



Jersey

## LEGAL DEPOSIT (JERSEY) LAW 2007

### Arrangement

#### Article

<b>PART 1</b>	<b>533</b>
<hr/>	
INTRODUCTORY PROVISIONS	533
1 Interpretation.....	533
2 Object of Law .....	534
3 Application of Law .....	534
<b>PART 2</b>	<b>534</b>
<hr/>	
DEPOSIT OF WORKS PUBLISHED IN JERSEY	534
4 Jersey Library to be the repository for copies of works.....	534
5 Copies of work published in Jersey to be deposited with Library .....	534
6 Exceptions from the duty to deposit .....	534
7 Medium in which copy to be deposited .....	535
8 Quality of deposited copy .....	535
9 Deposited copies to be kept safely .....	535
10 Deposited copies to be available for reference .....	535
<b>PART 3</b>	<b>535</b>
<hr/>	
EXEMPTIONS FROM LIABILITY	535
11 Exemption from liability for breach of contract .....	535
12 Exemption from liability for infringement of copyright.....	536
13 Exemption from liability for infringement of patent .....	536
14 Exemption from liability for defamation .....	536
<b>PART 4</b>	<b>537</b>
<hr/>	
OTHER PROVISIONS	537
15 Compliance .....	537
16 Regulations .....	537
17 Citation and commencement.....	538





Jersey

## LEGAL DEPOSIT (JERSEY) LAW 2007

**A LAW** to require the deposit in the Jersey Library of copies of works that are published in Jersey; to provide for their preservation as part of the cultural heritage of Jersey; and for related matters.

---

<i>Adopted by the States</i>	<i>26th September 2006</i>
<i>Sanctioned by Order of Her Majesty in Council</i>	<i>14th November 2007</i>
<i>Registered by the Royal Court</i>	<i>30th November 2007</i>

**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

---

### PART 1

#### INTRODUCTORY PROVISIONS

##### 1 Interpretation

- (1) In this Law, unless the context otherwise requires –
- “book” includes a pamphlet, magazine or newspaper;
  - “deposited copy” refers to a copy of a work, and means a copy that is deposited under Article 5;
  - “Library” and “Jersey Library” mean the public library service of Jersey;
  - “medium” means any medium of publication, including in particular any form of on-line or off-line publication;
  - “Minister” means the Minister for Education, Sport and Culture;
  - “work in the printed medium” means –
    - (a) a book;
    - (b) a sheet of music;
    - (c) a map, plan, chart or table; or

- (d) a part of any work to which any of sub-paragraphs (a), (b) and (c) refers.
- (2) In this Law, unless the context otherwise requires –
  - (a) where Regulations define the circumstances in which the act of publishing a work otherwise than in the printed medium is to be treated as occurring in Jersey, a reference to the publishing of the work in Jersey shall be construed accordingly; and
  - (b) where Regulations prescribe the manner of deposit of a work that is not in the printed medium, a reference to the depositing of a copy of the work is to its deposit in that manner.

## **2 Object of Law**

The object of this Law is to ensure that copies of works to which this Law applies that are published in Jersey are preserved and become part of Jersey's cultural heritage for the benefit of present and future generations.

## **3 Application of Law**

- (1) This Law applies to a work that is published in the printed medium.
- (2) This Law applies to a work that is published in a medium other than the printed medium, if the States by Regulations declare that the Law applies to a work published in that other medium.

# **PART 2**

## **DEPOSIT OF WORKS PUBLISHED IN JERSEY**

### **4 Jersey Library to be the repository for copies of works**

The Jersey Library shall be the repository for copies of works that are to be deposited under this Law.

### **5 Copies of work published in Jersey to be deposited with Library**

- (1) A person who publishes in Jersey a work to which this Law applies shall deposit a copy of the work with the Library.
- (2) The work shall be so deposited at the person's own expense.
- (3) The person must comply with paragraph (1) within one month after first publishing the work in Jersey.

### **6 Exceptions from the duty to deposit**

- (1) Article 5 does not apply to a work that is substantially the same in its content as one that has been published in Jersey in the same medium after this Law has come into force.

- (2) Article 5 does not apply to a work if the States by Regulations declare that the Article does not apply to that work.

#### **7 Medium in which copy to be deposited**

- (1) If the work is published in Jersey in more than one medium, and one of them is the printed medium, the deposited copy shall be in the printed medium.
- (2) However, if the Chief Librarian informs the person who must deposit the copy that it is to be deposited in another medium in which it is published in Jersey, the copy shall instead be in that other medium.

#### **8 Quality of deposited copy**

The deposited copy shall be of the same quality as the best copies of the work (in the medium in which the copy is deposited) that have been published in Jersey.

#### **9 Deposited copies to be kept safely**

- (1) The Chief Librarian shall keep the deposited copy safely.
- (2) If it is necessary or desirable to do so in order to preserve the deposited copy, the Chief Librarian may –
  - (a) copy, adapt or dispose of any material contained in the deposited copy; or
  - (b) store the deposited copy in a more suitable way.
- (3) The Chief Librarian shall not allow the deposited copy to be removed from the Library's premises otherwise than for a purpose to which paragraph (2) refers.

#### **10 Deposited copies to be available for reference**

The Chief Librarian shall make the deposited copy available within the Library's premises for use for reference.

