

CHAPTER 301A
PUBLICATIONS (LEGAL DEPOSIT)

ARRANGEMENT OF SECTIONS

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CHAPTER 301A

PUBLICATIONS (LEGAL DEPOSIT)

An Act to revise the law relating to legal depositaries in Barbados and provide for related matters. 1982-28.

[1st October, 1982] Commence-
ment.
S.I. 1982/
169.

1. This Act may be cited as the *Publications (Legal Deposit) Act*. Short title.

2. (1) For the purposes of this Act,

Interpre-
tation.

“audio-visual works” means the aggregate of a series of related visual images, together with any accompanying sounds, capable of being shown as a moving picture by means of a mechanical, electronic or other device and irrespective of the nature of the material support in which the visual images and any accompanying sounds are embodied;

“legal depositary” means a library designated a legal depositary by order of the Minister under section 3;

“library” includes any Government office or department that maintains a collection of audio-visual, literary or musical works or sound recordings to which the public has access;

“literary work” means

(a) any work expressed in words, numbers or other verbal or numerical symbols or indicia, regardless of the nature of the material objects in which they are embodied; and

(b) any edition comprising drawings, engravings, paintings, pictures or photographs or reproductions thereof,

and includes any postage stamp and any chart, map, plan, poster, printed reproduction of any artistic work, table, newspaper, pamphlet or periodical or any microform of any literary work; but does not include an audio-visual work or a sound recording;

“microform”, in relation to a literary or musical work, means any form of miniaturised reproduction of work, other than in the form of an audio-visual work, regardless of the nature of the material object in which it is embodied;

“musical work” means any musical composition printed or otherwise graphically reproduced, and includes any microform of any musical work and any accompanying words;

“print”, in relation to any audio-visual, literary or musical work or sound recording, means manufacture copies thereof by any electronic, mechanical, reprographic or other process;

Cap. 190. “printer”, means any person who is a permanent resident in Barbados, within the meaning of the *Immigration Act*, who undertakes the printing of any audio-visual, literary or musical work or any sound recording;

Cap. 190. “publisher”, subject to subsection (2), means any person who is a permanent resident in Barbados, within the meaning of the *Immigration Act*, who by himself or in association with others, having undertaken the arrangements necessary for the production of copies of any audio-visual, literary or musical work or of any sound recording, publishes them in Barbados;

“publish in Barbados”, in relation to any audio-visual, literary or musical work or to any sound recording, means, subject to subsection (3), release copies of the work or sound recording in Barbados for distribution to, or for acquisition, whether by purchase or otherwise, by the public in Barbados, and “publication” has a corresponding meaning;

“sound recording” means a work that results from the fixation of a series of musical, spoken or other sounds, other than a sound track associated with an audio-visual work, regardless of the nature of the material object in which they are embodied.

(2) Where any audio-visual, literary or musical work or sound recording, 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 of the work or sound recording, that person shall, for the purposes of this Act, be deemed to be the publisher.

(3) Where one or more copies of an audio-visual work are released in Barbados for sale, hire, lease or loan for the purposes of presentation by exhibition to the public, the audio-visual work shall be deemed to be published in Barbados.

(4) Where any literary work is published at intervals in parts or instalment, each part or instalment shall be deemed to be a separate work.

(5) Where a printer or a publisher is a company, that printer or publisher is resident in Barbados if the company is registered in Barbados.

3. The Minister may, by order, designate a library a legal depositary for the purposes of this Act and there shall be deposited in every legal depositary so designated a copy of such categories of audio-visual, literary or musical works or sound recordings, as may be specified in the order. Legal depositaries.

4. Subject to the regulations, every publisher shall, within 1 month of the publication by him in Barbados of any audio-visual, literary or musical work or of any sound recording, deposit 1 copy of the publication with the legal depositary. Deposit by publisher.

5. (1) Subject to this section, every printer shall, during the first 14 days of each of the months of February, May, August and November in each year, furnish each legal depositary with a list of the audio-visual, literary or musical works and sound recordings that he has printed during the 3 months immediately preceding the month in which the list is furnished. Notification by printer.

(2) A list furnished under subsection (1) shall contain

(a) the title or description of each work or recording referred to in the list; and

(b) the name and address of the publisher of the work or recording.

(3) Where, in consequence of an order made under section 3, any category of audio-visual, literary or musical work or sound recording is not required to be deposited with a legal depositary, it is not necessary for a list of the works or of the recordings comprised in that category to be furnished to the legal depositary under subsection (1).

Offences.

6. (1) A publisher who fails to comply with section 4 is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 3 months; and in addition thereto, the court may order that the publisher forfeit to every legal depositary entitled to the deposit 1 copy of the audio-visual, literary or musical work or sound recording that he was required by that section to deposit.

(2) A printer who fails to comply with section 5 is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 3 months.

Regulations.

7. The Minister may make regulations

- (a) prescribing categories, classes or descriptions of audio-visual, literary or musical works or sound recordings that are exempt from this Act;
- (b) prescribing the type of copy to be deposited (where copies of the work or sound recording are not of uniform quality) and the conditions under which the deposit should be made;
- (c) prescribing anything that is by this Act authorised or required to be prescribed; and
- (d) generally respecting the effective enforcement of the provisions of this Act.

Crown.

8. This Act is binding on the Crown, but nothing in this Act renders the Crown liable to prosecution.