



**NEW CINEMA FUND**

**FEATURE FILM FUNDING**

**GUIDELINES FOR APPLICANTS**

Please note that these guidelines updated March 2009 replace in their entirety all previous guidelines for the UK Film Council's New Cinema Fund.

## Introduction

**The New Cinema Fund** encourages unique ideas, innovative approaches and new voices. The fund is aimed at financing films with passion and verve that connect with a broad range of audiences.

The objectives of the New Cinema Fund are to:

- encourage innovation and excellence in form and content;
- support and nurture creative excellence and top quality work;
- discover and develop new film talent;
- attract established film talent working outside the mainstream;
- encourage the use of new technology in production and distribution;
- develop talent and infrastructure in the regions and nations of the UK;
- ensure equality of opportunity and promote social inclusion and cultural diversity;
- challenge audiences;
- broaden the range of films on offer in the UK; and
- ensure films supported by the Fund are good enough to attain effective distribution and exhibition.

## Who can apply?

While most applications to the New Cinema Fund come from producers, we welcome approaches from other personnel associated with a project (such as directors or writers) if they are sure that their script is ready for production.

Applicants must be:

- a company which is registered, centrally-managed and staffed in the UK; or
- a company which is registered, centrally-managed and staffed in another state of the European Union or European Economic Area; or
- an individual aged 18 years and over and a national or resident of the UK or another state of the European Union or European Economic Area.

If you are successful and the UK Film Council decides to make an award to you, we will need to pay the funding to a limited liability company registered in the UK (either a company incorporated in the UK or a company incorporated in the European Economic Area and registered as a branch in the UK).

For the avoidance of doubt, the New Cinema Fund and the Premiere Fund cannot fund the same project. You may only apply to either of the Premiere Fund or New Cinema Fund with any one of your film projects at a time.

## What can you apply for?

### Feature films from script stage:

The New Cinema Fund will usually contribute between 15% and 50% of a feature film's production budget. Funding will usually be provided by way of an equity investment in the film.

### What are the minimum requirements for the feature film?

The project must:

- be in the form of a screenplay;
- be capable of obtaining theatrical and video release certificates no more restrictive than BBFC `18' in the UK and MPAA `R' in North America;
- have contractually secured, or in our opinion have the potential to secure, a UK theatrical release. UK Film Council may, at its sole discretion, waive the requirement for a UK theatrical distributor to be attached to the film; and
- be wholly capable of qualifying for certification as a British Film under one of the following:
  - Schedule 1 to the Films Act 1985 (The Cultural Test);
  - one of the UK's official co-production treaties; or
  - The European Convention on Co-Production.

Further details on certification are available on the UK Film Council website.

### Pilots:

The New Cinema Fund runs a pilot scheme, at its discretion, for features that are under consideration by the New Cinema Fund or (more exceptionally) the Development Fund of the UK Film Council.

Pilot films can communicate the director's visual perception of the film within a few minutes and as such can be a useful pre-production tool to:

- demonstrate the artistic ability and vision of the director to others; and/or
- offer first time feature directors the opportunity to put some of their ideas onto the big screen prior to the first day of principal photography; and/or
- give a director the opportunity to experiment with new techniques and styles.

### How to make a pilot

Your feature film application must already be under consideration by the UK Film Council's New Cinema Fund or (more exceptionally) the Development Fund. If the Head of Fund suggests that you make a pilot, you will be invited by the New Cinema Fund to make a pilot application and advised of the required documentation. Without such an invitation from the New Cinema Fund please note that you cannot apply directly for 'pilot' funding.

If the New Cinema Fund invites you to submit an application for a pilot, it will fund customary direct production costs (excluding 'above-the-line' costs) of up to £10,000. Producers will be required to find some level of partnership funding but this can be in the form of 'in-kind' costs.

Pilot film funding will usually take the form of an equity investment repayable to the UK Film Council upon commencement of principal photography of a feature film based upon, or connected to, the pilot film.

### **Feature documentaries:**

The New Cinema Fund supports feature documentaries within our main slate of feature films. There is no separate allocation for feature documentaries or cap on the number we can fund as we approach them in the same way as our other feature films.

Successful feature documentaries share the same ambition and scale that makes a fictional feature film work in the cinema. Applicants will need to demonstrate that their project is capable of drawing a theatrical audience and, like all our feature films, we expect them to have a UK theatrical distributor (unless exceptionally UK Film Council has waived this requirement) and an international theatrical sales agent.

