Annex C: Post Implementation Review: Concluding remarks and recommendations from the independent arbitrator and DCMS

# Conclusions

1. Through the JCLD, the deposit libraries and publishers have developed a positive working relationship to implement and make a success of the Regulations.
2. JCLD considers that the principal policy objective of the Regulations to allow the preservation of non-print publications for future generations has been met and that the additional policy objectives of the Regulations have largely been achieved.
3. JCLD acknowledge that while the objectives have been well met, further research and development is required to achieve the objectives for less straightforward publications such as magazines, newspapers and emergent publishing formats. Deposit libraries and publishers are working closely to develop workflows for these types of publications. Implementation of the Regulations is therefore ongoing and will continue to evolve as digital publishing advances. This review provides a summary view at this point in time.
4. The review does, however, propose two concrete and important recommendations for improvement to ensure that the policy objectives are being fully met. The first relates to ensuring accessibility for disabled users in line with the Equality Act 2010 and the second is concerned with the ability to collect newspapers in the form of digital facsimiles. JCLD consider that there are sound arguments to support these recommendations and would encourage the government to adopt these two specific proposals.
5. JCLD acknowledges that the recommendations proposed may require changes to existing legislation and this may be problematic at this time. However, should the recommendations be accepted by government, JCLD would welcome implementation at the earliest opportunity to ensure that the Regulations remain relevant and continue to meet users’ requirements.
6. Overall JCLD consider that implementation of the regulations has been a success, but the review has shown that on the issue of access and use of NPLD collections there remains a differing view between deposit libraries and publishers. These differences were known when the Regulations were introduced and despite the best efforts of JCLD to achieve a consensus view, differences remain. This aspect impacts how to future proof the collection and digital preservation in a digital age and in particular meeting the growing aspirations of an increasing digital generation amongst both the public and the research community. These challenges are hard to ignore and developments difficult to predict. JCLD agree it is important to continue constructive discussions on access and that possible future public consultation would be an acceptable way forward. JCLD considers it appropriate to highlight this aspect in the review and the respective positions of deposit libraries and publishers is clearly detailed. JCLD believe that this aspect should be carefully considered by Government.

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| Undertake a public consultation to understand how access to the UK Web Archive can be increased while protecting rights holders, and how NPLD regulations can better align with UK copyright law. |