



Legal Deposit Libraries Act 2003

2003 CHAPTER 28

Regulations

11 Regulations: general

- (1) Any power under this Act to make regulations—
 - (a) includes power to make different provision for different purposes, including in particular different media, descriptions of work, deposit libraries or areas, and
 - (b) as well as being exercisable in relation to all cases to which it extends, may be exercised in relation to those cases subject to specified exceptions, or in relation to a particular case or class of cases.
- (2) Regulations under this Act may not be made unless the Secretary of State has consulted—
 - (a) the deposit libraries, and
 - (b) the publishers appearing to the Secretary of State to be likely to be affected.
- (3) Regulations under section 1(4) or 6 may not be made so as to apply to works published before the regulations are made.
- (4) Regulations under section 1(4), 2 or 6 may not be made unless the Secretary of State considers that the costs likely to be incurred as a result of the regulations by persons who publish works to which the regulations relate are not disproportionate to the benefit to the public arising from the delivery of copies of such works.
- (5) Regulations under section 1(4), 2, 6, 7 or 10(5) may not be made unless the Secretary of State considers that the regulations do not unreasonably prejudice the interests of persons who publish works to which the regulations relate.
- (6) Any power to make regulations under this Act is exercisable by statutory instrument, and no such regulations may be made unless a draft of the instrument containing them has been laid before and approved by a resolution of each House of Parliament.

12 Regulations: Scotland and Wales

- (1) Regulations under this Act may not be made without the consent of the Scottish Ministers if they would—
 - (a) remove an entitlement conferred by or under this Act on the authority controlling the National Library of Scotland, or
 - (b) confer an entitlement that is not conferred on that authority on any other deposit library.
- (2) Subsection (1) does not apply where the entitlement is to delivery of copies of electronic publications and—
 - (a) in the case of legal publications, the Faculty of Advocates, or
 - (b) in any other case, the authority controlling the National Library of Scotland, is provided with a means of accessing those publications electronically.
- (3) Where subsection (1) does not apply, regulations under this Act that would affect the authority controlling the National Library of Scotland may not be made unless the Secretary of State has consulted the Scottish Ministers.
- (4) Regulations under this Act may not be made without the consent of the National Assembly for Wales if they would—
 - (a) remove an entitlement conferred by or under this Act on the authority controlling the National Library of Wales, or
 - (b) confer an entitlement that is not conferred on that authority on any other deposit library;but this does not apply where the entitlement is to delivery of copies of electronic publications and that authority is provided with a means of accessing those publications electronically.
- (5) Where subsection (4) does not apply, regulations under this Act that would affect the authority controlling the National Library of Wales may not be made unless the Secretary of State has consulted the National Assembly for Wales.

13 Regulations: Trinity College, Dublin

- (1) Regulations under this Act which confer an entitlement on the authority controlling the Library of Trinity College, Dublin may not be made unless the Secretary of State is satisfied, in relation to relevant material delivered pursuant to such an entitlement—
 - (a) that as regards the restriction by section 7 (having regard to any regulations made under that section) of activities in relation to relevant material, the restriction of those activities under the laws of Ireland is not substantially less,
 - (b) that as regards the protection under the laws of any part of the United Kingdom of copyright, publication right, database right and patents in relation to relevant material, the protection under the laws of Ireland of corresponding rights is not substantially less, and
 - (c) that as regards the protection from liability under subsections (3) and (4) of section 10 (or those subsections as applied by regulations under that section), the protection under the laws of Ireland in relation to corresponding liability is not substantially less.
- (2) In this section “relevant material” has the same meaning as in section 7.