

**Обязательный экземпляр в Великобритании:  
прошлое, настоящее и будущее**

**Legal Deposit in the United Kingdom:  
Past, Present and Future**

**Обов'язковий примірник у Великій Британії:  
минуле, сучасне й майбутнє**

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Представлена история обязательного экземпляра в Великобритании и исследованы изменения в документах, принятых в отношении статуса обязательного экземпляра. Проанализирован процесс расширения статуса со времен его введения в 1610 г. и принципы его модернизации, принятые законом от 1911 г. За последние 30 лет произошло широкое распространение электронных материалов и расширение роли библиотек-депозитариев в получении материалов, составляющих национальное достояние. Следствием этого стали горячие дискуссии о необходимости принятия нового закона. Исследовано успешное прохождение Закона от 2003 г. о библиотеках-депозитариях в обеих палатах Парламента Великобритании приведено подробное описание самого Закона. Успех изменений зависит от сотрудничества между издателями и библиотеками-депозитариями.

Describes the history of legal deposit in the United Kingdom and examines the changing nature of the guiding principles of legal deposit. Analyses the extension of legal deposit from its introduction in 1610 and the rationalisation achieved in the 1911 Act. The proliferation of electronic material in the last three decades and the legal deposit libraries role in acquiring national heritage material lead to a wider debate on the need for new legislation. Examines the successful passage of the Legal Deposit Libraries Act 2003 through the UK Houses of Parliament and describes the Act in detail. Co-operation between publishers and the legal deposit libraries is a key component in ensuring successful change.

Представлена історія обов'язкового примірника у Великій Британії та досліджено зміни в документах, що прийняті по відношенню до статусу обов'язкового примірника. Проаналізовано процес розширення статусу із часів його введення в 1610 р. і принципи його модернізації, що прийняті законом від 1911 р. За останні 30 років відбулося широке розповсюдження електронних матеріалів та розширення ролі бібліотек-депозитаріїв в отриманні матеріалів, що становлять національне надбання.

Наслідком цього стали гарячі дискусії про необхідність прийняття нового закону. Досліджено успішне проходження Закону від 2003 р. про бібліотеки-депозитарії в обох палатах Парламенту Великої Британії, приведено детальний опис самого Закону. Успіх змін залежить від співробітництва між видавцями та бібліотеками-депозитаріями.

## **1. Origins of legal deposit**

In 2010 the United Kingdom will celebrate four hundred years of legal deposit. Sir Thomas Bodley, the scholar and diplomat who had retired to Oxford, his alma mater, in 1597, devoted himself to the re-establishment of the university library (reopened in 1602) and subsequently named the Bodleian in his honour. Bodley was a foresighted man and recognised that for his library to succeed it would need to attract resources from sources other than the university. Not content with building a library in his lifetime he commenced negotiations with the Stationers' Company (the medieval guild that controlled publishing) and finalised an agreement with them in 1610 whereby they agreed to send the Bodleian a copy of every new book registered at Stationers Hall.

Bodley had also been inspired by the French legal deposit system, the Ordonnance de Montpellier, which had been introduced by King Francis I in 1537. In the Ordonnance, Francis decreed that no book could be sold in France until a copy was deposited in his library.

## **2. Principles of legal deposit, 16<sup>th</sup> Century**

- To facilitate censorship of heretical or seditious books,
- To enrich libraries, either royal or patronised by royalty, and,
- To establish ownership of copyright and defend the book trade against piracy

The (UK) Press Licensing Act 1662, "An Act for preventing the frequent Abuses in printing seditious treasonable and unlicensed Bookes and Pamphlets and for regulating of Printing and Printing Presses", was one of many Acts passed by Charles II's "Cavalier" Parliament which had been set up on the restoration of the monarchy in 1660. Intended to serve the interests of the crown in controlling the press, it was strongly supported by the Stationers' Company; the Act was in the nature of a bargain between the organised book trade, who wanted a monopoly for their members and the Crown which wanted censorship and incidentally books for their libraries.

