'development' funds to the different manifestations of the arts in the country in the coming years), the whole area of funding for the direct remuneration of artists is likely to have been ignored. In one case, an RAA response was simply a list of major institutional funding 'clients' and the pledge that these would be extended, funding continued, and some new galleries would be opened. In another case all visual art projects were turned down in favour of development money going to the city's main theatre. I shall try to examine the implications of this tendency in a future article.

## **Fees Rise to £500**

First published in Artists Newsletter December 1985

“For too long painters and sculptors have been taken for granted, receiving too little payment, if any, for the work they do – work which may be seen and enjoyed by hundreds and thousands of people, for free.”

With this awareness the Welsh Arts Council is backing an increase in Artists' Exhibiting Fees to a new level of £500. Arguing that the artist (like the actor, the designer, the builder, the plumber and the musician) should be paid adequately for the work they do, the Welsh Arts Council is recommending a new minimum of £200 – but is pushing hard for the acceptance of a fee of at least £500.

Under this modified scheme the Welsh Arts Council introduces a sliding scale of grants ranging from £180 to a maximum of £350. The more the gallery is willing to contribute the more the Welsh Arts Council will put in. At the minimum fee (£200) the Welsh Arts Council will contribute £180 and the gallery £20, at the highest (£500) the Welsh Arts Council puts in £350 and the gallery's £150.

The philosophy behind this sliding scale is that it 'will encourage more thought and heart- (and budget) searching on behalf of the galleries'. The Welsh Arts Council acknowledge that the scheme departs from the simplicity of the original ACGB fixed fee scheme but believe it is more realistic. 'The plumber, the designer, the builder, the harpist, the consultant and the actor all cost and charge different amounts according to what they have done, what they are being asked to do, where they are being asked to do it, and how long it will take. As we encourage increases in the level of fees so we must introduce this other element of realism.

It makes no sense in the long term that the same fee should be offered (as if we condone it) to an artist having a major retrospective lasting six weeks in a major gallery and to a recent graduate showing unframed photographs for a week in a small non-specialist venue such as a branch library.'

The Welsh Arts Council point out that there is a limit to the amount of funds they are able to devote to the scheme but they 'seek to persuade, encourage and even shame galleries into planning and budgeting for proper and adequate payments. But, in the end, artists (as members of the public, as electors, as taxpayers and ratepayers and through their

own organisations and associations) must seek to lobby and campaign on their own behalf.'

The Welsh Arts Council hopes that by raising the possible fee to £500 that the issue becomes important enough for more artists to fight for their rights.

Peter Jones, director of the Art Department, says about the new scheme, 'This is part of our strategy of moving away from the demeaning view of artists as supplicants begging for state support and exhibitions, to pushing for and consolidating a proper respect for what the artist does. Thousands of people visit exhibitions and enjoy and appreciate what the artist makes. The public gallery, working with the public's money and on the public's behalf, must come to recognise that the artist (as much and even more than anyone else involved in making, lighting, organising, writing about and touring exhibitions) deserves and needs proper payment for their work.'

## **Exhibiting Rights**

First published in Artists Newsletter February 1987

After more than a year of discussions and visual arts officers of CORAA and the Arts Council have come up with a compromise exhibition payments scheme. The current scheme was set to run for three years, due to be replaced in 1986. But neither the Arts Council, CORAA nor the relevant local authority agents could agree on the replacement scheme.

Consultations with the NAA did for a time admit artists' representatives into the process but NAA involvement was brief, amounting to just two meetings and some letters exchanged. The Arts Council's consultative process seems to have been prompted by the survey in this magazine (Artists Newsletter) in March 1985 which showed that a large majority of artists favoured an increase in the basic £100 rate of exhibition payment and a rationalisation of the scheme.

In Wales, artists are now able to receive (in theory) up to £500 per exhibition, based on a sliding scale, payable irrespective of the venue. In Scotland there is no Exhibition Payment Right. In Northern Ireland, a scheme exists in theory but is virtually unknown in practice. The WAC scheme has not met with universal acceptance with AADW and the Welsh galleries organisation, whose objections have been that there was no prior consultation with artists and also that smaller venues will be unable to meet the minimum set level of payment of £200.

A paper prepared by David Manley on behalf of CORAA contains details on the proposed new scheme in England. These include taking RAA and Arts Council revenue and project clients out of the scheme altogether and insisting (through some additional funding) that such venues issue contracts and pay fees of at least £200 as a matter of course.

The Exhibition Rights Payment Scheme would then operate outside of these direct clients of the funding bodies on a 50/50 matching basis for any fee offered. A major plank of the new approach is that instances of the use of some form of contract by artists and galleries before any fee will be grant aided.

The looseness of the wording in this preliminary draft means that it will be very difficult to enforce. At an earlier stage, when consultation between CORAA/AC and artists – through the NAA – was an active process, the use of a contract by a gallery was to be made a condition of funding for Exhibition Payment Right. Moreover, visual arts officers discussed an Arts

Council sanction to enforce EPR. Under than proposal any gallery in receipt of revenue or project funding would be threatened with losing the grant aid if it did not pay artists EPR.

In the draft, these suggestions have been replaced with the weaker 'insist' and 'encourage' and there is no evidence of any established 'right' for artists.

An important argument for a visual artist EPR is that analogous rights exist for the performance of music and written texts and that a work of art when publicly exhibited is also 'performed' for the entertainment, pleasure and edification of the public. For this, artists should by right receive some payment.

Live Art Press

## **EPR – Exhibition Payment Right Artists’ Consultative Meetings, 1987/88**

Selected extracts from a report by Roland Miller for the National Artists;  
Association 1988

The meetings were funded by the Arts Council of Great Britain

### **(1) Summary of recommendations**

As a result of listening to many artists and other creative and cultural workers, the evidence is that a workable, uniform Exhibition Payment Right, applicable to ‘public’ exhibitions, needs to be established as soon as possible throughout Great Britain.

The National Artists’ Association’s recommendations are that:

- (1.1) Exhibition Payment Right (EPR) be adopted as a Right, applicable without discrimination of any kind, throughout Great Britain & Northern Ireland.
- (1.2) The definition of EPR – and how it should be applied – be agreed at national level by the relevant arts funding bodies, including Government and Local Government agencies. This definition to be agreed by artists’ and galleries’ representatives.
- (1.3) EPR be administered by a national body (or bodies) overseeing a central sum of money, set aside for the payment of EPR.
- (1.4) The eventual incorporation of EPR regulations into a form of nationally binding legislation, through a statutory instrument such as the British Copyright Act.
- (1.5) This ‘central EPR fund’, however derived, be based upon an annual review of the number of public exhibitions in Great Britain of work by living artists, and artists covered by the term of copyright as defined in the British Copyright Act.
- (1.6) A realistic minimum level of EPR payment be established at not less than the level proposed by the Arts Council and Council of Regional Arts Associations in their document of June 1987.

- (1.7) The central 'EPR organisation' be independent of existing arts funding bodies, but that it be answerable to representatives of artists, funding bodies, galleries, and other relevant democratic institutions.
- (1.8) A set of standard exhibition contracts be developed and adopted for use in the administration of EPR, and that the terms of the standard exhibition contracts be agreed by all parties involved in the public exhibition of 'contemporary' artworks. The National Artists' Association's model exhibition contracts (presently in draft form) should be used as a basis for this process of development.
- (1.9) The possibility of a form of licensing system to assist the implementation of EPR should be explored.
- (1.10) Give the international nature of contemporary art, whatever EPR scheme is developed nationally in Great Britain should be based on terms of consistent reciprocity with other countries operating EPR or analogous schemes. Such trans-national considerations should take into account existing policies on art and artists in the EC, and amongst the member countries of UNEXCO.
- (1.11) The recommendation of the Artists Forum (Tyneside branch of the NAA) and Tyneside Artists Contact Group for the establishment of a standing conference on EPR, as described in their letter to Northern Arts dated 24<sup>th</sup> April 1988, be adopted and implemented without delay.
- (1.12) The first step towards the adoption of EPR as a Right, to be administered as a national unified EPR scheme throughout Great Britain should be the establishment of a fully representative standing conference on PER – see 1.11 above.

## **(2) EPR – will it ever be a true right? – an overview**

At the EPR meetings, there was an overwhelming response in favour of the Arts Council's proposal "that payments for artists to exhibit in public should be regarded as a right and that a minimum exhibition fee of £250 should be established."

## ANALOGUE SCHEMES

In the Arts Council/CoRAA pamphlet, comparisons are drawn between EPR and PLR – authors' Public Lending Right, which applies to public libraries, and which will pay authors of borrowed books up to a maximum of £5,000 a year. The average PLR payment is much lower. Another analogy is Performing Rights, which reward the owner of musical copyright for the number of times the music is played in public, whether on record, on the air, or live.

Two things make PLR and Performing Rights work. There is a "kitty", a known sum of money available each year, out of which payment of the right is made, and there are statutory bodies to "police" the rights, and make the actual payments to registered authors and artistes.

PLR is paid from an annual kitty of £2.5 million provided by the Government through the Office of Arts and Libraries. The PLR office calculates payments to authors on samples of book borrowings in selected libraries. The number of libraries sampled has recently been raised to 30 from the original 16. The PLR office is also attempting to make the samples more representative by including a range of libraries, not simply the bigger ones. This equitable approach is relevant to some of the objections to EPR – that it would only benefit exhibitors in the bigger galleries. It all depends on the intention of those that administer the Right.

The Performing Rights Societies monitor payments to artistes, based on set rates. The money comes out of the licence fees paid by those who play music in public. Musical performing rights generate millions of pounds annually.

In the art world there is no mechanism existing to provide a central "kitty". There are no statutes empowering artists' rights organisations to monitor and collect EPR. The crucial nature of PLR and musical Performing Rights is that they are true "Rights" backed by law. A unique opportunity for such rights for visual artists to be incorporated into the new British Copyright Act, currently going through Parliament, has been lost. To give it its due, the Arts Council has successfully lobbied for other artists' "moral rights" to be included in the Act, but not EPR. So without legal backing, without a mechanism for setting aside a sum of money calculated on the overall frequency of use through public exhibition of artists' work, EPR can hardly be said to exist.

## **Union agreements**

Some "rights" payments are made without benefit of special Act of Parliament. Actors, directors, scriptwriters in film and television work receive "residuals", payments geared to the number of repeat showings of their work – beyond the basic fees paid at the outset when the films are made. These residuals are negotiated on the artistes' behalf by their Trade Unions, and enforced by contract. They have been fought for, and are defended.

