

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–

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- “(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.”.