



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER III

ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

Libraries and archives

[^{F1}40A Lending of copies by libraries or archives.

[^{F2}(1) Copyright in a work of any description is not infringed by the following acts by a public library in relation to a book within the public lending right scheme—

- (a) lending the book;
- (b) in relation to an audio-book or e-book, copying or issuing a copy of the book as an act incidental to lending it.

[^{F3}(1ZA) Subsection (1) applies to an e-book or an e-audio-book only if—

- (a) the book has been lawfully acquired by the library, and
- (b) the lending is in compliance with any purchase or licensing terms to which the book is subject.]

(1A) In [^{F4}subsections (1) and (1ZA)] —

- (a) “book”, “audio-book” and “e-book” have the meanings given in section 5 of the Public Lending Right Act 1979,

[^{F5}(aa) “e-audio-book” means an audio-book (as defined in paragraph (a)) in a form enabling lending of the book by electronic transmission,]

- (b) “the public lending right scheme” means the scheme in force under section 1 of that Act,

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Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 40A. (See end of Document for details)

- (c) a book is within the public lending right scheme if it is a book within the meaning of the provisions of the scheme relating to eligibility, whether or not it is in fact eligible, and
- (d) “lending” is to be read in accordance with the definition of “lent out” in section 5 of that Act (and section 18A of this Act does not apply).]
- (2) Copyright in a work is not infringed by the lending of copies of the work by a ^{F6} ...library or archive (other than a public library) which is not conducted for profit.]

Textual Amendments

- F1** S. 40A inserted (1.12.1996) by [S.I. 1996/2967](#), **reg. 11(2)** (with Pt. III)
- F2** S. 40A(1)(1A) substituted (30.6.2014) for s. 40A(1) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 43(7), 47(3)(d)**; [S.I. 2014/1659](#), art. 2
- F3** S. 40A(1ZA) inserted (30.6.2018 for E.W.S., 30.6.2021 for N.I.) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 31(3), 118(6)**; [S.I. 2018/690](#), reg. 2; [S.I. 2021/680](#), reg. 2
- F4** Words in s. 40A(1A) substituted (30.6.2018 for E.W.S., 30.6.2021 for N.I.) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 31(4)(a), 118(6)**; [S.I. 2018/690](#), reg. 2; [S.I. 2021/680](#), reg. 2
- F5** S. 40A(1A)(aa) inserted (30.6.2018 for E.W.S., 30.6.2021 for N.I.) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 31(4)(b), 118(6)**; [S.I. 2018/690](#), reg. 2; [S.I. 2021/680](#), reg. 2
- F6** Word in s. 40A(2) omitted (1.6.2014) by virtue of [The Copyright and Rights in Performances \(Research, Education, Libraries and Archives\) Regulations 2014 \(S.I. 2014/1372\)](#), reg. 1, **Sch. para. 3**

Modifications etc. (not altering text)

- C1** S. 40A(2) modified (1.12.1996) by [S.I. 1996/2967](#), **reg. 35** (with Pt. III)

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Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 40A.