The Act formally granted the Royal Library entitlement to a copy of all new publications or new editions containing alterations, i.e. a similar arrangement that exists to this day. This right passed to the British Museum - along with the contents of the Royal Library - in 1757 and to the British Library in 1973.

## **3. Middle Ages to 20<sup>th</sup> Century**

Further Acts were passed in 1709 (also the Act which introduced the concept of Copyright), 1801, 1814, 1836, 1842, 1911. The 1836 Copyright Act reduced the number of libraries entitled to receive legal deposit copies from eleven to five, The British Museum, the Bodleian, Cambridge University Library, the Faculty of Advocates in Edinburgh and Trinity College Dublin. Sir Anthony Panizzi's zeal in broadening the vision of the British Museum Library to achieve the position as a leading world research library was assisted by his judicious use of the 1842 Act. By-passing the Stationers' Company, publishers were obliged to deliver direct to the Museum; Panizzi pursued recalcitrant publishers with vigour and there are several examples of defaulters taken to court for non-deposit of items. His actions were not limited to London: solicitors were appointed in the provinces, Scotland and Ireland to demand that publishers deposit with the British Museum. Intake increased in one year by 67% (some of it arrears of material). Publisher's reaction ranged from reluctant compliance to outrage, expressed, for example, by articles in the *Westminster Review*. One prosecution in 1853 generated significant publicity and ensured that publishers could not claim ignorance of the law.

The 1911 Act increased the number of libraries entitled to receive legal deposit material from five to six; the government had opposed extending the privilege to the National Library of Wales (founded in 1909) but there was sufficient support to ensure the inclusion of the National Library, located in Aberystwyth. The publishers, given the opportunity in an arena other than the pages of literary journals or magistrates' courts to query their obligation to deposit, sought to limit the number items deposited to one (the British Museum) but this failed.

## **4. Principles of legal deposit, 21st Century**

- To preserve publications for the benefit of future generations,
- To add publications to the national heritage, and,
- To make them available to users in the British Library's reading rooms.

There was widespread agreement in the UK during the later part of the 20<sup>th</sup> century that the comprehensiveness of the national intellectual archive was becoming increasingly compromised as new types of publication were not covered by the legal deposit system. The impetus for change quickened in pace in the mid 1990s: following pressure from the legal deposit libraries and other interested parties, the British government issued a consultation paper in 1997 in which it sought to ascertain views on legal deposit and the possibility of extending legal deposit to other types of material. Legislation did not result but a voluntary scheme for the deposit of hand held electronic publications was introduced in 2000 and the incoming Labour government was made aware of the pressure to extend legal deposit.

Publishers recognise that libraries have a major role to play in the longevity of information although the emphasis that they place on the libraries' role is one of archiving. One wrote, "Publishers would be highly unreliable as archivists" because it is not inherent in their "professional and organisational culture". The importance of standards was but a small part of discussion on the extension of legal deposit. Migration of material to new platforms has not been an issue of concern to many publishers who predominantly operate in an "individualist competitive environment". However to ensure that the legal deposit libraries do not have to go back to government in the future when new formats and/or information carriers are developed new legislation must be generic. "If the new law is to last ninety years it may be better to seek to define the 'information' itself, rather than the form in which it is delivered" one commentator wrote, "This is no mean task for information specialists, let alone the framers of new legislation."

## **5. Legal Deposit Libraries Act 2003**

The Act re-enacted (with minor amendments) the existing obligation to deposit printed publications in the six legal deposit libraries, and enables the Secretary of State (a member of the British Cabinet) to make regulations extending the system of legal deposit to non-print material.

In the 2003 Act new provisions exist for the deposit of non-print publications such as CDROMs and copies of websites. The regulations are permitted to include such things as provisions determining how and when a non-print publication must be deposited; when an online work is considered to be published in the UK and therefore subject to the 2003 Act; the quality and means of delivery of the copy of the work; the format that the deposited copy must be presented in where different formats of the work exist; an obligation to give the deposit library information to make the work accessible and the timing when deposit must be made.