In the current EPR schemes there is often a provision for a 25% "repeat payment" if an exhibition is toured. Such payments need to be included in any exhibition contract.

## **Funding EPR**

Problems raised at the EPR meetings were all to do with how, and when the right should be paid. Artists fear that a higher rate of EPR could be used discriminatorily. Small, underfunded galleries, especially artist-run, are unlikely to be able to afford £250 per show, even if it is divided between more than one artist. And if, as has happened already, there is not enough money in any RAA region in a year, how will exhibitions (or artists) be selected for EPR?

Without a statutory EPR system, the ultimate decisions will be made by the RAAs, or local authorities where they run galleries. The RAAs are jealous of their power to choose or reject artists, and see EPR not as a Right, but as another form of subsidy. But the payment of a "Right" should not be variable, or depend on vagaries of policy, or on where you live. For group shows in some local authorities (eg Sheffield), city council galleries already pay artists above the Arts Council's recommended £250 flat rate per show. The money to make this possible has been generated from extra Arts Council 'Glory of the Garden' grant-aid to the Sheffield galleries. In Northern Ireland Derry City Council does pay EPR, but elsewhere in the Province it is virtually unknown.

The RAAs, in spite of their endorsement of the Arts Council/CoRAA proposal, have no uniform EPR scheme. The dangers of this situation are shown in the case of Southern Arts – although this is not untypical. There, five galleries have been selected, in Bracknell, Oxford, Portsmouth, Southampton and Winchester, for which EPR money will be available. Other exhibition spaces in the region must apply for EPR money with 12 slides of the work of each artist to be exhibited. The RAA will then

exercise “judgement on the aesthetic quality” of the exhibition. But no aesthetic judgement is made in the paying of PLR or musical performing rights.

Southern Arts has decided to make payments at the recommended minimum of £250 – maximum £550, with galleries contributing on a sliding scale, starting at £100.

Yorkshire Arts has not recommended the £250 minimum, but a sliding scale starting at the 10-year-old figure of £100, up to £250.

The Yorkshire Arts visual art and photography Officers, in a February 1988 paper, complain that EPR has often put them “in a position of giving fees to artists whose work we had declined to support in other ways.” In the same paper they say that “at least four (RAA’s) are working on revising the system so that it can be operated within existing budget levels.” So far only Eastern Arts say they are doubling EPR funds in the current year.

Why can’t arts administrators accept both the principle and the good practice of EPR? Artists have demonstrated that they want a universal, comprehensive EPR scheme as a true Right, without the discriminatory mechanisms that funding bodies traditionally use in selecting out artists. From the manifestly good intentions of the Arts Council’s original proposal, the reality is a sad failure of the responsible funding bodies to grasp the nettle.

### **Postscript**

The following passages were written by M. Wladimir Duchemin, Directeur of SPADEM, the French artists’ rights society.

“However, in as much as the law on copyright explicitly lists performing rights among the basic principles of authors’ rights of inheritance, it is possible to consider exhibition rights as a manner of protecting the “performance” of a graphic or plastic work”

“Artists are workers in the full sense of the word. Certainly they are cultural workers, different from salaries employees in the traditional sense; they are cultural actors without whom there would be no exhibitions, no cultural industries, no galleries or museums.

Thus, with the exception of works to be sold directly for the immediate profit of the artist, ... each exhibition should be considered as one of the perfectly valid forms of exploitation of a work of the 'spirit' (ie an intellectual property). In consequence, it falls to the organiser of an exhibition to remunerate the artist for using his or her work, even when it has left the possession of the artist."

from "How Artists Live" II published by IAA/UNESCO, 1985

#### **(4) Conclusions**

The NAA is committed to discussion of the future of the Exhibition Payments Rights scheme – see NAA leaflet. This has been the Association's agreed policy since the issue of EPR was first widely raised in the pages of Artists Newsletter in 1984/85.

The questionnaire and survey produced by myself and the editors of Artists Newsletter four years ago showed wide support amongst artists of all kinds for the adoption of a 'universal' form of EPR. It seemed to us at the time that, if EPR were wanted by a majority of artists, a scheme would have to be devised that would be both practicable and equitable.

The current EPR scheme that most nearly seems to work is the one adopted by the Welsh Arts Council. It has the virtue of not disadvantaging those exhibition venues with slender funding – by use of a 'sliding scale'.

The sliding scale is intended to fix a ratio between gallery contribution and WAC subsidy. Major, better-funded galleries pay more, the smaller venues less, and the WAC makes up the difference. The onus is, nevertheless on the gallery to pay EPR.

The other advantage of the WAC scheme is that it is based on a total annual, national budget for EPR, determined by the WAC on the basis of galleries' projected exhibition programmes. The use of a total figure brings EPR more closely into analogy with the administration of Public Lending Right (PLR), in which the total money available is divided mathematically amongst registered authors, according to the notional number of borrowings of their books.

The element of selectivity that some RAAs have imposed with their interpretation of EPR is quite unacceptable, if we are dealing with a genuine 'Right'. If, on the other hand, as these RAAs and the Scottish Arts Council seems to think, EPR is just another form of subsidy, then it's

adoption makes no sort of progress at all, and is merely a slight and begrudging extension of patronage.

These views have been expanded in the 'overview' section (3) of this report, under the title "EPR – will it ever be a true Right". In this section I have attempted to articulate some of the misgivings expressed at the EPR meetings.

A major aim of any EPR policy must be to bring visual artists, craftworkers and photographers more into line with other creative and cultural workers. The original Arts Council/CoRAA document states:

"Consider what happens in other sectors. Choreographers, composers and other creative artists are paid for their efforts ... By analogy (with PLR) exhibitions of artists' works can be considered as a 'rental' of work or as the equivalent of a 'performance' for public enjoyment."

Another aim should be to bring British artists into line with their colleagues who operate in other countries where EPR holds, eg: Australia, Canada, France, New Zealand, West Germany.

The following detailed points cover most of the discussion at the different consultative meetings.

- (4.1) The generally low attendance by artists at the EPR meetings seems to indicate that the question of Exhibition Payment Right is not high on most peoples' agenda.
- (4.2) There seems to be a widespread lack of confidence in the possibility of EPR payments becoming significant enough, or widespread enough, to affect the majority of artists. The NAA believes this is a sign of recognition of the severe financial constraints under which artists and craftworkers operate in Britain and Ireland at present.
- (4.3) The general failure of RAAs to agree one unified system for the whole of the country (or of the national Arts Councils to agree one for the whole of Britain and Ireland) has made it seem as though no real improvement in an inadequate system of EPR payment will be made.
- (4.4) In spite of the lack of interest in the issue, or perhaps because of the low profile given to EPR by most RAAs and public galleries, the artists who did attend the meetings were almost totally unanimous

in asking that a unified EPR scheme be introduced. At votes taken at all meetings, the majority in favour of EPR in principle was approximately 97%.

- (4.5) Concerns expressed by those (artists) who had doubt about EPR were almost always about the shortage of funds. If there were not enough money to pay for a proper, universal EPR scheme, would it not become discriminatory? This seems to be a genuine concern, given the response of the Southern Arts Association to the EPR scheme. Southern Arts has stated in a paper on EPR dated 22/03/88 that it "will still make a judgement on the aesthetic quality of those exhibitions it funds", and that galleries other than those 5 in the region that the association lists will only be judged eligible for EPR funding (or not) after submission of 12 slides of the work of each artist in the relevant exhibition.

See also the further references Southern Arts' and to Yorkshire Arts' policies in section (3) above. All RAA statements on EPR available at the time of writing have been included at appendix E.

In general, RAAs who have sent documents on their EPR policy to the NAA seem to mainly be concerned with finding methods of limiting the number of EPR payments they have to make, so as not to overstretch their budgets. Whilst this is understandable, it hardly encourages the hope that EPR will ever become a genuine Right, automatically payable. No RAA has approached the problem with the policy of raising more money for EPR, with the possible exception of Eastern Arts.

- (4.6) There was also some concern that artists' groups would find it difficult to pay EPR to exhibitors in their own shows or galleries. It would, however, be wrong if 'artist-run' exhibitions were excluded from the EPR scheme – they should be properly funded to enable them to make the necessary payments.
- (4.7) Another problem underlined by this situation is that of open exhibitions – should they qualify for EPR or not?
- (4.8) Many artists did express concern also about the inability of small, occasional and under-funded exhibition spaces (eg Libraries, Community Centres) to find the money for EPR payments. Did this mean that such venues would put on fewer exhibitions under an EPR scheme?

(4.9) It seems to have been assumed by most people discussing EPR that it could not apply to commercial galleries, or that exhibitions primarily intended as 'selling shows' should be excluded from an EPR scheme.

The Arts Council/CoRAA document states:

"... the achievement of sales should not detract from, and nor should it replace, the essential principle – that an initial exhibition fee comes first in all negotiations between the artist and the gallery."

The problem is that, if one makes any exception from EPR on the grounds of selling potential, then the definition of a "public" exhibition, whether in public gallery, arts centre, or shopping precinct, could be compromised by a declared intention to sell, however unrealistic.

Commercial galleries are known to participate in publicly-funded "public" exhibitions, where sales are not the chief aim. Should not such exhibitions be considered for EPR, irrespective of venue? For the purposes of defining those exhibitions that qualify under EPR as "public", it might be easiest to use the qualification "receiving public funding", except that the current trend in arts funding is away from public subsidy. Would commercial sponsorship compromise the qualification of a "public" exhibition for EPR?

In the end, as in other aspects of the EPR story, a regulatory body is needed, to "license" exhibitions and exhibition spaces for EPR payment, in much the way that Performing Rights are administered. See also the next point.

(4.10) The idea of a monitoring unit, set up to oversee nationally the application of EPR and the use of exhibition contracts, was first mooted at the Bristol EPR meeting (January 30<sup>th</sup> '88). Both then and at subsequent meetings, considerable support was voiced for this proposal. It should be noted that an artists' organisation such as the NAA would be the most appropriate body to carry out this monitoring function, but would require special additional funding to cover the costs.

(4.11) The most frequent problem envisaged by arts administrators in discussion of EPR was the difficulty of gaining universal acceptance for the Right. There is an apparent lack of success in persuading local authorities to adopt EPR as a bona-fide Right that should apply to all artists exhibiting in their galleries and arts centres. We

do not have access to any discussions that may have taken place between the Arts Council and local authority bodies.

