Legal Deposit Libraries Act 2003

2003 CHAPTER 28

Non-print publications

6 Regulations: deposit of non-print publications

(1) The Secretary of State may make regulations supplementing sections 1 and 2 as they apply to works published in media other than print.

(2) Regulations under this section may in particular—

(a) make provision about the time at which or the circumstances in which any deposit library becomes or ceases to be entitled to delivery under section 1;

(b) require the person mentioned in section 1(1) to deliver, with the copy of the work, a copy of any computer program and any information necessary in order to access the work, and a copy of any manual and other material that accompanies the work and is made available to the public;

(c) require delivery within a time prescribed by reference to publication or another event;

(d) permit or require delivery by electronic means;

(e) where a work is produced for publication in copies of differing quality, specify the quality of copies to be delivered;

(f) where a work is published or made available to the public in different formats, provide for the format in which any copy is to be delivered to be determined in accordance with requirements specified (generally or in a particular case) by the deposit libraries or any of them;

(g) make provision as to the circumstances in which works published on line are or are not to be treated as published in the United Kingdom;

(h) specify the medium in which a copy of a work published on line is to be delivered.

Commencement Information

I1 S. 6 partly in force; s. 6 in force at Royal Assent so far as confers power to make regulations, see s.16(1)

Status: *Point in time view as at 01/02/2004.*
Changes to legislation: *There are currently no known outstanding effects for the Legal Deposit Libraries Act 2003, Cross Heading: Non-print publications. (See end of Document for details)*

I2 S. 6 in force at 1.2.2004 in so far as not already in force by S.I. 2004/130, **art. 2**

7 Restrictions on activities in relation to non-print publications

(1) Subject to subsection (3), a relevant person may not do any of the activities listed in subsection (2) in relation to relevant material.

(2) The activities are—

(a) using the material (whether or not such use necessarily involves the making of a temporary copy of it);

(b) copying the material (other than by making a temporary copy where this is necessary for the purpose of using the material);

(c) in the case of relevant material comprising or containing a computer program or database, adapting it;

(d) lending the material to a third party (other than lending by a deposit library to a reader for use by the reader on library premises controlled by the library);

(e) transferring the material to a third party;

(f) disposing of the material.

(3) The Secretary of State may by regulations make provision permitting relevant persons to do any of the activities listed in subsection (2) in relation to relevant material, subject to such conditions as may be prescribed.

(4) Regulations under this section may in particular make provision about—

(a) the purposes for which relevant material may be used or copied;

(b) the time at which or the circumstances in which readers may first use relevant material;

(c) the description of readers who may use relevant material;

(d) the limitations on the number of readers who may use relevant material at any one time (whether by limiting the number of terminals in a deposit library from which readers may at any one time access an electronic publication or otherwise).

(5) In this section—

(a) "reader" means a person who, for the purposes of research or study and with the permission of a deposit library, is on library premises controlled by it;

(b) "relevant material" means—

(i) a copy delivered under section 1 of a work published in a medium other than print;

(ii) a copy delivered pursuant to regulations under section 6 of a computer program or material within section 6(2)(b);

(iii) a copy of a work to which section 10(6) applies;

(iv) a copy (at any remove) of anything within any of sub-paragraphs (i) to (iii);

(c) "relevant person" means—

(i) a deposit library or person acting on its behalf;

(ii) a reader;

(d) references to a deposit library include references to the Faculty of Advocates.

(6) A contravention of this section is actionable at the suit of a person who suffers loss as a result of the contravention, subject to the defences and other incidents applying to actions for breach of statutory duty.

Commencement Information

I3 S. 7 partly in force; s. 7 in force at Royal Assent so far as confers power to make regulations, see s.16(1)

I4 S. 7 in force at 1.2.2004 in so far as not already in force by S.I. 2004/130, **art. 2**

8 Activities in relation to non-print publications: copyright etc.

(1) In Chapter 3 of Part 1 of the 1988 Act (acts permitted in relation to copyright works), after section 44 insert—

"44A Legal deposit libraries

(1) Copyright is not infringed by the copying of a work from the internet by a deposit library or person acting on its behalf if—

(a) the work is of a description prescribed by regulations under section 10(5) of the 2003 Act,

(b) its publication on the internet, or a person publishing it there, is connected with the United Kingdom in a manner so prescribed, and

(c) the copying is done in accordance with any conditions so prescribed.

(2) Copyright is not infringed by the doing of anything in relation to relevant material permitted to be done under regulations under section 7 of the 2003 Act.

(3) The Secretary of State may by regulations make provision excluding, in relation to prescribed activities done in relation to relevant material, the application of such of the provisions of this Chapter as are prescribed.

(4) Regulations under subsection (3) may in particular make provision prescribing activities—

(a) done for a prescribed purpose,

(b) done by prescribed descriptions of reader,

(c) done in relation to prescribed descriptions of relevant material,

(d) done other than in accordance with prescribed conditions.

(5) Regulations under this section may make different provision for different purposes.

(6) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this section—

(a) "the 2003 Act" means the Legal Deposit Libraries Act 2003;

(b) "deposit library", "reader" and "relevant material" have the same meaning as in section 7 of the 2003 Act;

(c) "prescribed" means prescribed by regulations made by the Secretary of State."

(2) In Part III of the Copyright and Rights in Databases Regulations 1997 (S.I. 1997/3032) (database right), after Regulation 20 insert—

"20A **Exceptions to database right: deposit libraries**

(1) Database right in a database is not infringed by the copying of a work from the internet by a deposit library or person acting on its behalf if—

(a) the work is of a description prescribed by regulations under section 10(5) of the 2003 Act,

(b) its publication on the internet, or a person publishing it there, is connected with the United Kingdom in a manner so prescribed, and

(c) the copying is done in accordance with any conditions so prescribed.

(2) Database right in a database is not infringed by the doing of anything in relation to relevant material permitted to be done under regulations under section 7 of the 2003 Act.

(3) Regulations under section 44A(3) of the 1988 Act exclude the application of paragraph (2) in relation to prescribed activities in relation to relevant material as (and to the extent that) they exclude the application of section 44A(2) of that Act in relation to those activities.

(4) In this Regulation—

(a) "the 2003 Act" means the Legal Deposit Libraries Act 2003;

(b) "deposit library" and "relevant material" have the same meaning as in section 7 of the 2003 Act."

Commencement Information

I5 S. 8 partly in force; s. 8 in force at Royal Assent so far as confers power to make regulations, see s. 16(1)

I6 S. 8 in force at 1.2.2004 in so far as not already in force by S.I. 2004/130, **art. 2**

Status:
Point in time view as at 01/02/2004.

Changes to legislation:
There are currently no known outstanding effects for the Legal Deposit Libraries Act 2003, Cross Heading: Non-print publications.