

Conditions of Participation

These conditions of participation should be read in conjunction with our full Terms and Conditions printed on the reverse of your contract.

A Application for participation and admission

You declare your intention to participate by returning the application form completed in full.

With your written application you accept the conditions of participation set out below as binding.

A fee of £100 plus VAT (£120 inc VAT) for inclusion in the application process is due with the application form. This fee is non-refundable even if an application is rejected. However, if an application is successful the sum will be off-set against the cost of the stand.

Your application for LONDON ART FAIR is only valid if the application form together with the application fee is received by Upper Street Events Ltd (USE Ltd) by 15 April 2011.

Applications and/or payments received after this date will not be considered. The despatch of the application form by USE Ltd does not constitute an explicit invitation to exhibit nor does it constitute a right to admission.

USE Ltd will communicate the decision of the Fair Committee of LONDON ART FAIR by post or email at the earliest FOUR weeks after the closing date for applications.

Acceptance into the 2012 London Art Fair does not necessarily guarantee a stand at subsequent fairs. In addition USE Ltd is not obliged to send application forms for future events to the gallery without being requested to do so, and is not obliged to notify the gallery of the application deadlines or any changes in the deadlines.

Closing date for applications: 15 April 2011

B Participation Fees

If your application is successful the following fees apply

The stand rate for LONDON ART FAIR 2012 is £287/m² plus VAT

The following is included in the price:

- Stand partition walls (wall marked by the thick black lines on the floorplan sent with your contract)
- Gallery name signage
- Floor covering

- Exhibitor passes
- Inclusion in Fair Guide
- Gallery profile plus twelve images on www.londonartfair.co.uk (Art Projects, three images)
- Complimentary Fair, Preview and VIP invitations
- Extensive marketing campaign
- PR campaign
- Access to the Collectors Lounge
- 24hour security and secure storage facilities
- Complimentary Packing Services
- Other services can be arranged at an additional cost: lighting, electrical sockets, telephone, catering, internet connection

Any projecting or overhanging elements, pillars, installation connections and other permanent internal fittings in the stand space do not entitle you to any reduction in the participation fees or other costs.

The conditions for additional services, such as additional lighting, electrical connections, additional walls, rental furniture, telephone etc. can be found in the Exhibitor Manual which will be emailed to you in October 2011.

The application fee and stand rate are net prices, and will be invoiced with the addition of the currently valid level of Value Added Tax. Exhibitors from abroad may receive a refund of the VAT paid with the invoice as long as they fulfil the legal requirements.

1 The objective of LONDON ART FAIR

1.1 LONDON ART FAIR is an exhibition for selling recognised works of Modern British and contemporary art, at which outstanding galleries that operate at a national and international level and satisfy the highest standards in terms of their stature and importance may participate.

1.2 LONDON ART FAIR is intended

- a) to provide a clearly-arranged, representative and balanced overview of Modern British and contemporary art.
- b) to maintain and develop contact with collectors, foundations, museums, corporate buyers and art advisors;
- c) to attract and nurture potential new buyers of modern and contemporary art

1.3 LONDON ART FAIR thus requires:

- a) international exhibits of the highest possible quality;
- b) a clear floorplan for the event as a whole;
- c) a limit to the number of exhibitors.

1.4 The maximum number of exhibitors compatible with the fulfilment of the objectives set out above is 130.

2 The Organizer

The Organizer of LONDON ART FAIR is Upper Street Events Ltd, 58 White Lion Street, Islington, London N1 9PP – hereinafter referred to as USE Ltd or the organizer.

3 Fair Committee

3.1 The decision to admit an exhibitor to LONDON ART FAIR is made by the Fair Committee. This Committee is wholly responsible for approving or rejecting applications and is free to make such decisions bringing its collective expertise and the conditions of participation to bear. The Fair Committee can form subcommittees that are responsible for evaluating applications to participate and solicit expertise from other parties when necessary. The basis for these evaluations is the application submitted by the gallery as specified in the application process below.

3.2 Three-quarters of the members of the Fair Committee constitute a quorum. Decisions require a simple majority of the votes cast. In the event of a tied vote, the application in question is deemed to have been rejected.

3.3 The Fair Committee reaches its decisions solely on the basis of the written application to participate and any other additional forms or materials that might be required by the Committee.

