

INFORMATION LEAFLET

UK AND IRISH ASSIGNMENT AND POSTHUMOUS REGISTRATION

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1. UK and Irish PLR schemes, calculations and payments

Introduction

Under the Public Lending Right (PLR) scheme in the UK, payment is made from government funds to authors and other contributors whose books are borrowed from public libraries in the UK. Loans of printed books, audio-books and ebook loans made from library premises qualify for PLR (see section 3: 'Ebooks for more information'). The Public Lending Remuneration (PLR) system covers all libraries in the Republic of Ireland and operates in a similar way.

The UK PLR scheme is administered by the British Library's PLR office. The PLR team also provides a registration service for the Irish PLR scheme on behalf of the Irish Public Lending Remuneration office. But the Irish PLR scheme **ONLY** covers printed material. Applicants may choose to register either for UK PLR (covering libraries in the UK including Northern Ireland) or Irish PLR (covering all libraries in the Republic of Ireland), or for both schemes using our dual registration service.

PLR is a property right, which may be given away, sold or bequeathed. In the event of a registered owner's death, the PLR is transferred/assigned to a new owner and continues for up to 70 years after the date of the original owner's death.

PLR is separate from copyright and the registered owner should make clear provision in their Will for the disposition of the PLR in their books. Suggested wording to use in Wills for assigning or renouncing PLR is available from the PLR office or on our website (under Registration Service/PLR Forms & Leaflets). However, we recommend you also seek advice from a solicitor.

Once the rights are transferred, posthumous applications may be made to register any additional titles which were not registered by the original owner. Further information regarding transferring/assigning PLR and posthumous registration for the UK and Irish PLR schemes is available in sections 2 and 3.

Before submitting a posthumous application you must check that the books are eligible (details in section 3). First applications may not be made by the estate of a deceased author.

How does PLR work?

From the applications received for both systems, the PLR team compile separate computerised registers of contributors and books. For UK PLR, a representative sample of book loans, consisting of all issues from selected public libraries in the UK, is recorded. This is then multiplied in proportion to total library lending to produce for each book an estimate of its total annual loans throughout the country. Under the Irish PLR scheme loans data is collected from all public library authorities in the Republic of Ireland.

Both PLR systems are government funded. After deduction of administrative costs, each PLR fund is divided by the total loans of registered books to arrive at an annual 'rate per loan' figure. This forms the basis for calculating payments.

When is payment made?

For UK PLR you will receive a statement each January. For the Irish PLR scheme, statements are sent out each November. Your statement provides details of loans and

payments due for books which were registered in the previous PLR year. Statements for both schemes are only posted if there is a payment due.

UK PLR payments are made each February and Irish payments are made each December, directly into your bank account where possible. The UK PLR scheme prescribes a minimum payment threshold of £1 and a maximum of £6,600. The Irish PLR scheme has no prescribed thresholds but they may be applied at the discretion of the Irish PLR authorities.

2. UK and Irish PLR assignment process

PLR is a property right, which may be given away, sold or bequeathed. PLR interests in registered books can be transferred to an individual, organisation or company who then becomes the PLR assignee.

Gift or sale

You may transfer PLR in all or some of your titles to an individual, organisation or charity. Once you transfer your rights, you permanently give up your right to receive information on loans of the book(s) and any PLR earnings. You may assign titles which you have registered for the UK scheme only, Irish scheme only, or for both schemes by completing an *Application for Assignment (Gift or Sale)* form, which is available on request from the office. Printable forms are also available on our website www.bl.uk/plr under Registration Service/PLR Forms and Leaflets. You may transfer titles registered for the UK or Irish schemes to different owners by completing two separate assignment forms.

Only books which are already registered for PLR can be assigned. You will therefore need to complete both a registration form and an assignment form for each **unregistered** title which you wish to assign. Books which are already registered do not need to be reapplied for in order to assign them. You may assign all or some of your registered titles. If you do not wish to assign all of your titles, please specify which titles you want to assign on the assignment form.