### **What are the minimum requirements for the feature documentary?**

Projects must:

- *at a minimum* be in the form of a detailed treatment and supported by the director's vision and previous work;
- be capable of obtaining theatrical and video release certificates no more restrictive than BBFC '18' in the UK and MPAA 'R' in North America;
- have contractually secured, or in our opinion have the potential to secure, a UK theatrical release. UK Film Council may, at its sole discretion, waive the requirement for a UK theatrical distributor to be attached to the film; and
- be wholly capable of qualifying for certification as a British Film (see above).

### **Feature film seeking completion funding:**

The New Cinema Fund can support feature film projects which have begun the production process but which require completion through post-production funding. There is no separate allocation for completion funding or cap on the number we can fund.

We receive a large number of applications for completion funding but unfortunately few are, in our opinion, capable of contractually securing a UK theatrical distributor which is a requirement of all our films unless there are exceptional circumstances to the contrary. Producers can apply at any stage of the production or post-production process as long as:

- there is still creative work to be completed on the film;
- the film has not been screened at any film festival; and
- the picture is not 'locked'.

The New Cinema Fund is not able to provide funding where the application is for pure print and advertising costs. By way of example, a project requiring funding for a digital grade and print would not be eligible for completion funding.

Applicants should include with their application:

- a budget for completion;
- details of how the project has been funded to date; and
- letter(s) of interest from UK distributors.

The New Cinema Fund may make an offer of funding for completion of the film, may turn the project down or may, at its discretion, make an interim award of funding to examine the viability of the film and may then use the results of that interim award to determine whether to proceed with any further award.

#### What are the minimum requirements for a feature film seeking completion funding?

Projects must:

- be completed at least to the point of rough cut/assembly, for which a VHS or DVD can be provided (if the film is still being shot, the New Cinema Fund's assessment process will be aided by a selection of footage and the shooting script: applicants should contact the fund prior to applying for further guidance);
- have contractually secured, or in our opinion have the potential to secure, a UK theatrical release;
- be incomplete in the sense that there is still creative work to be completed on the film;
- be capable of obtaining theatrical and video release certificates no more restrictive than BBFC `18' in the UK and MPAA `R' in North America; and
- be wholly capable of qualifying as a British Film (see above).

### **Short Films**

Please note that these guidelines are not applicable to short film funding. The New Cinema Fund provides funding for short films but works through third party organisations and does not itself accept applications for short films. Please see the section on Short Films on the UK Film Council website for further information.

## How to apply?

Once you have read through these guidelines you need to make your application. All requests for funding from the New Cinema Fund must be accompanied by a completed New Cinema Fund application form including the New Cinema Fund additional information form.

You **must** include with your Application Form:

- (1) a **Short Synopsis** of your film project (maximum of 100 words); and
- (2) one of the following (as applicable):
  - *For feature film (from script stage) applications:* Two copies of your **script** (with the draft number and date clearly marked on the front page, page numbered throughout and in the industry standard format). One copy must be unbound, the other may be stapled;
  - or
  - *For feature documentary applications:* a detailed treatment (minimum) supported by the director's vision and previous work;
  - or
  - *For feature film completion funding:*
    - a VHS or DVD of the rough cut/assembly of a film,
    - a budget for completion,
    - details of how the project has been funded to date,
    - and letter(s) of interest from UK distributors.

You **may** also wish to include the following optional materials:

- proposed production budget;
- cashflow schedule;
- finance summary;
- sales agent's estimates;
- details of your production company;
- details of creative elements already involved;
- director's creative comments;
- shooting schedule;
- outline of proposed recoupment structure;
- DVD or VHS of scenes already shot or examples of the Director's work.

**Pilots:** please note that you can only apply for pilot funding on invitation from the New Cinema Fund and will be provided with appropriate application details at that point.

Once completed and signed the New Cinema Fund Application Form and supporting materials should be sent to the UK Film Council marked for the attention of the New Cinema Fund.

Materials are sent at your risk and we suggest that you avoid submitting original supporting materials.

Applications can be sent by courier or by post but should not be submitted by email.

The New Cinema Fund reserves the right to request and review any other relevant supporting material before making a funding decision.

