

## **BBC/ISM RADIO AGREEMENT 2008**

This Agreement dated 1<sup>st</sup> April 2008 sets out the terms and conditions agreed between the BBC and the Incorporated Society of Musicians for:

- A the engagement of ISM Musicians:
- instrumental and vocal solo musicians
  - conductors of symphony, chamber, opera and ballet orchestras, chamber ensembles and choirs (but not musical directors)
  - piano accompanists (but not rehearsal pianists)
  - church musicians

for the purposes of production of audio content for radio transmission and for other use in the BBC's Public Services

- B the commercial distribution of audio content containing recordings of performances given by ISM Musicians made in accordance with this Agreement and with previous radio agreements between the BBC and the ISM.

This Agreement cancels and replaces all previous radio agreements between the BBC and the Incorporated Society of Musicians.

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**A**     **Transmission Rights**

In relation to the following engagements:

- Studio or Invited Audience recording sessions
- Relays of Public Concerts
- Rehearse/Record Sessions (Discontinuous Recording)
- Item Recording
- Item Use
- Short Items
- Church Musicians
- Accompanists
- Schools engagements

the BBC is entitled to transmit the relevant programme by every means once from each transmitter in the United Kingdom or in the case of an opt-out programme once from each transmitter in the region of opt-out. Any non-simultaneous transmissions must be within 30 days of the relevant broadcast or repeat broadcast. In addition for contracts issued on or after 25<sup>th</sup> March 2005 Non-Core Public Services (i.e. all Public Services excluding Radios 1 – 5, World Service, Local and National Radio Services) are acquired for a term of one year.

**B**     **Basic Engagement Units**

The Basic Fee covers the broadcast or pre-recording for a deferred broadcast and one rehearsal, itself normally not exceeding 3 hours, on the day of performance. The Basic fee also covers voluntary rehearsal(s) held mainly for coaching purposes which are arranged at the request of the artist(s) and are not required by the BBC.

The artist may be engaged for a second rehearsal not exceeding 3 hours on the day of performance as set out for third rehearsal under D below: "Fees for Extra Rehearsal Days".

Note     Artists may well have other engagements on days when they are expected to rehearse or rehearse and perform, and should not be asked to remain longer than has been indicated to them.

**C**     **Minimum Basic Fees**     **(Studio Broadcasts)**

National Network & World Service	£159
Single National Region	£ 98
Local Radio (including BBC London)	£ 98

Exceptions to the above are given under paragraphs:-

- P**     **Church Musicians**
- Q**     **Accompanists**
- R**     **Schools Programmes**

**D Extra Rehearsals (on days prior to day of performance)**

A day of rehearsal should not normally exceed 6 hours' rehearsal. A single rehearsal session should not normally exceed 3 hours. In the case of lower paid artists, payments for rehearsals on a day prior to the day of performance shall not be less than the amount which an orchestral principal would receive and so payments will be made on the following basis:

**FEES FOR EXTRA REHEARSAL DAYS**

BASIC FEE	Up to £216	£217 to £332 inclusive	£333 to £844 inclusive
One rehearsal	50% of Basic Fee	50% of Basic Fee	£165
Two rehearsals	£108 (covers both rehearsals)	50% of Basic Fee (covers both rehearsals)	£165 (covers both rehearsals)
Third rehearsal subject to a maximum of £83	25% of Basic Fee	25% of Basic Fee	£83

For Basic Fees over £844 the negotiated basic fee covers the performance and rehearsal(s). An artist with a higher Basic Fee shall not receive a lower aggregate of fees for comparable performance(s) and extra rehearsal(s) than an artist with a lower Basic Fee.

Note It is the responsibility of the artists to make themselves note and word perfect before attending rehearsals.

**E Repeats (Studio or Invited Audiences)**

1. Domestic -

- (a) Core Public Services (i.e. Radios 1-5, World Service, Local and National Radio Services)

50% of the original Basic Fee(s) (excluding rehearsals, expenses, travel etc) allows one Core Service transmission and for contracts issued on or after 25<sup>th</sup> March 2005 Non-Core Service use (i.e. all services excluding 'Core Services') for a term of one year

- (b) Non-Core Public Services (all services excluding 'Core Public Services')

3% of the original Basic Fee(s) (excluding rehearsals, expenses, travel etc) to acquire all use for a term of one year

5% of the original Basic Fee(s) (excluding rehearsals, expenses, travel etc) to acquire all use for a term of three years

10% of the original Basic Fee(s) (excluding rehearsals, expenses, travel etc) to acquire unlimited use

2 Radio 3 Night-time service repeats

The basic engagement fee covers three repeats on Radio 3's 'Through the Night' service (normally broadcast between 0100 and 0700).

