

1989 No. 2188

LIBRARIES

GENERAL

**The Public Lending Right Scheme 1982
(Commencement of Variations) Order 1989**

Made - - - - - *22nd November 1989*

Laid before Parliament *30th November 1989*

Coming into force - *21st December 1989*

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 Lord President of the Council has, after consultation with representatives of authors and library authorities and of others who appear likely to be affected, further varied the Scheme;

Now therefore, the Lord President of the Council, in exercise of the powers conferred by section 3(7) of the Public Lending Right Act 1979(c) and now vested in him(d), hereby makes the following Order:-

1. This Order may be cited as the Public Lending Right Scheme 1982 (Commencement of Variations) Order 1989.

2. The variations in the Public Lending Right Scheme 1982 which were made on the 22nd November 1989 by the Lord President of the Council and are set out in the Appendix to this Order shall come into force on 21st December 1989.

22nd November 1989

Geoffrey Howe
Lord President of the Council

(a) The Scheme is set out in the Appendix to S.I. 1982/719.
(b) The Scheme as varied is set out in Appendix 2 to S.I. 1988/2070.
(c) 1979 c.10.
(d) S.I. 1979/907, 1981/207, 1983/879, 1984/1814, 1986/600.

APPENDIX

VARIATIONS IN THE PUBLIC LENDING SCHEME 1982

MADE BY THE LORD PRESIDENT OF THE COUNCIL ON 22nd NOVEMBER 1989

1. Article 2 of the Public Lending Right Scheme 1982 ("the Scheme") shall be varied in paragraph (1)-
 - (a) by substituting "6A" for "5A" in the definition of "posthumously eligible book"; and
 - (b) by substituting "5A" for "6A" in the definition of "posthumously eligible person".

2. Article 9A(4) of the Scheme shall be varied by inserting "or in accordance with Article 17(2) in the application for first registration of an eligible author's share of the Right" after "first Registration of the Right".

3. Article 17 of the Scheme shall be varied:-
 - (a) by inserting "or" after "such," in paragraph (1)(c)(ii);
 - (b) by inserting " , or" after "entitled" in paragraph (1)(c)(iii);
 - (c) by inserting after paragraph (1)(c)(iii) the following new paragraph-
 - "(iv) the application is made by an author of the book and he specifies that he is making the application otherwise than wholly or partly in the capacity of translator, editor, or compiler of the book, and-
 - (aa) there is at the date of the application an effective agreement or arrangement between each person who is an author of the book (including any author who is not an eligible person or who does not wish to register);
 - (bb) each such person is a party to the agreement or arrangement otherwise than wholly or partly in the capacity of translator, editor or compiler of the book; and
 - (cc) the agreement or arrangement relates to the apportionment of shares of Public Lending Right in the book or, where there is any eligible person who would be entitled to a share of the Right by virtue of being a translator, editor, or compiler, to the apportionment of shares in such proportion of the Right as would remain after taking account of any such entitlement.";
 - (d) by deleting "and" after "registry" in paragraph (2)(a);
 - (e) by inserting " , and" after "concerned" in paragraph (2)(b);
 - (f) by inserting after paragraph (2)(b) the following new sub-paragraph-
 - "(c) shall, when made by an author otherwise than wholly or partly in the capacity of translator, editor or compiler of the book, satisfy the requirements of paragraph (1)(c)(iv)."

4. Notwithstanding anything in paragraph 11 of Appendix 1 to the Public Lending Right Scheme 1982 (Commencement of Variations) Order 1988, the article 17B there set out shall stand immediately after article 17A of the Scheme.

5. Article 18 of the Scheme shall be varied:-
 - (a) by deleting "or" in paragraph (b);
 - (b) by deleting "that" in paragraph (c) and inserting "and" after "so," in the same paragraph;
 - (c) by inserting after paragraph (c) the following new paragraph-
 - "(d) where such an application as is mentioned in article 17(1)(c)(iv) has been made in accordance with paragraph (1) or (2) of that article-
 - (i) there is such an agreement or arrangement as is mentioned in article 17(1)(c)(iv), and
 - (ii) the share of Public Lending Right of the person making the application is as specified in that agreement or arrangement."

6. Article 46 of the Scheme shall be varied by:-
 - (a) substituting "1.39p" for "1.45p" in paragraph (1)(a);
 - (b) inserting after "of the same author" in paragraph (1)(b) the words "or were interests registered by the personal representatives of the same author.";
 - (c) inserting after "of the same author" in paragraph (2)(b) the words "or were interests registered by the personal representatives of the same author.".

7. Part I of Schedule 1 to the Scheme shall be varied in paragraph 6 by:-

(a) inserting "or" after "capacity" in sub-paragraph (c)(iii)(bb);

(b) inserting the following new sub-paragraph after sub-paragraph (c)-

"(d) where such an application as is mentioned in paragraph (1)(c)(iv) of article 17 is made in accordance with paragraph (1) or (2) of that article, a statement specifying the names of all the other persons whether or not party to such agreement or arrangement as is mentioned in paragraph (1)(c)(iv) of article 17, who are eligible for a share of Public Lending Right in respect of the book."

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 21st December 1989 variations to the Public Lending Right Scheme 1982.

The Appendix sets out the variations. The principal changes are as follows.

The requirement for authors (other than editors, translators or compilers) to make a joint application for registration of Public Lending Right in respect of a book with more than one author is removed. A separate application may be made by such authors for registration of Public Lending Right or for registration of an eligible author's share provided that there is an agreement or arrangement relating to the share in the Right which each person who is party to the agreement or arrangement may register.

All interests registered by the personal representatives of the same author shall be taken into account for the purpose of calculating the sum due in respect of Public Lending Right to the registered owner of a registered interest.

The sum attributable to each qualifying loan for the purpose of calculating the amount payable in respect of loans of a particular book is decreased from 1.45p to 1.39p.

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