(4.12) The slow progress made by the Arts Council and CoRAA in agreeing a new, uniform EPR scheme is regrettable. Since the NAA was first involved in discussions about EPR, in 1984/85, little progress appears to have been made.

(4.13) With regard to a standard level of EPR payment, the old figure of £100, set 10 years ago, is clearly inadequate. Opinions at the EPR meetings were divided between those who thought that an increase – as proposed by the Arts Council – to £250 per one-person exhibition would reduce the number of artists who would get paid, and/or the number of venues putting on exhibitions; and those who thought that even that figure was too low.

Many people commented on the fact that the EPR standard fee, whether £100 or £250, or £350 (as in Wales) was not based on any rational scale of payment. Some such realistic scale of fees should be introduced.

Possibilities canvassed include a daily rate payable to exhibiting artists for the duration of the exhibition, or a rate based on the floor area of the gallery.

(4.14) Contracts – the use of a draft model contract was supported unanimously by the artists at the meetings. The NAA model was approved with some very minor modifications. It remains to be seen whether the use of exhibition contracts – which is not at present widespread – will now increase.

### **Exhibition Payment Right (EPR) - Introduction**

Exhibition Payment Right, or EPR for short, is the name of an initiative on behalf of the 35,000 professional artists working in Britain. The arguments for EPR have been taken up jointly by the Arts Council and the Regional Arts Associations. EPR is based on the obligation to pay artists for services they provide to the public.

“It is only fair that museums, galleries and art centres should pay living artists a fee when their works are exhibited in public”.

Sir Roy Strong, Director of the Victoria & Albert Museum and Chairman of the Arts Council’s Advisory Panel on Art.

“Most artists agree that it is important to show their work in a public gallery or museum, where it is often assumed that the chance of an exhibition is itself sufficient payment. But professional art is not a hobby; artists have to pay tax and rent, too. It is perfectly reasonable to pay the artist a fee for showing their work in a public exhibition, when their work is tied up for some time”.

Dame Elisabeth Frink

“The exhibition of an artist’s work in public is a service; all artists should have the right to be fairly and unequivocally rewarded for that service”.

Roland Miller, National Artists’ Association

### **The case for EPR**

Under the terms of an existing scheme a number of galleries, museums and art centres pay a fee to artists when their work is exhibited. This scheme is supported by the Regional Arts Associations. But there are many public exhibition venues throughout the country where no fee is paid. Where it does exist, the level of payment is often inadequate. The current rate of £100.00 for an exhibition of one person’s work was fixed eight years ago.

Public galleries and museums choose to exhibit the works of living artists for the enjoyment and education of visitors. Both these functions are of wide benefit to the community. Artists provide a service, and, just as other workers in the gallery are entitled to be paid for their labour, so too artists are entitled to be paid for the use that is made of their work. Artists are professional workers as well. Every other professional sector in the arts expects that this public benefit should be recognised, and recompensed, by the payment of a fee.

Consider what happens in other sectors. Choreographers, composers and other creative artists are paid for their efforts. Writers in particular are paid under PLR (Public Lending Right – a scheme that has statutory backing) whenever the public makes use of their books from libraries. By analogy, exhibitions of artists’ works can be considered as a ‘rental’ of work or as the equivalent of a ‘performance’ for public enjoyment.

There are those who feel that to exhibit an artist’s work in a public gallery is to do him or her a favour. Rather, it is the reverse, when you consider the contribution that artists make to local cultural and leisure services. Some say that sales of work may result, providing the artist with an

income. But the achievement of sales should not detract from, and nor should it replace, the essential principle – that an initial exhibition fee comes first in all negotiations between the artist and the gallery. The principle of EPR ensures that bargaining power is weighted fairly between both parties.

## **Summary**

The argument for EPR is based on equity – on fairness and justice. All artists, regardless of their medium of expression (whether painters, sculptors, video-makers or photographers), should benefit from the consumption of their work by the public. That is why the Arts Council and the Regional Arts Associations will press for the wider introduction of payment schemes in public museums, galleries and arts centres.

Rory Coonan, Arts Council of Great Britain

David Manley, East Midlands Arts

June 1987

## **EPR**

### **NOTES**

In 1985 there were 68,000,000 visits to British museums and galleries. In 1986 there were 15,000,000 visits to national museums and galleries in London alone.

Source Hansard April 1987

An estimated 2.5 million visits are made annually to 'independent' galleries and museums showing almost exclusively contemporary art, funded either by the Arts Council or the Regional Arts Associations.

Source Arts Council

There are at least 35,000 professional artists in Great Britain.

Source 1981 Census

In the year 1986/87 an estimated 2,000 artists benefitted under the existing exhibition payment scheme in England.

The current figure of £100.00 for a one-person exhibition has not been revised since it was instituted eight years ago by the Arts Council. Little provision is made for artists participating in group exhibitions or whose work tours to other galleries.

It is anticipated that the proposed figure of £250.00 for one-person exhibitions will be regarded as a national minimum guideline figure, subject to annual revision. It should be regarded as a standard level of payment while recognising that variations will arise in respect of local circumstances. Equally, such a sum can be split for two person or group exhibitions.

Local authority galleries and museums participating in the Arts Council's Development Strategy Programme are already putting EPR into practice.

Fully-fledged EPR schemes have existed for many years in Canada, Australia and New Zealand.

The Regional Arts Associations and the Arts Council advise that a fee should be paid in combination with a simple exhibition contract.

## **An open letter to artists and artists' groups in Scotland**

### **EXHIBITION PAYMENT RIGHT (Artists Exhibiting Fees)**

The attached paper attempts to give some information on the system of paying exhibiting fees to artists which has been in operation in England and Wales, in various forms since 1979. A major review of the English scheme is currently being undertaken.

No similar scheme has ever been offered in Scotland although it has been considered by the Scottish Arts Council on a number of occasions. It would appear appropriate to review this matter again and to consider the implementation and implications of such a scheme in Scotland, examining both the principle and practicalities of its introduction.

This may be something you are already aware of or it may be completely new. Articles have appeared in Alba (Spring 1987) and Artists Newsletter (December 1984, March and June 1985, July 1986) which further develop the arguments. The National Artists Association is pursuing the campaign and can be contacted for further information c/o Richard Padwick, 15 Shakespeare Terrace, Sunderland.

The Scottish Arts Council has started gathering views from galleries and although they and their funding bodies will be affected, the scheme will directly concern artists. In order to stimulate debate about this matter and to gain a cross section of opinion, the Scottish Arts Council invites

considered comments on the question of an Exhibition Payment Right from individual artists, groups of artists or artists' organisations. A form asking some basic questions is attached which you may wish to use for your response. These should be returned to the Art Department, Scottish Arts Council, 19 Charlotte Square, Edinburgh EH2 4DF by 30th June 1987.

Fiona MacIver  
Art Officer  
May 1987

### **In context, the practicalities**

The argument for, and promotion of, a realistic level of Artists' Exhibiting Fees has not been seen in isolation from the range of other initiatives and programmes of the RAAs and ACGB. These vary in nature and scope relating to different priorities and policies of each of these independent bodies, but all seek to provide a variety of schemes which, taken together, are aimed at enhancing and improving the artists' economic position, professional standing and financial independence. The Scottish Arts Council will need to make similar comparisons and priorities.

If galleries are told they must pay the fees where will they get the money from. Obviously they will ask SAC to provide a least some of it. If no new money could be found from Council, where could it be taken from – the Awards and Bursary Scheme? Would galleries have to consider presenting fewer exhibitions each year, so they could pay the artist who did exhibit? The practical problems, although they do exist, would need to be surmounted if there was overwhelming support for the principle of an Exhibition Payment Right.

The co-operation of *Artists Newsletter* is gratefully acknowledged with thanks for allowing information in this text to be reproduced in part from the December 1984 issue.

### **What are exhibiting fees and why have them?**

An exhibiting fee is a sum of money paid by a gallery to an artist for providing work for exhibition. It is an additional sum over and above any of the normal costs which should be borne by a gallery when mounting an exhibition.

The Regional Arts Associations and the Arts Council of Great Britain argue that the establishment of decent and realistic levels of fees paid are essential if advances are to be made in securing the professional status and improving the economic situations of artists.

The payment of fees was based on the "principle of recompense for public access to an artist's work". The work presented may have taken anything from several months to many years to produce. An exhibition will usually be visited by large numbers of the public who come specifically for the experience offered by the work on exhibition. The artist should be paid for the loan of the works or for the time and energy spent in producing the work. Although artists could be seen to be recompensed through sales of their work it is argued that the sale of work is not necessarily the main purpose of most exhibitions. Rather, an exhibition is a statement, an argument, an experience and a presentation in its own right and for its own sake.

### **How the scheme works**

#### **CURRENTLY**

The principle has been adopted by the twelve English Regional Arts Associations and although they have agreed a standard scale of rates, the scheme operates in varying ways from region to region. The flat payment is £100 per solo exhibition and £50 for a two person exhibition. Payment for additional showings (up to six venues) is £25 and pro rata for two person shows (ie £12.50 each). For two or more exhibitors the fees are divisible by the number involved (up to 5).

The scheme applies to professional artists only, ie those artists who have either completed a full-time course of study in art school or who in other ways have demonstrated their status as artists. Students are not eligible, craftworkers usually excluded.

Not all exhibitors are eligible, it depends on the nature of the gallery. Private and commercial galleries are excluded. Some regions try to define the spaces that are eligible, others merely publish a list of 'approved' galleries without explanation of the basis for approval. The situation is further complicated because most regions have two types of galleries – ones at which payment is 'automatic' (in theory) and others in which payment is 'discretionary'.

In general artists have to complete the application forms which must be endorsed by the gallery and accompanied by slides for consideration by

the RAA. Payment is generally made after the exhibition has been held, but in some areas the application is only accepted after the exhibition has been held which means artists do not know in advance whether they can expect payment or not.

Automatic payments are only made provided the gallery meets a number of conditions – the exhibition should be of at least three weeks duration, the gallery has agreed to meet in full costs of transport, insurance, publicity, installation.

There is a further catch however, even to 'automatic' payments. The RAAs can offer no guarantee that each artist exhibiting will receive a fee, even if their eligibility is indisputable. The funds are very limited and they can only attempt a fair policy towards allocation of such resources. Those artists exhibiting at the beginning of the financial year therefore have a better chance than the artist whose show is in February. Discretionary payments run up against even more problems.