3 Domestic and further Radio 3 Night-time service repeats

As an alternative to the above single repeat, the BBC has the option to purchase a normal day-time repeat and a repeat during Radio 3's 'Through the Night' service (normally broadcast between the hours of 0100-0700) for a payment of 120% of the normal repeat fee

In the case of repeats of programmes contracted on or after 25<sup>th</sup> March 2005 payment of the above fee also acquires Non-Core Service use (i.e. all services excluding 'Core Services') for a term of one year.

The repeat fee to be increased:-  
after 3 years from first transmission by 20%  
after 10 years from first transmission by 35%  
after 25 years from first transmission by 70%

4 World Service Cycle:

25% of the original Basic Fee(s) (excluding rehearsals, expenses, travel etc.) is payable for unlimited use of a programme within an 8-day period with the intention of enabling the programme to be heard throughout the world. Additional transmission cycles can be bought subsequently for 25% of the original Basic Fee(s) per block or as an alternative 10% is payable for each additional repeat.

**F Public Concerts with a paying audience (i.e. not an invited non-paying audience)**

1 Public Concert Performance Fees

Where the public concert is promoted by the BBC, the BBC pays the artist a public concert performance fee. Where the public concert is promoted by a third party (i.e. not the BBC) the promoter pays the artist a public concert performance fee.

2 Relay Fees

A Relay Fee, based on the artist's public concert performance fee, shall be paid to cover the transmission rights required by the BBC.

If the concert is a charity concert for which the artist is waiving his or her public concert performance fee or receiving a greatly diminished fee the BBC will pay the artist's normal relay fee in respect of any relay.

Transmission of a public concert shall be made continuously or, alternatively, in parts (each part being a performance of a complete work) in different programmes within one year from the transmission of the first part.

(a) Network Radio and the World Service

For artists with a public concert performance fee of up to £750 the relay fee shall be 50% of the artist's public concert performance fee.

Above this level the BBC has indicated that it intends to pay relay fees in accordance with the following scale, subject to a maximum relay fee of £5000:-

<b>Public Concert Performance Fee</b>	<b>Relay Fee (% of Public Concert Performance Fee)</b>
£751-£2,000	40% Subject to a minimum of £375
£2,001 - £5,000	35% Subject to a minimum of £800
£5,001-£16,666	30% Subject to a minimum of £1,750

Special arrangements apply to broadcasts of Opera from Opera Houses.

Rights – the relay fee covers all of the following:

- Domestic Services: one transmission (whether live or Deferred),
- Radio 3's Through the Night Service: 3 repeat transmissions
- World Service: one transmission cycle (unlimited transmissions within an 8-day period)
- Non-core Public Services – unlimited use during one year from transmission

**(b) Local Radio or in the National Regions only**

The BBC shall pay relay fees in accordance with the following scale, subject to a minimum payment of £99 for a relay in the National Regions:-

<b>Public Concert Performance Fee</b>	<b>Relay Fee (% of Public Concert Performance Fee)</b>
£0-£750	30%
£751-£2,000	25% Subject to a minimum of £225
£2,001 - £5,000	20% Subject to a minimum of £500
£5,001-£16,666	15% Subject to a minimum of £1,000

Rights – the relay fee covers all of the following:

- **National Regions:** one transmission in one National Region only
- **Local Radio:** one transmission by up to 10 Local Radio stations. Normally, the Local Radio station(s) shall transmit at the same time, but where this is prevented by scheduling requirements Local Radio stations may transmit non-simultaneously within 7 days.

