



Legal Deposit Libraries Act 2003

2003 CHAPTER 28

Exemption from liability

9 Exemption from liability: deposit of publications etc.

- (1) The delivery by a person, pursuant to section 1, of a copy of a work is to be taken—
 - (a) not to breach any contract relating to any part of the work to which that person is a party, and
 - (b) not to infringe copyright, publication right or database right in relation to any part of the work or any patent.
- (2) Subsection (1) applies to the delivery, pursuant to regulations under section 6, of a copy of a computer program or material within section 6(2)(b) as it applies to the delivery of a copy of a work pursuant to section 1.

10 Exemption from liability: activities in relation to publications

- (1) A deposit library, or a person acting on its behalf, is not liable in damages, or subject to any criminal liability, for defamation arising out of the doing by a relevant person of an activity listed in section 7(2) in relation to a copy of a work delivered under section 1.
- (2) Subsection (1) does not apply to the liability of a deposit library where—
 - (a) it knows, or in the case of liability in damages it knows of facts or circumstances from which it ought to know, that the copy contains a defamatory statement, and
 - (b) it has had a reasonable opportunity since obtaining that knowledge to prevent the doing of the activity in relation to the copy.
- (3) Where, pursuant to section 1, a person (in this section, “the publisher”) has delivered a copy of a work to an address specified by a deposit library, the publisher is not liable in damages, or subject to any criminal liability, for defamation arising out of the doing by a relevant person of an activity listed in section 7(2) in relation to the copy.
- (4) Subsection (3) does not apply where—

- (a) the publisher knows, or in the case of liability in damages the publisher knows of facts or circumstances from which it ought to know, that the copy contains a defamatory statement, and
 - (b) it has had a reasonable opportunity since obtaining that knowledge to inform the library of the matter, facts or circumstances known to it and has not done so.
- (5) Where a work is published on the internet, subsection (6) applies to a copy of the work if—
 - (a) the work is of a description prescribed by regulations under this subsection,
 - (b) the publication of the work on the internet, or a person publishing it there, is connected with the United Kingdom in a manner so prescribed, and
 - (c) the copy was made by a deposit library or person acting on its behalf copying the work from the internet in accordance with any conditions so prescribed.
- (6) Where this subsection applies to a copy of a work—
 - (a) no person other than the library is liable in damages, or subject to any criminal liability, for defamation arising out of the doing by a relevant person of an activity listed in section 7(2) in relation to the copy, and
 - (b) subsections (1) and (2) apply in relation to the doing of an activity in relation to the copy as they apply in relation to the doing of the activity in relation to a copy of a work delivered under section 1.
- (7) In this section—
 - (a) “relevant person” has the same meaning as in section 7;
 - (b) references to activities listed in section 7(2) are references to those activities whether or not done in relation to relevant material (as defined in section 7);
 - (c) references to a deposit library include references to the Faculty of Advocates.
- (8) The Secretary of State may by regulations provide for this section, as it applies in relation to liability in damages and criminal liability for defamation, to apply in relation to liability (including criminal liability) of any description prescribed in the regulations, subject to such modifications as may be prescribed.
- (9) Where this section applies to the doing of an activity in relation to a copy of a work it also applies to the doing of the activity in relation to a copy (at any remove) of that copy.
- (10) Nothing in this section imposes liability on any person.