### **PART 3**

#### **EXEMPTIONS FROM LIABILITY**

#### **11 Exemption from liability for breach of contract**

By depositing a copy of a work or any other item with the Library in compliance with Article 5 or Regulations made under this Law, a person does not commit a breach of any contract that relates to any part of the work or item and to which the person is a party.

**12 Exemption from liability for infringement of copyright**

- (1) By depositing a copy of a work or any other item with the Library in compliance with Article 5 or Regulations made under this Law, a person does not infringe any copyright in respect of any part of that work or item.
- (2) None of the persons specified in paragraph (4) infringes any copyright by reason of the copying under Article 9(2) of any material contained in a deposited copy.
- (3) None of the persons specified in paragraph (4) infringes any copyright by reason of the copying for the purpose of this Law of any on-line material.
- (4) The persons to whom this paragraph refers are –
  - (a) the Minister for Education, Sport and Culture; and
  - (b) a person acting on behalf of the Library.

**13 Exemption from liability for infringement of patent**

By depositing a copy of a work or any other item with the Library in compliance with Article 5 or Regulations made under this Law, a person does not infringe any patent in respect of any part of that work or item.

**14 Exemption from liability for defamation**

- (1) If a person deposits a copy of a work or any other item with the Library in compliance with Article 5 or Regulations made under this Law, the person is not liable in damages, or subject to any criminal liability, for defamation arising out of the doing by any person of any act that is required or authorized to be done under this Law in respect of that copy or other item.
- (2) However, paragraph (1) does not apply –
  - (a) where the person knows that the deposited copy or other item contains a defamatory statement; or
  - (b) in the case of liability for damages, where the person knows of facts or circumstances from which the person ought to know that the copy or other item contains a defamatory statement,  
and the person has had a reasonable opportunity since obtaining that knowledge to inform the Chief Librarian, and has not done so.
- (3) If a person deposits a copy of a work or any other item with the Library in compliance with Article 5 or Regulations made under this Law, none of the persons specified in Article 12(4) is liable in damages, or subject to any criminal liability, for defamation arising out of the doing by any person of any act that is required or authorized to be done under this Law in respect of that copy or other item.
- (4) However, paragraph (3) does not apply to the liability of the Minister –
  - (a) where he or she knows that the deposited copy or other item contains a defamatory statement; or

- (b) in the case of liability for damages, where the Minister knows of facts or circumstances from which he or she ought to know that the copy or other item contains a defamatory statement,
- and the Minister has had a reasonable opportunity since obtaining that knowledge to prevent the doing of the act in respect of that copy or other item.
- (5) If a work or any other item is published on-line, this paragraph applies to a copy of the work or other item (as the case requires) where –
- (a) the work or other item is of a description specified in Regulations;
- (b) the publication of the work or other item on-line, or a person publishing it on-line, is connected with Jersey in a manner specified in Regulations; and
- (c) where Regulations prescribe conditions for the copying of such a work or item from on-line material, the copy of the work or other item is made from on-line material, in accordance with those conditions, by a person acting on behalf of the Library.
- (6) If paragraph (5) applies to a copy of a work or other item, no person is liable in damages, or subject to any criminal liability, for defamation arising out of the doing by any person of any act that is required or authorized to be done under this Law in respect of that copy or other item.
- (7) If paragraph (5) applies to a copy of a work or other item, paragraphs (3) and (4) apply to the liability of the Minister in damages, and his or her criminal liability, for defamation, arising out of the doing by any person of any act that is required or authorized to be done under this Law in respect of that copy or other item.
- (8) Nothing in this Article imposes liability on a person.

## **PART 4**

### **OTHER PROVISIONS**

#### **15 Compliance**

If a person fails to comply with Article 5, the Attorney General may apply to the Royal Court for an injunction to enforce compliance by the person with that Article.

#### **16 Regulations**

The States may make Regulations for any of the following purposes –

- (a) declaring under Article 3(2) that this Law applies to a work published in a medium specified in the Regulations;

- (b) where a work is published in an on-line medium, defining the circumstances in which the act of publishing is to be treated as occurring in Jersey;
- (c) prescribing a manner of depositing under Article 5 a copy of a work that is published in a medium other than the printed medium;
- (d) where a copy of a work that is published in a medium other than the printed medium must be deposited under Article 5, requiring the person by whom it is published to deliver to the Library such information or data (whether in tangible form or other form) as the Regulations may prescribe, explaining how access may be obtained to the work;
- (e) prescribing a time limit for compliance with a requirement to which subparagraph (d) refers;
- (f) declaring under Article 6(2) that Article 5 does not apply to a work specified in the Regulations;
- (g) for a matter to which Article 14(5) refers;
- (h) authorizing the Chief Librarian (either unconditionally or in circumstances specified in the Regulations) to waive the requirement for deposit of a work of a description specified in the Regulations;
- (i) for such other matters as are reasonably necessary or incidental to the purpose of this Law.

#### **17 Citation and commencement**

- (1) This Law may be cited as the Legal Deposit (Jersey) Law 2007.
- (2) This Law comes into force on such day as the States may by Act appoint.

**M.N. DE LA HAYE**

*Greffier of the States*



