

Confidential Filing

Transfer of responsibility for legal deposit
policy from DTI to OAL (Office of Arts
& Libraries)

Government
Machinery

December 1985

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
5.12.85 10.12.85 11.12.85 4.4.86							
<p>PREM 19/2190</p>							
<p>1/55 TND 4/2/15 Keep</p>							

CC/89



JU939

Secretary of State for Trade and Industry

DEPARTMENT OF TRADE AND INDUSTRY

1-19 VICTORIA STREET

LONDON SW1H 0ET

Telephone (Direct dialling) 01-215 5422

GTN 215

(Switchboard) 01-215 7877

4 April 1986

Tim Flesher Esq
Private Secretary to the
Prime Minister
10 Downing Street
London SW1

Mrs. Robin

*This is all agreed.
Can we take on Monday?
to answer on Tuesday?
T.*

Dear Tim,

LEGAL DEPOSIT - TRANSFER OF FUNCTIONS

Mark Addison wrote to John Mogg on 11 December to say that the Prime Minister had approved the transfer of lead responsibility for policy on legal deposit (of books and other printed publications with certain libraries) from this Department to the Office of Arts and Libraries. The Prime Minister also agreed to announce the transfer as soon as we knew when it was to take effect.

attached

The Privy Council approved the transfer, as part of the wider Transfer of Functions Order transferring OAL's main arts responsibilities to the Lord President, on 26 March. The Order will be laid in Parliament on Tuesday 8 April and we would like the legal deposit transfer to be announced on that day in an arranged Parliamentary Question. A draft for this is attached which was originally circulated to other Departments with Mr Brittan's note to the Prime Minister of 5 December 1985.

The Office of Arts and Libraries are making no announcement about the wider transfer of arts responsibilities because this is a routine matter which follows up previously announced Ministerial changes.

I am copying this letter to Joan MacNaughton (Lord President's Office), Rachel Lomax (HM Treasury), Robert Gordon (Scottish Office), Rob Smith (Department of Education and Science), Colin Williams (Welsh Office), Jim Daniell (Northern Ireland Office), Paul Thomas (Office of Arts and Libraries) and Michael Stark (Cabinet Office).

Yours sincerely,

C Bradley

CATHERINE BRADLEY
Private Secretary

DRAFT

Michael Brown.

PQ

TO ASK THE PRIME MINISTER WHETHER SHE WILL CONSIDER
TRANSFERRING LEAD RESPONSIBILITY FOR POLICY CONCERNING THE
LEGAL DEPOSIT OF BOOKS AND OTHER PRINTED PUBLICATIONS WITH
CERTAIN LIBRARIES FROM THE DEPARTMENT OF TRADE AND INDUSTRY
TO THE OFFICE OF ARTS AND LIBRARIES?

DRAFT ANSWER

I have decided to transfer responsibility for legal deposit
policy from the Department of Trade and Industry to the
Office of Arts and Libraries. The Office has general
co-ordinating responsibility for library matters and it is
anomalous that, for historical reasons which are no longer
valid, policy for legal deposit comes within the copyright
responsibilities of the Department of Trade and Industry.

A ~~provision~~ ^{provision} for this purpose is included in The
The necessary Transfer of Functions Order has been laid
before the House today, to take effect from 29 April 1986.

(Arts, Libraries and National

Heritage)
Order
1986



GOUT MACH : Legal Deposits -
Transfer of
responsibility 55

TO THE DIRECTOR GENERAL OF THE POST OFFICE

FOR THE DEPARTMENT OF POSTS AND TELEGRAPHS
AND TELEPHONES

DEPT. OF POSTS

FOR THE DEPARTMENT OF POSTS AND TELEGRAPHS
AND TELEPHONES

FOR THE DEPARTMENT OF POSTS AND TELEGRAPHS
AND TELEPHONES

JA



10 DOWNING STREET

From the Private Secretary

11 December 1985

Dear John

LEGAL DEPOSIT

The Prime Minister has approved the transfer of responsibility for legal deposit proposed in your Secretary of State's minute of 5 December. She has indicated that, unless Parliamentary Counsel sees technical objections, the necessary legal provision should be included in the Transfer of Functions Order already required for existing Arts responsibilities. She will announce the transfer once you are able to advise the date on which a combined Order will take effect.

I am copying this letter to Joan MacNaughton (Lord President's Office), Rachel Lomax (HM Treasury), Robert Gordon (Scottish Office), Rob Smith (Department of Education and Science), Colin Williams (Welsh Office), Jim Daniell (Northern Ireland Office), Paul Thomas (Office of Arts and Libraries) and Michael Stark (Cabinet Office).

Z es
Mark Addison

Mark Addison

John Mogg, Esq.,
Department of Trade and Industry.

SLW



B ce BG

Ref. A085/3210

PRIME MINISTER

Legal Deposit

The minute which the Secretary of State for Trade and Industry sent to you on 5 December proposes a transfer of responsibility for legal deposit from the Department of Trade and Industry to the Office of Arts and Libraries. I understand that the Minister of State, Privy Council Office is content, and I see no objection in principle.

2. Although legal deposit is a relatively minor responsibility in substance, the Secretary of State notes that moving it would require a Transfer of Functions Order. OAL is currently preparing a Transfer of Functions Order in respect of existing Arts responsibilities, following Mr Luce's appointment. There is no point in having two separate Orders where one would do: unless Parliamentary Counsel finds technical difficulty, the brief provision required on legal deposit should be included in the Order transferring the existing responsibilities. I attach a draft.

