



Digital Economy Act 2017

2017 CHAPTER 30

PART 4

INTELLECTUAL PROPERTY

31 Lending of e-books by public libraries

- (1) In section 5(2) of the Public Lending Right Act 1979 (interpretation) for the definition of “lent out” substitute—

““lent out” means made available to a member of the public for use away from library premises for a limited time (including by being communicated by means of electronic transmission to a place other than library premises) and “loan” and “borrowed” are to be read accordingly;”.

- (2) Section 40A of the Copyright, Designs and Patents Act 1988 (lending of copies by libraries or archives) is amended as follows.

- (3) After subsection (1) insert—

“(1ZA) Subsection (1) applies to an e-book or an e-audio-book only if—

- (a) the book has been lawfully acquired by the library, and
- (b) the lending is in compliance with any purchase or licensing terms to which the book is subject.”

- (4) In subsection (1A)—

(a) for “subsection (1)” substitute “subsections (1) and (1ZA)”;

(b) after paragraph (a) insert—

“(aa) “e-audio-book” means an audio-book (as defined in paragraph (a)) in a form enabling lending of the book by electronic transmission.”.