



Public Lending Right for New Zealand Authors Amendment Regulations 2015

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 9th day of November 2015

Present:

The Right Hon John Key presiding in Council

Pursuant to section 16 of the Public Lending Right for New Zealand Authors Act 2008, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the advice of the Minister of Internal Affairs under section 16(2) of that Act, makes the following regulations.

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Regulations

1 Title

These regulations are the Public Lending Right for New Zealand Authors Amendment Regulations 2015.

2 Commencement

These regulations come into force on 1 January 2016.

3 Principal regulations

These regulations amend the Public Lending Right for New Zealand Authors Regulations 2008 (the **principal regulations**).

4 Regulation 7 amended (Register for purposes of scheme)

- (1) In regulation 7(4), replace “30 April” with “1 March”.
- (2) After regulation 7(5), insert:
- (5A) The chief executive must notify the author when the chief executive accepts, or does not accept, the registration form.

5 Regulation 8 amended (Eligibility criteria for books and New Zealand authors)

- (1) In regulation 8(2)(a), after “regulation 9”, insert “(as adjusted under regulation 10(5) if required)”.
- (2) In regulation 8(2)(d), replace “31 March” with “1 January”.

6 Regulation 9 amended (How New Zealand libraries are to be surveyed or sampled)

In regulation 9(7), replace “regulation 12(3)” with “regulation 12”.

7 New regulation 10 inserted (Number of copies)

After regulation 9, insert:

10 Number of copies

- (1) Before 1 November in a year, the chief executive must notify each author who has entered his or her name in the register for the year of the number of copies

- of the author's book that has been determined by a survey under regulation 9 to be held in New Zealand libraries for the year.
- (2) A New Zealand author who believes that an error has been made in determining the number of copies of his or her book may have the apparent error investigated.
 - (3) The author—
 - (a) must contact the chief executive, in writing or electronically, by 30 November in that year; and
 - (b) must state his or her reasons for believing that there has been an error.
 - (4) The chief executive must investigate the apparent error before calculating the amount payable to authors for that year under regulation 11.
 - (5) If satisfied that an error has been made, the chief executive must adjust the number of copies of the author's book accordingly.

8 Regulation 11 amended (Method by which payments under scheme are calculated)

In regulation 11(2)(a) and (3)(b), after “regulation 9,” insert “(as adjusted under regulation 10(5) if required)”.

9 Regulation 12 replaced (Challenges to decisions)

Replace regulation 12 with:

12 Challenges to decisions

- (1) A New Zealand author who believes that a decision affecting him or her made in the course of the scheme's administration in a year should be investigated may have the decision investigated.
- (2) This regulation does not apply to a decision in relation to the number of copies of the author's book held in New Zealand libraries for the year.
- (3) The author—
 - (a) must contact the chief executive, in writing or electronically, by 30 November in that year; and
 - (b) must state his or her reasons for believing that the decision should be investigated.
- (4) The chief executive must investigate the decision before 31 December in that year.

10 New regulation 13 inserted (Transitional provision for Public Lending Right for New Zealand Authors Amendment Regulations 2015)

After regulation 12, insert:

13 Transitional provision for Public Lending Right for New Zealand Authors Amendment Regulations 2015

These regulations, as in force immediately before 1 January 2016, continue to apply in relation to payments for the 2015 year (including in relation to challenges to decisions made in relation to those payments).

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 January 2016, amend the Public Lending Right for New Zealand Authors Regulations 2008 (the **principal regulations**).

The principal regulations enable New Zealand authors whose books are held in New Zealand libraries to claim payments for those books in recognition of the fact that having the books in libraries might reduce the number of books that are sold. The payments are made at the end of each year.

Currently, authors have until 15 April in the following year to challenge the amount to which they are entitled in a year. Consequently, the administering department has to hold back some of the funds that would otherwise be distributed to authors in case there are any successful challenges after the payments are made.

These regulations amend the principal regulations to change the timetable for determining the eligibility of books, the registration of authors, and the making of challenges so that all matters relating to the payments to be made for a year are resolved before the payments for that year are made. The amendments also clarify the right of authors to challenge the determination of the number of their books that are held in libraries and the procedure for doing so.

Issued under the authority of the Legislation Act 2012.

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These regulations are administered by the Department of Internal Affairs.