EXPLANATORY MEMORANDUM TO

THE PUBLIC LENDING RIGHT SCHEME 1982 (COMMENCEMENT OF VARIATIONS) (NORTHERN IRELAND) ORDER 2021

2021 No. 684

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Digital, Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument brings into force a variation of the Public Lending Right Scheme ("the Scheme"), the purpose of which is to include remote lending of e-books & e-audiobooks from public libraries in Northern Ireland, to be eligible for Public Lending Right.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The extent and territorial application of this instrument is Northern Ireland.

4.2 The Public Lending Right is reserved in Scotland and Wales, but is a transferred matter in Northern Ireland.

4.3 This Order replicates Part 1 of the Appendix to the Public Lending Right Scheme 1982 (Commencement of Variations) (No. 2) Order 2018, (S.I. 2018/691) which extended to England, Wales, and Scotland only.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 The Public Lending Right Act 1979 ("the 1979 Act") gave the Secretary of State power to prepare and bring into force the Public Lending Right Scheme, which was subsequently established by the Public Lending Right Scheme 1982 (Commencement) Order 1982 (S.I. 1982/719). The Scheme is set out in the Appendix to that Order. In accordance with the Scheme, a right is conferred on authors to receive payments from

a central fund based on the number of times their books are lent out by public libraries (known as the Public Lending Right).

6.2 Section 3(7) of the 1979 Act provides the Secretary of State with a power to vary the Scheme. Any such variation must be brought into force by Order. The most recent amendments to the Scheme were made by the Public Lending Right Scheme 1982 (Commencement of Variation) (No. 2) Order 2020 (S.I. 2020/1370).

6.3 This Order is required to bring into force a further variation to the Scheme made by the Secretary of State to include remote lending of e-books & e-audiobooks from public libraries in Northern Ireland, to be eligible for Public Lending Right.

7. Policy background

What is being done and why?

7.1 The Scheme was brought into force on 14 June 1982 to provide annual payments from a central fund to authors whose books are loaned by public libraries in the UK. Since 2013 the British Library Board ("the Board") has been responsible for administering the Scheme.

7.2 The PLR Scheme originally applied to the lending of physical books from public libraries in the UK. A 2018 Order brought into force variations to the PLR Scheme in relation to England, Wales and Scotland to reflect the changes made by the commencement of section 31 of the Digital Economy Act 2017 (in England, Wales, and Scotland only); those changes extended the PLR to include remote lending of e-books and e-audiobooks. Section 31 of the Digital Economy Act 2017 will be commenced in Northern Ireland before 1 July 2021, this Order will therefore vary the PLR Scheme to extend to Northern Ireland, to enable the remote lending of e-books and e-audiobooks from public libraries, and to allow authors to be eligible to receive payments from such loans, in Northern Ireland.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 No consolidation is required.

10. Consultation outcome

10.1 The proposal to vary the PLR to include remote e-lending from public libraries in Northern Ireland was the subject of a three week consultation which ran from 8 April 2021 to 28 April 2021. An email, with the consultation documents, was sent to 17 representative organisations of authors, public library services, other key stakeholders in the public library sector in the UK and the Devolved Administrations. The consultation was also made available on the GOV.UK website. All 13 responses received were supportive of the proposal to amend the PLR Scheme to reflect the extension of PLR to include remote e-lending by public libraries in Northern Ireland. A summary of consultation responses and the Government response is available at the following link: https://www.gov.uk/government/consultations/consultation-on-a-technical-variation-to-the-public-lending-right-scheme.

10.2 Having considered the consultation responses, the Minister decided to vary the Scheme to the Public Lending Right to include remote lending of e-books and e-audiobooks from public libraries in Northern Ireland.

10.3 Remote e-lending was extended in England, Scotland and Wales in 2018. At that time there was no sitting government in Northern Ireland and it was not possible to extend the variation to Northern Ireland. DCMS determined to introduce a similar change for Northern Ireland when its consent could be secured, to provide consistency of approach across the whole of the United Kingdom.

10.4 The Minister for Digital and Culture wrote to the Northern Ireland Minister for Communities, asking her to inform the Executive of the intention to make this change. The Northern Ireland Minister for Communities responded to confirm that she had engaged the Committee for Communities and Executive Ministers and that she was content that the amendment be progressed. She also tabled a written statement on 25 May 2021 to the Assembly confirming consent.

11. Guidance

11.1 The Department will notify the Board when the Scheme has been amended. The Board will use its regular communications to authors and other stakeholders to ensure that they are made aware of the amendment.

12. Impact

12.1 There will be no impact on business, charities or voluntary bodies.

12.2 There is no financial impact on the British Library.

12.3 The assessment of the lack of impact on business, charities or voluntary bodies is based on authors being the main stakeholder to be affected. For the purpose of this statutory instrument we have considered all authors to be businesses. There is no impact on business, charities or voluntary bodies because the instrument does not amount to a policy change but operates to simply ensure that authors continue to be paid at the appropriate rate based on the size of the central fund and the number of estimated loans of registered books across the UK.

12.4 An Impact Assessment has not been prepared for this instrument for the above reason. However, a de minimis assessment was carried out and concluded that there would be no significant impact on businesses or the public sector.

13. Regulating small business

13.1 The legislation applies to activities that are undertaken by small businesses. For the purpose of this statutory instrument we have considered all authors to be small or micro businesses.

13.2 The effect of this instrument is to ensure that authors continue to be paid at the appropriate rate based on the size of the central fund and the number of estimated loans of registered books across the UK so no specific action is necessary to minimise the impact on small businesses.

14. Monitoring & review

14.1 The approach to monitoring of this legislation will be by the Board in the light of new evidence, and the Department for Digital, Culture, Media and Sport will consider whether the Scheme should be the subject of further amendment in future.

15. Contact

15.1 Nigel Wakelin at the Department for Digital, Culture, Media and Sport (Telephone: 0207 211 6358 or email: nigel.wakelin@dcms.gov.uk) can answer any queries regarding the instrument.

15.2 Laura Jackson, Deputy Director for Arts and Libraries at the Department for Digital, Culture, Media and Sport can confirm that this Explanatory Memorandum meets the required standard.

15.3 Caroline Dinenage MP, Parliamentary Under Secretary of State (Minister for Digital and Culture), at the Department for Digital, Culture, Media and Sport can confirm that this Explanatory Memorandum meets the required standard.