### **The Production Budget**

You do not have to submit a production budget with your initial application. However, if the New Cinema Fund is interested in your project creatively (see **What happens to applications?** below) we will require a production budget before we can progress your application further. The New Cinema Fund will expect a production budget to be based on industry norms and market rates and, where applicable, to take into account the economic benefits of digital production. When you submit your production budget (either at application stage or later at the request of the New Cinema Fund) it **must** contain provision for the following costs and expenses:

- clearances of all rights in the film worldwide in all media in perpetuity (except for those sums due in respect of music performing rights);
- an independent guarantee of completion and delivery (completion bond);
- all customary production insurances (including errors and omissions) on which the UK Film Council will require to be named as an additional insured;
- a mandatory contribution to the Skills Investment Fund;
- all the delivery items required by the UK Film Council as set out in **Delivery Requirements** below including, amongst others, the access materials relating to exhibition to people with sensory impairments.

## What happens to applications?

### Acknowledgement

Your application will be acknowledged within two weeks of receipt. We will inform you as soon as possible if your application is not eligible.

### Assessment

Your project will be assessed initially on its creative merit. This can involve looking at the originality of the idea along with the excellence of execution of that idea. The assessment will also take into account the ability of the project, in our opinion, to meet the objectives of the Fund (set out above). The decision of whether to invest in a project is made by the Head of Fund, who is advised by the New Cinema Fund Production Executives. Each application is read by an external reader and New Cinema Fund staff.

### Expression of interest

If we are interested in your project you will be invited to discuss it further. The New Cinema Fund may offer funding towards the production of a 'pilot' film in order to assess further the merits of the project.

If we are considering your project for funding we may request supporting documentation which is likely to include those items listed as optional materials in **How to apply** above.

The New Cinema Fund will then liaise with the Business Affairs and Production Finance departments of the UK Film Council to assess your project. We may reject your application at this stage and will inform you of this decision in writing.

### Decision

You will be informed within eight weeks of receipt by the UK Film Council of your application of either New Cinema Fund interest in your project or that your application is being rejected on creative grounds.

If your application is rejected at this stage you may contact the New Cinema Fund for an indication of why it was not selected for funding. Please note that this selection process is inevitably subjective and our decision is final. There is no appeal process open to applicants whose projects have been rejected on creative grounds.

### Return of materials

The UK Film Council will retain the application form for a period of 2 years and then it is destroyed. Other supporting materials will only be returned to you if a stamped self-addressed envelope is enclosed with the application form, otherwise the materials may be destroyed after a period of 2 years.

### Re-submission

The UK Film Council will only accept resubmissions for funding if there have been significant and substantial changes to the script, or if major new elements (e.g. director) have been attached or secured since the previous submission. Any resubmissions should be accompanied by a newly-completed New Cinema Fund application form, should show clearly the alterations made and be accompanied by a full explanation of those changes. **Resubmissions will not be accepted without such an explanation.**

## Offer of funding

If we wish to support your project we will send you a formal offer letter setting out the basis upon which we are offering to invest in your project and the conditions attached to such offer. The letter will specify the amount of funding to be offered by the UK Film Council. The UK Film Council offer of funding will be for a fixed amount and conditional upon you entering into a Production Finance Agreement within the time specified in the offer letter or the offer will lapse. Once the Offer Letter is returned signed and any conditions specific to the Offer Letter have been satisfied (eg other financing elements have been secured in principle) the UK Film Council will prepare the Production Finance Agreement.

If both the producer and director on a project are 'first-timers', ie without previous feature film production experience, the UK Film Council reserves the right to ensure that the film is realised under the guidance of an experienced executive producer or production company with the associated costs to be included in the production budget.

At this stage if you have applied to the New Cinema Fund as an individual you will be required to set up or to act through an existing production company. If you have applied as a company you may wish to set up a single purpose vehicle solely for the purposes of producing the film project, in which case you must inform UK Film Council of your intention in writing so that the UK Film Council can transfer the application to the new company.

## Production Finance Agreement: Conditions of New Cinema Fund funding

The UK Film Council uses standard form Production Finance Agreements. These documents are adjusted to the specific requirements of each project. The UK Film Council will not usually begin to cashflow a project until the Production Finance Agreement has been executed, all other financial commitments and distribution commitments are in place and the conditions to funding set out in the Production Finance Agreement have been satisfied.

