

# LEGAL DEPOSIT LIBRARIES ACT 2003

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Duty to Deposit*

##### *Section 1: Deposit of publications*

9. This section imposes a duty on publishers to deposit any published material with the deposit library (or libraries) that is (or are) entitled to receive a copy of that material in the medium in which it is published (except for on-line publications, where the medium of deposit may be specified in regulations under section 6(2)(h)). Such deposit must be at an address in the United Kingdom to be specified by the library (or else, in the case of electronic material, at an electronic address).
10. The section describes the types of printed material that must be deposited, and provides that non-print works that are prescribed by Regulations must also be deposited. Subsection (5) addresses the issues of sound and film recordings, and means that there are limited circumstances under which these will be covered: when they are incidental features of the main body of a work and not its purpose.

##### *Section 2: New and alternative editions*

11. This section addresses the issue of duplicate publications. The effect of subsection (1) is that it is not necessary to deposit a new edition of a work if it is substantially the same as one already published in the same medium. Subsection (3) enables the Secretary of State to determine the circumstances under which a work is to be considered 'substantially the same' as a previously published work and subsection (2) enables her to determine which medium should be deposited where the same work is published (or works that are substantially the same are published) in different media.

##### *Section 3: Enforcement*

12. This section lays out those measures that can be taken if a publisher fails to deposit. The library will be able to apply to the county court (or to the sheriff court in Scotland) for an order requiring deposit. In those instances where such an order would not be effective or appropriate, the court may make an order requiring the publisher to make a payment of not more than the cost of making good the failure to comply.