
STATUTORY INSTRUMENTS

1991 No. 2618

LIBRARIES

**The Public Lending Right Scheme 1982
(Commencement of Variations) Order 1991**

<i>Made</i>	- - - -	<i>19th November 1991</i>
<i>Laid before Parliament</i>		<i>21st November 1991</i>
<i>Coming into force</i>	- -	<i>18th December 1991</i>

Whereas the Public Lending Right Scheme 1982(1) (“the Scheme”) was brought into force on 14 June 1982;

Whereas the Scheme has been varied(2);

And whereas the Lord President of the Council has, after consultation with the representatives of authors and library authorities and of others who appear likely to be affected, further varied the scheme;

Now therefore, the Lord President of the Council, in exercise of the powers conferred by section 3(7) of the Public Lending Right Act 1979(3) and now vested in him(4), hereby makes the following Order:—

1. This Order may be cited as the Public Lending Right Scheme 1982 (Commencement of Variations) Order 1991.

2. The variations in the Public Lending Right Scheme 1982 which were made on 19th November 1991 by the Lord President of the Council and are set out in the Appendix to this Order shall come into force on 18th December 1991

19th November 1991

John MacGregor
Lord President of the Council

(1) The Scheme is set out in the Appendix to S.I.1982/719

(2) The variations were brought into force by S.I. 1983/480, 1688, 1984/1847, 1985/1581, 1986/2001, 2103, 1987/1908, 1988/2070, 1989/2188, 1990/2360; the Scheme as varied is set out in Appendix 2 to S.I. 1990/2360.

(3) 1979 c. 10

(4) S.I. 1979/907, 1981/207, 1983/879, 1984/1814, 1986/600

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

APPENDIX

VARIATIONS IN THE PUBLIC LENDING RIGHT SCHEME 1982 MADE BY THE LORD PRESIDENT OF THE COUNCIL ON 19TH NOVEMBER 1991

1. Article 4 of the Public Lending Right Scheme 1982 (“the Scheme”) shall be varied:—
 - (a) in paragraph (1)(a)(ii) by inserting after the words “whichever is the less” the words—

“, or who is entitled to a royalty payment from the publisher in respect of the book”;
 - (b) in paragraph (2) by substituting for sub-paragraph (b) the following new sub-paragraphs—

“(b) is evidenced by his entitlement to a royalty payment from the publisher in respect of the book; or

(c) in the case of a book without a title page, is evidenced—

 - (i) by his being named elsewhere in the book and in the view of the Registrar his contribution to the book was such that he would have merited a mention on the title page had there been one, or
 - (ii) by his entitlement to a royalty payment from the publisher in respect of the book; or
 - (d) is evidenced by a statement, signed by all the other authors of the book in respect of whom the fact that they are authors of the book is evidenced in accordance with paragraphs (a) to (c), that his contribution to the book was such that it is appropriate that he should be treated as an author of the book and the Registrar is satisfied that it is appropriate so to treat him.”
2. Article 6 of the Scheme shall be varied in paragraph (2) by deleting sub-paragraph (b).
3. Article 46 of the Scheme shall be varied in paragraph (1)(a) by substituting “1.81p” for “1.37p”.
4. Schedule 1 to the Scheme shall be varied in Part I by substituting for paragraph 2 the following new paragraph—

“2. The name of every author (within the meaning of article 4) and the evidence on which each author relies for the purpose of being treated as an author in accordance with article 4(2).”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 18th December 1991 variations to the Public Lending Right Scheme 1982.

The Appendix to the Order sets out the variations which are principally to the provisions relating to the persons who are to be treated as authors and to the eligibility of books under the Scheme.

Editors and compilers are to be treated as authors even where they have not contributed 10 pages of text or 10 per cent of the book as formerly required if they are entitled to a royalty payment in respect of the book (paragraph 1(a)).

The rules as to the evidence to be submitted to show that a person is an author are extended. A writer, translator, editor or compiler or illustrator of a book who is not mentioned on the title page but receives a royalty payment from a book's publishers is to be treated as an author. Such a person is also to be treated as an author in respect of books which do not have a title page, if the person is named elsewhere in the book and his contribution would in the Registrar's view have merited such a credit on the title page, or if he receives a royalty payment. Finally, if such a person is unable to prove his authorship under any of these rules a statement signed by all his co-authors who can so prove their authorship that he should be treated as an author will be accepted as evidence by the Registrar where he considers it appropriate to do so (paragraph 1(b)). There is a consequential amendment amending the information to be supplied to the Registrar on the first registration (paragraph 4).

The former rule that books are ineligible if more than three authors are named on the title page is abolished (paragraph 2).

The sum attributable to each qualifying loan for the purposes of calculating the amount payable in respect of loans of a particular book is increased from 1.37p to 1.81p (paragraph 3).