

STATES OF JERSEY



DRAFT LEGAL DEPOSIT (JERSEY) REGULATIONS 200-

Lodged au Greffe on 28th March 2008
by the Minister for Education, Sport and Culture

STATES GREFFE



Jersey

DRAFT LEGAL DEPOSIT (JERSEY) REGULATIONS 200-

REPORT

The Legal Deposit (Jersey) Law 2007 (P.90/2006) was adopted by the States on 26th September 2006. This new legislation requires any person who publishes a work in the printed medium in Jersey to deposit a copy of the work with the Jersey Library. This ensures that works published in Jersey will become part of Jersey's cultural heritage and will be preserved for the benefit of present and future generations. An Appointed Day Act has been prepared to enable the States to implement the Law with effect from 1st June 2008.

The Legal Deposit Regulations modify the effect of the Legal Deposit (Jersey) Law 2007 and describe how the Law will be applied. In particular, they –

1. extend the law to include works published in electronic form but excluding those published only on the Internet;
2. identify certain items that are exempt from the duty to deposit.

The Regulations, if approved, will be applied on the day the Legal Deposit (Jersey) Law 2007 comes into force.

Financial and manpower implications

There are no additional financial or manpower implications for the States arising from the adoption of these draft Regulations.

Explanatory Note

These Regulations modify the effect of the Legal Deposit (Jersey) Law 2007. That Law requires any person who publishes a work in the printed medium in Jersey to deposit a copy of the work with the Jersey Library.

Regulation 1 contains definitions.

Regulation 2 extends the requirement to deposit a copy of a work to works published in electronic form (other than purely by means of the internet). The person who publishes the work in Jersey must deposit a copy with the Jersey Library in the same medium as it is published and deliver any accompanying software and instructions on how to access the work within a month of that publication.

Regulation 3 exempts from the duty to deposit works that are both prepared for publication, and intended mainly for distribution, outside Jersey and certain types of ephemeral printed materials and computer games and software.

Regulation 4 sets out how the Regulations may be cited and provides for them to come into force on 1st June 2008.



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Arrangement

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Jersey

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Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Articles 3(2), 6(2) and 16 of the Legal Deposit (Jersey) Law 2007^[1], have made the following Regulations –

1 Interpretation

In these Regulations –

“ISBN” means the International Standard Book Number system used in publishing, distribution and library practices;

“ISSN” means the International Standard Serial Number that identifies periodical publications;

“Law” means the Legal Deposit (Jersey) Law 2007^[2];

“work in an electronic medium” means a work recorded or stored by means of a recording device, computer or other electronic device, or any other device and material subsequently derived from information so recorded or stored (for example, audio cassettes, video cassettes, films, multimedia kits, computer optical disks, compact discs, CD-ROMs, and DVDs).

2 Application of Law to works published in an electronic medium

- (1) The Law applies to a work in an electronic medium that is published, unless it is published only on the internet.
- (2) A person who publishes in Jersey a work to which the Law applies by virtue of this Regulation –
 - (a) shall deposit the work with the Library in the same medium in which it is so published; and
 - (b) shall, within one month of such publication, deliver to the Library any software that is specifically designed to accompany the work, and any instruction manual or any other information or data on how to access the work.

3 Exceptions from the duty to deposit

- (1) Article 5 of the Law does not apply to any work to which the Law applies that is–
 - (a) prepared for publication and intended mainly for distribution outside Jersey; or
 - (b) exempted material.
- (2) In this Regulation “exempted material” means –
 - (a) an amusement book such as a colouring, puzzle, sticker or work book;
 - (b) a diary or calendar;

- (c) a poster or wall chart;
- (d) advertising or marketing material (whether for commercial, political, religious or other purposes);
- (e) a pamphlet containing fewer than 32 pages that is not identified by means of an ISBN or ISSN identifier;
- (f) an events programme;
- (g) a computer game; or
- (h) computer software.

4 Citation and commencement

These Regulations may be cited as the Legal Deposit (Jersey) Regulations 200~~0~~ and shall come into force on 1st June 2008.

[1] *L.36/2007*

[2] *L.36/2007*