

LEGAL DEPOSIT LIBRARIES ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Non-Print Publications

Section 6: Regulations: deposit of non-print publications

15. This defines the regulations that the Secretary of State can make in relation to the deposit of non-print material. *Subsection (1)* gives a general power to the Secretary of State to make regulations regarding the duty to deposit non-print material. *Subsection (2)* sets out some particular things that the Secretary of State may include in regulations: to determine how and when a non-print publication must be deposited; an obligation to provide the information necessary to make the work accessible; the timing of deposit; the means of delivery of the work; the quality of the copy; the format of deposit (where a work is published in different formats); provision to determine which on-line publications are to be considered as published in the UK (and can therefore be subject to the duty to deposit under section 1(1)); and provision specifying the medium in which such publications are to be delivered.

Section 7: Restrictions on activities in relation to non-print publications

16. This provides that the libraries, persons acting on their behalf and readers may not do any of the activities listed in *subsection (2)* – using the material, copying it, adapting any accompanying computer program or database, lending it to a third party, transferring it to a third party, disposing of it – unless authorised by regulations.
17. Under *subsection (4)* those regulations may in particular make provision about the purposes for which the deposited material may be used; the time at which readers may first use the material (thereby allowing embargoes to be established); the description of readers that may use the material and limitations on the number of readers that may use the material at any one time (which will enable cross-library limits to be imposed if there is a secure network, in addition to limiting the number of people that may access the material simultaneously in any particular library).
18. *Subsection (5)(d)* provides that the Faculty of Advocates, which acts as the deposit library for legal publications in Scotland, is deemed to be a deposit library for these purposes in respect of the legal publications it holds.
19. *Subsection (6)* provides that a contravention of the section will be actionable as a breach of statutory duty.

Section 8: Activities in relation to non-print publications

20. This section inserts section 44A, a new exception to copyright, into Chapter 3 of Part 1 of the Copyright, Designs and Patents Act 1988 so that activities permitted by regulations made under section 7 will not infringe copyright. As non-print material may also or alternatively be protected by database right, this section additionally inserts a new exception to database right into the [Copyright and Rights in Databases Regulations](#)

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

1997 (SI 1997/3032) in respect of activities permitted by regulations made under section 7.

21. New section 44A also provides a power to make regulations under the 1988 Act to stop one or more of the exceptions to copyright in Chapter 3 of Part 1 of the Act applying, or restrict the way they apply, to non-print material covered by section 7. These regulations could be used to ensure that copyright exceptions apply no more generously to deposited material than to material that has been purchased, for example, copyright material published online which may only be available in normal libraries under a contract that removes the ability to enjoy some copyright exceptions, so that all readers must pay for any material they copy.