

LEGAL DEPOSIT LIBRARIES ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Regulations

Section 11: Regulations: general

29. This enables different provisions to be made for different purposes, including for different media, descriptions of work, deposit libraries and areas, and allows for regulations applying only in some cases or subject to exceptions. Regulations may not be made unless the Secretary of State has consulted the deposit libraries and the publishers likely to be affected. In addition the Secretary of State intends to establish an advisory panel made up of members of the deposit libraries, the publishing industry and others, to advise her on all aspects of the regulations.
30. Regulations applying the Act to non-print material (made under *section 1(4)* and under *section 6*) must not apply to works published before the regulations are made.
31. Regulations applying the Act to non-print material and those dealing with duplicate works (made under *section 2*) may only be made where the Secretary of State considers that the costs likely to be incurred by the publishers are not disproportionate to the benefit to the public arising from the deposit of the works.
32. Regulations applying the Act to non-print material, dealing with duplicate works, dealing with use of the material (under *section 7*), or providing for web harvesting (under *section 10(5)*) may only be made where the Secretary of State considers that they do not unreasonably prejudice the interests of the publishers.
33. All regulations must be approved in draft by both Houses of Parliament before being made.

Section 12: Regulations: Scotland and Wales

34. Regulations may not be made without the consent of the National Assembly for Wales or the Scottish Ministers, where the regulations remove or do not confer entitlements on the National Library of Wales or Scotland, respectively. There will be no obligation to obtain that consent in relation to electronic publications where the National Libraries (or the Faculty of Advocates in the case of legal publications) have access to the publications by electronic means.
35. In all other cases the National Assembly and the Scottish Ministers must be consulted if the regulations would affect the National Libraries in any way.

Section 13: Regulations: Trinity College, Dublin

36. Publishers can only be required to deposit non-print material with Trinity College, Dublin if the Secretary of State is satisfied that restrictions on use of the material under Irish law are not substantially less than those provided by *section 7*, that the protections of intellectual property rights in the material under Irish law is not substantially less than

*These notes refer to the Legal Deposit Libraries Act 2003 (c.28)
which received Royal Assent on 30 October 2003*

that provided under the laws of any part of the United Kingdom, and that the protection from liability under Irish law is not substantially less than that provided by *subsections (3) and (4) of section 10*.