3. **Repeat Fees**

A Repeat Fee shall

- be paid in respect of repeat transmissions not covered by the original Relay Fee
- cover the transmission of the whole concert, or the transmission of the concert in separate parts as described in specified in 2. above
- be calculated as a percentage of the original Relay Fee, which sum shall be increased as follows:-

- after 3 years from first transmission: 20%
- after 10 years from first transmission: 35%
- after 25 years from first transmission: 70%

Option A -100% of the Relay Fee, to cover:

- Domestic Services: one repeat transmission
- World Service: one repeat transmission cycle
- Non-core Public Services – unlimited use during one year from repeat transmission

Option B - 120% of the Relay Fee, to cover:

- Rights listed in Option A
- Radio 3 Through the Night Service: 1 repeat transmission

Option C -World Service Repeats –

- A repeat transmission cycle: 50%
- A single repeat transmission: 20%

In addition, for artists contracted on or before 24<sup>th</sup> March 2005 only, the following additional payments shall be due in respect of further use in Non-core Public Services following a repeat transmission:

- 3% to cover all use during 1 year
- 5% to cover all use during 3 years
- 10% to cover unlimited use in perpetuity

4 **Television**

If the BBC transmits the public concert in radio "live" simultaneously with the television transmission the television fee covers the radio transmission.

If the BBC gives a deferred broadcast of the public concert simultaneously in radio and television, the artist will be paid the artist's normal relay fee in respect of the Radio broadcast.

**G Rehearse/Record Sessions (Discontinuous Recording)**

The BBC may treat the whole of the period allocated to final rehearsal and performance i.e. not more than 3 hours plus the transmission time of the programme (See A above) as a combined rehearsal and recording session at which the discontinuous or rehearse/record technique may be used.

Where more than one session is required the following fees become due:-

1. More than one Rehearse/Record Session (of not more than 3 hours each plus the transmission time of the programme) for the same programme if on one day only

Basic fee for First Session	Up to £263	£264-£341	£342-£527	£528-£699
Additional payment for Second Session	50% of Basic Fee	50% of Basic Fee	£172	£85
For Third Session	50% of Basic Fee	£132	£132	£85

For basic fees over £699 the negotiated fee covers such one or more rehearse/record sessions as are required on that day.

An artist with a higher basic fee shall not receive a lower aggregate of fees for a comparable number of sessions than an artist with a lower basic fee.

**Section G continued**

2. More than one Rehearse/Record Session (of not more than 3 hours each plus the transmission time of the programme) for the same programme if such sessions on more than one day

- (a) The fees set out in Paragraph 1. still apply to the sessions on the first day
- (b) The fees (subject to G 4. below) in respect of the second or subsequent days shall be as follows:-

	Additional Payment on Second or Subsequent Day	
Basic Fee	Up to £527	£528-£699
First or only Session	75% of Basic Fee	£395
Second or Third Session	As in G 1 above	As in G 1 above

For basic fees over £699 the negotiated fee covers additional sessions on subsequent days.

An artist with a higher basic fee shall not receive a lower aggregate of fees for a comparable number of sessions than an artist with a lower basic fee.

3. Rehearsal on the same day as a rehearse/record session

	Rehearsal on same day as rehearse/record session	
Basic Fee	Up to £341	£342-£527
Rehearsal	25% of Basic Fee	£85

For basic fees over £527, the negotiated fee covers such one or more extra rehearsals as are required on that day.

An artist with a higher basic fee shall not receive a lower aggregate of fees for a comparable number of sessions than an artist with a lower basic fee.

4. Separate Programmes

If performances are recorded for separate programmes, separate fees are paid for each programme except in the case of Item Recording Sessions (see H below).

5. Repeat Fees and Similar Rights

If there are not more than 4 Rehearse/Record Sessions the additional payments set out in G 1. and G 2. above do not affect the fees for repeat and similar rights, which will be based on the basic fee for the engagement. In the event of more than 4 Rehearse/Record Sessions being used for the same programme as provided above a further basic fee shall be due as if such fifth session had been the first session (See G 1. above). Repeat and other residual fees shall become payable based on the aggregate of the Basic Fees.

6. Amendment to Contract

The additional payment should be shown separately under Fee 1 and described as "Additional Payment for Rehearse/Record sessions £ .."

N.B. The aggregate duration of Rehearse/Record sessions for the relevant artist in anyone day under G 1. or G 2. above shall not exceed 6 hours plus the Transmission time of the programme.

