



THE PUBLISHERS ASSOCIATION

SCL Leading & Managing Public Libraries



Association of Authors' Agents



## BRIEFING NOTE 3 ON AMENDMENT 74 REMOTE E-LENDING

*This briefing note supersedes briefing notes that you have previously received from ALCS/Society of Authors and CILIP on this issue.*

CILIP, the Society of Authors, the Society of Chief Librarians, the Publishers Association, the Booksellers Association, The Association of Authors' Agents and ALCS **firmly support the principle** behind Amendment 74 Remote E-Lending, tabled by Lord Clement-Jones, Lord Foster and the Earl of Clancarty, **which is to ensure authors benefit from electronic lending by extending the payment of Public Lending Right (PLR) to remote E-lending.**

Discussions have been had amongst all the parties concerned and agreement has been reached to slightly different wording which we are calling on the government to table at a later stage.

This new wording would read:

### After Clause 29

Insert the following new Clause—

“Remote E-Lending

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

(2) In subsection (2)—

(a) in the definition of “book”—

(i) after “(an “audio book”)” insert ““...which has been lawfully acquired for the purposes of library lending and communicated or made available in compliance with any purchase or licensing terms to which the work has been made subject by the rights holder”.

(ii) after “(an “e-book”)” insert ““...which has been lawfully acquired for the purposes of library lending and communicated or made available in compliance with any purchase or licensing terms to which the work has been made subject by the rights holder”.

(b) in the definition of “lent out”, for subsection (b) substitute—

“(b) includes communicating by means of electronic transmission to a place other than library premises”.

This new wording:

- Supports the Government’s commitment to introduce this change and the statement by Matt Hancock MP, at the commons stage that the Government would bring forward a draft amendment to the Digital Economy Bill to effect it.
- Reflects the settled view of the book industry following lengthy consultation amongst all interested parties and DCMS.
- Is supported by libraries, authors, agents, booksellers, publishers and the PLR office.
- Addresses an anomaly which sees authors receive a small payment (around 7p) via PLR when physical copies of their books or audiobooks are loaned but nothing when they are remotely lent in digital format.
- Ensures that the balances currently in place to protect authors, publishers and booksellers remain.
- Maintains the status quo of PLR only being paid to authors.
- Delivers on the three core recommendations of the Sieghart Review into E-Lending in Public Libraries.

### We urge Peers to use the opportunity afforded by the discussion of Amendment 74 to:

- Support the principle of extending PLR to electronic books lent remotely by public libraries while ensuring the health and continuing vitality of the book industry
- Urge the government to support the wording above which is supported by all sectors of the industry – authors, agents, libraries, booksellers and publishers.