Legal Deposit Libraries Act 2003

2003 CHAPTER 28

Non-print publications

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

I1 S. 8 partly in force; s. 8 in force at Royal Assent so far as confers power to make regulations, see s. 16(1)

I2 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, Section 8.