



# Public Lending Right Act 1979

## 1979 CHAPTER 10

An Act to provide public lending right for authors, and for connected purposes. [22nd March 1979]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Establishment of public lending right**

- (1) In accordance with a scheme to be prepared and brought into force by the Secretary of State, there shall be conferred on authors a right, known as "public lending right", to receive from time to time out of a Central Fund payments in respect of such of their books as are lent out to the public by local library authorities in the United Kingdom.
- (2) The classes, descriptions and categories of books in respect of which public lending right subsists, and the scales of payments to be made from the Central Fund in respect of it, shall be determined by or in accordance with the scheme; and in preparing the scheme the Secretary of State shall consult with representatives of authors and library authorities and of others who appear to be likely to be affected by it.
- (3) The Secretary of State shall appoint an officer to be known as the Registrar of Public Lending Right; and the Schedule to this Act has effect with respect to the Registrar.
- (4) The Registrar shall be charged with the duty of establishing and maintaining in accordance with the scheme a register showing the books in respect of which public lending right subsists and the persons entitled to the right in respect of any registered book.
- (5) The Registrar shall, in the case of any registered book determine in accordance with the scheme the sums (if any) due by way of public lending right; and any sum so determined to be due shall be recoverable from the Registrar as a debt due to the person for the time being entitled to that right in respect of the book.

- (6) Subject to any provision made by the scheme, the duration of public lending right in respect of a book shall be from the date of the book's first publication (or, if later, the beginning of the year in which application is made for it to be registered) until 50 years have elapsed since the end of the year in which the author died.
- (7) Provision shall be made by the scheme for the right—
- (a) to be established by registration ;
  - (b) to be transmissible by assignment or assignation, by testamentary disposition or by operation of law, as personal or moveable property;
  - (c) to be claimed by or on behalf of the person for the time being entitled;
  - (d) to be renounced (either in whole or in part, and either temporarily or for all time) on notice being given to the Registrar to that effect.

## **2 The Central Fund**

- (1) The Central Fund shall be constituted by the Secretary of State and placed under the control and management of the Registrar.
- (2) There shall be paid into the Fund from time to time such sums, out of money provided by Parliament, as the Secretary of State with Treasury approval determines to be required for the purpose of satisfying the liabilities of the Fund; but in respect of the liabilities of any one financial year of the Fund the total of those sums shall not exceed £2 million less the total of any sums paid in that year, out of money so provided, under paragraph 2 of the Schedule to this Act (pay, pension, etc. of Registrar).
- (3) With the consent of the Treasury, the Secretary of State may from time to time by order in a statutory instrument increase the limit on the sums to be paid under subsection (2) above in respect of financial years beginning after that in which the order is made; but no such order shall be made unless a draft of it has been laid before the House of Commons and approved by a resolution of that House.
- (4) There shall be paid out of the Central Fund—
- (a) such sums as may in accordance with the scheme be due from time to time in respect of public lending right; and
  - (b) the administrative expenses of the Registrar and any other expenses and outgoings mentioned in this Act which are expressed to be payable from the Fund.
- (5) Money received by the Registrar in respect of property disposed of, or otherwise in the course of his functions, or under this Act, shall be paid into the Central Fund, except in such cases as the Secretary of State otherwise directs with the approval of the Treasury; and in any such case the money shall be paid into the Consolidated Fund.
- (6) The Registrar shall keep proper accounts and other records and shall prepare in respect of each financial year of the Fund statements of account in such form as the Secretary of State may direct with Treasury approval; and those statements shall, on or before 31st August next following the end of that year, be transmitted to the Comptroller and Auditor General, who shall examine and certify the statements and lay copies thereof, together with his report thereon, before each House of Parliament.

### **3 The scheme and its administration**

- (1) As soon as may be after this Act comes into force, the Secretary of State shall prepare the draft of a scheme for its purposes and lay a copy of the draft before each House of Parliament.
- (2) If the draft scheme is approved by a resolution of each House, the Secretary of State shall bring the scheme into force (in the form of the draft) by means of an order in a statutory instrument, to be laid before Parliament after it is made; and the order may provide for different provisions of the scheme to come into force on different dates.
- (3) The scheme shall be so framed as to make entitlement to public lending right dependent on, and its extent ascertainable by reference to, the number of occasions on which books are lent out from particular libraries, to be specified by the scheme or identified in accordance with provision made by it.
- (4) For this purpose, " library "—
  - (a) means any one of a local library authority's collections of books held by them for the purpose of being borrowed by the public ; and
  - (b) includes any such collection which is taken about from place to place.
- (5) The scheme may provide for requiring local library authorities—
  - (a) to give information as and when, and in the form in which, the Registrar may call for it or the Secretary of State may direct, as to loans made by them to the public of books in respect of which public lending right subsists, or of other books ; and
  - (b) to arrange for books to be numbered, or otherwise marked or coded, with a view to facilitating the maintenance of the register and the ascertainment and administration of public lending right.
- (6) The Registrar shall, by means of payments out of the Central Fund, reimburse to local library authorities any expenditure incurred by them in giving effect to the scheme, the amount of that expenditure being ascertained in accordance with such calculations as the scheme may prescribe.
- (7) Subject to the provisions of this Act (and in particular to the foregoing provisions of this section), the scheme may be varied from time to time by the Secretary of State, after such consultation as is mentioned in section 1(2) above, and the variation brought into force by an order in a statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament; and the variation may comprise such incidental and transitional provisions as the Secretary of State thinks appropriate for the purposes of continuing the scheme as varied.
- (8) The Secretary of State shall in each year prepare and lay before each House of Parliament a report on the working of the scheme.