It is possible to assign different books to different assignees. A separate assignment form will need to be completed for each assignee, specifying which titles are to be assigned to them. However, it is not possible to divide the PLR in one book between different assignees.

Before submitting your application, please check that:

- The books to be assigned have been registered for each scheme that you are transferring titles from. If not, enclose a registration form together with the assignment form.
- You have indicated if the books are to be transferred for the UK scheme, Irish scheme, or both schemes.
- The original registered owner has completed and signed the relevant sections of the form.
- The new owner has completed and signed the relevant sections of the form.
- If you are not assigning all of your registered titles, you have listed the titles to be assigned on the form.

Transfer on death

For both the UK and Irish PLR schemes, the right to receive PLR continues for up to 70 years after the date of the original registered owner's death.

To transfer PLR interests to a new owner (either individual or organisation), an *Application for Assignment (Transfer on Death)* form needs to be completed, which is available on request from the office. Printable forms are also available on our website www.bl.uk/plr under Registration Service/PLR Forms and Leaflets. This form can be used to transfer books which were registered for the UK scheme only, Irish scheme only, or for both schemes. You may transfer the rights which are registered for the UK or Irish scheme to different owners by completing two separate assignment forms.

The assignment form needs to be completed by the legal representative of the estate, and the new owner of the PLR (this can be the same person). The legal representative is named in the Will, Grant of Probate or Letters of Administration (Confirmation Document in Scotland) and may be the executor, administrator or beneficiary.

In order to transfer the PLR, we need to see copies of either the Will and Death Certificate or Grant of Probate, Letters of Administration or Confirmation Document. These documents are returned once we have recorded receipt. If no documentation is available, the next of kin should provide a letter to confirm this.

It is possible to assign different books to different assignees. A separate assignment form will need to be completed for each assignee, specifying which titles are to be assigned to them. However, it is not possible to divide the PLR in one book between different assignees.

Before submitting your application, please check that:

- You have indicated if the books are to be transferred for the UK scheme, Irish scheme, or both schemes.
- The legal representative has completed and signed the relevant sections of the form.
- The required documentation has been enclosed.
- The new owner has completed and signed the relevant sections of the form.
- Any joint owners have been recorded (see below).

Joint Owners

For both the UK and Irish schemes, PLR can be transferred to up to four people. They will jointly own the whole of the assigned PLR rather than owning individual shares in it.

The first named of the joint owners is deemed the senior and will receive correspondence and payments on behalf of all the joint owners to be distributed as agreed between the group.

If the senior owner dies or gives up his interest in PLR, the Right will become the property of the remaining joint owners. The first named of the remaining group will be deemed the senior. The right of survivorship will continue until only one of the original joint owners remains. The final owner can dispose of the Right as they wish.

Any changes to the original transfer document must be supported by the authority of all the joint owners.

3. UK and Irish posthumous registration

Once the transfer of PLR is complete the new owner (assignee) will receive a printout listing titles assigned for each scheme. If a book is missing from the list, or if a new title or edition of a book has been published since the author's death, it may be eligible for posthumous registration.

Books may only be registered posthumously for the scheme(s) that the original owner had registered with during their lifetime. (Refer to section 4 'Synchronising UK and Irish details and dual registration' for further details.) For both UK and Irish PLR, posthumous applications to register **new titles** can only be accepted if the book was published within one year before, or up to ten years after the date of the author's death. New editions of **existing registered books** can be added at any time during the life of PLR (up to seventy years after the author's death).

Applications for posthumous registration for both UK and Irish PLR must be made on an official form, available from the office on request. Printable forms are also available on the website www.bl.uk/plr under Registration Service/PLR Forms and Leaflets. The online service is not available for applicants wishing to register posthumously.

There are two separate forms for posthumous registration. The *First Application for Posthumous Registration* form must be completed jointly by the personal representative and the new owner. The certificate section of the form must be completed by an independent witness who knew the original registered owner for at least two years before their death. Guidelines are provided to assist with completion.

