

2005 No. 1519

LIBRARIES

The Public Lending Right Scheme 1982 (Commencement of Variations) Order 2005

<i>Made</i> - - - -	<i>6th June 2005</i>
<i>Laid before Parliament</i>	<i>8th June 2005</i>
<i>Coming into force</i> -	<i>1st July 2005</i>

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

Whereas the Scheme has been varied(b);

And whereas the Secretary of State, after consultation with representatives of authors and library authorities and of others who appear likely to be affected, has further varied the Scheme;

Now the Secretary of State, in exercise of the powers conferred by section 3(7) of the Public Lending Right Act 1979(c) and now vested in her(d) hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Public Lending Right Scheme 1982 (Commencement of Variations) Order 2005 and shall come into force on 1st July 2005.

Commencement of variations

2. As regards the variations to the Scheme which were made on 6th June 2005—

- (a) those which are set out in Part 1 of the Appendix to this Order shall come into force on 1st July 2005; and
- (b) those which are set out in Part 2 of that Appendix shall come into force on 1st September 2006.

(a) The Scheme was initially set out in the Appendix to S.I. 1982/719.
(b) By virtue of article 2 of SI 1990/2360, on and after 27th December 1990 the Scheme had effect as set out in Appendix 2 to that Order. Subsequent variations to the Scheme were set out in S.I. 1991/2618; S.I.1996/1338; S.I.1997/1576; S.I. 1998/1218; S.I. 1999/420; S.I. 1999/1042; S.I.2002/3135; S.I. 2004/1258; and S.I. 2004/3128.
(c) 1979 c.10.
(d) The Secretary of State’s functions under the Public Lending Right Act 1979 were transferred to the Chancellor of the Duchy of Lancaster by S.I. 1979/907; from the Chancellor to the Secretary of State by S.I. 1981/207; from the Secretary of State to the Lord President of the Council by S.I. 1983/879; from the Lord President to the Chancellor of the Duchy of Lancaster by S.I. 1984/1814; from the Chancellor to the Lord President by S.I. 1986/600; and from the Lord President to the Secretary of State by S.I. 1992/1311.

6th June 2005

David Lammy
Minister for Culture
Department for Culture, Media and Sport

APPENDIX

PART 1

Variations in the Public Lending Right Scheme 1982 made by the Secretary of State having effect from 1st July 2005

1. In Article 38(a) of the Scheme (designation of sampling points), in paragraph (2)—
 - (a) in sub-paragraph (f), for “8” there shall be substituted “7”; and
 - (b) in sub-paragraph (g), after “years” there shall be added “, unless it is in Group H in Schedule 2”.

PART 2

Variations in the Public Lending Right Scheme 1982 made by the Secretary of State having effect from 1st September 2006

2. In paragraph (2)(b) of Article 46 of the Scheme, “£6,600” shall be substituted for “£6,000” in both places where it appears.
3. In paragraph (3) of that Article(b), “£1” shall be substituted for “£5”.

(a) SI 1996/1338 sets out variations to Article 38 that are not relevant to this Order.
(b) Article 46(3) was varied as set out in paragraph 6 of the Appendix to S.I. 1997/1576.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the variations to the Public Lending Right Scheme 1982 made by the Secretary of State on 6th June 2005.

The variations in Part 1 of the Appendix to this Order are brought into force on 1st July 2005, and those in Part 2 of the Appendix are brought into force on 1st September 2006.

The Public Lending Right Scheme provides for payments to be made to authors based on the number of times their books are lent out by public libraries. The variations in Part 1 of the Appendix take account of changes in the way in which statistics as to the number of loans made in Group H are collected. Group H is made up of all the local library authorities in Northern Ireland. Generally, the Scheme provides for payments to authors to be made on the basis of a calculation of notional loans from a number of sample libraries. Now, in Group H, records of loans from almost every library will be used, rather than records of loans from a smaller number of sample libraries (“sampling points”). This system will not, however, collect data from the very smallest libraries.

As a result, the requirement that sampling points should change periodically is no longer needed in Group H. Thus, the minimum number of sampling points which (by virtue of Article 38(2)(f) of the Scheme) must be replaced by new sampling points in any sampling year is reduced from 8 to 7 (paragraph 1(a) of Part 1 of the Appendix), and the requirement in Article 38(2)(g) that no operative sampling point will remain as such for a continuous period of more than four years will be disapplied in relation to Group H (paragraph 1(b)).

The amendment in paragraph 2 of Part 2 of the Appendix increases the upper limit of payments to any one individual author from £6,000 to £6,600. The amendment in paragraph 3 decreases the lower threshold at which registered authors are entitled to receive their registered interest from £5 to £1.

The impact of this Order on business, charities and the voluntary sector is negligible and for that reason no Regulatory Impact Assessment is required to accompany it.

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£3.00

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Stationery Office and Queen's Printer of Acts of Parliament.

E0905 6/2005 150905T 19585

ISBN 0-11-072923-4



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