

# LEGAL DEPOSIT LIBRARIES ACT 2003

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Exemption from liability*

#### *Section 10: Exemption from liability: activities in relation to publications*

23. The effect of this section is that any liability of deposit libraries for defamation resulting from activities relating to deposited material within the libraries will arise only where they know or ought to know that the material is defamatory, and have had a reasonable time to prevent that use.
24. A publisher will not be liable for defamation arising out of activities relating to the material within the libraries unless it knows or ought to know that the material is defamatory, and has had a reasonable opportunity to inform the libraries of this, but has not done so.
25. *Subsection (5)* makes provision for regulating “web harvesting” by deposit libraries, that is copying material directly from the internet. Where the copying is in accordance with regulations under this subsection, the restrictions and exemptions created by sections 7 and 8 and *subsection (6)* of this section will apply. The regulations will set out the description of works that may be so copied (which must have a connection with the United Kingdom), and any conditions imposed on the copying.
26. Under *subsection (6)*, only the libraries can be liable for defamation arising out of material so copied, and they will only be liable in the same circumstances as for material that is deposited.
27. To ensure, where necessary, that depositors of publications do not incur additional liabilities as a consequence of access through deposit libraries, *subsection (8)* enables the Secretary of State to make regulations extending the exemption from liability for defamation to other liabilities.
28. *Subsection (10)* provides that the section does not impose any liability. So it does not make any deposit library liable for defamation arising out of accessing this material.