Providing that a *First Application for Posthumous Registration* has been processed, any subsequent applications for posthumous registration may be made by the new owner (assignee) by completing a *Subsequent Application for Posthumous Registration* form. It is not necessary for the personal representative to complete the form, and the certificate section is not required on subsequent forms.

The annual closing date for applications for both the UK and Irish PLR schemes is 30 June. Providing a valid application is received before 30 June, you will be credited with loans for the whole PLR year. Retrospective payments cannot be made for earlier PLR years.

Once your posthumous application has been processed you will be sent a confirmation print for each scheme which you have registered titles for.

Before submitting your application, please check that:

- You have the correct form – ie if this is your first application to register books posthumously, you should complete the *First Application for Posthumous Registration* form. If this is not your first posthumous application, you need the *Subsequent Application for Posthumous Registration* form.
- The books are eligible under the rules for posthumous registration, and shares have been allocated correctly.
- The original registered owner met the residence requirements at the time of their death (see below).

Residence requirement

For books to be eligible for posthumous registration for the UK PLR scheme the original registered owner had to be resident in the EEA at the time of their death. If the original registered owner died while resident outside of the EEA, it is not possible to register any additional titles after their death. You will, however, still continue to receive earnings from the books which were registered for PLR before their death.

For books to be eligible for posthumous registration for the Irish PLR scheme EEA residency rules do not apply and registrations can still be made in accordance with the scheme.

What can I register for PLR?

For both UK and Irish PLR you should register each book and each new edition where it has a different ISBN. New editions include paperbacks, large print, audio-books and ebooks (however under current legislation only ebooks downloaded on library premises qualify for payment – see ‘Ebooks’ for further information), and audio-books and ebooks DO NOT QUALIFY FOR IRISH PLR. Once an ISBN has been registered you do not need to apply for it again.

A book is eligible for PLR registration provided that:

- if the book is printed material, it is ‘bound’ ie held together by a fixed cover;
- it has been published (you should wait until the publication date to apply);
- copies of it have been offered for sale;
- the authorship is personal (ie not a company or organisation);
- it has an ISBN (International Standard Book Number) which is a 10 or 13 digit number usually printed on the back of the title page or cover¹.

Books that are wholly or mainly musical scores, newspapers, magazines and journals, and Crown Copyright publications are not eligible for PLR in the UK or Ireland.

Printed books

To qualify for PLR in a printed book the original owner should be named on the title page or be entitled to a royalty payment from the publisher. When two or more contributors are involved they must divide the PLR between them. This is done on the basis of percentage shares (see ‘Printed books and ebooks – contributors and shares’ for further details).

Only contributors who are named on the title page of a book and have contributed to the text or illustrations inside the book qualify for registration. Writers of a foreword or short introduction do not qualify if this was their only contribution. Publishers and packagers are not eligible for PLR.

Audio-books

An audio-book is defined as a ‘recording of a text being read’, an ‘authored text’ and ‘a work recorded as a sound recording and consisting mainly of spoken words’. In

¹ The Irish PLR Scheme allows books without an ISBN to be registered for PLR. If your book does not have an ISBN, you should write ‘No ISBN’ on your application form. Please note that it is not possible to register books for the UK PLR Scheme if your book does not have an ISBN.

extending the UK scheme, the Government's intention was to mirror the arrangements for printed books and extend them to audio and ebooks. We can therefore only accept applications to register audio-books which meet these requirements and are the equivalent of a printed book.

In order to be eligible for registration, audio material must:

- be a reading of an existing printed book;
or
- name a narrator/reader, or another contributor who performs the same role of guiding the listener through the performance.

For PLR purposes, audio material is only eligible if it would read like a book should the entire content of the recording be printed.

The following audio materials **do not qualify for registration**:

- Amazon audible downloads (digital downloads issued with ASINs);
- Dramatisations of TV or radio shows or audio material based on TV and radio shows which just contain actors performing their role with no narration in between;
- Recordings of conversations, speeches, interviews and comedy sketches;
- Interactive/Multimedia CD Roms which require additional software or interactive content in order to use the material. Under the terms of the scheme, this type of material is not deemed to be the equivalent of a printed book (eg software providing interactive access to teaching materials).

