

# Digital Economy Bill

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AMENDMENTS  
TO BE MOVED  
ON REPORT

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**Before Clause 28**

LORD ASHTON OF HYDE

Insert the following new Clause—

**“Lending of e-books by public libraries**

- (1) In section 5(2) of the Public Lending Right Act 1979 (interpretation) for the definition of “lent out” substitute—
  - ““lent out” means made available to a member of the public for use away from library premises for a limited time (including by being communicated by means of electronic transmission to a place other than library premises) and “loan” and “borrowed” are to be read accordingly;”.
- (2) Section 40A of the Copyright, Designs and Patents Act 1988 (lending of copies by libraries or archives) is amended as follows.
- (3) After subsection (1) insert—
  - “(1ZA) Subsection (1) applies to an e-book or an e-audio-book only if—
    - (a) the book has been lawfully acquired by the library, and
    - (b) the lending is in compliance with any purchase or licensing terms to which the book is subject.”
- (4) In subsection (1A)—
  - (a) for “subsection (1)” substitute “subsections (1) and (1ZA)”; and
  - (b) after paragraph (a) insert—
    - “(aa) “e-audio-book” means an audio-book (as defined in paragraph (a)) in a form enabling lending of the book by electronic transmission.”.

**Schedule 1**

## LORD ASHTON OF HYDE

Page 107, line 41, at end insert –

*“Code rights and land registration*

13A Where an enactment requires interests, charges or other obligations affecting land to be registered, the provisions of this code about who is bound by a code right have effect whether or not that right is registered.”

Page 108, line 33, leave out “90(2)(b)” and insert “90(2)(a)”

Page 113, line 31, after “is” insert “, subject to sub-paragraph (3A),”

Page 113, line 37, leave out “as if the transaction were” and insert “on the basis that the transaction was”

Page 113, line 39, leave out from beginning to end of line 7 on page 114 and insert –

- “(3A) The market value must be assessed on these assumptions –
- (a) that the right that the transaction relates to does not relate to the provision or use of an electronic communications network;
  - (b) that paragraphs 15 and 16 (assignment, and upgrading and sharing) do not apply to the right or any apparatus to which it could apply;
  - (c) that the right in all other respects corresponds to the code right;
  - (d) that there is more than one site which the buyer could use for the purpose for which the buyer seeks the right.”

Page 140, line 22, after “is” insert “, subject to sub-paragraph (7A),”

Page 140, leave out lines 30 to 40 and insert –

- “(7A) The market value must be assessed on these assumptions –
- (a) that the right that the transaction relates to does not relate to the provision or use of an electronic communications network;
  - (b) that the right in all other respects corresponds to the tidal water right;
  - (c) that there is more than one site which the buyer could use for the purpose for which the buyer seeks the right.”

Page 157, line 12, leave out “and Wales”

Page 160, line 22, after “Commissioners” insert “or the relevant person”

Page 160, line 43, at end insert –

- “( ) In sub-paragraph (6)(a) “relevant person”, in relation to land to which section 90B(5) of the Scotland Act 1998 applies, means the person having the management of that land.”

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*16 February 2017*

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