

2014 No. 1457

LIBRARIES

The Public Lending Right Scheme 1982 (Commencement of Variations) Order 2014

<i>Made</i>	- - - -	<i>3rd June 2014</i>
<i>Laid before Parliament</i>		<i>5th June 2014</i>
<i>Coming into force</i>	- -	<i>1st July 2014</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 the representatives of authors and library authorities and with others who appear likely to be affected, has further varied the Scheme;

Now the Secretary of State, in exercise of the powers conferred by section 3(7) of the Public Lending Right Act 1979(c), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Public Lending Right Scheme 1982 (Commencement of Variations) Order 2014 and shall come into force on 1st July 2014.

(2) In this Order “the Scheme” means the Public Lending Right Scheme 1982.

(3) Unless the context requires otherwise expressions in this Order have the same meanings as in the Scheme and any reference in the Appendix to an article shall be a reference to the article so numbered in the Scheme.

Commencement of variations

2. The variations to the Scheme which are set out in the Appendix to this Order shall come into force on 1st July 2014.

(a) The Scheme is set out in the Appendix to S.I. 1982/719.

(b) The virtue of article 2 of S.I. 1990/2360, on and after 27th December 1990 the Scheme has effect as set out in Appendix 2 to that Order. Subsequent relevant variations to the Scheme were set out in S.I. 1991/2618, 1996/1338, 1997/1576, 1999/420 and 2013/2352.

(c) 1979 c.10; the functions under the Act were transferred 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). The Act is amended by the Digital Economy Act 2010 (c.24), s.43.

Appendix

Article 2

Variations in the Public Lending Right Scheme 1982

1. In article 4—

- (a) at the end of sub-paragraph (1)(a)(ii) for “; or” substitute “, and” and insert the following new sub-paragraph—

“(iii) in relation to an audio-book, a producer or narrator thereof; or;”

- (b) after sub-paragraph (2)(c)(ii) insert the following new sub-paragraphs—

“(iii) by his being named on the case with which the audio-book is sold; or;

(iv) is evidenced by reference to a written contract with the publisher of the audio-book which refers expressly to his being an author within the meaning of paragraph (1).”

2. In article 6(2), after “(including a paper-back edition)” insert “or an audio-book or an e-book”.

3. In article 9A—

- (a) in paragraphs (1), (2), (3), (4), (5) and (6), insert after the first occurrence of “book” in each of those paragraphs—

“other than an audio-book,”

4. After article 9A insert the new article—

“Shares in Public Lending Right in respect of audio-books

9B.—(1) In respect of an audio-book for which there is a writer, narrator and producer, but no editor or translator—

- (a) the writer’s share shall be sixty per cent of the Public Lending Right,
(b) the narrator’s share shall be twenty per cent of that Right, and
(c) the producer’s share shall be twenty per cent of that Right.

(2) In respect of the audio-book for which there is both an editor and a translator—

- (a) the writer’s share shall be thirty per cent of the Public Lending Right,
(b) the narrator’s share shall be twenty per cent of that Right,
(c) the producer’s share shall be twenty per cent of the Right,
(d) the editor’s share shall be twelve per cent of that Right,
(e) the translator’s share shall be eighteen per cent of that Right.

(3) In respect of an audio-book for which there is an editor, but no translator—

- (a) the writer’s share shall be forty-eight per cent of that Right,
(b) the narrator’s share shall be twenty per cent of that Right,
(c) the producer’s share shall be twenty per cent of that Right, and
(d) the editor’s share shall be twelve per cent of that Right.

(4) In respect of an audio-book for which there is a translator, but no editor—

- (a) the writer’s share shall be forty-two per cent of the Public Lending Right,

- (b) the narrator's share shall be twenty per cent of that Right,
- (c) the producer's share shall be twenty per cent of that Right, and
- (d) the translator's share shall be eighteen per cent of that Right.

(5) In the case of an audio-book for which the number of writers, narrators, producers, editors or translators is greater than one (including any who are not eligible persons) the respective shares of the Public Lending Right referred to in paragraph (1) to (4) shall be divided equally.”

5. In article 14A —

- (a) in paragraph (c) after “illustrator”, insert “or narrator or producer”;
- (b) in paragraph (c), for “or (5)(b)(ii)”, insert “, (5)(b)(ii) or article 9B”.

6. In articles 17(1)(c) and 17(2)(c) after “compiler”, wherever it occurs, insert “or narrator or producer”.

7. In article 39, for “to be marked” substitute “to be separately identified” and for “so marked” substitute “so identified”.

EXPLANATORY NOTE

(This note is not part of the Order)

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The Public Lending Right Scheme 1982 (the Scheme) provides for payments to be made to authors based on the number of times their books are lent out of public libraries. This Order brings into force on 1st July 2014 variations to the Scheme following the extension of the public lending right to narrators and producers and to audio-books and e-books on 30 June 2014.

The Appendix to the Order sets out the variations to the Scheme.

Article 4 of the Scheme is amended so that producers and narrators of audio-books can be eligible for payments under the Scheme. A person can prove their eligibility in respect of an audio-book or an e-book by reference to a written contract with the publisher, or to the case in which the audio-book is sold, or by being named within the audio-book if these identify them as a writer, translator, editor, narrator or producer.

Article 6 of the Scheme is amended so that it extends to audio-books and e-books. Article 9B is inserted in order to specify the shares in the payments made under the Scheme to the various contributors to an audio-book.

Article 14A is amended so that payments can be made in respect of a posthumously eligible producer and narrator in accordance with the shares specified in article 9B.

Article 17 is expanded to include a producer or narrator applying for registration of an audio-book for payments under the Scheme.

In Article 39(a) ‘marked’ is replaced with ‘separately identified’ as a more appropriate term in relation to the obligation on designated library authorities to identify individually the printed, audio-book and e-books whose loans are recorded and reported so that payments can be made.

The Impact of this Order on business, charities and the voluntary sector is negligible and for that reason, no Regulatory Impact Assessment is required to accompany it.

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