# **Code of Practice**

**British Equity Collecting Society Limited**

## Introduction

British Equity Collecting Society (BECS) is the only collective management organisation established for the representation of audio-visual performers based within the United Kingdom.

It represents the interests of around 32,000 members in the negotiation and administration of performers’ remuneration.

BECS enforces statutory rights of performers within the United Kingdom. It represents its members for this purpose and for the purposes of entering into Representation Agreements with collective management organisations and other collection agencies around the world asserting and collecting revenue from the exploitation of these statutory and other rights from the UK and overseas.

BECS has adopted this Code of Practice to ensure that its conduct in representing its members and the performers and performer heirs it is authorised to represent directly or through Representation Agreements and third parties with whom it conducts it activities is in accordance with The Collective Management of Copyright (EU Directive) Regulations 2016.

##  Member’s mandates

Members of BECS are ‘Performers’[[1]](#footnote-2). Any performer (or the heir(s) of a performer who becomes a member of BECS[[2]](#footnote-3)) who has performed in Film or Television can join BECS. Performers whose performances are recorded in audio only (not including musicians), for example radio plays, podcasts or audiobooks, are also eligible to join BECS according to our Articles. However, please note that at present there is no statutory remuneration payable to performers in relation to such works in the UK and BECS also does not collect any from other countries.

Performers (and when appropriate Performer Heirs) apply to join BECS by signing Registration Forms and register for membership by signing a Membership Agreement (available at www.becs.org.uk). The Membership Agreement sets out the terms of membership of BECS. Applicants for membership are required to agree contractually to these terms of membership. They cross refer to the constitution of the company which includes the criteria for membership set out in the Articles of Association of BECS (available at www.becs.org.uk).

## Rights managed

BECS works as a Collective Management Organisation.

It is established to represent, assert, exercise and enforce rights provided for in its constitution for the benefit of Members and Performers and Performer Heirs whether directly under Membership Agreements or through Representation Agreements with third party collecting societies in any circumstances where, under application of national laws anywhere in the world, the rights of the Performer may not be assigned or asserted, in law or for practical purposes, except through a Collective Management Organisation (CMO) or through the services of a collecting society.

These Agreements support claims for “Performers’ Remuneration” as defined in the Membership Agreements which BECS collects and distributes.

## Our mission

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

**Data Protection**

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

The Policy is posted on BECS’ website at [www.becs.org.uk](http://www.becs.org.uk/) and may be updated from time to time.

BECS will never provide members’ details to third parties for marketing purposes.

## Distribution rules and Policies

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

The BECS Board [[3]](#footnote-4)is responsible for the conduct of the company’s business and operations, including its strategic direction and formulation of policy on behalf of, and in the best interests of the broader membership.

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

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

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

When setting a new distribution policy:-

1. the BECS Board and the Supervisory Committee will be asked to review and approve the terms of the Policy and any significant changes to it following recommendations from the management of BECS;
2. in approving or amending a distribution Policy the BECS Board will take into consideration the impact on performers or groups of performers relevant to application of the Policy and will attach conditions as the trial or pilot nature of a Policy when appropriate; and
3. Approved Distribution Policies (including any policy on Non-Distributable amounts) are published by BECS and made available for reference by performers on [www.becs.org.uk](http://www.becs.org.uk/)

## Graded Productions

When performers’ rights revenue from other countries is not already split between performers by the originating collecting society, BECS apportions performer shares according to our grading policy which can be found here <https://becs.org.uk/payments/#graded-productions>**.**

**Claims**

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

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

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

## Administration fees

BECS deducts a small percentage as agreed by its membership from distributable revenue. These deductions are sufficient only to cover the costs of BECS’ operations as a going concern.

## VAT

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

## Distribution

In order to keep costs down and manage micro-payments effectively, BECS has two main distributions per year. Catch-up payment runs may be made in between the two main distributions to deal with failed payments.

## Organisational Structure

BECS has a Board of Management which is made up from a maximum of 9 individuals who are elected/appointed as follows:

Up to five persons who are Members of BECS and who have been elected as members of the Board by the membership of BECS in general meeting.