There are also restrictions put in place as to the activities that may be undertaken with the non-print publications, unless those activities are authorized by regulations made by the Secretary of State. Those restrictions include copying the material, adapting a computer program or database, lending the material, transferring the material to a third party or disposing of the material. The power to make regulations restricting various matters, including when non-print publications may be used, which readers may use the material and how many people may use a non-print publication at once is also provided for.

## **6. Legal Deposit Advisory Panel**

The Act also sets up a Panel to advise the Secretary of State on the timing and content of regulations relating to legal deposit and to oversee the implementation of the Act.

All appointments are made on merit and political activity plays no part in the selection process. The membership consists of 5 librarians, 5 publishers and 5 independent members. The Panel is engaged on several activities and in particular the following three, Expansion of the voluntary scheme for offline material, an e-journals pilot project and web archiving.

## **7. Expansion of the voluntary scheme for offline material**

Under the Government's 'better regulation' guidelines, it is necessary to establish whether or not a voluntary arrangement is adequate before proceeding to legislation. The purpose of the re-launched voluntary scheme for offline material including microform publications is, therefore, to discover whether or not a Regulation is necessary. Four questions will be addressed:

- How well does the voluntary scheme work for publishers?
- How well does it work for legal deposit libraries?
- How much of the applicable material is in fact deposited?
- What does it cost?

Under this scheme, deposit is requested of all United Kingdom microform and offline electronic publications which are primarily text-based and which are intended as information rather than entertainment products.

## 8. Ejournals pilot project

A voluntary scheme for electronic journals is scheduled to start in June 2007. Its mission is to develop a process for deposit of and access to ejournals between publishers and legal deposit libraries while testing the viability of and compliance with this deposit process. There are three objectives:

- To set up a voluntary scheme to support the controlled submission, ingest, storage, management and access to electronic journals and develop mutual confidence between publishers and the legal deposit libraries in these processes.
- To test the viability of a voluntary approach to eJournal deposit.
- To assess the legal deposit libraries and publisher resource requirements for deposit, and the total time required from selection to initial deposit of eJournal content.

## 9. Web archiving

The panel has also set up a working group to consider the necessity of introducing a Regulation requiring the deposit of websites. The Group will be heavily influenced by the work of the United Kingdom Web Archiving Consortium (UKWAC).

For many, the web has become the information source of first resort. From keeping abreast of latest news and accessing online journals and datasets, through to finding information about travel and sport, the web has become the information tool of choice. However, despite our apparent dependence on this medium very little attention has been paid to the long-term preservation of websites. Indeed, with the life of an average website estimated to be around 44 days (about the same lifespan as a housefly) there is a danger that invaluable scholarly, cultural and scientific resources will be lost to future generations.

To address this problem, a consortium of six leading UK institutions (UKWAC) is working collaboratively on a project to develop a test-bed for selective archiving of UK websites. Using PANDAS software, developed by the National Library of Australia, consortium members will archive sites (once appropriate permissions have been obtained from website owners) relevant to their interests. For example, the Wellcome Library will focus on collecting medical sites, whilst the National Library of Wales will collect sites that reflect life in contemporary Wales. The British Library will focus on sites of cultural, historical and political importance.

Once sites have been archived, catalogued and checked for completeness, they will be made accessible through the UKWAC website. Users will be able to browse the archive - using broad subject headings - or search for specific sites and topics.

## 10. Conclusion/Future

The paper has shown how legal deposit has changed in the last 400 years, from a government-driven need to control and censor the publishing trade and an early form of collection development to the perpetuation of the national heritage and its longevity.

The UK experience has demonstrated the need to take account of changing publishing practices and procedures. And, perhaps, more importantly it has demonstrated the importance of collaboration between libraries, publishers and government.