4 Basic Conditions for Selection

Participation in LONDON ART FAIR is restricted to applicants dealing in Modern British and/or contemporary art. This art and the form in which it is displayed, both in

the applicant's own gallery and at fairs and exhibitions, must satisfy the requirements of outstanding quality (cf. section 1).

4.1 The right to exhibit is limited to galleries whose directors can furnish proof of permanent operation and ongoing sales of Modern British and/or contemporary art under the following preconditions:

- a) The applicant must run a permanently operating gallery or art dealing business
- b) The operation of the gallery/business must represent the applicant's primary occupation.
- c) The gallery/dealership must be a registered business.
- d) Online galleries maybe be admitted in exceptional circumstances at the discretion of the Fair Committee

4.2 Only such galleries will be admitted which provide proof, in the form of sufficient information in their application, that the artists submitted for review satisfy the requirements and the objective of LONDON ART FAIR as laid out in section 1 above.

Information and/or materials submitted in support of previous applications to participate in LONDON ART FAIR will not be taken into account.

After the selection meeting, galleries may only amend the list of artists they plan to exhibit by submitting in writing details of substitute artists to the Fair Committee of LONDON ART FAIR for approval. Such substitutions may only be made before the deadline for editing of the Fair Guide. There can be no further changes to the program after this date.

4.3 In order to better evaluate an application, the Fair Committee can at any time require (in writing and by a given deadline if necessary) the applicant to submit further materials (e.g. exhibition catalogues, annotated samples of work in the form of jpegs, Private View cards or similar items). Should the applicant fail to submit the further requested materials, or fail to submit them by the date specified, this non-compliance alone will be sufficient reason for the Fair Committee to reject the application to participate.

4.4 Only those works will be accepted which are examples of Modern British and contemporary visual arts:

These include:

- a) Paintings, water-colours, gouaches and drawings.
- b) Original graphics; editions may not exceed 500 impressions.
- c) Original sculptures and objects; posthumous castings must be declared as such in the case of works of sculpture.
- d) Works of experimental and avant-garde contemporary art
- e) Fine art photography, documentary photography, video and film works.
- e) Multiples published in limited or numbered editions (up to an edition number not exceeding 500).

4.5 Not accepted are:

- a) forged works;

- b) considerably restored, damaged or revised works;
- c) graphics that have been taken from book editions published after 1950
- d) Works from the mail-order art trade;
- e) Multiples not published in limited or numbered editions;
- g) Ethnographica and folk art;

4.6 USE Ltd must receive the completed application form together with the application fee, by 15 April 2010 at the latest. The applicant has sole responsibility for complying with the closing date.

4.7 The application must include the following documents:

- fully completed application form
- cheque made payable to Upper Street Events Limited or credit card details to cover the application fee of £100 plus VAT (£120 inclusive of VAT)
- three jpeg images for each artist proposed, formatted according to the specification laid out in the application form and with a numbered list of these images as detailed in the application form

4.8 Applicants who register for a joint stand with another gallery must individually meet all of the criteria contained in these Conditions. Applications for a joint stand are treated separately for the purposes of the approval process. Each application can be approved or rejected separately.

4.9 The Fair Committee shall make its decisions solely on the basis of the documentation submitted by the closing date stipulated in section 4.6. It is the responsibility of the applicant to submit information that is correct and complete.

The Fair Committee reserves the right to reject an application submitted with missing information or without all materials required for the application. The Fair Committee is not obliged to conduct additional investigations.

A reference to information or documentation already sent within the scope of earlier applications for participation in LONDON ART FAIR is not permitted.

With the exception of additional information requested by the Fair Committee (see section 4.3), materials sent after the application deadline has passed will not be accepted.

5 Principles Governing Selection

The Fair Committee will make its selection decisions according to the following criteria:

5.1 First of all, the Fair Committee will examine, on the basis of the information and materials submitted by the applicant, whether the applicant fulfils the basic conditions for selection (section 4). If this is not the case, the application will be rejected on grounds of non-qualification, subject to the conditions outlined in section 5.2.

5.2 Applicants who do not satisfy the basic conditions for admission (section 4) can only be admitted if the Fair Committee unanimously agrees that their participation represents a substantial enrichment of LONDON ART FAIR.

