
STATUTORY INSTRUMENTS

2013 No. 777

The Legal Deposit Libraries (Non-Print Works) Regulations 2013

PART 3

Deposit

Non-print work to which the Act applies

13.—(1) The Act applies to the following descriptions of work published in a medium other than print—

- (a) work that is published off line, and
- (b) work that is published on line.

(2) But, the descriptions of work prescribed in paragraph (1) do not include—

- (a) work consisting only of—
 - (i) a sound recording or film⁽¹⁾ or both, or
 - (ii) such material and other material which is merely incidental to it;
- (b) work which contains personal data and which is only made available to a restricted group of persons; or
- (c) work published before these Regulations were made.

(3) The description of work that is prescribed for the purposes of section 10(5)(a) of the Act is work that is published on the internet and that does not fall within the description given in paragraph (2)(a) or (b).

New and alternative editions

14.—(1) Where substantially the same work is published in the United Kingdom in print and in one or more non-print media, the duty under section 1(1) of the Act applies only in relation to its publication in print unless the publisher and the deposit library agree that instead the duty under section 1(1) of the Act applies in relation to its publication in one of the non-print media in which the work is published.

(2) Where substantially the same work is published in the United Kingdom in two or more non-print media (and is not published in print), the publisher and the deposit library may agree one of those non-print media as the medium in relation to which the duty under section 1(1) of the Act applies and, in the absence of agreement, the publisher may decide the non-print medium (which must be one in which the work is published) in relation to which the duty under section 1(1) of the Act applies.

(1) “Film” is defined in section 14 of the Act.

Entitlement to delivery: off line work

15.—(1) The British Library Board is entitled to delivery under section 1 of the Act of a copy of every work published off line.

(2) A copy must be delivered to the British Library Board within one month beginning with the day of publication.

(3) Each deposit library other than the British Library Board is entitled to delivery under section 1 of the Act of a copy of any work published off line which it requests.

(4) The following provisions apply to a request made under paragraph (3)—

(a) it must be in writing;

(b) it must be made—

(i) within 12 months beginning with the day of publication, or

(ii) (in relation to a work published off line that is subject to the exemption in regulation 4) if later, by 30 April 2014;

(c) it may be made before publication;

(d) it may relate to all future numbers or parts of an encyclopaedia, newspaper, magazine or other non-print work.

(5) The copy must be delivered within one month beginning with—

(a) the day of publication, or

(b) if later, the day on which the request is received.

(6) The copy delivered pursuant to paragraphs (1) and (3) must be of a quality most suitable for the preservation of the work.

(7) The quality most suitable for the preservation of the work may be as agreed between the publisher and the deposit library or, in the absence of agreement, a quality which the publisher decides.

(8) Each deposit library must give a receipt in writing for the copies of work published off line that it receives.

Entitlement to delivery: on line work

16.—(1) Each deposit library is entitled to delivery under section 1 of the Act of a copy of any work published on line which it requests provided that such a request is made in accordance with paragraph (2) or (3).

(2) Where there is an agreement between a publisher and a deposit library regarding the method by which a work, or works of a particular description, will be delivered—

(a) the request for delivery of the work must be made in writing; and

(b) the work must be delivered to the deposit library by the agreed method within one month of the request being made, and must be of a quality which is most suitable for its preservation.

(3) Where no such agreement is in place, any request for delivery of a work must be made by the deposit library by means of a web harvester from one or more IP addresses dedicated for the purpose of making requests under this paragraph to the IP address from which the work is made available to the public.

(4) A request by a deposit library under paragraph (3) made in respect of a webpage which contains a login facility will be deemed to be a request for the work or works available behind that login facility provided that the deposit library has given the publisher at least one month's notice in writing before making the request.

(5) Delivery of a work requested under paragraph (3) must be by electronic means and by automated response to the request made by the web harvester.

(6) When making a request under paragraph (3) for work or works available behind a login facility, a deposit library must use any relevant login details provided to it by the publisher.

(7) A deposit library must not use such login details for any purpose except for compliance with these Regulations.

(8) For the purposes of paragraph (2)(b), the quality most suitable for the preservation of a work shall be such as may be agreed between the publisher and the deposit library or, in the absence of agreement, shall be decided by the publisher.

Delivery of additional information

17. The publisher of a work delivered under regulation 15 or regulation 16(2) must deliver at the same time—

- (a) a copy of any computer program or any other data or information necessary to access the work; and
- (b) a copy of any manual and other material that accompanies the work and is made available to the public.

On line work: published in the United Kingdom

18.—(1) Subject to paragraph (2), a work published on line shall be treated as published in the United Kingdom if—

- (a) it is made available to the public from a website with a domain name which relates to the United Kingdom or to a place within the United Kingdom; or
- (b) it is made available to the public by a person and any of that person's activities relating to the creation or the publication of the work take place within the United Kingdom.

(2) A work published on line shall not be treated as published in the United Kingdom if access to the work is only made available to persons outside the United Kingdom.

(3) Where work is published on the internet and the publication of that work or a person publishing it there is connected with the United Kingdom in the manner prescribed in paragraphs (1) and (2), that manner of connection with the United Kingdom is also prescribed for the purposes of section 10(5)(b) of the Act.