



STATUTORY INSTRUMENTS.

S.I. No. 221 of 2013

COPYRIGHT AND RELATED RIGHTS (PUBLIC LENDING
REMUNERATION SCHEME) (AMENDMENT) REGULATIONS 2013

COPYRIGHT AND RELATED RIGHTS (PUBLIC LENDING REMUNERATION SCHEME) (AMENDMENT) REGULATIONS 2013

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by section 42A (inserted by section 7 of the Copyright and Related Rights (Amendment) Act 2007 (No. 39 of 2007)) of the Copyright and Related Rights Act 2000 (No. 28 of 2000) (as adapted by the Environment, Heritage and Local Government (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 193 of 2011)), make the following Regulations:

1. These Regulations may be cited as the Copyright and Related Rights (Public Lending Remuneration Scheme) (Amendment) Regulations 2013.

2. The Principal Regulations and these Regulations may be cited together as the Copyright and Related Rights (Public Lending Remuneration Scheme) Regulations 2008 and 2013 and shall be construed as one.

3. In these Regulations,—

“Principal Regulations” means the Copyright and Related Rights (Public Lending Remuneration Scheme) Regulations 2008 (S.I. No. 597 of 2008).

4. Article 9 of the Principal Regulations is amended by substituting for paragraph 9(4) the following paragraph:

“(4) The Minister hereby designates the Chief Executive Officer of the Local Government Management Agency as the Registrar.”

5. Article 10 of the Principal Regulations is amended by substituting for paragraph 10(6) the following paragraph:

“(6) A registered owner may transfer the share of Public Lending Remuneration due to him or her to any legal or natural person through a written instruction to the Registrar as prescribed in Schedule 1 to these Regulations and such transfer shall remain in force until revoked by the registered owner through a written instruction to the Registrar as prescribed in Schedule 1 to these Regulations.”

6. Article 11 of the Principal Regulations is amended by substituting for paragraph 11(4) the following paragraph:

“(4) An illustrator’s share of Public Lending Remuneration in respect of a book shall reflect their contribution and shall be agreed by all authors and be notified to the Registrar in writing even if they are paid by flat fee.”

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 28th June, 2013.

7. Article 16 of the Principal Regulations is amended by inserting the following after paragraph 16(2):

“(3) Where in the case of any application for first or subsequent registration an applicant has failed to provide within three months information requested by the Registrar, the application may be treated as abandoned.”.

8. Article 26 of the Principal Regulations is amended by substituting for Article 26 the following Article:

“26. The person entitled to the Public Lending Remuneration in respect of any eligible book or posthumously eligible book in any financial year shall be the registered owner thereof as at 31 December of that year, except where the registered owner has, pursuant to Article 10(6), nominated a person other than the registered owner to receive payment.”.

9. Article 27 of the Principal Regulations is amended by substituting for paragraph 27 (1) the following paragraph:

“(1) Any sum due under the Scheme will be paid to the registered owner in a manner decided by the Registrar to a person nominated by the registered owner in accordance with the provisions of Article 10(6).”.

10. Article 29 of the Principal Regulations is amended by substituting for Article 29 the following Article:

“Article 29: Reporting arrangements and audit

(1) The Registrar shall cause to be kept proper accounts of all income and expenditure under the Public Lending Remuneration Scheme in each year, which shall be subject to audit by the Local Government Audit Service.

(2) Notwithstanding paragraph (1), the Minister may request the Registrar to appoint an independent auditor to produce an abstract of accounts under the Public Lending Remuneration Scheme for any year and in such case the abstract of accounts and the auditor’s certificate and report thereon shall be made available in full to the Minister.

(3) The Registrar shall supply any information within his or her power in relation to the discharge of the Public Lending Remuneration Scheme as may be requested from time to time by the Minister.

(4) The Registrar shall, in the first six months of each year, make a report to the Minister on the administration of the Public Lending Remuneration Scheme during the preceding year and as soon as practicable after receiving this report, the Minister shall cause a copy of it to be laid before each House of the Oireachtas.”.

11. The Principal Regulations are amended by inserting the following new Schedule after Article 29:

Schedule 1

PAYMENT MANDATE

“Please forward, until further notice, all sums that may from time to time become due to me/us by way of Public Lending Remuneration to (here state full name and address of the bank, firm or person to who payments are to be sent) or (where payment is to be made to Bank) to such other Branch of the Bank as the Bank may from time to time request. Your compliance with this request shall discharge the Registrar’s liability in respect of such sums”

Date

Signature

Name

(Block Capitals)

Address



GIVEN under my Official Seal,
20 June 2013.

PHIL HOGAN,
Minister for the Environment, Community and Local
Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the Copyright and Related Rights (Public Lending Remuneration Scheme) Regulations 2008 (S.I. No. 597 of 2008) to designate the Chief Executive of the Local Government Management Agency as the Registrar.

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