## **PROPOSED**

The full details are not yet available, but the Arts Council of Great Britain is very supportive of the principle of Artists Exhibiting Fees. They wish to shift the emphasis of the scheme to accepting the principle and working towards the practicalities. This has resulted in the new title 'Exhibiting Payments Right' (EPR). A discussion paper written by ACGB and the RAAs will soon be circulated, to local authorities, CoRRRA, the Museums Association etc, etc, for comment.

The responsibility for payment would shift to the gallery or exhibition space. The ACGB paper recommends a figure of £250 for a solo exhibition. The artist could negotiate with the gallery for a higher fee, but all arrangements should be laid out in a contract between artist and gallery.

All revenue and project funded organisations will be obliged to include costs of their estimate of exhibiting fees in their applications. Grants may be conditional on exhibiting fees being paid. Galleries will be expected to find a proportion of the fees from their own funds although ACGB and the RAA's may have some money available for this purpose.

The payment will be considered for any living UK resident artist or for any non-UK resident artist whose country of residence operates a reciprocal scheme recognised by the funding bodies.

Anomalies in the current scheme will ideally be eliminated by persuading all exhibition spaces, that a fee should be paid automatically to an artist for exhibiting his/her work.

## **EXHIBITING PAYMENT RIGHT**

(Artists Exhibiting Fees)

- 1 Would you like to see an Exhibition Payment Right Scheme operate in Scotland.
  - a) NO – please give reasons
  - b) YES – please answer questions below (delete which is not applicable).
- 2 Would the scheme you would like to see follow the model of the English Scheme YES / NO
- 3 What standard fee for a solo show would you suggest \_\_\_\_\_
- 4 Do you think there should be a list of “qualifying” exhibition spaces YES / NO
- 5 Should this list exclude commercial and private galleries YES / NO
- 6 Should there be a minimum length of time of exhibition specified YES / NO
- 7 If a minimum length should be specified, what should this be \_\_\_\_\_
- 8 Only “professional” artists ie those who have completed a full time course of study in an art school or who in other ways have demonstrated their status as an artist, should be eligible YES / NO
- 9 Should the following categories of exhibition be included in the Scheme?
  - Work carried out by:
    - a) amateurs YES / NO
    - b) students YES / NO
  - Works that fall within the following classifications:
    - c) architectural YES / NO
    - d) photographic (commercial) YES / NO
    - e) crafts YES / NO

- f) design YES / NO
- g) graphics YES / NO
- h) illustration YES / NO
- i) performance YES / NO
- j) video YES / NO

10 Should any sales an artist makes at an exhibition affect this payment  
YES / NO

11 Do you have any suggestions as to how the scheme could be financed:

12 Are there any other comments you would like to make:

Please return to the Art Department, Scottish Arts Council, 19 Charlotte  
Square, Edinburgh EH2 4DF, by 31st May 1987.

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

## **Press Release**

### **EXHIBITING FEES RISE TO £500**

The Welsh Arts Council is backing an increase in Artists' Exhibiting Fees to a new level of £500. Arguing that the artist (like the actor, the designer, the builder, the plumber and the musician) should be paid properly and adequately for the work they do, the Welsh Arts Council is recommending a new minimum of £200 – but pushing hard for the acceptance of a fee of at least £500.

Nich Pearson, Art Officer with the Welsh Arts Council, says: "For too long painters and sculptors have been taken for granted, receiving little payment, if any, for the work they do – work which may be seen and enjoyed by hundreds and even thousands of people, for free."

The Welsh Arts Council currently offers the highest level of support in Britain, making available grants of £140 to art galleries to help them to pay artists an exhibition fee of at least £150. From next April the Council will introduce a new sliding scale of grants ranging from £180 to a maximum of £350.

Peter Jones, Art Director, says: "This is part of our strategy of moving away from the demeaning view of the artist as supplicant begging for state support and exhibitions, to pushing for and consolidating a proper respect for what the artist does. Thousands of people visit exhibitions and enjoy and appreciate what the artist makes. The public gallery, working with the public's money and on the public's behalf, must come to recognise that the artist (as much and even more than everyone else involved in making, lighting, organising, writing about and touring exhibitions) deserves and needs proper payment for their work."

For further information please contact: Nich Pearson, Welsh Arts Council, 9 Museum Place, Cardiff CF1 3NX. Tel 0222 394711.

### **EXHIBITING FEES IN WALES**

The Welsh Arts Council has been supporting the payment of Exhibiting Fees to artists since 1979.

Since 1986 the Welsh Arts Council has been supporting a minimum fee of £200 – the gallery paying the artist(s) at least £20 in fee, and the Welsh Arts Council supporting this with a grant of £180.

The Welsh Arts Council has consistently argued that an Exhibition Fee payment should be regarded as a right by all concerned – and should be additional to the normal and proper re-imburement of travel and other costs, and should be regarded as integral to a gallery's exhibition budgeting.

The Welsh Arts Council will have spent almost £30,000 on grants to aid and encourage the payment of Exhibiting Fees in Wales in the current financial year. A similar sum is budgeted for in 1988-89.

The use of a basic exhibition contract is a requirement of the Welsh Arts Council's financial support to galleries in their paying of Exhibiting Fees to artists.

A fuller Exhibition Contract is currently being produced by the Association of Artists and Designers in Wales in negotiation with the Association of Art Galleries in Wales.

Welsh Arts Council grants in support of the payment of Exhibiting Fees are available to all galleries owned, managed or funded by a local authority, regional arts association, the Welsh Arts Council, the University, or other public bodies.

To date the Welsh Exhibiting Fee support system has been the most comprehensive and all inclusive in Britain.

### **Crafts Council to operate Exhibition Payment Right scheme from 1 April 1989.**

The Crafts Council is to implement a scheme that acknowledges the service that exhibiting craftspeople provide by paying them a fee. The scheme is known as Exhibition Payment Right (EPR) and the Crafts Council has devised a series of guidelines to determine eligibility. These are given below.

The scheme comes into effect on 1 April 1989.

- 1) EPR will be paid to the maker whose work is being exhibited.
- 2) EPR applies only to exhibitions of work by no more than four contributors.
- 3) Only residents of England and Wales are eligible.

- 4) The scheme applies to exhibitions initiated by the Council. It will not apply to exhibitions brought in to the Council's galleries, since the initiators of such exhibitions would be expected to operate their own schemes.
- 5) The present galleries consist of two spaces and for EPR purposes they will be treated separately, except when the whole space is being used for a single exhibition.
- 6) A flat fee of £150 will be payable to makers for Gallery I, and £250 for Gallery II. Alternatively the fee will be equally distributed between no more than four contributors.
- 7) EPR will also apply to the Council's touring exhibitions, when no more than four contributors' work is being presented. A flat fee of £50 per venue will be paid.
- 8) Sales of work from an exhibition would be regarded as a separate transaction and would not affect EPR.

**Note:** The Council will seek to encourage initiators of craft exhibitions to operate EPR schemes. When an exhibition is supported by a Crafts Council grant, the initiators will be encouraged to pay EPR when applicable.

Further information: Press Office 01 930 4811.

## **Northern Arts**

Dear Artists Newsletter

### **EXHIBITION PAYMENT RIGHT**

Northern Arts has for some considerable time accepted the principle of Exhibition Payment Right. In 1977 Northern Arts was the first region to introduce a scheme to assist such payments. This was later incorporated into a national scheme funded by the Arts Council which has been administered by the Regional Arts Associations (RAAs). Over the last few years there has been much discussion on the Exhibition Payment Scheme and its operation. It has become abundantly clear that the present scheme needs to be revised.

Several flaws are evident in the present position. The principle of Exhibition Payment for instance has scarcely been advanced. If the RAA's/ACGB, which now pick up the total funding of the scheme, were to withdraw it is improbable that a scheme would exist. At the same time the face value of the payment for a solo exhibition has remained at £100 since 1977. If the present scheme continues with the present allocation of funds there will come a time when it will not be administratively effective to operate.

One concern then was to raise the level of the exhibition payment. Another was to strengthen the contract between the exhibition venue and the artist. Northern Arts presently pays an exhibition payment directly to the artist. This will be administered in future by the exhibition venue and is integral to the contract between the venue and the artist/photographer/craftsperson.

Northern Arts is therefore proposing a revised exhibition payment scheme. This will start 1 October 1988 for a five year period. It will be reviewed each year and its effectiveness will be compared to other RAA's payment schemes.

Northern Arts, from October, will be expecting the exhibition venue to make an initial and then increasing contribution to an exhibition payment. Northern Arts will invest a further £50 per exhibition payment in year one. This will make Northern Arts contribution £150. The venue though will be expected to find an additional £50 thus making the total exhibition payment £200 1988/89.

From year one Northern Arts contribution to the payment will be fixed at £150. However, the venues contribution to each exhibition payment will be increased from £50 annually by £25. This means the level of the exhibition payment is annually increased by the same amount.

1987/8		1988/9	1989/90	1990/91	1991/2	1992/3
Present Year Scheme		1	2	3	4	5
£100	Northern Arts	£150	£150	£150	£150	£150
Nil	Exhibition Venue	£50	£75	£100	£125	£150
—		—	—	—	—	—
£100	Exhibition Payment	£200	£225	£250	£275	£300

Payment for additional showings (up to six venues) is £50 per venue. Northern Arts will contribute half of this figure.

The new payment scheme is undoubtedly going to cause a new set of problems. A number of venues, even if they accept the principle of EPR, will not be able to make exhibition payments for part or all of their programmes. This is accepted but in the end it is thought that the Payment Scheme too important to lose.

Northern Arts is presently allocating £15,000 to this scheme and with a finite sum of money available the only option was to seek funds from exhibition venues to enhance the exhibition payments to artists, photographers and craftspeople.

I would welcome any comments you have on the new scheme. John Bradshaw, Film, Photography and Video Officer, Laurie Short, Crafts Officer, and myself will be pleased to meet you to discuss the revised Payment Scheme if you so wish. Attached is information relating to Exhibition Payment Right and the operation of the new Exhibition Payment Scheme. We hope to have a model contract available in the near future.

Yours sincerely

Peter Davies  
Visual Arts Officer

## **Exhibition payments 1988/89**

### **NORTHERN ARTS**

9-10 Osborne Terrace, Jesmond, Newcastle upon Tyne NE2 1NZ. Tel: 091 281 6334

## **Information for Exhibition Venues and Artists**

### **PAYMENT TO ARTISTS FOR EXHIBITING WORK**

Northern Arts has for some time accepted the principle of Exhibition Payment Right. In 1977 Northern Arts was the first region to introduce a scheme to assist such payments. This was later incorporated into a national scheme funded by the Arts Council which has been administered by the Regional Arts Associations. Exhibition payments to artists, photographers and more recently craftspeople have been made for exhibitions in all of the major venues in the Northern Region.

