

THE LEGAL DEPOSIT ACT

REGULATIONS
(under section 8)

The Legal Deposit Regulations, 2004

L.N. 92A/2004

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(Made by the Minister on the 6th day of September, 2004)

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1. These Regulations may be cited as the Legal Deposit Regulations, 2004. Citation.

2. —(1) Each national publisher shall deposit with the legal depository the following number of documents— Deposit of document.

- (a) two copies of a printed document;
- (b) one copy of an audio-visual document.

(2) In any case where copies of documents which are to be deposited in a legal depository are not of uniform quality—

- (a) one of the copies shall be equal in quality to the quality of the highest priced edition thereof and shall include all materials forming part of the document;
- (b) the other copy shall be equal in quality to the quality of the largest number of copies produced.

3. The following documents are exempt from the provisions of the Act— Exempt documents.

- (a) advertisements;
- (b) bookmarks;

- (c) colouring books;
- (d) confidential documents;
- (e) diaries and calendars not containing any artistic or literary peculiarities;
- (f) documents distributed in Jamaica by private and religious organizations to a select group of persons and not intended for general public consumption;
- (g) documents embodying judicial, quasi-judicial or parliamentary proceedings;
- (h) drawings not published as a collection of works;
- (i) elementary and secondary school yearbooks;
- (j) galley copies or manuscripts;
- (k) games;
- (l) laws of Jamaica, including subsidiary legislation;
- (m) minutes of meetings;
- (n) models;
- (o) new impressions without alteration and reprints of any document;
- (p) newsletters of local interest published by associations, employee groups, government departments/parishes, schools or union locals;
- (q) newspapers;
- (r) official documents for which depositories are prescribed or established under any other enactment;
- (s) offprints that are not repaginated or re-issued for public distribution;
- (t) patterns and blueprints;
- (u) photographs not published as a collection of works;
- (v) press releases and circulars;

- (w) programmes of activities and events;
- (x) sound recordings that are only manufactured or distributed in Jamaica and that have no Jamaican content or major Jamaican contributor, that is to say, no Jamaican artist, composer, conductor, narrator, orchestra, performer, producer or writer;
- (y) trade catalogues;
- (z) unpublished student reports, theses and other works produced to meet course requirements.

4. —(1) Each national publisher shall, when depositing a document in the legal depository, complete the form set out in the Schedule which shall accompany the document.

Conditions for deposit. Schedule.

(2) Each national publisher shall complete a separate form in respect of each document which he deposits.

(3) Where a national publisher is a company, the form shall be completed by a director of the company or the company secretary and shall bear the stamp of the company.

(4) Where the legal depository returns a document to a national publisher because the document is inaccessible, the national publisher shall re-submit the document in a form that is accessible to the legal depository.

5. The legal depository shall return to a national publisher any document which he deposits which—

Circumstances in which document can be returned to national publisher.

- (a) does not meet the requirements of the Act;
- (b) falls within the exemptions under regulation 3; or
- (c) is in a format that renders the document inaccessible to the legal depository.

6. The national publisher shall grant permission to the legal depository to—

National publisher to grant permission to legal depository.

- (a) copy (including download), reformat or refresh for preservation and documentation purposes, any document he deposits; and
- (b) permit members of the public access to any document he deposits pursuant to the provisions of sections 61 to 65 of the Copyright Act and the Copyright (Librarians and Archivists) (Copying of Copyright Material) Regulations, 1993.

SCHEDULE

(Regulation 4(1))

THE LEGAL DEPOSIT ACT

THE LEGAL DEPOSITORY
 THE NATIONAL LIBRARY OF JAMAICA
 AND (insert name of any other designated library)

Legal Deposit Form

A separate form is to be completed in respect of each document deposited.

Name of National Publisher _____

Address of National Publisher _____

E-mail Address of National Publisher _____

Business Telephone No. of National Publisher _____, if individual

Please also state Home No. _____ and Mobile No. _____

Title of Document (as stated on title page or label, etc.) _____

Description of Document _____

Date of Publication of Document _____

Format of First Publication of Document _____

Title Identifier (ISBN, ISSN, etc.) _____

Format of Document Being Deposited _____

No. of Copies of Document being Deposited _____

Production Cost of Single Item _____

Declaration, Grants and Warranties by National Publisher

1. I declare that I am a national publisher in accordance with the provisions of the Legal Deposit Act.

2. I hereby grant to the Legal Depository permission to—

(a) copy (including download), reformat and refresh for preservation and documentation purposes, the document;

(b) permit members of the public access to the document pursuant to sections 61 to 65 of the Copyright Act and the Copyright (Librarians and Archivists) (Copying of Copyright Material) Regulations, 1993.

3. I hereby warrant that I have the legal authority to grant to the Legal Depository the permission granted under paragraph (2), and that I will indemnify and hold the Legal Depository harmless against any and all third party claims in respect of the Legal Depository's dealings with the document deposited.

(Signature of National Publisher or Authorized Officer)

Date _____

Company Stamp

FOR OFFICIAL USE ONLY

State condition of document when checked _____

Name and Position of Receiving Officer _____

Date _____

Signature _____