The Society of Authors
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Quick Guide to Authors’ Agents

1 What is a literary agency?

It is an organisation which represents, advises, and assists its clients (authors) in their business affairs. An agency may be a limited company, a partnership or simply an individual. The larger agencies in London have over 50 employees, whereas at the other extreme there are many one man/woman businesses.

2 Does everyone have an agent?

(a) Agents, of course, earn their living from their commission. If your financial expectations from writing are not fairly substantial, agents are unlikely to feel that their commission will cover their costs. Do not be surprised if an agency will not accept you. Most agents assess their potential clients not purely on merit, but on whether they consider that the author has enough earning potential for the agency to secure a sufficient stream of commission income over a number of years to justify its input.

(b) If you write fiction, an agent is increasingly essential these days. Publishers are deluged with uncommissioned proposals and do not have the time to look at them – they rely on agents whose taste they respect to filter such material. That is why publishers increasingly tell authors they will only accept submissions from agents. But, even fiction may not be attractive to an agent unless your first novel sold reasonably well and you can add the lure of enticing titles to come. There are very many more novels seeking publishers (and agents) than will ever be accepted or even looked at. This leaves many novelists – however good their work – in a depressingly difficult situation. Having a good website, self-publishing, and other self-promotional activities may have to be considered as the best way of trying to stand out from the crowd.

(c) For general non-fiction, of the sort likely to be stocked by the chain booksellers, an agent may well help you to secure improved terms, but is probably not essential. A publisher can tell much about your work from a quick glance at your synopsis – which is not the case with works of fiction.

(d) Many members of the Society do not have agents. Few agents are interested in representing authors of scholarly, professional, reference or highly illustrated works, and nor, generally, do they have the specialist knowledge to do so to any great effect. Agents very rarely take on poetry, memoirs or short stories. Alas, agents are particularly hesitant about taking on authors writing in their retirement when the chances of building up a lasting full-time career are reduced.

(e) At the other end of the spectrum, some very successful writers prefer to go it alone, without an agent, making their own deals and keeping 100% of their earnings.

3 Is it worth having an agent?

A good agent will be likely to secure better terms (particularly the advance) than you can achieve on your own and will probably thereby more than offset the agency’s commission. Successful authors also find it invaluable to have an agent, in order to avoid wasting an enormous amount of time on the business side of their work.

Bear in mind, however, that an indifferent agent will be of little value. He/she will simply allow you to make contacts and sell the ideas, while taking commission for drawing up routine contracts. There may also be little point
having an unknown agent or one without good knowledge of rights management and contracts. If you have your own contacts, prefer to keep personal control over the sale of your work, and enjoy negotiations (backed by advice from the Society), you may well decide not to have an agent.

An agent who charges an up-front fee may well be of no benefit to the author at all – see point 12(a).

4(a) What services are provided by a literary agency?

A good agency should:

(i) sell your work – exploiting all potential outlets. Thus, an agent should know the market intimately – what subjects are needed, by whom, in what form, in which media, and, no less important, what subjects are not needed. An agency should have good contacts and good relationships with publishers, editors, producers, managers and others who control the outlets for a writer’s work – both at home and via sub-agents abroad;

(ii) negotiate all business contracts in accordance with your instructions, keeping you informed to the extent that you have asked;

(iii) account to you as soon as possible for all monies received;

(iv) if required, offer you a degree of editorial and literary advice – or procure it for you.

4(b) What services are not provided by a literary agency?

An agency may have a better understanding of the practical aspects of publishing contracts and copyright than some lawyers, and will usually do its best to resolve disagreements and difficulties between its clients and those purchasing their work. However, an agency is most unlikely to finance litigation and in any serious dispute (e.g. broken contracts, copyright infringement etc) it is therefore often necessary for members to seek the assistance of the Society. Similarly an author may on occasion need to take an accountant’s advice (see point 13).

While a good agent will seek to project and promote your image and name, publicity is the publisher’s, not the agent’s task.

5 How should I select an agency?

Approximately 150 UK agencies are listed in The Writers' and Artists' Yearbook (A & C Black) and The Writer’s Handbook (Macmillan). They, and the agents’ own websites, will generally indicate the sort of works an agency represents (and those areas it will not handle). The Society will advise members on the credentials and reputation of specific agencies on request. When asked how they came by their agent, many authors suggest that it was as much a matter of luck as anything else.

If an agency shows interest, it is advisable to arrange a meeting with the agent concerned, in order to see if you are compatible and to discuss terms, before making up your mind.

Avoid agencies which ask you for payment – see point 12(a).

Agencies may specialise in a particular genre, e.g. crime, but will generally be reluctant to take on new writers whose works might directly compete with those of an existing client.

If you are in the fortunate position of having more than one agent seeking to represent you, or are being courted by an agent even though you are currently happy without one, get the agent to convince you that what they can bring to the party justifies their commission. In effect, get them to sell themselves to you – after all, the main skill you want from them is the ability to sell.
6 How should I approach an agency?

(a) Most agencies give details on their websites as to how they like to be approached – and the harsh reality is that many say they will not consider unsolicited typescripts. Bearing those caveats in mind, if you are selling your first book or play, you should send a synopsis of the typescript and sample chapter (don’t telephone) to the agency concerned with a covering letter, having retained copies of both. Enclose stamps for return postage. If you are an experienced writer who wishes to use the services of an agency, or is considering changing agents, you should probably just write, pitching the next work and giving details of works published or performed to date.