**H** Item Recording

Artists may be engaged for an item recording session and the individual items recorded at the session may be used in programmes once on payment of an initial studio fee. The amount of the fee will depend on the amount of material recorded and the artist's Basic studio fee may be enhanced to take account of this.

The items that have been recorded may be repeated in programmes of the same title or in other programmes on payment of the normal repeat fee. The time limit for the use of repeats is 12 months from the date of the first item to be rebroadcast. There is no limit to the number of repeats that may be given provided a repeat fee is paid for each round of repeat usage. The entire repeat fee is payable on the use of the first item in the round.

**J** Item Use

The BBC shall have the facility to record conductors and soloists performing with symphony and chamber orchestras and soloists in recitals and to broadcast each part of such recording (each part being a complete composition) as item recordings.

Payment of one origination fee entitles the BBC to broadcast each part of the recording once as an item recording.

Payment of one repeat fee (which is payable only if the recording is repeated) entitles the BBC to rebroadcast each part of the recording once as an item recording.

**K** Extracts : General

1. Historic and Reminiscent Programmes and Trailers

Brief extracts not exceeding one minute in length in any one programme may be broadcast in programmes of an historic or reminiscent nature without payment. Brief extracts not exceeding 2 minutes in any one programme from performances or from rehearsals may be used in trailers without payment.

2. News Access

(a) News items which include recordings of performances by artists under this Agreement may be broadcast in BBC News programmes and news-related programmes without payment.

## Section K continued

- (b) The maximum transmission time of performance by artists in such items shall be one minute where the music is featured and/or one minute where the music is not featured.
- (c) The BBC agrees to ensure that all recordings of the performances of artists for this purpose shall be completed within a period of one hour from the time at which the artist is first recorded for this purpose.
- (d) Nothing in these arrangements shall prevent any artist requesting the BBC not to record his or her performance for this purpose and the artist shall not be required to exceed the duties for which he or she has been contracted nor to alter nor repeat his or her performance for the purpose of retakes.

### 3. Use in Programmes

- (a) On payment of the fees shown below, extracts from BBC programmes may be used in all programmes except drama programmes.

#### Fees (Per Head)

Not exceeding one minute £12.50

Up to 4 minutes (5 minutes schools) £25

- (b) On payment of the fees shown below, extracts from BBC programmes may be used in Drama programmes.

#### Fees (per Head)

Not exceeding one minute £15

Up to 3 minutes (4 minutes schools) £28

Extracts may be used from programmes which have been recorded but not already transmitted on payment of the appropriate extract fee set out above.

#### Repeat Use of Extracts

No repeat payments are made.

#### Cross Media Use of Extracts

Cross Media use of extracts of artists' performances is permitted. The fee payable is that of the Services, Radio or Television, in which the extract is being used.

## L Short Items

- (a) Items not exceeding 5 minutes in duration and taken from productions rehearsed and produced by other organisations may be rehearsed and recorded by the BBC or recorded by the BBC from live public performance (i.e. before a paying audience) in a period not exceeding 1 hour in return for the fee in (b) below.
- (b) The fee should be a negotiated fee but not less than £61

- (c) Subject to the consent of the artists, if a short piece is principally of a promotional or publicity nature, no fee shall be payable and the BBC shall acquire all rights for its own purposes in the contribution.

**M** **EBU Relays: Radio** by members and associate members of the European Broadcasting Union.

The broadcasters referred to above may, without payment beyond the fees paid by the BBC for its right to broadcast or relay the performance of the artist:-

1. relay the performance simultaneously with the BBC's original broadcast  
or
2. give a deferred relay of the BBC programme(s) provided that they have not already taken a simultaneous relay. Such deferred relay may be given within one year of the original BBC transmission by full members of the European Broadcasting Union and within 30 days of the original BBC transmission by associate members of the European Broadcasting Union.

For this purpose the recording can be made by either the BBC or the receiving broadcasting union without further payment.