5.3 A gallery shall be refused admission if the applicant, at the preceding LONDON ART FAIR,

- exhibited a different programme from the one registered in his application, or;
- acted in contravention of the Conditions of Participation (e.g. by obstructing the work of the Fair Committee, by not keeping to stand installation schedules, by not following the Fair Committee instructions), or;
- has contravened terms or conditions laid down by the Fair Committee or USE Ltd or;
- did not act to rectify a justified complaint concerning an exhibition sale, or;
- sold or offered for sale forged, dubious, or wrongly or incompletely declared works of art, or;
- in the opinion of the Fair Committee, failed to meet the international standards expected at LONDON ART FAIR in terms of the quality of the works or in the design and layout of his/her exhibition stand or;
- did not, not in time or not in full pay the fees or stand rental as set out in the stand contract or;
- in the case of other liabilities of the applicant with regard to Upper Street Events or the Business Design Centre, in particular as a result of non-settlement of charges or stand rental fees relating to previous fairs or documentation such as Health & Safety requirements for example Risk Assessments or;
- acted in a manner considered to be personally abusive to a member of the Fair Committee, member of USE staff or staff employed by the Business Design Centre.

6 Selection Procedure Among Qualified Applicants

6.1 If more applicants satisfy the basic conditions for admission (section 4) than can be admitted (sections 1.3 and 1.4) and are not excluded from participating for other reasons (section 5.3), the Fair Committee will make the selection on the basis of the following criteria:

- a) The selection must be oriented on the objectives of LONDON ART FAIR (section 1).
- b) The Fair Committee must weigh the interests of the applicant to be admitted against the general interest, taking into account the specific objectives of LONDON ART FAIR (section 1).
- c) In the selection process, consideration must be given to the fact that amongst galleries in both the Modern British and contemporary sectors, there are differences in quality, reputation and significance. On principle, the general interest requires that the reputation, importance and appeal of LONDON ART FAIR is ensured by selecting galleries and exhibits of optimal quality and that a showplace for outstanding galleries is created relative to other international art fairs.
- d) The Fair Committee will give priority to applicants of above average quality, reputation and significance, and can also take into account, alongside the gallery's programme, the applicant's programme in previous years at LONDON ART FAIR.

6.2 The Fair Committee must, on the basis of all the documentation submitted by all applicants as well as any other circumstances known to it consider:

- a) whether and to what extent the programme or individual artists registered by the applicant will already be sufficiently represented, especially by a principal dealer or representative, at the forthcoming LONDON ART FAIR
- b) whether and to what extent, bearing in mind the quality of the works to be exhibited, the layout and design of the exhibition stand and the reputation of the gallery in comparison with other galleries, his/her absence from LONDON ART FAIR might be easiest to justify. In its consideration of this aspect, where quality and reputation are involved, the Fair Committee can also take into account the assessments of the gallery made by the Fair Committee for previous events.

6.3 Each application will be assessed by the Fair Committee of LONDON ART FAIR in its entirety. The Fair Committee is not obliged to selectively appraise or suggest adjustments to the gallery's presentation if aspects of it are not permissible or do not fully correspond to the specified focus of the same presentation. However, the Fair Committee is entitled to approve a gallery dependent on terms and conditions, which might include restricting the number of artists to be presented in order to guarantee the clarity of the overall presentation or to ensure the highest possible levels of quality.

7 Stand Allocation

7.1 Any requests for a special stand locations expressed in the application cannot be accepted as conditions for participation; a successful application approved by the Fair Committee does not constitute recognition of any such requests.

7.2 The location and precise size of a stand will be decided by the Fair Committee. The location of your stand is primarily dependent upon the nature of the exhibits registered in the application, whether Modern British and /or contemporary and the quality of the same exhibits.

7.3 Galleries that satisfy the highest standards in terms of their stature and importance, matched by the quality of their artists will be given priority for the most prominent stands.

7.4 In allocating a stand, the Fair Committee will weigh the interests of the gallery under review against the general interest of the Fair. Priority will be given to galleries that enhance the stature of LONDON ART FAIR. Such galleries, presenting work of optimal quality, with reputations for the quality and significance of their artists, will be included for the general interest of all participants.

