

CONTRACTS FOR THE VISUAL ARTS

A new legal service for visual arts organisations

Following research commissioned by VAGA in 2008, **Contracts for the Visual Arts** was founded by solicitor Nicholas Sharp to provide legal advice and support to visual arts organisations and businesses.

The focus of the service is the **review and preparation of contracts** since they are the core of all legal and business relationships. Contracts clarify expectations, identify issues that might otherwise be overlooked and reduce the likelihood of future disputes.

The new service aims to provide an expert, individually tailored, cost-effective service with fast response times.

VAGA members - special rates and contracts review offer

*VAGA members will benefit from a **10% discount** on all charges*

Fees are well below the rates most solicitors charge, having been deliberately designed for arts clients with limited budgets, and are usually based on day rates rather than hourly rates. Wherever possible, fixed-price quotes are offered for ease of budgeting.

VAGA members will be also offered the opportunity to have a **Contracts review free of charge**. This will consist of a written review of contracts the organisation commonly uses, pointing out where the contracts are not consistent with best practice or contrary to current law. The review will not include amended contract wording.

This offer is open to the first six VAGA members who respond on a 'first come, first served' basis and will be repeated every six months.

To take advantage of this offer, email cva@swanturton.com with the name of your organisation and contact details.

VAGA members must have an up-to-date membership and will be asked to quote their VAGA membership number.

The service includes:

- conducting audit/review of existing contracts
- customising contracts for the specific needs of individual arts organisations
- reviewing and amending draft contracts provided by third parties
- help with negotiating contracts
- effective termination of contracts

- advice on dispute resolution
- referral to specialised solicitors at Swan Turton where needed (for example dispute resolution)
- talks and guidance notes on relevant topics
- help with interpretation of existing contracts

How the service works:

1. Initial telephone assessment to identify legal support required and to note key details and focus of organisation's activity. In appropriate cases, organisations will provide copies of contracts for review.
2. Written confirmation of work required and fee estimate provided promptly for approval.
3. Telephone or face-to-face consultation session with solicitor to identify specific issues and context.
4. Amended/new contracts or other documents prepared and supplied by email.
5. Follow-up discussion or meeting (if required) to resolve any queries and further contract amendments as required
6. Clients invoiced on provision of final documents.

Examples of contracts on which advice can be offered:

Working with artists

- Exhibition contracts
- Commission contracts
- Residency contracts
- Workshops and talks
- Customised 'Recoupment' contracts following the Arts Council guidelines
- Freelance and employment contracts

Gallery contracts

- Consignment contracts and notes
- Artwork Loan agreements
- Agency and representation agreements

Intellectual property

- Copyright assignments
- Licences for reproduction of artwork
- Moral rights and Artist Resale Rights

Marketing and development

- Sponsorship and marketing partnership agreements
- Agreements with funders and commercial participators

Employing staff

- Employment contracts and terms and conditions
- Freelance (self-employed) contracts

Information technology

- Website terms and conditions and Privacy Policy
- Contracts with web-designers and other IT suppliers

Funding/Development

- Fundraising agreements
- Sponsorship agreements
- Agreements with project partners

Governance

- Company formation
- Constitutions/Articles of Association
- Documentation for meetings including proxies
- Companies Act 2006 Compliance
- Charity law; advice on application of 'public benefit' Guidance
- Agreements between Boards and Trustees

Who we are

Nicholas Sharp is a solicitor with over 25 years experience advising big and small businesses, arts organisations, charities and individual artists on a wide range of legal issues, combined with an in-depth knowledge of contemporary visual arts practice and the art market. He has been a consultant to media lawyers Swan Turton since 2006 (see below for brief CV).

Jessica Carlisle is a solicitor who also holds a Diploma in Art Law Policy and Management from the Institute of Art Law. She also has experience of working more widely in the visual arts.

Sheena Etches is a visual arts consultant based in London, Fellow of the Clore Leadership Programme, and currently Programme Director of Bloomberg SPACE. She co-wrote, with Nicholas Sharp, the Artists Contracts Toolkit, published by a-n The Artists Information Company.

Contact details

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Nicholas Sharp: Brief CV

Nicholas' legal work is founded on over 25 years experience advising big and small businesses, arts organisations, charities and individual artists on a wide range of legal issues, combined with an in-depth knowledge of contemporary visual arts practice and the art market.

Relevant Experience:

- Arts clients include Arts Council England, the Crafts Council, the National Federation of Artists Studio Providers, a-n The Artists Information Company and VAGA (Visual Arts and Galleries Association).
- Worked for seven years in top City law firm Slaughter and May and in industry for Cadbury Schweppes. Consultant to Colgate-Palmolive group from 1988 to 2008.
- Director of a-n The Artists Information Company, the principal UK agency representing the interests of visual artists in the UK, since 1990. <http://www.a-n.co.uk>.
- Consultant to Covent Garden media law firm Swan Turton. <http://www.swanurton.com>
- Author of many articles, guidance and training materials on legal issues for artists and arts organisations.
- Author of a series of model Visual Arts Contracts (funded by Arts Council England) on Selling, Residencies, Agents/Dealers/galleries, Licensing Reproductions and Commission Contracts.
- Former Special Adviser to the Arts Council's 'Percent For Art' Steering Committee on Contracts for Public Art Commissions.
- Chair of Barbican Arts Group Trust, a registered charity providing studio spaces for artists in London.
- Director of ArtCo Trading, the Arts Council England subsidiary operating the national interest-free credit scheme for buying art ('Own Art') and musical instruments ('Take it Away').
- Co-founder, with Sally Townsend, of The Multiple Store, a not-for-profit organisation which commissions and sells limited edition Multiples by contemporary British artists such as Fiona Banner, David Batchelor, Anya Gallaccio and Cornelia Parker. <http://www.themultiplestore.org>