From 1 October 1988 the scheme will be revised. The new scheme aims to annually increase the face value of the exhibition payment which has been stationary for some ten years. The payment scheme will now be structured as an integral part of the contract between the exhibition venue and the artist.

All exhibition venues in the Northern Region will be entitled to apply to Northern Arts for a grant towards exhibition payments providing the conditions of the scheme are adhered to.

### **Scale of Payments**

From 1 October 1989 for twelve months there will be a flat rate payment of £200 per exhibition towards living British artists, photographers and craftspeople (a venue can obviously add to this figure if it sees this area as a priority).

Payment of this figure can be divided amongst the contributing artists.

Payment for additional showings (up to six venues) is £50 per venue. Northern Arts will contribute half of this figure. It should be noted that exhibition payments for toured exhibitions which are originated by a venue based outside the Northern Region are the responsibility of the originating venue (and its RAA).

The exhibition payment will not be made in the following cases:

- Amateur exhibitions
- Permanent exhibitions
- Performance artists

The scheme applies to professional artists only, ie those artists who have either completed a full time course of study in an art school or other approved institution or who in other ways have demonstrated their status as artists. Full-time and part-time students are not eligible.

The minimum period of exhibition to qualify for consideration for payment is three weeks. Please note that the scheme is for exhibitions which actually take place. If for any reason an exhibition is cancelled then the grant cannot be used as compensation to the artist.

Such payments should not be related to copyright or any other royalty and should be made therefore to living artists and not their heirs or estate.

The payment for exhibiting work is quite distinct from any commission, installation or workshop fee. Further the payment is not to be seen as a means of the artist paying for transport, publicity or private view expenses.

From 1 October 1988 the payment will be administered by the exhibition venue. Northern Arts on receipt of an application will advance payment to the venue three months ahead of the exhibition. However, Northern Arts from this date will insist that the venue's agreement with the artist is regulated by written contract. Northern Arts reserves the rights to see this contract before exhibition payment is made and to check with the artist that the contract is honoured.

The venue is responsible for informing the artist of exhibition payment and must submit the application. The form should be addressed to Peter Davies, Visual Arts Officer, Northern Arts.

It should be noted that this scheme might in the future be subject to change. However, the intention is to annually raise the face value of payments by £25 every 1 October, from £200 1 October 1988 to £300 October 1992. Presently Northern Arts is allocating £15,000 to exhibition payments with a payment level of £100.

1987/8		1988/9	1989/90	1990/91	1991/2	1992/3
Present Year Scheme		1	2	3	4	5
£100	Northern Arts	£150	£150	£150	£150	£150
Nil	Exhibition Venue	£50	£75	£100	£125	£150
_____		_____	_____	_____	_____	_____
£100	Exhibition Payment	£200	£225	£250	£275	£300

Peter Davies  
February 1988

EXHIBITION PAYMENTS  
NORTHERN ARTS

Form to be submitted by the host exhibition venue

APPLICATION FOR PAYMENTS TO ARTISTS FOR EXHIBITING WORK

Exhibition Venue

.....

Address .....

.....

.....

Contact and Tel No.....

Date of exhibition .....

(Attach listing of toured venues – dates)

Name and address of artist (if solo) .....

.....

.....

Is the exhibition in the main gallery space or some other part of the building? Please state where

.....

What discipline does the artist(s) work in? .....

Is it a one person exhibition: .....

If not, who are the other exhibitors:.....

Brief description of the exhibition .....

.....

**Attach Curriculum Vitae** (training, previous exhibitions, etc)

Has a written contract between venue and artist been signed YES / NO

Is the venue covering publicity, transport, insurance and private view  
YES / NO

Financial contribution of the exhibition venue to the exhibition payment  
£.....

Return application to Peter Davies, Visual Arts Officer, Northern Arts, 9-10  
Osborne Terrace, Jesmond, Newcastle upon Tyne NE2 1NZ.

## **North West Arts 1988**

### **EXHIBITION PAYMENT RIGHT**

#### **1.1 Introduction**

The paper on EPR produced by CoRAA and the Arts Council was circulated at the last Visual Arts Panel meeting. It is proposed that EPR replace the existing Payments to Artists scheme which is the only scheme currently administered by the Visual Arts Department which does not require a 50% contribution from venues. The EPR document was also circulated to all galleries currently participating in the Payments to Artists scheme. Their response was requested on:

- i) establishing the principle of paying artists and craftspeople a fee in recognition of the service they provide when exhibiting work;
- ii) increasing the existing fee from £100 to £250 for a one person show;
- iii) increasing provision to include artists participating in group shows;
- iv) encouraging exhibition venues to contribute to the funding of the scheme.

#### **2.1 Responses from Venues**

All the responses we have received have indicated support for the scheme principle of paying artists and craftspeople a fee for exhibiting work. Some organisations are unable to provide a formal response at the moment however, given their local authority of management timetables, but hope to contact us in the new year.

The main points raised by the galleries were as follows:

- i) Who is eligible for the EPR payments?
- ii) How do the galleries cope with the increased expenditure on artists' fees if they are required to raise the fee level to a minimum of £250?

- iii) If the fee level is raised can galleries be certain that there will be North West Arts funding available to contribute to artists exhibiting at the end of the financial year?
- iv) What level of fee should be offered to artists participating in group shows particularly when there are a large number of artists participating?
- v) How does the scheme relate to touring exhibitions? (The current scheme allows an artist to claim £25 per touring venue no matter where the exhibition is shown).
- vi) Are fees payable when galleries exhibit work by living artists that they have purchased or have borrowed from another collection?
- vii) How would EPR operate in relation to the existing exhibition support scheme?
- viii) Would North West Arts give priority to support fees for exhibitions which fall within their policy priorities, ie equal opportunities?
- ix) Will the implementation of the new scheme, given increased costs to galleries, have a detrimental effect on the number of opportunities available for living artists to exhibit their work?
- x) What is the position of Arts Council funded venues and North West Arts revenue clients?

### **3.1 Proposed Scheme for Implementation of EPR**

- i) As with the existing payments to artists scheme, the following conditions will apply when identifying exhibitions eligible for funding:

In consideration of the principles underlying the scheme any payment is quite distinct from any commission fee, installation fee, lecture fee, transport costs, publicity costs, expenses or any other payments within the terms of an exhibition agreement between the gallery and the artist which take the form of a written contract.

The scheme only applies for exhibitions running for at least 3 weeks.

Galleries within colleges and polytechnics are only eligible for exhibitions of work by artists who are not employed full time within the institution.

#### **Exhibitions Not Eligible Under Scheme**

The following types of exhibition are excluded from the scheme:

Those organised by societies for the benefit of their members.

Competitions or open exhibitions.  
Exhibitions by amateurs.

### **Artists Eligible Under the Scheme**

Visual artists and craftspeople will be eligible.

For the purpose of the scheme, professional visual artists and craftspeople are defined as those who have completed a full-time course of study at art school, or who have demonstrated in other ways their status as artists.

The term Visual Artists includes photographers, painters, sculptors, printmakers, but excludes performance artists as alternative schemes exist for subsidy of their fees.

Students are not eligible under the scheme.

3.2 In implementing the scheme it is necessary to consider each venue's eligibility and 'ability to pay'.

A number of galleries in the region have very small exhibition budgets and cannot afford to hire in exhibitions. The bulk of their programme is therefore made up of one-person or group shows by contemporary artists. The cost of providing 50% of £250 exhibition fees for perhaps seven or eight exhibitions in a year could well represent their total exhibition budget.

It is proposed that North West Arts should encourage all venues to provide adequate funding for their exhibitions programmes so that the following minimum requirements are met:

- a. The artist's work is insured during transit and exhibition.
- b. The artist's transport costs for delivering and collecting the exhibitions are reimbursed or suitable transport is provided.
- c. An exhibition contract is drawn up between the gallery and the exhibitor.
- d. A poster or equivalent as publicity is produced by the venue to advertise the exhibition.
- e. The venue is in receipt of public funds.

Only organisations fulfilling these requirements would be eligible to apply to North West Arts for EPR support.

It is also proposed that a two tier system be introduced which would link levels of payments to galleries' actual expenditure on exhibitions (excluding heat, light and staffing).

#### **First Tier: Galleries with Exhibition Budgets under £5,000**

a North West Arts will offer £125 per exhibition to any venue that can match that amount.

Or

b North West Arts will offer £100 per exhibition and request that the venue in the first year of the scheme contribute an additional minimum of £25 making a total payment per exhibition in 1988/89 of £125. Galleries would then be encouraged to raise their contributions to at least £50 in year 2 and £75 in year 3, providing fees to artists of £150 in 1989/90 and £175 in 1990/91.

#### **Second Tier: Galleries with Exhibition Budgets over £5,000**

a North West Arts will offer £125 per exhibition to any venue that can match that amount.

Or

b £100 per exhibition will be offered to venues that can contribute between £50 and £100. These venues would be expected to raise their contribution over the next three years to bring them in line with the ACGB minimum (currently set at £250) by 1990.

All of the above amounts are subject to availability of funds from North West Arts.

After that date it is proposed that the fees be increased in line with inflation.

3.3 To ensure that each gallery knows the level of support available from North West Arts and to establish the principle of the venue paying

fees, it is proposed that each venue eligible to apply will submit an estimate of fees required at the beginning of the financial year. An amount will then be earmarked for that venue. The venue will make the payments to artists at the end of each exhibition throughout the year and then claim against the amount allocated by North West Arts at the end of the financial year. This may mean that EPR payments made via the local authority will be taxed.

3.4 Artists participating in group shows should be paid a fee. It is proposed in the first year of the scheme that the minimum payable would be £25 and £50 per artist for the 1<sup>st</sup> and 2<sup>nd</sup> tier galleries respectively. This would apply to exhibitions of five or more artists. Two to four artists would share the £125-250 fee between them provided the sum is higher than the set minimum.

If the gallery wishes to offer higher fees, support from North West Arts may be available and would be calculated on a 50/50 basis. It is anticipated that galleries organising group shows of this type would in some cases be applying to North West Arts for exhibition support. The payment of fees of this kind would therefore form part of the application.