Please note that you should obtain independent legal advice before signing the Production Finance Agreement.

The following parameters are intended as a guide only and are specific to the New Cinema Fund. The terms and conditions attached to each investment will inevitably differ according to specific arrangements with all the relevant financing partners and distributors. The UK Film Council will make adjustments to these parameters from time to time as customary industry practices evolve:

**Pre-Closing Cashflow:** the UK Film Council may, in certain circumstances and subject to various conditions, provide an advance of part of its award in the form of 'pre-closing cashflow'. The maximum amount of the production funding award from the New Cinema Fund that could be advanced will be the lower of 15% (fifteen percent) of the award or £100,000. There is no automatic entitlement to 'pre-closing cashflow'. The UK Film Council will determine, at its sole discretion, whether it is prepared to advance such funding, the conditions attaching to such advance, and at a minimum would need evidence that the other finance for the film has been secured and 'financial closing' is likely to happen within a prescribed timescale.

**Third Party Finance:** The UK Film Council will require approval over the identity of all third party financiers, the business terms for the balance of funding for the film and associated financing costs. In exercising this right of approval the UK Film Council will have regard to applicable UK legislation and Her Majesty's Revenues and Customs guidelines and may elect to withdraw any offer of funding if it has reasonable concerns relating thereto.

It is a condition of UK Film Council production funding, where production finance is being contributed by any party in respect of which it is intended that some form of UK tax benefit will be sought or accessed, the party providing such funding will be required to provide direct undertakings and warranties to UK Film Council (in the UK Film Council's standard form).

UK Film Council may disclose to Her Majesty's Revenues and Customs any information which it receives in relation to any tax structure(s) or scheme(s) which are utilised in connection with the film.

Subject to UK Film Council's recoupment requirements, UK Film Council endorses the principle that in every film in which they participate, the net value of the UK tax credit created by the Finance Act 2006 which is included in the finance plan for the film should be treated as the UK producer's equity share in the film, recouping and participating, wherever possible, on a pro rata pari passu basis with other equity funding. In those instances the producer's revenue entitlement (see below) will not be available.

**Skills Investment Fund:** The UK Film Council is committed to building the skills and talent of individuals entering and already working in the film industry. The Skills Investment Fund

levy is a key component in helping to deliver a comprehensive training strategy for the UK film industry. A contribution to the Skills Investment Fund of 0.5% of the production budget up to a maximum contribution of £39,500 is mandatory. The UK Film Council will also expect the production budget to contain provision for any appropriate trade association fees.

**Training and education:** The UK Film Council supports ways of trying to improve the profile of the industry's workforce so that it becomes more inclusive of the diversity of contemporary UK society. In this regard, you will be required to comply with obligations relating to interns and trainees as requested by the UK Film Council.

**Access for people with sensory impairments:** The UK Film Council is committed to enabling all sectors of the community to participate in and enjoy film, but for many disabled people opportunities to appreciate and enjoy the medium are limited. You will therefore be required to ensure, as a minimum, that any agreement for the distribution of the film in the UK provides for distribution of soft subtitling and audio-description materials in UK cinemas and the inclusion of a subtitled track (for the hearing-impaired) and an audio-description track (for the visually-impaired) on any UK DVD release of the film (except in relation to a foreign-language film).

**Compliance:** The film should be produced in accordance with the requirements of all unions and guilds (e.g. BECTU, Equity or Screen Actors Guild) having jurisdiction and all applicable laws and statutes (including in relation to tax, immigration and to health and safety).

**ISAN:** You will be required to register the film with the International Standard Audiovisual Number (ISAN). The benefit of this is to have a unique, global identification for your film; the ability to track and monitor the uses of your film; enhanced copyright protection; and to assist you and the financiers and contributors to the film to receive their full entitlement to revenues.

**Underlying rights (chain of title):** You must establish clear rights to all works required for the making and exploitation of the project. The UK Film Council expects production companies to acquire (where possible) sequel, remake, TV spin-off rights, and all ancillary rights and the UK Film Council expects to share ownership in all such rights.

**Cashflow:** The UK Film Council's cashflow will not commence until all third party funding documentation has been executed to the satisfaction of the UK Film Council (see pre-closing cashflow provisions above). All financiers will be expected to cashflow pro rata and pari passu with the UK Film Council.

