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STATUTORY INSTRUMENTS

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**1996 No. 2967**

**The Copyright and Related Rights Regulations 1996**

**PART II**

**AMENDMENTS OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988**

*Rental and lending right*

**Permitted lending of copyright works**

**11.**—(1) In Chapter III of Part I (acts permitted in relation to copyright works), in the sections relating to education, after section 36 insert—

**“Lending of copies by educational establishments**

**36A.** Copyright in a work is not infringed by the lending of copies of the work by an educational establishment.”.

(2) In the same Chapter, in the sections relating to libraries and archives, after section 40 insert—

**“Lending of copies by libraries or archives.**

**40A.**—(1) Copyright in a work of any description is not infringed by the lending of a book by a public library if the book is within the public lending right scheme. For this purpose—

(a) “the public lending right scheme” means the scheme in force under section 1 of the Public Lending Right Act 1979, and

(b) 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.

(2) Copyright in a work is not infringed by the lending of copies of the work by a prescribed library or archive (other than a public library) which is not conducted for profit.”

(3) In the same Chapter for section 66 (rental of sound recordings, films and computer programs), and the heading preceding it, substitute—

*“Miscellaneous: lending of works and playing of sound recordings*

**Lending to public of copies of certain works.**

**66.**—(1) The Secretary of State may by order provide that in such cases as may be specified in the order the lending to the public of copies of literary, dramatic, musical or artistic works, sound recordings or films shall be treated as licensed by the copyright owner subject only to the payment of such reasonable royalty or other payment as may be agreed or determined in default of agreement by the Copyright Tribunal.

(2) No such order shall apply if, or to the extent that, there is a licensing scheme certified for the purposes of this section under section 143 providing for the grant of licences.

(3) An order may make different provision for different cases and may specify cases by reference to any factor relating to the work, the copies lent, the lender or the circumstances of the lending.

(4) An order shall be made by statutory instrument; and no order shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

(5) Nothing in this section affects any liability under section 23 (secondary infringement: possessing or dealing with infringing copy) in respect of the lending of infringing copies.”.

(4) In section 143(1) (certification of licensing schemes: relevant provisions), for paragraph (c) substitute—

“(c) section 66 (lending to public of copies of certain works),”.

(5) In section 178 (minor definitions), insert at the appropriate place—

““public library” means a library administered by or on behalf of—

- (a) in England and Wales, a library authority within the meaning of the Public Libraries and Museums Act 1964;
- (b) in Scotland, a statutory library authority within the meaning of the Public Libraries (Scotland) Act 1955;
- (c) in Northern Ireland, an Education and Library Board within the meaning of the Education and Libraries (Northern Ireland) Order 1986;”.

(6) In section 179 (index of defined expressions), at the appropriate place insert—

“public library section 178”.

(7) The following provisions (which relate to lending by public libraries) are repealed—

section 4(2) of the Public Libraries (Scotland) Act 1955<sup>(1)</sup>,

section 8(6) of the Public Libraries and Museums Act 1964<sup>(2)</sup>,

Article 77(3) of the Education and Libraries (Northern Ireland) Order 1986<sup>(3)</sup>,

paragraphs 6, 8 and 34 of Schedule 7 to the Copyright, Designs and Patents Act 1988<sup>(4)</sup> (which insert the above provisions).

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(1) 1955 c. 27.

(2) 1964 c. 75.

(3) S.I.1986/594 (N.I.3).

(4) 1988 c. 48.