



Department for
Digital, Culture
Media & Sport

Government response to Consultation on Technical Amendments to the Public Lending Right Scheme

June 2018

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1. Background

The Public Lending Right (PLR) is the right for authors and other eligible rights holders to receive payments from a central fund in respect of such of their books as are lent out to the public by local library authorities in the United Kingdom. The classes, descriptions and categories of books in respect of which PLR subsists, and the rates of payments to be made in respect of it, are determined in accordance with secondary legislation, the PLR Scheme. The Secretary of State has a power to vary the Scheme and to bring such variations into force by Order.

The PLR Scheme has been managed by the British Library Board since 1 October 2013. It is grant funded for this function by the Department for Digital, Culture, Media and Sport (DCMS). PLR payments are made annually by the British Library to eligible authors who register their books with the British Library's PLR Office.

Section 31 of the Digital Economy Act 2017 (DEA 2017) contains provisions for the extension of the PLR to include the remote lending of e-books and audiobooks. DCMS ran a three week public consultation from 4 May to 24 May 2018 in which it indicated the intention to bring these provisions into force and also make some technical amendments to the PLR Scheme to:

- commence and ensure proper implementation of the provisions in the DEA 2017 to extend the PLR to include remote e-lending;
- clarify that authors resident in the UK will continue to be eligible to register for PLR following the UK's exit from the EU; and
- remove an outdated and unnecessary requirement for authors registering for PLR for the first time, including first time posthumous applications, to provide a certificate signed by an independent witness.

This consultation followed engagement between DCMS and the British Library, to consider these matters. The proposed changes were intended to enable the PLR Office at the British Library to continue to administer the PLR Scheme fairly and effectively when the relevant provisions of the Digital Economy Act 2017 come into force and following the UK's exit from the EU.

Details about the consultation were sent to, and responses invited from, key representative organisations for the sector who may be affected, including authors and public libraries. The consultation document was also made available on the [GOV.UK website](#) and details highlighted by the British Library through its PLR website.

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2. Responses to the consultation and Government response

Eight responses were received to the consultation from the following:

- Society of Authors;
- The Booksellers Association;
- Authors' Licensing and Collecting Society;
- British Library;
- CILIP - the library and information association;
- Libraries and Archives Copyright Alliance;
- Publishers Association; and
- a digitally published author.

These include key organisations for the sector representing authors, libraries, publishers, and booksellers. The Government would like to thank those who responded to the public consultation.

The consultation sought views in relation three proposals for amendments to be made to the PLR Scheme. All those that responded were supportive of the proposed changes and summaries of the responses to each are set out below, followed by the Government response.

Question 1: Do you agree with the proposal to amend the PLR Scheme to reflect the extension of PLR to include remote e-lending?

All respondents strongly agreed with this proposal, and the importance that authors of e-books and e-audiobooks should be recognised through the PLR Scheme. Comments included that the extension of the PLR to include remote e-lending is an important development of the Scheme and helps to ensure that it continues to reflect how people are using public libraries today and will in future.

Government Response:

Having considered the consultation responses, the Minister decided to vary the Scheme to reflect the changes made to the Public Lending Right Act 1979 by the commencement of provisions in section 31 of the Digital Economy Act 2017 (which extend the Public Lending Right to include remote lending of e-books and e-audiobooks).

Question 2: Do you agree with the proposal to amend the relevant provisions of the PLR Scheme to include reference to residency in the United Kingdom as well as an EEA State, in order to clarify that authors resident in the United Kingdom are and will continue to be eligible to register for PLR?

All respondents agreed with this proposal. In addition, some noted it was important for authors resident in an EEA State, as well as the UK, to continue to be eligible to apply

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to register for the PLR Scheme. This was felt to be important in enabling encouragement for similar arrangements in other States to be open to UK resident authors.

Government Response:

Having considered the consultation responses, we intend to proceed with the proposal to amend the PLR Scheme to ensure that UK resident authors will remain eligible to register for PLR after the UK's exit from the EU. We expect to make this amendment after the European Union (Withdrawal) Bill receives Royal Assent.

Question 3: Do you agree with the proposal to amend the PLR Scheme to remove the requirement that a new application, including first time posthumous applications, must be accompanied by a certificate signed by an independent witness who is not related to the applicant and has known the applicant for at least two years?

All respondents agreed with the proposal. One respondent commented that the current system was an outdated and unnecessary bureaucratic hurdle, whilst others noted that it was important that DCMS continues to monitor with the British Library the procedures for authenticating the identity of PLR applicants and that the Scheme's identity verification procedures should be regularly reviewed in light of experience and as technology develops.

Government Response:

Having considered the consultation responses, the Minister decided to vary the PLR Scheme to remove a requirement for authors registering for Public Lending Right for the first time, including those making posthumous applications, to provide a certificate signed by an independent witness.

3. Next Steps

As noted above, having considered the consultation responses, the Minister decided to vary the Scheme to reflect the changes made to the Public Lending Right Act 1979 by the commencement of provisions in section 31 of the Digital Economy Act 2017 (which extend the Public Lending Right to include remote lending of e-books and e-audiobooks) and vary the Scheme to remove a requirement for authors registering for Public Lending Right for the first time, including those making posthumous applications, to provide a certificate signed by an independent witness. These changes will come into force on 1 July 2018 in time for the beginning of a new PLR year, which runs from 1 July to 30 June, and will allow for payments in arrears around February 2020 to authors in relation to remote e-lending in 2018/19.

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