We will advance funds in accordance with a cashflow schedule agreed by the UK Film Council. The UK Film Council will holdback 10% of its investment for delivery of physical delivery items and delivery of the final audited cost report certified by an independent auditor.

**Net Profit share:** The UK Film Council will require a net profit share commensurate with its participation in the production funding in relation to other equity investors.

**Recoupment:** The UK Film Council will require recoupment terms on a pro rata pari passu basis with those offered to other equity investors.

**Producer's revenue entitlement:** The UK Film Council actively seeks to reward organisations and individuals who intend to use the UK Film Council investment to assist in the development of a sustainable UK film industry. The UK Film Council will aim to maximise the production company's share of revenues from the film. The UK production company will be entitled to receive an amount equal to 5% from 'first dollar' of the money recouped by the UK Film Council (excluding net profits) against its investment in the film provided that the production company spends this money only on the following uses: staff skills training; project development production funding; company business planning; film marketing; or raising capital for the company's business initiatives or such other uses as are approved in advance by the UK Film Council. Please note that this 5% corridor cannot be assigned to any other person or company and cannot be offered as a recoupment corridor to another financier of your project. It will also not be available where the UK tax credit is treated as producer's equity in the film (see above).

**Copyright ownership:** The UK Film Council will take a share of copyright in the film, and all other rights in the film including the underlying and ancillary rights, commensurate with its investment in relation to other equity investors. Once the New Cinema Fund's investment has been recouped, the UK Film Council's share of ownership of rights and copyright may be assigned to the UK production company.

**Security:** The UK Film Council will take a fixed and floating charge over the company incorporated for the purposes of owning and producing the film, its rights, assets, interests and revenue entitlement in relation to the film as security for the UK Film Council's investment until such investment has been recouped in full. The UK Film Council may also take a charge over any co-producer of the film, if appropriate.

**Approvals and documentation:** The UK Film Council will have a right of approval over the following:

- the script including all drafts, final shooting script, shot lists and story boards;
- production company(ies), co-producer(s), individual producer(s) and executive producer(s), line producer, director, writer(s), principal cast and crew including all heads of department, unit publicist, production accountant, post-production supervisor, composer, music supervisor, and the terms of their contracts including fees;
- budget, cashflow and production schedules;
- identity of all other co-financiers and the business terms for the balance of funding for the film and financing costs;
- sales agent, sales estimates and the terms of the sales agency agreement including the right to approve marketing materials;
- distributor(s) and terms of deal memo and distribution agreements including P&A and minimum release commitments;
- broadcaster(s) and terms of licence agreement including level of licence fee, term and number of transmissions;
- soundtrack album agreement (if applicable);
- chain of title for the film;
- collection agent and terms of collection agreement;
- completion guarantor and terms of completion guarantee;
- identity of auditor;
- delivery date;
- running time;
- film certificate;
- aspect ratio;
- processing laboratory/facilities house;

- details of production account including signatories and bank mandate;
  - production insurances (including errors and omissions insurance) on which the UK Film Council will require to be named as an additional insured;
  - credits; and
  - final cut (together with full consultation rights on the assembly and all cuts of the film);
- and such other approvals as the UK Film Council may require from time to time.

**Completion Guarantee and insurances:** As mentioned above, the production budget should contain a provision for an independent guarantee of completion and delivery, the terms of which will be subject to UK Film Council approval. The completion guarantor must be on risk before the UK Film Council will advance funds. The UK Film Council will require approval over the identity of the completion guarantor.

The UK Film Council expects producers to effect all customary production insurances (including errors and omissions insurance) on which the UK Film Council must be named as an additional insured before the UK Film Council will advance funds.

**Credit:** The UK Film Council will require contractual credits as follows:

- UK Film Council animated logo in the opening titles;
- a main title credit on a separate card in the form: "The UK Film Council [ and] present";
- a closing credit in the form: "Made with the support of the UK Film Council's New Cinema Fund" followed by the UK Film Council's Lottery brand visual.

The UK Film Council presentation credit and logo shall also appear in the billing block for the film and in all paid advertising for the film throughout the world (subject to customary exclusions).

Any other main title and closing credits granted will be negotiated in good faith between the parties. The UK Film Council will have the right to approve all credits.