It may not be possible for some venues to offer EPR payments for large group shows in 1988/89 as plans have already been made without taking the implications of EPR into consideration.

3.5 It is proposed that either:

i) galleries touring exhibitions of contemporary work should calculate the hire fee to include an EPR payment from every venue and pay this to the artist

or

ii) artists exhibiting in touring exhibitions not initiated by ACGB should be eligible for EPR payments at every venue.

This point will be raised at the next CoRAA meeting of Visual Arts Officers.

3.6 It is the ultimate purpose of EPR to encourage payment of fees to living artists when their work is exhibited regardless of the ownership of the work. At present however, it is proposed that fees are paid only if the work exhibited belongs to the artist or if the exhibition is a major retrospective of the artist's work.

- 3.7 Applications for exhibition support will in future include EPR payments. In the case of a show of five or less artists EPR will be paid at the rate already negotiated with the venue, unless they wish to raise the level of EPR for a particular exhibition as discussed in point 3.4.
- 3.8 If the funding for EPR available from North West Arts is not sufficient to cover all requests, decisions on how the money is allocated will be made in line with North West Arts policy priorities with a particular emphasis on those exhibitions promoting equal opportunities.
- 3.9 EPR will undoubtedly have an impact on the number of contemporary exhibitions and the nature of those shows. This is acknowledged by the RAAs, ACGB and the National Artists Association. It is necessary however to change the existing system and make the payments to artists more realistic. In the current financial climate this is not easy to achieve, but a start has to be made.

Artists have been providing galleries all over the country with exhibitions at great cost to themselves, in terms of time spent making the work and actual expenditure on presentation. In general they receive little or no financial return from the gallery in which they exhibit and given that many venues are providing a service to the public rather than operating as a sales outlet, the possibility of the artist actually selling work from an exhibition is not great.

- 3.10 Manchester City Art Gallery and Harris Museum and Art Gallery will not be eligible for EPR funding from North West Arts as they are in receipt of substantial funding from the ACGB Glory of the Garden initiative. Smaller 'Glory' clients, Oldham Art Gallery and Rochdale Art Gallery will be eligible to apply for support (levels to be negotiated).

North West Arts' own major clients, Cornerhouse, Castlefield, Viewpoint and Pendle Photographic Gallery are eligible to apply, and will put a great demand on EPR as they run programmes that have a high percentage of contemporary exhibitions.

All galleries in the current scheme will be eligible to apply, provided they fulfil the criteria outlined in 3.2.

## **Financial Implications**

3.11 In 1987/88 £8,000 has been identified to support the current scheme. The new EPR scheme will extend to cover payments for craftspeople and in 1988/89 the Crafts Panel will make a contribution to the EPR fund to acknowledge this. A bid will be made by the Visual Arts Department for money for the scheme, should development monies be available.

In 1986/87 £7,025 was spent on Payments to Artists and all requests for funding were met. It is hoped that the increase to £8,000 in the current financial year will also enable us to respond to every request and will take account of new venues such as Viewpoint.

In 1988/89 some of the artists' fees for group shows will be included in exhibition support applications. It is unlikely that many venues will be able to respond to the offer of matching £125 for EPR fees given that many have already planned their programmes and will therefore have little financial flexibility; however should North West Arts be unable to meet all requests for support it is hoped that galleries will ensure that appropriate fees are paid to all artists, making up any shortfall from their own resources.

## **The Next Step**

3.12 If this scheme is approved by Panel, details will be circulated to all venues with a questionnaire requesting the following information:

- i eligibility to participate in the scheme
- ii exhibition programme and expenditure for 1988/89
- iii exhibitions eligible for EPR
- iv level of financial contribution the gallery feels able to make

A meeting will then be held with the gallery staff to discuss any problems which might arise in implementing the new scheme.

Once the questionnaires have been returned each gallery will be allocated an amount towards EPR payments. If possible a small contingency fund will also be identified to respond to galleries' programme alterations during the year.

## **SOUTHERN ARTS ASSOCIATION**

### **"E.P.R."**

"E.P.R." stands for exhibition payment right. It is the name of a scheme which this Association is implementing in common with all other Regional Arts Associations in England and Wales. This is a means whereby the professional contribution of the artist is recognised and remunerated when work is exhibited. The first step in this process was the 'Payments to Artists' system which ceases to exist on the 31<sup>st</sup> March 1988. "E.P.R.", the new scheme which relies – for the first time – on each gallery and exhibition space making a cash payment in tandem with the R.A.A., comes into being.

Southern Arts will make payments, while it has sufficient funds available, on the following scale under the terms stated below:

Assuming an exhibition period of 3-4 weeks: minimum payment would be £250

Venue	£100	Southern Arts	£150
"	£150	"	" £200
"	£200	"	" £250
"	£250	"	" £300

- i) The last figure is the Association's maximum contribution at present but this should not prevent artists and galleries agreeing a higher level of fee.
- ii) It is suggested that for shows involving more than one artist the fees are divided (up to three times).
- iii) In an exhibition comprising contemporary and historical or other work the fee should be paid if there is a substantial proportion of work by a living artist.
- iv) The payment is made to living artists only. The payment is available to artists from abroad provided that reciprocal arrangements are in existence with their country of residence.
- v) Any sale of work from an exhibition and any arrangement concerning commission is an entirely separate transaction and does not affect the implementation of E.P.R. as described here.

### **Qualifications**

Southern Arts will, before making any payment, need to see the copy of a contract, or a letter of agreement, between the artist and the gallery/exhibition venue. Specimen contracts are attached, courtesy of

the National Artists' Association and these may be modified in the light of local circumstances.

Southern Arts will not make payment when there is any charge to the artist for gallery, or exhibition-space hire. If there are charges to the artist for transport, publicity, preview cards, catalogues etc, the costs of any preview hospitality are however negotiable.

Galleries are invited to estimate their likely use of this scheme as early as possible in the near financial year; the Association can then indicate, informally, the extent to which it is able to offer matching funds.

The Association will still make a judgement on the aesthetic quality of those exhibitions it funds, the suitability of venues and the quality and professionalism of publicity material etc.

Applications from galleries, other than those listed below, should be accompanied by twelve slides of each artist's work. The Association will however need to see contracts from all galleries.

Contracts only: Aspex, Portsmouth; Hansard, Southampton; M.O.M.A., Oxford; South Hill Park, Bracknell; Winchester Gallery, Winchester.

Fees to artists for gallery talks, educational activities, etc are separate from the E.P.R. payment and should be negotiated separately. As a guide this Association pays a day fee of £85 for an artist-in-school/education placement.

### **Eligibility**

All fine artists, including photographers, having shows in galleries in the Southern Arts region are eligible. Artists from this region having shows elsewhere should apply to the R.A.A. where the venue is situated.

Galleries hosting installations, performance work or manifestations other than conventional exhibitions, are invited to contact the Association well in advance for advice about payment.

### **Notes:**

- i) The Association now attaches great importance to this move towards the proper remuneration of artists, it will not consider

any other form of grant-aid to organisations not implementing E.P.R.

- ii) Framing costs. In general it considers that these are a proper charge to the exhibition venue. However it is appreciated that in places where there is an irregular programme or for exhibitions in informal spaces to coincide with festivals, for instance, there may be a case for grant aid towards framing costs.
- iii) Similarly, although charges to artists for rental of exhibition space automatically in general exclude participation in the E.P.R. scheme, there are cases (trade shows, festivals, performance events, etc.) where a charge for space hire would be considered admissible.

## **YORKSHIRE ARTS EXHIBITION FEES SCHEME - STATEMENT**

### **Past/Present Operation**

At present, two of Yorkshire Arts' artform departments give out exhibition fees to artists exhibiting work in Yorkshire - Visual Arts, and Photography, whilst the Crafts Policy Group has also agreed to the principle of Exhibitions Payment Right (EPR). We pay either £50 or £100 – according to the size of the exhibition, the number of exhibitors and the length of time it is on view to the public. We have an agreement with the municipal galleries whereby we will pay 80% of the fee and they agree to pay 30% (ie £80 and £20 respectively). The scheme operated automatically, with artists being paid on request – so long as funds were available.

However, several difficulties arose with the scheme:

- 1) The vast majority of recipients were white men (reflecting, and indirectly supporting, the policies of galleries in this respect).
- 2) We were often in the position of giving exhibition fees to artists whose work we had declined to support in other ways.
- 3) This year we ran out of available funds by August. We were only able to meet demand through putting in additional funds from our own budgets, plus a one-off supplement of £2,000 from central funds which cannot be built into next year.

- 4) We had no way of knowing what eligible exhibitions were planned, and therefore how much money was needed to meet the costs of the scheme each year.
- 5) The scheme centred on selected public galleries, and did not address the degree of access to the exhibition. Nor did it include any commitment to 'alternative' exhibition spaces.

After the financial crisis in August, we contacted all the galleries in Yorkshire who had participated in the scheme, asking them to notify us of any further planned exhibitions in 1987/88. We hoped to be able to guarantee payment for any exhibitions so notified to us. We also said that in 1988/89, we were considering asking municipal galleries to pay 40% of the fee to our 60%. We had an extremely poor response. Of the many galleries contacted, only four responded.

We had considered using some system of prior notification within the future administration of the scheme. We devised a form which we had planned to send to galleries at the beginning of each financial year, asking them to list eligible exhibitions. We, in turn, would only offer payments to artists when the gallery had given us prior notification.

Clearly, the lack of response from the galleries to our letter sent in August, was an indicator of the probable difficulty in administering a scheme based on 'advance warning'. Moreover, such a scheme would still not address the problem of who got paid, for exhibition what work, and where.

### **Financial Implications**

In 1987/88, we spent £7,300 on the scheme – including the £2,000 from Yorkshire Arts Central budgets. We would therefore need to commit at least £7,000, again, from the Visual Arts and Photography budgets in order to meet similar demand in 1988/89. To increase the level of the fee to £200 - £250, as suggested recently by the Arts Council and Council of Regional Arts Associations, would mean a further increase of £4,000 minimum. At the same time, the news from central government is bleak for arts funding. The Arts Council has had to pass on a 2% increase to RAAs. Visual Arts is likely\* to receive a 1.6% increase (ie £2,900) and Photography a 1.8% increase (ie £2,000). This is less than inflation, and will result in cuts to major clients, and a greatly restricted development programme. Within such a financial stranglehold, the maintaining of an unsatisfactory scheme at a level almost double that of previous years is unlikely to be a priority.