(b) Agencies, understandably, prefer to be approached one at a time, but given how slow some are to respond, and the likelihood of being rejected, you may well want to approach more than one at a time (in which case, it is courteous to let them know that is what you are doing).

7 Do agencies specialise?

Most literary agencies do not specialise; they represent a variety of authors (e.g. fiction, biography, general non-fiction, etc). Some agencies specialise in children’s writers and illustrators – others in film, TV and ‘talent’ (e.g. celebrity writers). Very few literary agents take on writers other than of fiction and general non-fiction.

The larger established agencies have experts (or sub-agents) in most areas of concern to authors. Not all of the smaller agencies have specialists in areas like the theatre, films, television or radio. They may use other agencies for selling such rights and translations.

8 Should I have a written contract with an agency?

Yes. The Society is always happy to advise members on the terms they are being offered.

Note that any contract or letter of agreement is likely to be with the agency and not with a particular agent. There should be a clear understanding of the agency’s scope and authority, the commission it will take, and how the agreement can be terminated. In particular, consider:

(a) do you want the agency to handle all your freelance work including e.g. journalism, personal appearances on radio and television, lecturing etc; just your books; just your plays and scripts…?

(b) are you prepared to let the agency take a percentage of all your earnings, including those which are not negotiated through the agency (e.g. income from ALCS)? An author may allow an agency to deal with all income from writing and to take commission, for ease of accounting or if it happens that the agency does a great deal of relatively unremunerative work.

9 What rights will normally be retained by an agency?

An agency will normally retain the following rights (i.e. not grant them to a British publisher):

**UK Rights**
- 1st and 2nd serial
- dramatic, TV, film and radio (except sometimes readings of undramatised extracts)
- audio and video recording
- electronic (other than ebook)
- all other rights not specifically granted

**Overseas Rights**
- all US (sometimes including Canadian) rights
- all translation rights
10 How do agencies sell rights abroad?
Agencies may, themselves, sell your work to foreign publishers or they may do so through sub-agents (usually in the relevant territory but sometimes based in the UK).

11 If I do not have an agent, will my publishers act as agents for subsidiary rights?
In the absence of an agent, it is common for publishers to control many of the subsidiary rights in a book, in return for a percentage of the proceeds. You should satisfy yourself that your publisher is in a position to market the various rights effectively, and that the terms proposed are in line with the guidance given in the Society’s Quick Guide to Publishing Contracts.

12 What does an agency charge?
(a) Reputable agencies do not normally charge reading or other fees, but certain expenses, such as specialist legal fees, the copying of a manuscript, or the purchase of copies of your works in the hope of selling, for example, foreign rights, may be charged by agreement. Be wary of agencies charging joining fees, reading fees or editing fees. It suggests that the agency is not successful enough to cover its costs by way of agency commission; and publishers will pay much less heed to recommendations from such agencies (suspecting that their main reason for representing a work is the up-front payment than the quality of the material itself) than they would be to recommendations by agencies which have not been paid by the author.

(b) An agency will deduct commission in the form of a percentage of the monies received under contracts negotiated by the agency. Normally this is 10–15% for sales in the home market, 20% for American and other foreign sales and dramatisation rights. You should ensure it is clear that the 20% includes any commission paid by your agent to overseas agents or to associated agencies within the UK. The percentages may be negotiable in the case of particularly successful authors.

(c) In the absence of an agreement to the contrary, the agency is entitled to a commission on rights not retained by the agency but controlled and sold by the publishers. The agency commission is in addition to the percentage taken by the publishers. Since the money from such sales will be coming in under the original British contract, the agent’s commission should of course never exceed the home market percentage.

13 Agents and accountants
Authors are responsible for making their own VAT returns and payments. An agent cannot take over this task.

An agent’s commission will, if the agent is registered for VAT, be taxable at the standard rate of VAT and will represent some of an author’s taxable inputs. An agent’s commission in respect of zero-rated fees and on royalties received from outside the EC, is not VATable.

It is essential that an agent is informed of an author’s VAT status (and of the VAT Registration Number if appropriate). See also the Society’s Quick Guide to VAT.

14 How does one break away from an agency?
It is important that your contract with the agency specifies the length of notice required to terminate the arrangement – 60 or 90 days from written notice on either side would be usual. Otherwise, the length of notice required may depend on the state of any negotiations in progress. The Society will advise members if necessary.
15 If I leave an agency what happens about contracts already negotiated?

Even after the termination of an agency’s authority, it will usually remain legally entitled to commission on money accruing under contracts negotiated by that agency, or out on submission (particularly if your contract with the agency says so). The agency will expect to continue to service existing contracts. Sometimes it is agreed that the publisher will pay the agency its commission, and pay balance direct to the author.

Bear in mind that your contract is likely to be with the agency, not your particular agent. Thus if your agent leaves the agency and you wish to follow suit, the above commission arrangements will still apply (possibly on future books as well, if you have a multi-book deal with your publisher).

16 What are the Association of Authors’ Agents and the Personal Managers’ Association?

The AAA (www.agentsassoc.co.uk) is a trade association comprising the majority of authors’ agents in the UK. Membership of the AAA is indicative of the agency’s expertise (there is a turnover threshold below which an agency may not join the AAA), and members of the AAA also observe a code of professional behaviour. The PMA (www.thepma.com) is a similar association comprising British screenwriters’ and dramatists’ agents.