**N** **Commercial Distribution**

The BBC shall be entitled to distribute or license the distribution (except by sale to the public) of recordings containing performances by ISM Musicians made in accordance with this Agreement and with previous agreements with the ISM for unlimited use throughout the world in perpetuity in all media now known or hereinafter invented subject to payment of a royalty, which shall be:

- based on the gross receipts of either the BBC, its subsidiaries, its licensees or its assignees (whichever is applicable), accruing from distribution of a recording, and
- shared between ISM musician(s) in proportion to their Basic Fee or Relay Fee for the recording in question.

provided however that no such royalty payment shall be due to ISM musician(s) in relation to any use of a recording of a performance following expiry of the period(s) during which their rights in such performance are protected by the laws of the United Kingdom.

Royalty Rates

- Recordings of performances given by ISM musician(s) only: **17%**
- Recordings of performances in which one or more musicians taking part has been engaged in accordance with the terms of the BBC/Musicians' Union Agreement or any other agreement: **6%**

## **O**

### **Syndication: Local Radio**

#### 1. Groupings and Initial Non-Simultaneous Transmissions

BBC Local Radio has the option of a form of syndication. On payment of the Local Radio fee stated in Section B each performance can be transmitted non-simultaneously once by not more than 4 stations, provided that this non-simultaneous use is made within 30 days of the first transmission by the station in that group of stations first to broadcast the performance. If more than four stations wished to broadcast the performance non-simultaneously, then a further fee would be payable for each further "group" of not more than 4 stations and the 30 days would similarly run from the first transmission by the station in that group first to broadcast the performance.

#### 2. Repeat Transmissions

- (a) On payment of the domestic repeat fee set out in Section E each performance can be transmitted non-simultaneously as a repeat once from each station within a group of 4 stations as defined in 1. above provided that this non-simultaneous repeat use is made within 30 days of the first use of the repeat by one of the stations in the group.
- (b) On payment per group of 4 stations of the domestic repeat fee set out in Section E stations within the group may give a non-simultaneous broadcast of a network transmission from each station.

#### 3. Recording for Item Transmission

The facility set out in Section H above is available to Local Radio for stations within any group of 4 stations as defined in 1. above.

#### 4. Item Use

The facility set out in Section J above is available to Local Radio for stations within any group of 4 stations as defined in 1 above.

#### 5. Live Broadcasts and Deferred Relays

The conditions and rates set out in Section F above apply modified by this special arrangement for Local Radio.

#### 6. National Anthems and Signature Tunes

Section S below. As the BBC takes all broadcasting rights in the recording syndication does not apply.

#### 7. Additional Payments

The rates set out in Section T below apply.

**P**      **Church Musicians: Cathedrals and Churches of Similar Status**

**1.      Organists and Assistant Organists**

Minimum Basic Fees (to include rehearsal on the same day)

(a)      Cathedrals and Churches of Similar Status

	<u>Regular Services (i.e. Taking Place Irrespective of Broadcast)</u>	<u>Services Specially Mounted for Broadcasting</u>
Organist/Director of Music	£79	£159
Assistant Organist	£47	£95

\*When an Assistant Organist carries special artistic responsibilities in a broadcast service over and above the norm an enhanced fee may be agreed.

Rehearsals on previous days

Organist/Director of Music	£79
Assistant Organist	£47

Note: (i) For Special National occasions special fees apply.

(ii) When television fees are paid the right to give a simultaneous broadcast in radio is included.

(b)      Churches of Less than Cathedral Status:  
Professional Organists: Minimum Basic Fees

Regular Services	£55
Special Services	£99
Extra Rehearsals	£27

**2.      Choirs**

Minimum Basic Fees (to include rehearsal on the same day.)

(A)      Choral Evensong

(a)      Lay Clerks at Cathedrals and Churches in Category I (See Appendix)

Regular Services	£34
(i.e. taking place irrespective of broadcast)	
Services specially mounted for broadcasting	£70
Rehearsal on Previous day	£34

Note: (a) The above fees do not apply at the three London Cathedrals for which different rates have been negotiated.

(b) For Special National occasions special fees apply.

Note

In relation to any individual service, the maximum number of contributors for whom BBC Radio will pay individual professional rates (unless otherwise agreed in advance and authorised by BBC Radio) will be limited to one Organist/Director of Music, one Assistant Organist, 12 Lay Clerks and 18 Choir Boys/Girls. If less than this number is involved, the payment will reflect the lower number.

(b) Cathedrals and Churches not in Category I (See Appendix)

For choirs not included in Category I a payment by way of contribution to church funds (minimum payment £229) will be paid instead of individual rates.