If you have contributed to an audio-book, you should check that the material is eligible for registration first. Once you have established that the material is eligible, you may qualify to register a share if you are named on the case in which the audio-book is held; OR you are able to refer to a contract with your publisher; OR you are named within the audio-book recording.

Refer to the section 'Audio-books – contributors and shares' for details of audio contributors who qualify for PLR and the fixed shares which may be applied for.

Ebooks & E-audio-books

From 1 July 2018 the UK PLR scheme has been extended to include public library loans of remote ebooks and e-audio-books. The first payments for these will be made in February 2020. Previously only audio-books ('talking books') and ebooks downloaded to library premises for taking away as loans ('on-site' ebook loans) were included.

Further information can be found under [Registration of non-print material](#).

We will keep authors informed of any updates regarding this. In the meantime authors can register ebooks and audio download editions for UK PLR, but it is unlikely that loans of this material will generate PLR earnings.

Kindle editions do not qualify for PLR registration as they are published using ASINs instead of ISBNs

Copyright

To register printed books, you do not have to own the copyright. Prior to the changes to extend the PLR scheme to include non-print material, audio and ebook lending was covered under copyright law. If the original owner had signed over the licensing rights in

your audio/ebook to your publisher, you may still register for PLR unless the publisher is already charging the library a licence fee to lend out the audio/ebook. PLR is not aware of such licence fees, but we are required to ask you to confirm that, to the best of your knowledge, a licence fee is not payable.

Printed books and ebooks -contributors and shares

For both the UK and Irish PLR schemes, you must register separately each book and each new edition where it has a different ISBN. New editions include paperbacks, large print, audio-books and ebooks (however under current legislation only ebooks downloaded on library premises qualify for payment – see 'Ebooks' above for further information). Audio-books and ebooks DO NOT QUALIFY FOR IRISH PLR. Once an ISBN has been registered you need not apply for it again.

If the book(s) you are applying for involve contributors other than the one you represent, PLR must be divided between them. This is done on the basis of percentage shares which you must agree before applying for posthumous registration. If you represent the sole author you qualify for a 100% share.

Every contributor named on the title page of a book needs to be consulted when agreeing percentage shares and the agreed division should reflect contribution. Each eligible contributor must submit a separate application.

The following types of contributor must be taken into account:

- **WRITERS** may register a share to reflect contribution. If the original owner was the sole author and the only person named on the title page, you may register 100%. Co-writers agree shares based on contribution. If there are any illustrators/photographers named on the title page they should also be accounted for in the share agreement.
- **ILLUSTRATORS/PHOTOGRAPHERS** – if named on the title page, illustrators/photographers may register a share to reflect their contribution – **even if they are paid by flat fee.**
- **TRANSLATORS** may register a fixed share of 30% if they are named anywhere in a book.
- **ADAPTORS/RETELLERS** may register 80% of the *text* share (after the illustrator's share is allocated) where the original author is named on the title page or 100% of the *text* share where no original author is named.
- **GHOST WRITERS** A ghost writer whose name does not appear on the title page is not eligible for PLR unless they have a royalty agreement with the publisher or an agreement with the author named on the title page. The subject or interviewee may be regarded as a co-author if they had some positive part in producing the book – apart from giving interviews – eg checking manuscripts, making revisions.
- **EDITORS/COMPILERS/ABRIDGERS/REVISERS** may register a share to reflect their contribution. The basic share for editors/compilers is 20%, but share size can be determined by referring to the following guidelines.

Guidelines to Determine an Editor's Shares

20% Where, in addition to normal editorial work, the original owner has written more than 10% of the book or 10 pages of text and is named on the title page. If the original owner is not named on the title page you may still register 20% if you

have a royalty agreement with the publisher, regardless of whether the original owner contributed 10 pages or 10% of the book.

