

2021 No. 684

LIBRARIES, NORTHERN IRELAND

The Public Lending Right Scheme 1982 (Commencement of Variations) (Northern Ireland) Order 2021

<i>Made</i> - - - -	<i>7th June 2021</i>
<i>Laid before Parliament</i>	<i>10th June 2021</i>
<i>Coming into force</i> - -	<i>1st July 2021</i>

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

The Scheme has been varied(b);

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;

Accordingly, the Secretary of State, in whom the power conferred by section 3(7) of the Public Lending Right Act 1979(c) is now vested(d), makes the following Order in exercise of that power:

Citation and extent

1.—(1) This Order may be cited as the Public Lending Right Scheme 1982 (Commencement of Variations) (Northern Ireland) Order 2021.

(2) This Order extends to Northern Ireland only(e).

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- (a) The Scheme is set out in the Appendix to the Public Lending Right Scheme 1982 (Commencement) Order 1982 (S.I. 1982/719).
- (b) Variations to the Scheme have been brought into force by subsequent Orders. Appendix 2 to S.I. 1990/2360 sets out the Scheme as varied with effect from 27th December 1990. Further relevant variations to the Scheme have been brought into force by S.I. 2013/2352 and 2018/691. Other variations to the Scheme have been made, but they are not relevant to this Order.
- (c) 1979 c. 10. The Act is amended by section 31 of the Digital Economy Act 2017 (c. 30) and was previously amended by section 43 of the Digital Economy Act 2010 (c. 24). There are other amendments to the Act but none are relevant to this Order.
- (d) The functions under section 3(7) of the Public Lending Right Act 1979 were originally vested in the Secretary of State and, after a series of transfer of functions orders (S.I. 1979/907, 1981/207, 1983/879, 1984/1814 and 1986/600), they were transferred back to the Secretary of State by virtue of article 3(1) of and Schedule 1 to the Transfer of Functions (National Heritage) Order 1992 (S.I. 1992/1311).
- (e) Section 31 of the Digital Economy Act 2017 amends section 5(2) of the Public Lending Right Act 1979 to extend the public lending right to remote e-lending of e-books and audio-books. Section 31 of the Digital Economy Act 2017 was commenced for England and Wales and Scotland on 1st July 2018 (S.I. 2018/690) and is commenced for Northern Ireland with effect from 30th June 2021 (S.I. 2021/680). The variations brought into force by this Order are consequential on the amendments made to section 5(2) of the Public Lending Right Act 1979 by section 31 of the Digital Economy Act 2017.

Commencement of variations

2. The variations in the Public Lending Right Scheme 1982 that are set out in the Appendix to this Order come into force on 1st July 2021.

7th June 2021

Caroline Dinéage
Minister of State for Digital and Culture
Department for Digital, Culture, Media and Sport

Appendix

Article 2

Variations in the Public Lending Right Scheme 1982 relating to remote e-lending of books coming into force in Northern Ireland on 1st July 2021

1. In article 36 (special definitions)—

(a) for the definition of “loans”, substitute—

““loans” means loans whereby books are made available to a member of the public from a service point for use away from that service point for a limited time (including by being communicated by means of electronic transmission to a place other than a service point) and includes books not normally held at that service point; and “lent out” is to be read accordingly;” and

(b) for the definition of “service point”, substitute—

““service point” means a place or website from which books comprised in a library are made available to the public.”.

2. In article 42 (method of determining the number of notional loans), in paragraph (3), subparagraph (b), after “record loans of a” insert the word “physical”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st July 2021 variations to the Public Lending Right Scheme 1982 (“the Scheme”) made by the Secretary of State.

The Public Lending Right Act 1979 (the “1979 Act”) confers a right for authors (known as “the public lending right”) to receive payments out of a central fund, based on the number of times their books are lent out by public libraries in the United Kingdom. The public lending right is administered in accordance with the Scheme.

The Scheme is being varied as a result of the extension of the public lending right to include remote loans of e-books and audio-books from public libraries, which comes into force in Northern Ireland on 30th June 2021.

In article 36 of the Scheme, the definitions of “loans” and “service points” are amended to reflect the extension of the public lending right to remote lending of e-books and audio-books, following amendments to the definition of “lent out” in the 1979 Act (made by section 31 of the Digital Economy Act 2017). Article 42(3)(b) is varied to restrict the operation of this provision to loans of physical books and audio-books. These variations were made to the Scheme for England and Wales and Scotland with effect from 1st July 2018, and are now being extended to Northern Ireland.

A full impact assessment has not been produced for this instrument, as no, or no significant, impact on the private, voluntary or public sector is foreseen.

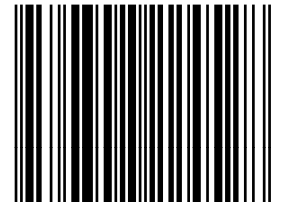
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