However, the BBC is prepared to consider in appropriate circumstances the payment of individual rates under paragraph (a) above instead of a payment by the way of contribution to church funds in the case of Cathedrals & Churches of similar status not included in Category I.

(B) Other Church Services e.g. Morning Service (Sundays), Daily Service (Mondays)

(a) Cathedrals and Churches in Category I (See Appendix)

The BBC has agreed to pay the individual rates (subject to the maximum number of contributors) set out in paragraph (A)(a) above.

(b) Cathedrals and Churches not included in Category I (See Appendix)

For choirs not included in Category I a payment by way of contribution to church funds (minimum payment £229) will be paid instead of individual rates.

However, provided that the church concerned raises the matter in advance and that the number of professional singers and their status as established professional is agreed by the BBC, the BBC will ensure that the contribution to church funds is sufficient to enable the church to pay such professional singers at the individual rate set out in paragraph (A)(a) above.

(C) Television

When Television fees are paid the right to give a simultaneous broadcast in Radio is included.

### **3. Organ and Choral Recitals**

For recitals of music taking place in church, solo artists will receive not less than the minimum Basic Fees for services specially mounted for broadcasting. Lay Clerks (other than Lay Clerks of the three London Cathedrals for whom different rates have been negotiated) will also receive the fees agreed for services specially mounted for broadcasting.

### **Q Accompanists**

The ISM represents artist accompanists (fees for these categories are shown below), but not rehearsal pianists.

The minimum rates for accompanists are:-

1. Recitals: Minimum Basic Fee and other conditions as for soloists
2. Other than Recitals:-
  - (a) (i) Performance not exceeding one hour and rehearsal not exceeding three hours on the same day ) £82
  - (ii) Audition session not exceeding three hours ) £82  
(Overtime: £18 an hour or part of an hour if the one hour and three hour periods mentioned in (i) and (ii) above are exceeded)
  - (b) Playing over music to conductors, etc. during sessions not exceeding three hours ) £55  
(Overtime as in (a) above)
  - (c) Extra rehearsals under (a) (i) above not exceeding three hours on the day of performance or two hours on a day prior to performance ) £34  
(Overtime: £8 per 30 minutes for any period in excess of three hours or two hours as the case may be)
  - (d) Rehearsals not followed by a performance session and not exceeding four hours ) £82  
(Overtime: £18 an hour or part thereof)

### **R Schools**

Two thirds of studio Basic Fees shall be payable for schools programmes, subject to a minimum payment of £108 for solo artists other than accompanists whose normal fees apply.

#### **Schools and Continuing Education Programmes : Resource Centres**

1. Educational media resource centres, not being otherwise educational establishments, shall have the right to record educational broadcasts (i.e. broadcasts of Schools and Continuing Education programmes) and to offer copies of the recordings on loan to the educational institutions served by the centres.

2. Recordings made by Resource Centres may be retained and used for a period of 3 years from the date such recordings are made by the Resource Centre.

**S Signature Tunes, Opening and/or Closing National Anthems and Special Instrumental Effects**

Artists may be engaged for the production of signature tunes, etc. on the terms set out in the preceding paragraphs of this notice; the BBC takes all broadcasting rights in the record,

**T Allowances**

1. Travelling and Subsistence Allowances

The rates payable for travelling and subsistence will be notified from time to time and will be the rates that apply to artists generally.

2. Evening Dress Allowance: Concert Before an Invited Audience

An evening dress allowance of £18 is payable to an artist who is required to wear evening dress at a concert before an invited audience.

3. Harps

Porterage for harps is negotiable.

**OTHER CONDITIONS**

- A The BBC agrees in relation to network broadcasts that an artist will have his or her fee reviewed after two engagements for network radio at the minimum and the Basic Fee would normally be increased. The level of increase (if any) will depend on all the circumstances. This will not apply to Local Radio or engagements for broadcasting in a single National Region.
- B The BBC undertakes in the case of artists used regularly to review their fees annually. There can be no guarantee of an increase or the level of the increase, if any. A particular artists' rise in standing may justify an increase greater than the general level but correspondingly in the case of another artist an increase less than the general level or no increase may be appropriate.