- 50%** Where the book has been compiled from diverse material involving substantial rearrangement, editing, transcribing, and/or abridgement plus some explanatory writing.
- 80%** In exceptional circumstances, for example, where it has taken many years of research to produce a book from obscure primary material and there is a large amount of original writing by the editor or compiler.
- 100%** Where the original owner has written the entire book (despite the fact that they may only be credited on the title page as editor or compiler).

Note: Joint editors/compilers should choose a share from the above guidelines which reflects the total editorial contribution and divide this equally between co-editors.

Audio-books & E-audio-books – contributors and shares

PLR shares in audio-books are fixed by the UK scheme and may not be varied.

- **WRITERS** may register a fixed 60% share in an audio-book, providing that it has not been abridged or translated. In cases where the writer has made an additional contribution, (eg as narrator) he/she may claim both shares (see narrator's share below.). Where there is an abridger and/or a translator involved, a share of the writer's PLR goes to each of them and reduces what is available to the writer (see below).
- **NARRATORS** may register a fixed 20% PLR share in an audio-book.
- **PRODUCERS** may register a fixed 20% share in an audio-book.
- **ABRIDGERS** (in cases where the writer's original text has been abridged prior to recording as an audio-book) qualify for 12% (20% of the writer's share).
- **TRANSLATORS** (in cases where the writer's original text has been translated from another language) qualify for 18% (30% of the writer's share).

If there is more than one writer, narrator etc, the appropriate shares should be divided equally.

If more than one contribution has been made, eg writer and narrator, more than one fixed share may be applied for.

Please refer to the examples on the PLR Registration forms for further details regarding how contributors and shares should be listed.

4. Synchronising UK and Irish details and dual registration

If the original owner had synchronised their details with both the UK and Irish schemes during their lifetime PLR will automatically continue this arrangement on behalf of the new owner. We will assume that posthumous applications and amendments to personal details which we receive should be applied to both schemes. If the original owner had not synchronised their details but was registered for both the UK and Irish PLR schemes, it will be necessary to provide PLR numbers on the posthumous application form for each scheme you are applying for. It is not possible for new owners/assignees to synchronise details for both schemes if the original owner did not synchronise during their lifetime.

Please note that books may only be registered posthumously for the scheme(s) which the original owner had registered with during their lifetime.

5. Updating personal details

Please notify PLR of changes to personal details as soon as they occur. You can update your **address** and **bank** details in writing. We can also accept changes of **address** (but not bank) over the telephone, subject to verification being provided. Please note that we are unable to accept changes to either **address** or **bank** details via email. Please note that the new owner(s) can have an offline or online PLR account. Contact plrauthorservices@bl.uk or 01937 546030 for further information.

6. Income Tax and VAT

For the UK PLR scheme, payments to UK residents will be made without deduction of tax. You should include details of the sums received as income in your tax returns. However, for non-UK residents, the PLR office is obliged to deduct tax before payment is made.

Payments to non-UK residents will be subject to tax at the basic rate, under Section 536 of the *Income and Corporation Taxes Act 1988*. Tax exemption can be applied for by contacting HM Revenue & Customs Centre for Non-Residents Double Taxation Treaty Team (tel: 0300 200 3300 - from UK; +44 135 535 9022 - from overseas). Further information and forms can be found on their website (www.hmrc.gov.uk/cnr/app_dtt.htm).

For the Irish PLR scheme, payments will be made without deduction of tax regardless of your country of residence. Any queries relating to tax and Irish PLR payments should be addressed to the Revenue Commissioners (<http://www.revenue.ie>).

PLR is outside the scope of VAT in both the UK and Ireland and should not be declared on VAT return forms. This is because PLR is a statutory activity and makes no taxable supplies. PLR payment is not a royalty, but derives from the author receiving a share of a subsidy or grant. In cases of any difficulty in relation to the UK scheme your local VAT offices should be asked to refer to VAT Administration Directorate (VAH2) quoting reference TL1158/82.

7. The PLR service

How can I find out more about PLR?