## **Other RAAs**

Other RAAs seem to have reached similar conclusions. At least four are now working on revising the scheme so that it can be operated within existing budget levels. In practice, this means ensuring that RAAs can themselves exemplify good practice through:

- 1) Annual Programme Clients – who will all pay exhibition fees of £100 - £250 per exhibition.
- 2) Exhibition Subsidy – all applicants will be expected to budget for and pay exhibition fees of £100 - £250 as a condition of subsidy.\*\*

This is in effect what Yorkshire Arts (and the ACGB) is already doing. The difference is that the revised schemes will support exhibition fees only through these two channels.

## **Proposals for 1988/89**

Yorkshire Arts will:

- 1) Continue to build a contribution towards exhibition fees into annual programme base grants to clients.
- 2) Insist that annual programme clients pay a minimum of £100 per exhibition to eligible artists. The originating venue must also pay 25% of the fee for each subsequent showing of the exhibition. The cost of this proportion of the fee being added to the exhibition hire charges.
- 3) Continue to include exhibition fees in the Exhibition Subsidy Schemes\*\* at £100 minimum. (+ 25% per touring venue).

This will apply to Visual Arts, Crafts and Photography clients, and Visual Arts (and Crafts) Exhibition Subsidy Schemes. All galleries/venues receiving subsidy from Yorkshire Arts will be expected to also continue to exemplify good practice through covering the basic costs of exhibition production (transportation, insurance and publicity).

In addition, we will:

- foster greater discussion in Yorkshire, particularly among artists, of the potential/need for unionisation, fees/setting rates for work, etc.

- encourage all artists to negotiate for exhibition fees, and to refuse to exhibit where fees are not being paid. Using the NAA exhibition contracts as a basis for discussion.
- support the development of non-gallery touring of artists' work.
- develop initiatives in the distribution of work to targeted audiences and venues.
- ensure good practice through the payment of exhibition fees in all such Yorkshire Arts Schemes.

YVONNE DEANE  
Visual Arts Officer

SOO OSTLER  
Film & Photog. Assistant Officer

1 February 1988

\* All figures have yet to be agreed within Yorkshire Arts, and by its Council and Executive Members.

\*\* Operated by Visual Arts, not Photography.

## **Exhibition Payment Right**

A brief guide for artists and galleries

First published in a-n's Directory of Exhibition Spaces, 1989

By Susan Jones

In some of the listings in the Directory of Exhibition Spaces the reader will see the phrase 'EPR supported in principle'. Denoting a commitment to the principle that artists should be recompensed for the public showing of their work, the Directory of Exhibition Spaces provides the first ever published list of that commitment and it is hoped that by the third edition of the book in around 1991, the principle will have been turned into a nationally agreed 'Right'.

Exhibition Payment Right is a proposal similar to Public Lending Right for authors. (Public Lending Right pays authors an annual sum on a sliding scale based on the number of times their books have been borrowed from public libraries, these figures based on sample libraries nationally). Notably, in 1988, Canadian artists won the legal right to be paid EPR when the new Canadian Copyright Bill was passed; EPR schemes also operate in Australia and New Zealand.

The concept of EPR in the UK has developed from a scheme started by the Arts Council in 1979 to provide an Exhibition Showing Fee for artists mounting solo or two-person exhibitions. Fees were set at £100 for a solo exhibition and £50 each for a two person exhibition. In 1983, the scheme was taken over by the regional arts associations as part of 'devolution' and the fees predominantly stayed the same. In 1985 discussion began between the arts councils and the regional arts associations to review and update the scheme and at this stage, the principle of an Exhibition Payment Right was raised.

In April 1987, the Arts Council and CoRAA (Council of Regional Arts Associations) proposed that EPR should be adopted nationally and that 'The argument for EPR is based on equity – on fairness and justice. All artists, regardless of their medium of expression (whether painters, sculptors or photographers) should benefit from the consumption of their work by the public ... a national guideline for the fee of £250 is to be recommended for 1988'. (Rory Coonan, Arts Council and CoRAA paper April 1987). It was proposed in that document that the scheme be extended to include group exhibitions.

By the end of 1988 most of the regional arts associations had gone ahead and revised their existing schemes, rather, it seems, than wait for a unified one. With these new schemes however, it is still the case that only some artists receive a fee for exhibitions in publicly-funded galleries. What they have come up with therefore, cannot be called Exhibition Payment Right as artists cannot by right claim it, and the total amount allocated by each arts association is not based on an estimation of the annual number of contemporary art exhibitions in their region.

In most cases, the exhibition fee is divided in agreed proportions between gallery and arts association, and there is a move towards the use of an exhibition contract as a condition of the arts association contribution.

### **Exhibition Fees – national and regional variations**

In the case of West Midlands Arts, South East Arts, Eastern Arts and Yorkshire Arts, the payment remains at £100, although the conditions for receiving this amount varies. For instance, dependent on whether the gallery showing the exhibition is a client of the regional arts association (West Midlands Arts and Yorkshire Arts) and for solo or two-person shows only (South East Arts), encompassing craft exhibitions (Yorkshire Arts).

North West Arts will contribute £125 per exhibition for up to five artists where the gallery exhibition budget is below £5000, and £150-£250 for those with budgets above this figure, with the aim that the gallery makes the amount up to the £250 minimum fee. They also make provision for exhibitions of more than five artists. South West Arts also operates a sliding scale with £150 per exhibition for galleries with a budget of under £5000, and £200 for those over that figure, both for solo or group exhibitions of longer than three weeks.

Northern Arts has set the fee at £200 from October 1989 which may be divided by the number of contributing artists, although it acknowledges that there 'is a point when it is not administratively cost effective to make payments and this is at the discretion of the gallery.' Lincolnshire and Humberside Arts also offers £200 at six galleries with others to be added and plans to raise this to £250 in 1989/90. East Midlands Arts, who make no payments to non-RAA client galleries, is moving towards a fee of £250 for 1989.

Greater London Arts has set a standard rate at £250, Southern Arts recommends £250 and up to £500 for galleries with large budgets and Merseyside Arts proposes to adopt a fee of £300 for 1989.

In Northern Ireland or Scotland, there is not, as yet, any scheme to improve. In the latter, however, although discussions in the past did not lead to the adoption of a scheme, recent developments imply that fees will become an accepted part of the professional gallery/artist relationship in the future.

In Wales the recommended fee of £250 will be implemented in April 1989 with, by 1991, the proviso that 'All Welsh Arts Council revenue client galleries will be required to pay at least a minimum recommended fee (of £250) as a condition of the grant'.

The Crafts Council has devised a scheme to operate from April 1989 covering exhibitions with no more than four exhibitors in their own gallery with a flat fee of £150 for Gallery 1, and £250 for Gallery 2. The scheme only applies to Crafts Council originated exhibitions.

### **More Anomalies**

There are other variations. Some local authorities have, for some time, been paying exhibition showing fees at higher than the existing £100 rate: the Ferens Gallery in Hull already pays £200, as does the Usher Gallery in Lincoln; the Laing Art Gallery in Newcastle (part of Tyne & Wear Museums Service) pays between £250 and £500, and the Castle Museum in Nottingham £250. The Bluecoat Gallery in Liverpool proposes £300. As yet, there have been no formal consultations by the Arts Council/CoRAA group to the Art Galleries Association, the Museums Association, the National Association of Arts Centres or local authority art departments.

### **Consultation and Recommendations**

In 1988, the Arts Council funded the National Artists Association to run a series of seventeen consultative meetings in England, Scotland, Northern and Southern Ireland, between artists, gallery organisers, local authority officers and other cultural workers to discuss the Arts Council/CoRAA proposals as well as the National Artists Association's draft exhibition contracts. The recommendations drawn out of the meetings were:

1. EPR should be adopted as a Right, applicable without discrimination of any kind throughout Great Britain and Northern Ireland.
2. The definition of EPR – and how it should be applied – should be agreed at national level by arts bodies including government and local

government agencies and this definition agreed by artists' and galleries' representatives.

3. EPR should be administered by a national body (or bodies) overseeing a central sum of money set aside for EPR payments.
4. EPR should eventually be incorporated into a form of nationally binding legislation through a statutory instrument such as the British Copyright Act.
5. The central EPR fund, however derived, should be based on an annual review of the number of public exhibitions in Great Britain of work by living artists, and artists covered by the term of copyright as defined by the British Copyright Act.
6. A realistic level of EPR payment should be established at not less than the level proposed by the Arts Council/CoRAA June 1987 document.
7. The central EPR organisation should be independent of existing arts organisations and answerable to representatives of artists, funding bodies, galleries and other relevant institutions.
8. A standard set of exhibition contracts should be developed and adopted for use with EPR, with terms agreed by all parties involved in the public exhibition of contemporary artworks.
9. The possibility of a form of licensing system to assist the implementation of EPR should be explored.
10. Whatever EPR scheme is developed nationally in Great Britain should be based on reciprocity with other countries operating EPR or analogous schemes.
11. A Standing Conference should be set up on EPR, involving representatives from all the bodies concerned with the implementation and running of an EPR scheme.

In December 1988, the Arts Council expressed support for the broad principle of a unified scheme applicable throughout Britain, for payment of EPR as a right. It is hoped that this will be followed by agreement from the CoRAA group and that the consultations will be developed and the first Standing Conference be held in 1989.

## **Exhibition payment right – is it working?**

First published in Artists Newsletter, June 1991

“Exhibition Payment Right (EPR) is now operated through most of the UK – but is it working? EPR is a system by which an artist is paid a fee by a gallery for showing their work – similar to a theatre paying a drama company for performing.

It acknowledges that an artist should get paid for use of their work and is particularly important in the public sector where very few artists will earn a living from galleries selling their work.

The concept that that a gallery is using an artist’s work, despite being highlighted as a recent conference organised by the Arts Council and the National Artists Association has not really become common currency amongst artists and galleries.

In Canada, EPR is part of copyright. The payment is seen as a royalty for use of the work and can be exercised like other economic rights defined in copyright legislation. This exhibition right, like copyright, belongs to the artist and is not transferred with sale of the work. So, under certain conditions, you can be paid a royalty for the public exhibition of your work whether you own it or not.