If an artist has not been engaged for more than a year and his or her fee has not been reviewed in the meantime, the artist's fee will be reviewed, if and when an engagement is offered. The reviewed fee will normally be expected to last for a year.

## C **Quit Clause**

1. Notwithstanding anything to the contrary elsewhere in this Agreement when an ISM Musician is, in respect of any contribution contracted in accordance with this Agreement, exclusively entitled by law to receive from domestic or foreign collecting societies equitable remuneration or other forms of income additional to that arising under this Agreement (including but not limited to income deriving from exercise of any cable retransmission right, blank tape levies or machine levies, the lending right, the rental right and any Certified Educational Licensing Scheme”), nothing in this Agreement shall prevent the ISM Musician from laying claim thereto. An ISM Musician shall not be obliged to account to the BBC for any such income to which the ISM Musician is entitled.
  
2. Unless specified elsewhere in this Agreement, an ISM Musician shall not be entitled to any equitable remuneration or other forms of income which the BBC is exclusively entitled to receive whether as a producer and/or broadcaster or otherwise from domestic or foreign collecting societies, and the BBC shall not be obliged to account to ISM Musicians for any such income save to the extent that the income includes identifiable sums in respect of performer's rights.
  
3. This Agreement shall not prevent an ISM Musician from authorising the ISM or other third parties to participate in a “Certified Educational Licensing Scheme” on his behalf whereby off-air recording rights are licensed for fees. Participation in a Certified Educational Licensing Scheme shall cover operating and applying to operate a licensing scheme certified by the Secretary of State under the Copyright, Designs and Patents Act 1988 (as amended from time to time) whereby the educational off-air recording rights referred to in section 35 and Schedule 2 section 6 would be regarded as available for use without consent in the absence of a certified licence scheme. The parties recognise that the ISM is a member of the Educational Recording Agency which is a collecting society operating a Certified Educational Licensing Scheme for the above purpose.

**APPENDIX  
CHURCH MUSICIANS  
CATEGORY I**

Church of England: Cathedrals

**Canterbury**

Birmingham  
Blackburn  
Bristol  
Bury St Edmunds  
Chelmsford  
Chester  
Chichester  
Coventry  
Durham  
Ely  
Exeter  
Gloucester  
Guildford  
Hereford  
Lichfield  
Lincoln  
Liverpool  
Manchester

**York**

Norwich  
Christ Church, Oxford  
Peterborough  
Portsmouth  
Ripon  
Rochester  
St. Albans  
Salisbury  
Southwark  
Southwell  
Truro  
Wakefield  
Wells  
Winchester  
St. George's, Windsor  
Worcester

**N.B. St. Paul's Cathedral and Westminster Abbey fall into this category but Equity is recognised.**

**Cathedrals and Churches of other Denominations**

St. Patrick's, Dublin	(Church of Ireland)
Llandaff	(Church in Wales)
St. Mary's, Edinburgh	(Episcopal Church in Scotland)
Liverpool Metropolitan	(Roman Catholic Church)

**N.B. Westminster Cathedral falls into this category but Equity is recognised.**

**Other Churches with Professional Singers paid to sing services**

St. Brides Church, Fleet Street  
All Saints, Margaret Street  
Chapel Royal, HM Tower of London  
Tower of London Chapel  
Brompton Oratory

**Oxford and Cambridge Colleges with Choral Foundations (i.e. with Choir Schools)**

King's College, Cambridge  
St. John's College, Cambridge  
Magdalen College, Oxford  
New College, Oxford

**APPENDIX  
CHURCH MUSICIANS  
CATEGORY II**

Church of England: Cathedrals

Bradford  
Carlisle  
Derby  
Leicester  
Newcastle  
Sheffield

**Church of England: Parish Churches**

Beverley Minster  
Hexham Abbey  
Leeds Parish Church  
Tewkesbury Abbey  
St. Mary's, Warwick

**Cathedrals and Churches of other Denominations**

St. Anne's, Belfast	(Church of Ireland)
Christ Church, Dublin	(Church of Ireland)
All Welsh Cathedrals except Llandaff	
St. Chad's, Birmingham	(Roman Catholic)
St Giles' Cathedral, Edinburgh	(Church of Scotland)
Paisley Abbey	(Church of Scotland)