PLR's website (www.bl.uk/plr) contains further background information and the latest news on our administration of both the UK and Irish PLR schemes. Further background information on the Irish PLR system can be found on the Irish PLR website at www.plr.ie.

Additionally, if you are registered for UK PLR, a newsletter is enclosed with your annual statement (each January). This includes information regarding the previous year's PLR operation and its costs, and details of any recent or forthcoming rule changes. This information is also available on our website. From 2013-14 the British Library's Annual Report and Accounts will include a report on the PLR scheme and summary PLR accounts information (see www.bl.uk).

An Annual Report on the Irish PLR system is available on the Irish PLR website.

How soon can I expect to receive a response?

You should normally receive a reply within two weeks. However, during busy periods this may extend to six weeks.

Immediately after the details have been recorded on the PLR computer you will be sent confirmation for your records.

How we use your personal information?

The British Library will use the personal information that you provide to us in order to administer the PLR scheme, and to perform related activities that support this, such as business analysis and audit. If you have provided us with an email address, we may send you emails updating you on developments relating to PLR and other service related messages such as reminders and payment dates. Your personal data may be processed by third parties on our behalf, for example by our bank or foreign exchange specialists in order to make the PLR payments, but your personal data will never be sold or otherwise provided to a third party for their own marketing purposes. Full details about how we manage your personal information can be found on the British Library's website (<http://www.bl.uk>) in our Privacy Policy.

What happens if the PLR office makes a mistake?

The PLR office makes every effort to ensure the correct registration of books. If an error is made by the office, it will be rectified and a retrospective payment made where appropriate. However, the PLR office cannot be held responsible for errors in bibliographic or loans information supplied by libraries or other agencies, or for incorrect information supplied by applicants.

What are my responsibilities to PLR?

Under the PLR Act 1979 (Section 4 (7)), it is an offence to provide false or misleading information, either knowingly or recklessly and this may incur a fine of up to £1000. Therefore it is extremely important that you provide us with correct details so that you only receive earnings which you are entitled to. If you need any help completing your application or advice regarding your eligibility, please contact the Author Services Team

who will be happy to help. You are responsible for the administration and security of your account and you should not share your password or allow others to act on your behalf.

Any changes we make to your personal details and book registrations are confirmed in writing or via your PLR online account. You will also receive a statement each year (if there is a payment due) confirming your personal details, the books and percentage shares that you have registered and the number of loans and earnings on those books. It is your responsibility to check these details carefully and to alert us immediately if you think any details are incorrect.

If I have a complaint or problem what should I do?

If you are unhappy about the standard of service that you have received from the UK Public Lending Right office then we want you to tell us about it so that we can put things right.

Complaints must be made in writing to Kate Ebdon, Head of PLR Operations at the British Library, Boston Spa, Wetherby, West Yorkshire LS23 7BQ (email: kate.ebdon@bl.uk) or using our online feedback form.

We aim to reply fully to all complaints within 10 working days of receiving them. If it takes longer to resolve, we will explain to you why there is a delay and when you can expect to receive a full response.

If you remain dissatisfied you may write direct to Andy Appleyard, Head of Operations North at the British Library, Boston Spa, Wetherby, West Yorkshire LS23 7BQ to whom the Head of PLR Operations is ultimately responsible for the administration of PLR. Whilst we hope that all complaints can be dealt with satisfactorily in this way, you may, if you remain dissatisfied, ask the Parliamentary Ombudsman, via your MP, to investigate your complaint.

Complaints relating to the administration of Irish PLR and views on its provisions should be addressed to the Irish Public Lending Remuneration Office, An Chomhairle Leabharlanna, 53-54 Upper Mount Street, Dublin 2 (email: info@plr.ie).

My views

The PLR office monitors the working of the UK scheme and cooperates with the Registrar of the Irish PLR scheme.

Suggestions for improvements to the UK scheme's eligibility and other rules should be made to the Head of PLR Policy and Engagement (email: julia.eccleshare@bl.uk) who is advised by the British Library's Advisory Committee for Public Lending Right. The Committee can make recommendations to the government for changes to the PLR legislation.