**Collection arrangements:** All revenues for the film shall be collected by an independent collection agent to be approved by UK Film Council. The recoupment structure, which will be set out in the Collection Agreement, must be approved and signed by all the financiers before the UK Film Council will advance funds.

Any irrevocable payment instructions issued by the sales agent to sub-distributors must cite and direct payment of any minimum guarantees and overages to the collection account.

**Distributors and sales agents:** As stated above, the UK Film Council will require a right of approval over the appointment of all distributors, all distribution deal memos and long form contracts and principal deal terms. The UK Film Council will have a right of approval over the appointment of the sales agent and its obligations and contractual arrangements in respect of the film (including commissions and expenses).

The UK Film Council will require contractually capped sales expenses and approval over minimum sales estimates. No disposal of rights in any territory or media will be made below the agreed minimum sales estimates without the prior approval of the UK Film Council.

**Film classification:** The film must be capable of obtaining theatrical and video release certificates no more restrictive than BBFC `18' in the UK and MPAA `R' in North America.

**Interest, fees, and overheads:** The UK Film Council will not normally agree to contribute funding to a production budget which includes interest, premium or overhead fees charged by other financiers or investors other than bank interest where gap financing is in place or where sales are being discounted. Where, exceptionally, interest or overhead fees are charged by a co-financier, the UK Film Council will expect to receive interest or overhead fees (as applicable) on a pro rata pari passu basis (using all reasonable endeavours to ensure that all such payments are not drawn from the budget but are recouped out of film revenues).

The level of overheads and producers' fees within a production budget will be a matter for reasonable negotiation and mutual agreement between producers and financiers taking into account the actual role of the individuals and companies involved.

The UK Film Council is keen to ensure that film producers receive their full entitlement to a reasonable individual producer fee and production company overhead from within the budget of the film and does not encourage deferral of any such producer fee and/or production company overhead.

**Residuals:** The UK Film Council expects producers to include in their budgets sufficient funds to clear worldwide rights in all media from all individuals or organisations who may be contributing to the production. Under no circumstances will the UK Film Council assume the responsibility for, or guarantee, payments to talent or for residuals, repeat fees or royalties.

**Underspend:** Producers are encouraged to deliver on budget and the UK Film Council will agree to producer participation in underspend on their films of up to 50%.

**Trust account:** Where the UK Film Council provides production funding, it will require all funds to be paid into a separate dedicated trust account. Completion of a trust account UK Film Council-approved bank mandate will be a pre-condition to the UK Film Council advancing funds.

## Production information

The information required during production of the film (as reflected in the Production Finance Agreement) will include:

### Daily during production:

- copies of all rushes available on video or DVD (or access to viewing of dailies if not available on tape) sent to the New Cinema Fund's Project Co-ordinator; and
- progress reports and call sheets, by e-mail (or fax) to the UK Film Council Head of Production.

### Weekly until a fortnight after completion of principal photography and each month thereafter (to the UK Film Council's Production Accountant):

- cost statements with narrative and showing movement since last report;
- statements of finance and expenditure (funding reconciliation);
- bank reconciliations and the copy bank statement reconciled to the trial balance;
- such other financial information as required from time to time; and
- statement of creditors and debtors.

### As issued/available to each of the Head of Production and the NCF Project Co-ordinator:

- copies/access to cut scenes and assemblies;
- crew and cast lists;
- script changes; and
- schedule changes.

A UK Film Council representative will be entitled to attend all stages of pre-production including meetings, script read-throughs, make up tests, production and post-production including access to the sound mix, ADR sessions, music recording, grading and telecine and relevant screenings.

## Delivery requirements

The UK Film Council will require delivery of the following items, the cost of which must be contained in the production budget:

### Film and video elements

- one 35mm showprint (final version as used for UK theatrical release) from the original negative for deposit at the British Film Institute's National Film and Television Archive. If the Film has been produced in a foreign-language the showprint shall incorporate dialogue subtitles in the English language;
- one HD master (to same specification as show print); and
- two PAL DVD copies of the show print.

