Diagram 2

Where the artist’s wife, husband, or civil partner does not survive the artist. [See also Note 5].

Q.1 Is the artist survived by any of his/her children? [See Note 2]

- **YES**
  - Children receive ARR in equal shares (as owners in common)

- **NO**

Q.2 Is the artist survived by parents?

- **YES**
  - ARR passes to surviving parent(s)

- **NO**

Q.3 Is the artist survived by brothers and sisters of the whole blood (i.e. who share the same parents as the artist)? [See Note 3]

- **YES**
  - Brothers/sisters (or artist’s nephews/nieces) receive ARR in equal shares. [See Note 3]

- **NO**

Q.4 Is the artist survived by any half-brothers or half-sisters? [See Note 3]

- **YES**
  - Half brothers/half-sisters (or their children) receive ARR in equal shares [See Note 3]

- **NO**

Please go to Question 5, overleaf.
Q.5 Is the artist survived by grandparents?

YES
ARR passes to grandparents

NO

Q.6 Is the artist survived by uncles and aunts of the whole blood? [See note 4]

YES
Uncles/Aunts (or artist’s first cousins) receive ARR in equal shares. [See Note 4]

NO

Q.7 Is the artist survived by uncles and aunts of the half blood? [See Note 4]

YES
Uncles/Aunts of half blood (or their children) receive ARR in equal shares. [See Note 4]

NO
ARR passes to the Crown as bona vacantia

Please note that this flowchart should be read in conjunction with the attached DACS fact sheet ‘Protecting copyright and ARR after death’. This flowchart has been reproduced for DACS by Farrer & Co LLP. This flowchart is provided for guidance only and is based on the law as it stands in September 2011. You are advised to seek specific and specialist advice in relation to your own specific circumstances.
Note 1
Only legally married spouses and registered civil partners qualify. Co-habitees and so-called “common law spouses” do not.

Note 2
“Children” includes adopted, legitimated and illegitimate children (the latter only if the death occurred on or after 4 April 1988). Note also that if any children have died before the artist, their children (i.e. the artist’s grandchildren) will take their share.

Note 3
If any siblings have died before the artist their children (i.e. the artist’s nephews and nieces) will take their share.

Note 4
If any uncles and aunts die before the artist, their children (i.e. the artist’s first cousins) will take their share.