One person nominated by the Equity Council;

One person nominated by the Management Committee of the Co-operative Personal Management Association;

One person nominated by the Council of Management of the Personal Managers’

Association Limited;

One Executive Director being the Chief Executive Officer of BECS.

Ratification of nominations shall be requested from members in General Meeting.

With the exception of the Executive Director who remains on the Board all the time he/she holds the post of CEO, members of the BECS Board of Management elected by the Membership of BECS are elected/appointed every three years. Nominees from Equity Council are appointed for two years from approval by the members and nominees from CPMA and the PMA are appointed annually.

The current BECS Board of Management will be shown at:

##  [www.becs.org.uk](http://www.becs.org.uk/)

**Contact details for BECS staff will be shown at:**

 [**www.becs.org.uk**](http://www.becs.org.uk/)

**Members Meetings**

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

No business shall be transacted at any General Meeting unless a quorum of Members is present at the time when the meeting proceeds to business. Twenty five persons, or one twentieth of the Members, whichever is the lesser entitled to vote upon the business to be transacted, each being a Member or a proxy for a Member or a duly authorised representative of a corporation, shall be a quorum.

## International Agreements

BECS has entered into Representation Agreements with a number other Collective Management Societies from which it seeks to collect any monies applicable to BECS activities resulting from statutory rights for Performers and Performer Heirs that exist in the countries within which the mandates of such Societies apply.

A list of current Agreements with such societies is be published at: <https://becs.org.uk/payments/#income-sources> and in our Annual Transparency Report which is also available on BECS’ website. Notice of new or amended Representation Agreements concluded by BECS will also be reported to members in General Meeting.

## Customer Service

BECS staff seeks to maintain the highest standards in its dealings with members and agents as well as the third-party collective management organisations and representatives with which the company deals, whether in applying the terms of Representation Agreements or otherwise undertaking its activities as provided by the constitution of BECS. BECS staff is expected to be both courteous and helpful when dealing with calls and correspondence whether it is by post or emails.

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

## Complaints Procedure

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

British Equity Collecting Society Ltd 19-20 Hatton Place

London EC1N 8RU

Tel: +44 (0)203 946 7800

Email: info@becs.org.uk

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

1. has not complied with its stated service standards;
2. has not applied its stated policy;
3. has breached the Collective Management of Copyright (EU Directive) Regulations 2016;
4. has not applied a provision of the Code of Practice; or
5. has not followed due process in setting a policy and this has adversely affected the administration of your rights.

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

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

Complaints about the CEO should be addressed to the Chairman of the Board of Directors. BECS reserves the right not to deal with vexatious or frivolous claims.

If you are unhappy with any response received about your complaint, you should write within 60 days of the date of the response to the Chairman of the Board of Management. (Escalation of complaints about the CEO should be sent to the full Board of Management). The Chairman (Board) will respond in writing to you following the next scheduled meeting of the Board and will confirm or vary the earlier decision and advise you of your right of appeal.

## Appeal Procedure

If you have followed the set complaints procedure and we have confirmed that there are no further actions we can take, you may within six months of receipt of this confirmation request BECS to enter mediation which it will do in good faith provided both parties agree on an impartial independent mediator. The Intellectual Property Office has a [listing of mediation providers](https://www.gov.uk/guidance/intellectual-property-mediation) including those accredited by the Civil Mediation Council (CMC) (https://www.gov.uk/guidance/intellectual-property-mediation).

To initiate the mediation a party must give notice in writing (ADR notice) to the other party to the dispute, referring the dispute to mediation.

If you believe that BECS has breached the Collective Management of Copyright (EU Directive) Regulations 2016 and you have followed the Complaints Procedure and the Appeal Procedure above and are not satisfied with the outcome, you may complain to the Intellectual Property Office by contacting collectiverights@ipo.gov.uk.

1. Performers are defined in the BECS Articles of Association [↑](#footnote-ref-2)
2. Performer Heirs who are eligible for membership of BECS are defined in the BECS Articles of Association [↑](#footnote-ref-3)
3. Members of the BECS Board are published on the BECS website at [www.becs.org.uk](http://www.becs.org.uk/) [↑](#footnote-ref-4)