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11.06.12

Via e-mail to plr_consultation@culture.gsi.gov.uk

Dear Ms. Shales

The British Copyright Council represents those who create, hold interests or manage rights in literary, dramatic, musical and artistic works, performances, films, sound recordings, broadcasts and other material in which there are rights of copyright and related rights.

Our members include professional associations, industry bodies and trade unions which together represent hundreds of thousands of authors, creators, performers, publishers and producers. These right holders include many individual freelancers, sole traders and SMEs as well as larger corporations within the Creative and Cultural Industries. Our members also include collecting societies which represent right holders and which enable access to works of creativity. In relation to this consultation affecting the Registrar of Public Lending Rights we have sought, in particular, the views of those members representing authors. A full list of our members can be found at <http://www.britishcopyright.org/page/12/members/>

Since its introduction, PLR has provided an important service, ensuring that authors and illustrators are remunerated for the use of their work and thus facilitating access to books through public libraries. This has balanced the value to society of the provision of such a service with the rights of authors and illustrators.

The British Copyright Council recognises that revenue paid by PLR to UK authors and illustrators makes an important contribution to their overall income. As a result, we have in the past contributed to a range of debates on PLR related issues many of which have not yet come to fruition, for example, the extension of the scheme to cover audio books, supporting improved funding for PLR, ensuring that a wider range of right holders are entitled to benefit from PLR and encouraging proper implementation in the UK of the associated rental right.

With these points in mind we wish to make the following short responses to the questions posed by this consultation:-

Q1: **While acknowledging the effective administration of PLR by the Registrar, the government is now proposing to transfer the statutory function of administering the PLR scheme from the Registrar to another existing public body, effectively abolishing the Registrar as a separate public body. Please provide your views on whether you think the PLR functions should be transferred to another body.**

The BCC supports the retention of the Registrar of Public Lending Rights which, as the consultation notes, is an effective and efficient body with a small but dedicated team of officials. We see no reason to transfer the administration of the PLR scheme to another public body, existing or otherwise and we see no reason to abolish the Registrar of Public Lending Rights.

We think it is highly unlikely, and the government has produced no evidence to support its contention, that there will be any efficiency savings of significance. It is more likely that costs will increase, particularly in the short term. So if Government's only real reason for the change is to "reduce the number of public bodies" then we think it is highly unfair to penalise authors by removing the most effective mechanism for the administration of Public Lending Right

Q2: **Following the transfer of functions the government is proposing that a cap on administrative spend will be imposed on the body that takes over the PLR function and has confirmed that the PLR author fund will not be used to pay for the transfer. Do you have any concerns about the impact a transfer of functions from the Registrar will have on PLR rights holders? If so please provide details.**

With a cap of £765,000, which is also the current cost of administering the right, we do not see how the cost of transfer of administration, close down, set-up and implementation of the change will be covered. We also think it is unlikely that any other public body could administer the rights as effectively as the current administration does. Does DCMS intend to make additional funds available for this purpose? If additional funds are to be made available then it is difficult to see how Government's motivation for this change and aim of make efficiency savings are to be fulfilled.

To this we would add that the existing cap of £765,000 will make it impossible to:-

- extend PLR to e-books, on which point Government has already made recommendations (the Hargreaves Review);
- extend PLR to audio books, on which point Government has also consulted (through DCMS);
- to absorb into the scheme the increasing numbers of people entitled to PLR payments. This is growing all the time as new authors and illustrators in the UK register new books and as growing numbers of overseas authors also become eligible for PLR through reciprocal arrangements;

Q3: **Though the government appreciates that it would be appropriate to transfer the PLR function to another copyright payment body, ALCS for example, statutory functions and distribution of associated government funding must be administered by a public body. Consequently the government's preferred option is to transfer the PLR function to the British Library. Do you anticipate any problems or conflicts of interest in transferring the PLR function to the British Library?**

The British Library's main function is to provide access to culture it is not to work in the best interests of authors. While authors and other right holders are supportive of the British

Library's aims and function and are, indeed, keen to provide access to their works, they also expect fair remuneration for the use of those works. It is the BCCs view that transferring the PLR function to the British Library could lead to a conflict of interest. Such conflict can only grow should the government extend PLR to audio books with a wider range of right holders becoming entitled under the scheme.

If you need any further information from the BCC please do not hesitate to contact me at janet@britishcopyright.org.

Yours sincerely



Janet Ibbotson
Chief Executive Officer