

THE LEGAL DEPOSIT ACT

Act
34 of 2002.

[11th October, 2004.]

1. This Act may be cited as the Legal Deposit Act.

Short title.

2.—(1) For the purposes of this Act—

Interpreta-
tion.

“document” means library matter of any kind, nature and description and includes any document, paper, record, tape or other thing published by a national publisher or a publisher resident in a foreign country, on or in which information is written, recorded, stored or reproduced;

“legal depository” means the National Library of Jamaica and any other library designated by order of the Minister under section 3;

“library” includes any Government office or department or other institution approved by the Minister which maintains a collection of documents to which members of the public may have access.

“national publisher” means, subject to subsection (2), any person resident in Jamaica who by himself or in association with others, produces any document and publishes it in Jamaica;

“to produce”, in relation to any document, means to manufacture copies thereof by any electronic, mechanical, reprographic or other process;

“to publish in Jamaica”, in relation to any document, means subject to subsection (3), to release copies of such documents in Jamaica for public distribution or for sale and the term “publication” shall be construed accordingly.

(2) Where any document, or any wrapper or container in which any copies thereof are published, bears an imprint, whereby any person holds himself out to be the publisher thereof, that person shall, for the purposes of this Act, be deemed to be the publisher.

(3) Where any document is published at intervals in parts or instalments, each part or instalment shall be deemed to be separate work.

Designation of legal depositories.

3.—(1) The National Library of Jamaica is hereby designated the principal legal depository into which all documents shall be deposited.

(2) Notwithstanding subsection (1), the Minister may, by order, designate any other library as a legal depository and shall therein specify in relation to each such legal depository, the categories of documents which shall be deposited in that depository.

(3) The Minister may by order specify in relation to each legal depository the number of copies of each document which shall be deposited therein.

Obligation to deposit copies of publications.

4. Subject to regulations made under section 8, every national publisher shall, within one month of the publication of any document which he publishes in Jamaica, deposit in each legal depository the number of copies specified pursuant to section 3 (3).

Obligation of national publisher.

5.—(1) Subject to the provisions of this section, every national publisher shall within the first fourteen days of February, May, August and November in each year, furnish each legal depository with a list of the documents which he has published in the preceding three months.

(2) A list furnished under subsection (1) shall contain the title or description, and the name and address of the publisher of each document referred to therein.

(3) Where, in consequence of an order made pursuant to section 3, any category of document is not required to be deposited with any legal depository, it shall not be necessary for a list of documents comprised in that category to be furnished to that legal depository under subsection (1).

6.—(1) Subject to the provisions of this section, every national publisher shall be entitled, in relation to each copy of a document deposited with a legal depository pursuant to section 4, to receive from that depository, within one month of the deposit, a sum equivalent to the actual cost of the production of the copy so deposited.

Compensation of national publisher.

(2) At the time of the making a deposit with a legal depository pursuant to section 4, the national publisher shall make a request, in writing addressed to the person in charge of the legal depository, for payment of the sum to which he claims he is entitled under subsection (1) and shall submit therewith a statement in writing of the actual cost to him of the production of the copy deposited.

(3) Where a national publisher makes no request for payment in accordance with subsection (2), he shall be deemed to have waived his entitlement to payment under subsection (1).

(4) This section shall not apply where the document is published by the Crown or any Government department or office or any statutory body.

(5) Where a national publisher—

(a) does not receive compensation from a legal depository within the period specified in subsection (1) for the reason that in the opinion of the legal depository—

(i) the national publisher is not entitled to compensation; or

- (ii) a statement of costs submitted under subsection (2) specified an amount which is in excess of the actual total cost to the national publisher of the production of the copy deposited; and
- (b) is unable to satisfy the legal depository as to the right to compensation or reach an agreement with the legal depository in respect of some lesser amount as constituting the actual cost of production,

the national publisher may by summons refer the matter to a Judge in Chambers in order to establish the right to compensation or the amount of compensation or both.

(6) Where a national publisher or a legal depository is aggrieved by the decision of a Judge in Chambers under subsection (5), the national publisher or legal depository may appeal to the Court of Appeal.

(7) Any payment to which a national publisher is entitled by virtue of subsection (1) shall be recoverable as a civil debt.

Offences.

7.—(1) Any national publisher who fails to comply with section 4 commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars and to forfeit to each of the legal depositories entitled to such deposit, one copy of the document required by that section to be deposited.

(2) Any national publisher who fails to comply with section 5 shall be liable on conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars.

(3) The Minister may, by order subject to affirmative resolution, amend the penalties specified in subsections (1) and (2).

8. Minister may make regulations generally for giving effect to the provisions and purposes of this Act and in particular such regulations may prescribe— Regulations.

- (a) categories, classes or descriptions of documents which shall be exempt from this Act;
- (b) the kind of copy which is required to be deposited where copies of the document are not of uniform quality and the conditions under which the deposit should be made.

Regulations made hereunder shall be subject to negative resolution.

9. Every book deposited pursuant to section 3 of the Books (Preservation and Registration of Copies) Act (now repealed) shall, on the 11th October, 2004, be transferred to and vest in the principal legal depository specified in section 3. Transfer and vesting of books deposited.

10. This Act shall be binding on the Crown, but nothing in this Act shall render the Crown liable to prosecution. Act binds crown.