This is a simple way to deal with EPR and it would be good to see artists and arts organisations lobbying for a similar amendment to British Copyright legislation. Part of its value is that everyone can see what EPR is and how it should operate. The problem with EPR in the UK is one of confusion – when does it apply and who is responsible for paying for it. In Northern Ireland you have to be a resident to qualify. One gallery told an artist you have to have been at art school to qualify. Northern Arts says you need to have art training or be a professional artist – but who is to say whether you are professional or not? Clearly, artists, galleries, local authorities, Regional Arts Associations (RAAs) are not in agreement about what EPR is and who is eligible.

Part of the problem is who is going to pay? Galleries, unwilling to divert programme money, can see it as a funders’ responsibility. Funders provide limited budgets and look to the galleries to meet extra costs. And meanwhile, artists keep paying through the nose to exhibit.

When is the establishment going to realise that artists have as much right to earn from their work than anyone else, and that exhibiting is a way of

'using' an artist's work. If the gallery can't sell work and is unwilling to rent it, then it has to ask itself what it is doing using that artist's work. And artists have to be forthright and creative in seeking income from their work."

## **EPR Campaign Struggles On**

First published in Artists Newsletter, May 1995

Despite the fact that a vast amount of energy was put in previous years to the campaign by the Arts Council (of Great Britain) and the then regional arts associations aimed at raising awareness about why and how artists should receive a payment for 'consumption of their work by the public', there's a feeling now that the Exhibition Payment Right campaign has rather passed its sell-by date. Funding bodies tend now to contribute half the fee (still a total of between £150 and £300, even after all these years) and expect galleries to pay the rest. Because there's no monitoring though, who can be sure artists get a fair deal?

An artist has reported to Artists Newsletter her recent experiences of haggling over EPR at a small publicly-funded venue. Having suggested first of all that artists were 'privileged' to get the chance to show, the gallery told the artist they'd have to run workshops or lectures to 'earn' the fee. Unfortunately, this kind of misunderstanding may not be an isolated case.

So, here's some information to show gallery organisers who don't understand the principle. "Artists provide a service and, just as other workers in a gallery are entitled to be paid for their labour, so too are artists entitled to be paid for the use that is made of their work. Every other professional sector in the arts expects that this public benefit should be recognised, and recompensed, by the payment of a fee.

The argument for Exhibition Payment Right is based on equity – on fairness and justice. All artists, regardless of their medium of expression (whether painters, sculptors, video-makers or photographers) should benefit from the consumption of their work by the public. Although there are some who feel that to exhibit an artist's work in public is to do him or her a favour, the reverse is true when you consider the contribution that artists make to local cultural and leisure services. Some say that sales or work result, providing an artist with income. But the achievement of sales should not detract from, nor should it replace the essential principle – that an initial exhibition fee comes first in all negotiations between artist and gallery." (Arts Council of Great Britain and regional arts associations, 1987).

## **Exhibition Payment Right Undermined**

First published in Artists Newsletter, August 1995

National agreements are being destroyed, reports **Brian Baker**

Exhibition Payment Right was established in 1987 by the Arts Council of England and English regional arts associations because it was seen as vitally important. Even though the Scottish Arts Council never adopted it, the Welsh one did and has operated it ever since. However, cuts in public funding for the arts are undermining decades of good practice. Already, two regional arts boards have reduced their support for EPR for the current financial year. North West Arts has withdrawn its 50% contribution to revenue clients, organizations, and London Arts Board has cut out its £10,000 fund to reimburse galleries and exhibition spaces which make payments.

### **Difficult Choices**

North West Arts' decision means their 1993/94 £16,000 total contribution to EPR will fall dramatically. Revenue clients may not be able to make up the short-fall. Castlefield Gallery in Manchester will have to struggle to find the money. Whilst spokesperson Jude Sykes emphasises that "as an artist-led organisation we are fully committed to paying artists a professional rate", she conceded they have no cash on which to draw. "We start with a nil budget for each show" she says. "We hope to extend fundraising to cover the short-fall through sponsorship." In recent years NWA's payments to Castlefield have been around £1000 annually.

At Liverpool's Bluecoat Gallery, which got £1000 last year, Exhibitions Manager Janice Webster says, "We decided we will continue paying the full rate for artists' fees and have written them into our budget." She admits, however, that this is possible partly because they don't have a lot of shows to which EPR applies in 1995/96. "We will have to plan very carefully to maintain the scheme in the future. It was a very bad initiative by North West Arts to drop it" she says.

Also in Liverpool, Artreach were hit a year earlier when touring shows were excluded in 1994/95. Organiser Carolynn Murray says "artists are now being paid the money we've always set aside, so receive 50% of the recommended rate." Like Castlefield, Artreach has to fundraise just to do their programme, and has yet to decide if it will be practicable also to fundraise for the EPR short-fall. Artreach shows tour to non-gallery venues such as schools, libraries and workplaces, and they provide artists with transport, framing and insurance cover. "I'd like to see the RAB

reinstate the scheme and increase the level” saidCarolynn Murray. It’s not as if the cut-back in the scheme was comprehensive amongst non-revenue clients. Cheshire arts officer Doreen Halewood commented that “when NWA first introduced EPR, they decided we weren’t eligible for support. However, we’ve continued to pay a fee to artists taking part in our tours, most of whom are young.”

### **London limits**

Although in earlier years the London Arts scheme covered all eligible shows by revenue clients and spread wider, in its final year it was over-subscribed and payments were only 50% of the rate. Clea from Café Gallery is blunt: “We will not be able to pay it. At the end of the day, it will limit the number of artists who can exhibit.” Nine who showed there last year qualified for EPR. Even larger organisations will struggle. Camden Arts Centre Exhibitions Co-ordinator Isobel King says “the budget situation varies from show to show. Much as I would like to, I don’t think we can guarantee to pay it.” Holly Tebbutt, London Arts Board’s Principal Visual Arts and Crafts Officer says “we now expect our client galleries to pay it.” However, they haven’t yet decided whether or not to make it a condition of grant aid in future years. She explained that the budget was cut after reductions in their total grant aid, and regrets “the transfer of responsibility didn’t happen gradually.”

### **Better handling**

These things can be better handled. A gradual transition of responsibility to client from funding body has taken place in Wales where the Arts Council of Wales has supported the principle since 1979. The current scheme requires the seven development gallery revenue clients to pay EPR at the recommended rate of £250 per solo show as a condition of grant. It’s a similar story in the East Midlands. EMA Visual Art Officer Janet Currie says “We expect revenue clients to pay EPR and discuss this with them at the annual review meeting.” Wales’ scheme, however, caters for other options. Any other publicly-funded gallery can apply for 50% of the fee for shows which meet certain criteria. The Arts Council ‘Moving Pictures’ scheme which operates mainly in South East Wales in ensuring that EPR extends to wider exhibition situations. This promotes exhibitions in new and non-dedicated spaces, and gives artists a payment of £140 per solo show. Arts Officer Richard Cox says “it’s a scheme which supports artist-initiated shows and is flexible because some of the organisations involved have no arts involvement. Over 900 exhibitions have been supported over the last nine years.”

### **Time for action**

What's happening now in England means support for the exhibition form is being quietly eroded. In effect, artists exhibiting in some parts of England will definitely be worse off. Major decisions about EPR appear to have been made without any real discussions amongst the arts community. If you want to be sure that the principle's around for your future exhibitions, now's the time to take action. Write in support of it to your RAB. Artists in Scotland (who in the late '70s voted against it) might like to raise the issue again with the Scottish Arts Council. If you encounter problems with EPR or come across any other poor exhibition practices please tell Artists Newsletter.

## **Exhibition Payment Right**

First published on [www.a-n.co.uk](http://www.a-n.co.uk) 2005

[www.a-n.co.uk/knowledge\\_bank/article/208592/193936](http://www.a-n.co.uk/knowledge_bank/article/208592/193936)

A strategic campaign involving artists and Arts Council of Great Britain and the regional arts associations to secure the principle and widespread application of EPR was started way back in the 1980s, with £100 the magic figure, and when an arts officer could command the princely annual salary of £6,313, making the fee equivalent to 1.5% of this salary. Exhibition payment of £1,000 per solo show in 2004 represents 4% of an arts officer's salary of £24,100.

In 1991, we noted that the "Regional arts associations and arts councils have been moving towards the implementation of a national scheme of payments to artists for exhibiting". The suggestion was a minimum of £250 for a solo show. And back then, Cambridge Darkroom was paying £300-£650 for a show originated by the gallery or £250 for an incoming show.

a-n's *The Directory of Exhibition Spaces* 1993 edition identified that 14% of galleries "openly declared that they paid artists a fee for exhibiting".

In a-n's 1994 review of fees and payments to artists, Yorkshire and Humberside Arts 'insisted' that all clients in receipt of grant aid towards exhibition production paid £250 minimum and £60 for each venue in a touring show. By 1996, artists exhibiting in South West England could benefit from the Art Electric EPR scheme, worth £300 per solo show. However it was noted at that time that although regional arts boards and all arts councils generally endorse the principle, "how they apply it varies. And although in some regional arts board's budgets are set aside to EPR, whether eligible artists receive it is dependent on whether the fund is exhausted".

	1989	1990	1991	1994	1996	2004
Arts Council of Great Britain	£250	£250				no current guidance
Regional Arts Associations/Boards (best rate)	£450	£250				see above
Yorkshire & Humberside Arts			£250	£250		
Scottish Arts Council					£250	£400/1000
Castlefield Gallery						£250
South West Arts Board					£300	
Ikon Gallery						£1000
Fruitmarket Gallery						£1000
Ormeau Baths						£2000

The growth of commissions for installation-based exhibitions has generated new ways of thinking around exhibition fees. Amongst alternatives to EPR is the Film and Video Umbrella approach that pays artists a combined commission and exhibition fee. Standard practice, followed over last 5 years, is that the artists' fee is 10% of the overall budget. Fees range from £2,000 to £7,000, which reflects the scale of project (£20,000 to £70,000). The 10% formula works because of the nature of FVA activity: all stages from commissioning through to touring exhibitions. If works tour to more than three venues, artists are paid half the fee secured for the additional exhibition.

Are (2004) rates of pay for artists, as offered by arts employers, appropriate, and have they remained in line with comparator salaries over the years? We asked chartered accountant Richard Murphy to tell us what some of the 1989/90 stated rates would look like now had they had been 'index linked' to the retail price index, the most common measure of inflation.

Type	1989/90	2004 value	2004 actual
Residency	£12,000	£19,496	£23,400 (£175 day)
Local authority arts officer Scale 5	£11,241	£16,686	£17,340
Arts officer ACE/RAA	£11,475	£17,028	£24,100
EPR	£250	£406	£1,000