RWA

ROBERT ARMSTRONG

10 December 1985



DRAFT

DRAFT MINUTE TO THE PRIVATE SECRETARY TO
THE RT HON LEON BRITTAN QC MP

Legal Deposit

The Prime Minister has approved the transfer of responsibility for legal deposit proposed in your Secretary of State's minute of 5 December. She has indicated that, unless Parliamentary Counsel sees technical objections, the necessary legal provision should be included in the Transfer of Functions Order already required for existing Arts responsibilities. She will announce the transfer once you are able to advise the date on which a combined Order will take effect.

I am copying this minute to [Private Secretaries to Lord Whitelaw, Mr Lawson, Sir Keith Joseph, Mr Younger, Mr Edwards, Mr King, Mr Luce and Sir Robert Armstrong.]



Govt Mach 12/85

Legal Depart



COMPTROLLER

570



OAL
R type RTAs
draft Jerry sy.
MIA 11/12
Yes no

CC/BA

Prime Minister. ①

Consent that responsibility for legal deposit should pass from DTI to OAL? And that the announcement

MANAGEMENT IN CONFIDENCE

should be made at the appropriate time in my draft reply at P14 A.

PRIME MINISTER

RTAs advice is at P14 B. It is content.

LEGAL DEPOSIT

MEA 10/12

This minute seeks your consent to the transfer of lead responsibility for legal deposit policy from the Department of Trade and Industry to the Office of Arts and Libraries (OAL).

2 Legal deposit is a provision of the Copyright Act 1911 which was left unrepealed by the Copyright Act 1956. Under this provision, the publisher of every book or other publication published in the United Kingdom must deposit a copy with the British Library and, on request, with up to five other specified libraries, i.e the National Libraries of Scotland and Wales, the Bodleian Library, Cambridge University Library, and the library of Trinity College, Dublin. (The UK benefits considerably from the continued inclusion of Dublin since the arrangement works reciprocally. UK publishers are only required to deposit one copy of each of their works in Dublin, but publishers in the Republic must normally deposit copies of their works with all the five UK libraries within the system.)

3 My Department is responsible for policy on copyright, but the purely historical link between legal deposit and copyright has now ceased to be valid. There was a time when the deposit of works in libraries served a

JH3CLL



MANAGEMENT IN CONFIDENCE

function with respect to copyright in the works, but, even by the time the 1911 Act was introduced, this was no longer the case. The function of legal deposit is now essentially related to the provision of comprehensive library facilities and of national archives.

4 While policy and funding responsibility for the libraries involved is scattered among various Government Departments, OAL has a general co-ordinating responsibility for library matters in the UK. In addition, if the scope of legal deposit were to be broadened, as has been suggested by some, OAL has the policy and financial responsibility for the two archives most likely to be involved: the National Sound Archive (part of the British Library) and the National Film Archive (part of the British Film Institute), as well as for the British Library itself. My Department on the other hand has no executive function in relation to legal deposit, and it is anomalous that the historical link with copyright leaves it with primary responsibility for fixing the legal framework within which the legal deposit system operates.

5 The extent to which publications are increasingly based on a wide range of non-print media means that there may need to be a review of the provision for legal deposit. If responsibility remains with DTI it would appear anomalous if the review were not completed in time for any amendments to be included in the Copyright Bill scheduled for 1986/87. But OAL consider this would be premature since any question of extending legal deposit to new media such as microfilm, sound and video recordings or electronic databases would require detailed study of the financial and technical implications,

JH3CLL



MANAGEMENT IN CONFIDENCE

as well as consultation with the wide variety of interests involved. Transferring responsibility for legal deposit to OAL would allow the timing of a review of the legal deposit provisions to be determined on its own merits, and make the review process more efficient by reducing the amount of inter-Departmental consultation needed at that stage.

6 In these circumstances Richard Luce and I have agreed that lead responsibility for legal deposit policy should now be transferred from my Department to the Office of Arts and Libraries. As with other arts functions, the formal Ministerial responsibility would be vested in the Lord President of the Council as ministerial head of the Privy Council Office in which the Minister for the Arts is a Minister of State. The transfer would require no PES transfer, transfer of staff or change in departmental staff numbers.

7 A Transfer of Functions Order will be required, which we would aim to have ready to put to the Privy Council at its mid-January meeting. (There is a possibility that it might be ready in time for the mid-December meeting but this is not certain.) The change would need to be announced by you in an arranged Parliamentary Question. I attach a draft for your consideration.

8 I am sending copies of this minute to William Whitelaw, Nigel Lawson, Keith Joseph, George Younger, Nicholas Edwards, Tom King, Richard Luce and Sir Robert Armstrong.

L. B.

L B

5 December 1985

JH3CLL

DEPARTMENT OF TRADE AND INDUSTRY

cc

PS/Mr Pattie

PS/Mr Butcher

PS/Sir Brian Hayes

Mr Roith CE & S

Mr Davis, Compt Gen, Patents

Mr Tarnofsky IPCD

Mr Susman Sols C4

Mr Mathers Sols

Mr G P Dyche, Management and Personnel Office

A



MANAGEMENT IN CONFIDENCE

PQ

TO ASK THE PRIME MINISTER WHETHER SHE WILL CONSIDER TRANSFERRING LEAD RESPONSIBILITY FOR POLICY CONCERNING THE LEGAL DEPOSIT OF BOOKS AND OTHER PRINTED PUBLICATIONS WITH CERTAIN LIBRARIES FROM THE DEPARTMENT OF TRADE AND INDUSTRY TO THE OFFICE OF ARTS AND LIBRARIES?

DRAFT ANSWER

I have decided to transfer responsibility for legal deposit policy from the Department of Trade and Industry to the Office of Arts and Libraries. The Office has general co-ordinating responsibility for library matters and it is anomalous that, for historical reasons which are no longer valid, policy for legal deposit comes within the copyright responsibilities of the Department of Trade and Industry.

The necessary Transfer of Functions Order is in preparation, to take effect from

JH3CLM