### **4 The register**

- (1) The register shall be kept in such form, and contain such particulars of books and their authors, as may be prescribed.
- (2) No application for an entry in the register is to be entertained in the case of any book unless it falls within a class, description or category of books prescribed as one in respect of which public lending right subsists.

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*Status: This is the original version (as it was originally enacted).*

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- (3) The scheme shall provide for the register to be conclusive both as to whether public lending right subsists in respect of a particular book and also as to the persons (if any) who are for the time being entitled to the right.
- (4) Provision shall be included in the scheme for entries in the register to be made and amended, on application made in the prescribed manner and supported by prescribed particulars (verified as prescribed) so as to indicate, in the case of any book who (if any one) is for the time being entitled to public lending right in respect of it.
- (5) The Registrar may direct the removal from the register of every entry relating to a book in whose case no sum has become due by way of public lending right for a period of at least 10 years, but without prejudice to a subsequent application for the entries to be restored to the register.
- (6) The Registrar may require the payment of fees, according to prescribed scales and rates, for supplying copies of entries in the register; and a copy of an entry, certified under the hand of the Registrar or an officer of his with authority in that behalf (which authority it shall be unnecessary to prove) shall in all legal proceedings be admissible in evidence as of equal validity with the original.
- (7) It shall be an offence for any person, in connection with the entry of any matter whatsoever in the register, to make any statement which he knows to be false in a material particular or recklessly to make any statement which is false in a material particular; and a person who commits an offence under this section shall be liable on summary conviction to a fine of not more than £1,000.
- (8) Where an offence under subsection (7) above which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he (as well as the body corporate) shall be guilty of that offence and be liable to be proceeded against accordingly.

Where the affairs of a body corporate are managed by its members, this subsection applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

## 5 Citation, etc.

- (1) This Act may be cited as the Public Lending Right Act 1979.
- (2) In this Act any reference to " the scheme " is to the scheme prepared and brought into force by the Secretary of State in accordance with sections 1 and 3 of this Act (including the scheme as varied from time to time under section 3(7); and—
  - " local library authority " means—
    - (a) a library authority under the Public Libraries and Museums Act 1964,
    - (b) a statutory library authority within the Public Libraries (Scotland) Act 1955, and
    - (c) an Education and Library Board within the Education and Libraries (Northern Ireland) Order 1972;
  - " prescribed " means prescribed by the scheme;
  - " the register " means the register required by section 1(4) to be established and maintained by the Registrar; and

" the Registrar " means the Registrar of Public Lending Right.

- (3) This Act comes into force on a day to be appointed by an order made by the Secretary of State in a statutory instrument to be laid before Parliament after it has been made.
- (4) This Act extends to Northern Ireland.

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## SCHEDULE

Section 1(3).

## THE REGISTRAR OF PUBLIC LENDING RIGHT

- 1 The Registrar shall hold and vacate office as such in accordance with the terms of his appointment; but he may at any time resign his office by notice in writing addressed to the Secretary of State ; and the Secretary of State may at any time remove a person from the office of Registrar on the ground of incapacity or misbehaviour.
- 2 (1) There shall be paid to the Registrar out of money provided by Parliament such remuneration and allowances as the Secretary of State may determine with the approval of the Minister for the Civil Service.
- (2) In the case of any such holder of the office of Registrar as may be determined by the Secretary of State with that approval, there shall be paid out of money so provided such pension, allowance or gratuity to or in respect of him, or such contributions or payments towards provision of such a pension, allowance or gratuity, as may be so determined.
- 3 If, when a person ceases to hold office as Registrar, it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, there may (with the approval of the Minister for the Civil Service) be paid to him out of the Central Fund a sum by way of compensation of such amount as may be so determined.
- 4 In the House of Commons Disqualification Act 1975, in Part III of Schedule 1 (other disqualifying offices), the following shall be inserted at the appropriate place in alphabetical order—  
“Registrar of Public Lending Right  
  
and the like insertion shall be made in Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975.”;
- 5 (1) The Registrar of Public Lending Right shall be by that name a corporation sole, with a corporate seal.
- (2) He is not to be regarded as the servant or agent of the Crown.
- 6 The Documentary Evidence Act 1868 shall have effect as if the Registrar were included in the first column of the Schedule to that Act, as if the Registrar and any person authorised to act on his behalf were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any documents issued by the Registrar or by any such person.
- 7 (1) The Registrar may appoint such assistant registrars and staff as he thinks fit, subject to the approval of the Secretary of State as to their numbers ; and their terms and conditions of service, and the remuneration and allowances payable to them, shall be such as the Registrar may determine.
- (2) The Registrar may direct, in the case of persons appointed by him under this paragraph—
- (a) that there be paid to and in respect of them such pensions, allowances and gratuities as he may determine ;
  - (b) that payments be made towards the provision for them of such pensions, allowances and gratuities as he may determine ; and

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- (c) that schemes be provided and maintained (whether contributory or not) for the payment to and in respect of them of such pensions, allowances and gratuities as he may determine.
  - (3) Any money required for the payment of remuneration and allowances under this paragraph, and of pensions, allowances and gratuities, and otherwise for the purposes of sub-paragraph (2) above, shall be paid from the Central Fund.
  - (4) The approval of the Secretary of State and the Minister for the Civil Service shall be required for any directions or determination by the Registrar under this paragraph.
- 8      Anything authorised or required under this Act (except paragraph 7 of this Schedule), or by or under the scheme, to be done by the Registrar may be done by any assistant registrar or member of the Registrar's staff who is authorised generally or specially in that behalf in writing by the Registrar.