### Disability access materials

- written confirmation from a recognised authoring house of the creation of a subtitled file (to include dialogue and sound effects of the film suitable for use for captioning/subtitling purposes for the hearing impaired) and audio description track (for the visually impaired) in appropriate format for use in theatrical distribution (that is in reels at 24 fps) together with written confirmation from the UK distributor that such

materials have been delivered to it. The subtitle and audio description files must be supplied in the proprietary format for Dolby Sreentalks and DTS CSS discs;

- one 35mm release print of the film incorporating lasered (hard) subtitles in English for the hearing impaired and accompanying subtitle file in appropriate format ;
- written confirmation from a recognised authoring house of the instruction to create a HOH subtitle file conversion appropriate for DVD use at 25 fps and an audio-description track fully mixed with the Feature Stereo Lt/Rt at 25 fps and conformed to the DVD picture and supplied as a .wav file together with written confirmation from the UK distributor that such materials have been delivered to it.

#### **Publicity materials**

- four copies of the film poster;
- a copy of the master set of production stills taken from the film on CD Rom in a high resolution jpeg format;
- an electronic press kit (including interviews with actors and other persons connected with the film); and
- a written publicity pack – including biographies (cast, producers, directors, writers and key crew), production information, interviews with actors and other persons connected with the film, feature stories and news releases.

#### **Documents**

- shooting script for deposit at the British Film Institute;
- evidence of payment to the Skills Investment Fund;
- list of trainees and interns engaged on the film including names, positions held and where sourced;
- an audited statement of final costs from a registered auditor or equivalent in a form approved by UK Film Council;
- British Film Certificate;
- copies of UK and international marketing plans (and for US if different to international); and
- a fully completed Film Completion Monitoring Questionnaire in the format attached to the Production Finance Agreement;

and such other materials as the UK Film Council may reasonably require from time to time.

## Important Information

1. The information in these guidelines can change. The law and Government regulations on distributing National Lottery funds may also change. The UK Film Council therefore reserves the right to review the New Cinema Fund and/or change its policies, procedures and assessment criteria.
2. The application form does not necessarily cover all the information the UK Film Council uses to decide which applications to fund. The UK Film Council can ask applicants for extra information.
3. All applications are made at the applicant's own risk. The UK Film Council will not be liable for loss, damage or costs arising directly or indirectly from:
  - the application process;
  - the UK Film Council's decision not to provide an award to an applicant; or
  - dealing with the application.
4. Please check your application form carefully. The UK Film Council will not process applications which are incomplete or which do not comply with these guidelines. Original materials are sent at your own risk and the UK Film Council will not be responsible for any damage to or loss of such materials. Please note that the application form itself must be a signed and dated original. We cannot accept faxed or photocopied application forms.
5. The Freedom of Information Act 2000 gives members of the public the right to request information held by the UK Film Council. This includes information held in relation to applications to the UK Film Council's various funding programmes or schemes. Therefore if you choose to apply to the UK Film Council you should be aware that the information you supply, either in whole or in part, may be disclosed under the Freedom of Information Act.
6. The UK Film Council decisions on applications are final. Decisions as to the creative merits of an application are entirely within the discretion of the UK Film Council.
7. The UK Film Council will not pay any funding until it has received a fully executed copy of the Production Finance Agreement and all conditions precedent to that agreement have been satisfied.
8. In making awards for production funding the UK Film Council will usually adopt the industry practice of providing funding in the form of investment.
9. The UK Film Council will publicise information on the number of applications it receives and the awards made.
10. Sometimes the UK Film Council Board Directors or members of staff may be involved in some way with applicants. This interest has to be declared in applications from such applicants. The relevant Board Director or staff member will not be involved in assessing the application or the decision to make an award. Applicants are advised not to try to influence the success of their application by approaching a Board Director or staff member.
11. It is important that applicants carefully check the information provided on the application form. The UK Film Council standard terms and conditions entitle it to withhold or reclaim an award in the following circumstances:
  - if the application was filled in dishonestly or with incorrect or misleading information about the organisation or the project whether deliberately or accidentally; and
  - if the award recipient acts dishonestly or negligently to the disadvantage of the project.The UK Film Council will follow up cases of suspected fraud and will pass information to the police.
12. **Complaints and Appeals:** The UK Film Council decision is final. Inevitably, applicants will have to be turned down and may be disappointed by this result. Formal appeals against the final decision will not be considered unless the applicant has good cause to believe that the procedures for processing the applications were not adhered to, or applied in such a way as to prejudice the outcome of the application. A copy of the UK Film Council's Complaints and Appeals procedure can be downloaded from the website or obtained on request from the UK Film Council's Communications Office.