

---

DRAFT STATUTORY INSTRUMENTS

---

**2013 No.**

**The Legal Deposit Libraries (Non-  
Print Works) Regulations 2013**

**PART 2**

**Exemption for existing micro-businesses and new businesses**

**The exemption**

4.—(1) During the exemption period, regulations 13(1)(a), 14(2), 15, 16(3) to 16(7) and 17 do not apply in relation to a work published in a medium other than print where a person publishes the work in the course of a business, if the business is—

- (a) an existing micro-business, or
- (b) a new business.

(2) In relation to a work published off line that is subject to the exemption in paragraph (1)—

- (a) paragraphs (1) and (2) of regulation 15 shall not require delivery of any such work;
- (b) paragraph (3) of regulation 15 shall have effect as if it provided for the British Library Board (in addition to other deposit libraries) to be entitled to delivery of the work if it requests it, and paragraphs (4) to (10) of that regulation have effect accordingly.

**Micro-businesses**

5. A micro-business is a business that has fewer than 10 employees (see regulations 9 to 11).

**Existing micro-businesses**

6. An existing micro-business is a business that was a micro-business immediately before the commencement date.

**New businesses**

7.—(1) A new business is a business which a person, or a number of persons, (“P”) begins to carry on during the period beginning with the commencement date and ending with 31 March 2014.

(2) But a business is not a new business if—

- (a) P has, at any time during the period of 6 months ending immediately before the date on which P begins to carry on the business, carried on another business consisting of the activities of which the business consists (or most of them), or
- (b) P carries on the business as a result of a transfer (within the meaning of paragraph (4)).

(3) Paragraph (2)(a) does not apply if the other business referred to in that paragraph was a new business (within the meaning of this regulation).

(4) P carries on a business as a result of a transfer if P begins to carry on the business on another person ceasing to carry on the activities of which it consists (or most of them) in consequence of arrangements involving P and the other person.

(5) For this purpose, P is to be taken to begin to carry on a business on another person ceasing to carry on such activities if—

- (a) P begins to carry on the business otherwise than in partnership on such activities ceasing to be carried on by persons in partnership, or
- (b) P is a number of persons in partnership who begin to carry on the business on such activities ceasing to be carried on—
  - (i) by a person, or a number of persons, otherwise than in partnership,
  - (ii) by persons in partnership who do not consist only of all the persons who constitute P, or
  - (iii) partly as mentioned in paragraph (i) and partly as mentioned in paragraph (ii).

(6) Paragraph (2)(b) does not apply if the activities referred to in paragraph (4) were, when carried on by the person who is not P referred to in that paragraph, activities of a new business (within the meaning of this regulation).

(7) P is not to be regarded as beginning to carry on a business for the purposes of paragraph (1) if—

- (a) before P begins to carry on the business, P is a party to arrangements under which P may (at any time during the period beginning with the commencement date and ending with 31 March 2014) carry on, as part of the business, activities carried on by any other person, and
- (b) the business would have been prevented by paragraph (2)(b) from being a new business if—
  - (i) P had begun to carry on the activities when beginning to carry on the business, and
  - (ii) the other person had at that time ceased to carry them on.

(8) “Arrangements” includes an agreement, understanding, scheme, transaction or series of transactions (whether or not legally enforceable).

### **The exemption period**

**8.—**(1) The exemption period in relation to an existing micro-business starts with the commencement date and ends with 31 March 2014.

(2) The exemption period in relation to a new business starts with the date on which P begins to carry on the business and ends with 31 March 2014.

### **Number of employees of a business**

**9.** For the purposes of this Part, the number of employees of a business is calculated as follows—  
TH/37.5

where TH is the total number of hours per week for which all the employees of the business are contracted to work.

### **Employees of a business**

**10.** For the purposes of this Part, the employees of a business are the persons who are employed for the purposes of the business.

## **Employees**

**11.**—(1) In this Part, “employee” means an individual who has entered into or works under a contract of employment.

(2) In paragraph (1) “contract of employment” means a contract of service, whether express or implied, and (if it is express) whether oral or in writing.

## **The commencement date**

**12.** For the purposes of this Part, “the commencement date” means the date on which these Regulations come into force.