



Digital Economy Act 2010

2010 CHAPTER 24

Public lending right

43 Public lending right

(1) Section 5(2) of the Public Lending Right Act 1979 (interpretation) is amended as follows.

(2) Before the definition of “local library authority” insert—

““author”, in relation to a work recorded as a sound recording, includes a producer or narrator;

“book” includes—

- (a) a work recorded as a sound recording and consisting mainly of spoken words (an “audio-book”), and
- (b) a work, other than an audio-book, recorded in electronic form and consisting mainly of (or of any combination of) written or spoken words or still pictures (an “e-book”);

“lent out”—

- (a) means made available to a member of the public for use away from library premises for a limited time, but
- (b) does not include being communicated by means of electronic transmission to a place other than library premises,

and “loan” and “borrowed” are to be read accordingly;

“library premises” has the meaning given in section 8(7) of the Public Libraries and Museums Act 1964;”.

(3) After the definition of “prescribed” insert—

““producer” has the meaning given in section 178 of the Copyright, Designs and Patents Act 1988;”.

(4) At the end of the definition of “the register” omit “and”.

Changes to legislation: There are currently no known outstanding effects for the Digital Economy Act 2010, Section 43. (See end of Document for details)

(5) [^{F1}At the end insert]—

““sound recording” has the meaning given in section 5A(1) of the Copyright, Designs and Patents Act 1988.”

(6) The Copyright, Designs and Patents Act 1988 is amended as follows.

(7) In section 40A (permitted acts in relation to copyright works: lending of copies by libraries or archives), for subsection (1) substitute—

“(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.

(1A) In subsection (1)—

- (a) “book”, “audio-book” and “e-book” have the meanings given in section 5 of the Public Lending Right Act 1979,
- (b) “the public lending right scheme” means the scheme in force under section 1 of that Act,
- (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).”

(8) In Schedule 2, in paragraph 6B (permitted acts in relation to performances: lending of copies by libraries or archives)—

(a) at the beginning insert—

“(A1) The rights conferred by this Chapter are 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.

(A2) Expressions used in sub-paragraph (A1) have the same meaning as in section 40A(1).”;

^{F2}(b)

Textual Amendments

- F1** Words in s. 43(5) substituted (1.10.2013) by [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 14** (with art. 8)
- F2** [S. 43\(8\)\(b\)](#) 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. 12**

Commencement Information

- I1** [S. 43](#) in force at 30.6.2014 by [S.I. 2014/1659](#), **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Digital Economy Act 2010, Section 43.