7.5 Without notice the Fair Committee may decide to offer a gallery a stand which differs in size and location to that contracted for the previous edition of the Fair. Such a decision will be made where:

- a) in the opinion of the Fair Committee, the gallery failed to meet the highest standards expected at LONDON ART FAIR in terms of the quality of the works or in the design and layout of his/her exhibition stand
- b) the Fair Committee believes it is in the general interest
- c) the Fair Committee has reservations noted and resulting from the Onsite Review as set out in section 11

7.6 Appeals relating to stand allocation will be processed in a manner congruent with the Statement of Grounds for Decision as set out in section 9 below.

8 Waiting List

8.1 In accordance with section 6.2 a), rejected applicants will be put on a waiting list drawn up by the Fair Committee taking into account the focus of the applications specified by the respective galleries and based on the criteria in sections 6.1–6.2.

8.2 A stand which becomes vacant shall be offered to one of the galleries on the waiting list by USE, with due consideration of the type of works registered for exhibition. If this stand offer is rejected or no reply is received within the period determined, the vacant stand will be offered to another gallery.

9 Statement of Grounds of Decision

9.1 USE will inform the applicant in writing of the decision of the Fair Committee to reject his/her application to participate in LONDON ART FAIR. USE will give a reason in writing for the decision to reject the application only when responding to an appeal made by the applicant. In this regard, it is sufficient to name the main reasons upon which the decision was based.

9.2 The selection decision made by the Fair Committee is not subject to specific review, unless irrelevant or arbitrary considerations have clearly led to the rejection of an application. In such a case, only a claim for re-examination of the application and decision can be made. Further claims, in particular for compensation, are excluded.

9.3 An appeal, stating reasons for the re-examination of an application, and any further documents or materials required by the Fair Committee, must be filed with USE Ltd within 14 days of receipt of the letter of rejection. Appeals received after the end of this period will not be considered.

9.4 Should the Fair Committee stand by its decision, it will inform the gallery of this in writing giving any reasons in accordance with section 9.1 (unless the reasons have been previously stated in the initial rejection in which case they may be omitted). The decision will not be reviewed again.

10 Exclusion of Liability

10.1 Should the application for participation in LONDON ART FAIR be rejected by the Fair Committee, USE Ltd shall not be liable for any costs incurred by the applicant in anticipation of possible acceptance.

10.2 In the event of the application being rejected, compensation claims by the applicant – for whatever legal reason – against USE Ltd, its legal representatives or personnel, are excluded, except where the latter have caused damage wilfully or through gross negligence.

11 Onsite Review by the Fair Committee

11 The Fair Committee shall review all stands onsite both during set-up and for the duration of the Fair itself, supervising and monitoring:

- a) the authenticity, dating, authorship and description, as well as quality of the works exhibited;
- b) whether the design and layout of the exhibition stands are in accordance with the approach and objectives of LONDON ART FAIR and its international standards;
- c) whether there are any issues which might make it necessary to exclude an exhibitor in the following year
- d) whether the programme exhibited conforms with those registered by applicants and selected for admission
- e) exhibitors must allow photography of their stand for future record.

12 Exhibitor Obligations

12.1 The exhibitor is obliged to provide all works exhibited with a brief description (artist, title, year, technique, number of copies and price). The declaration of prices may be replaced by a price list displayed on the stand. In the case of cast sculptures, numbering and name of caster must also be declared. Posthumous casts must be expressly declared as such.

12.2 The stand designs must comply with the guidelines for erecting and designing of stands as laid down by USE Ltd

12.3 The exhibitor is obliged to comply with instructions and rectify complaints made by the Fair Committee without delay. Should the exhibitor refuse, admission can be revoked and the stand closed with immediate effect (such a decision by the Fair Committee or USE Ltd's management being final). If doubts about the authenticity or condition of one exhibit are voiced by a member of the Fair Committee, the object must be removed immediately from the exhibition stand and held in the storage area for the duration of the Fair.

Non-compliance with an instruction of the Fair Committee is also grounds for exclusion from subsequent editions of London Art Fair.

12.4 When relevant, exhibitors may be asked to submit any works which they bring to LONDON ART FAIR after it has opened for subsequent inspection by the Fair Committee.