

2018 No. 0000

EXITING THE EUROPEAN UNION

LIBRARIES

**The Public Lending Right Scheme 1982 (Amendment)
(EU Exit) Regulations 2018**

Sift requirements satisfied ***
Made - - - - - ***
Laid before Parliament ***
Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018(a).

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

Citation and commencement

1. These Regulations may be cited as the Public Lending Right Scheme 1982 (Amendment) (EU Exit) Regulations 2018 and come into force on exit day.

Amendment of the Public Lending Right Scheme 1982

2.—(1) The Public Lending Right Scheme 1982(b) is amended as follows.

(2) In article 5 (eligible persons), paragraph 1:

- (a) after “principal home in” insert “the United Kingdom or”; and
- (b) after “has been present in” insert “the United Kingdom or”.

Signed by authority of the Secretary of State for the Department for Digital, Culture, Media and Sport

(a) 2018 c. 16

(b) The Public Lending Right Scheme 1982 (the “Scheme”) is set out in the Appendix to the Public Lending Right Scheme 1982 (Commencement) Order 1982 (S.I. 1982/719). Variations to the Scheme have been brought into force by subsequent Orders. Appendix 2 of S.I. 1990/2360 sets out the Scheme as varied as at 26th November 1990. Further relevant variations to the Scheme have been brought into force by S.I. 2004/1258. Other variations to the Scheme have been made, but none are relevant to these Regulations.

Date

Name
Parliamentary Under Secretary of State
Department for Digital, Culture, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(d)(ii)) arising from the withdrawal of the United Kingdom (“UK”) from the European Union (“EU”).

These Regulations amend the Public Lending Right Scheme 1982 (the “Scheme”), made by the Secretary of State under the Public Lending Right Act 1979 (c. 10) (the “1979 Act”). The 1979 Act confers a right for authors (known as the public lending right) to receive payments out of a central fund, based on the number of times their books are lent out by public libraries in the United Kingdom. The public lending right is administered in accordance with the Scheme.

Article 5 of the existing Scheme provides that an author who has his or her only or principal home in an EEA State, or (if that author has no home) has been present in an EEA State for not less than 12 months out of the preceding 24 months, will be an “eligible person” for the purposes of the Scheme. The term “eligible person” is used to assess whether an author is eligible to register for the public lending right under the Scheme.

The inclusion of UK-resident authors within the definition of eligible persons under the Scheme as currently drafted relies upon the fact that the UK is an EEA State. As the UK will cease to be an EEA State once it leaves the EU, the definition of eligible person under the Scheme will no longer cover UK-resident authors.

Regulation 2 therefore amends the definition of eligible person to ensure UK-resident authors remain eligible to register for the public lending right.

Regulation 1 provides that this amendment comes into force on exit day.

A full impact assessment has not been produced for this instrument, as no, or no significant, impact on the private, voluntary or public sectors is foreseen.