

**LEGAL DEPOSIT ADVISORY PANEL**

**ANNUAL REPORT**

**SEPTEMBER 2005 – AUGUST 2006**

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# Introduction

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The Legal Deposit Advisory Panel (“the Panel”) is an advisory Non-Departmental Public Body (NDPB). It was established on 01 September 2005 to advise the Secretary of State for Culture, Media and Sport on the implementation of the Legal Deposit Libraries Act 2003. The Panel’s Terms of Reference are at Annex A.

This is the Panel’s first Annual Report, which provides an overview of its progress in the first year of its operation in accordance with the Cabinet Office’s Code of Practice for Board Members of Non-Departmental Public Bodies. It gives details of the issues considered by the Panel’s working groups between September 2005 and August 2006 as well as general information about its terms of reference, membership, and administration arrangements.

Any enquiries about the work of the Panel should be addressed to:

**Legal Deposit Advisory Panel**  
**c/o DCMS**  
**2-4 Cockspur Street**  
**London**  
**SW1Y 5DH**

# Working Groups

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In its first year of operation the Panel had three main aims

- to establish its own identity as an independent advisory non-departmental public body separate from the Joint Committee on Legal Deposit (JCLD), which is a non-statutory group of libraries and publishers set up in 2000 and originally known as the Joint Committee on Voluntary Deposit (membership at Annex B), and to agree an effective way of working together
- to use its powers in respect of monitoring and overseeing the operation and implementation of the 2003 Act to test out and challenge, where appropriate, the implicit assumption of the Act that regulation would be required for all categories of non-print publication
- to commission a new piece of research to define and describe all the currently existing types of non-print media which might be subject to deposit, in order to take a fresh look at the post-2003 digital world and to make an assessment of whether or not the definitions of categories of non-print media referred to in the 2003 Act remain current and relevant

In order to achieve the Panel's aims and in recognition of the differing expertise of the Panel's members, five small working groups, known as triads, were established to take forward particular detailed aspects of the Panel's work. Each triad comprised three Panel members. Triads have been chaired by a member of the Panel and have made regular reports on their work to the Panel.

The role of the triads was to focus on a single area of the Panel's activity and to investigate this in detail. This involved consulting with and taking soundings from other Panel members, interest groups and stakeholders as the work of each triad has taken shape and prior to presentation of the triad's ideas, views and recommendations to the full Panel.

In undertaking this work, each triad worked closely with the Panel's Chair as well as with the DTI Advisor to the Panel and DCMS policy officials.

The triads were established as follows:

### **Triad 1: Offline Publications**

Angela Mills Wade (Chair), Martyn Wade, Trevor Fenwick

### **Triad 2: E-journals**

Adrienne Muir (Chair) Andrew Yeates, Peter Fox

### **Triad 3: Web Content**

Simon Tanner (Chair), Clive Field, Ann Limb

### **Triad 4: Territoriality**

Robin Adams (Chair) Hugh Jones, Nina Barakzai

### **Triad 5: Processes and Protocols**

Andrew Green (Chair), Nick Higham, Sally Morris

**Triads 1-3** concentrated on the categories of non-print media listed above and referred to in the 2003 Act in order to produce:

- an outline of the current position on legal deposit in relation to the triad's category of non-print media
- an initial assessment, based on available evidence, of whether or not in light of the Better Regulation Executive's work, a voluntary system for deposit would work for the triad's category of non print media
- a draft outline of what recommendations for regulation might look like if a statutory route for the triad's category of non print media were to be followed

**Triad 4** undertook to explore possible ways of defining the terms associated with the notion of territoriality i.e. what is meant by 'published in the UK', and to produce an outline assessment of whether it would be possible to have generic definitions applicable across all categories of non-print media, or whether it might be necessary to take a different approach to suit the needs and circumstances of the different categories of non-print media.

**Triad 5** agreed to focus on the production of standard frameworks and templates to ensure consistent formulation and presentation of the work of triads 1-4. It also agreed, on behalf of the Panel, to have oversight of some key generic issues and activities such as access, equality and diversity and the preparation of business cases for resources.

The Panel has achieved its three main aims as follows:

- It has concluded and is now implementing an effective protocol arrangement with JCLD that has firmly established LDAP's independent identity and at the same time enabled the Panel to build on and take

forward on-going JCLD work. In so doing LDAP has also been able to use the membership and networks of JCLD to publicise its work to a wider group of stakeholders and delivery partners. This is a positive step forward.

- It is putting in place with the legal deposit libraries and publishers mechanisms for simplifying the existing voluntary scheme for the deposit of offline material in order to encourage maximum participation. This will be strongly promoted and closely monitored by the Panel. There will also be wide consultation with stakeholders and other relevant bodies, and the economic impact assessment will be revisited.
- It has investigated work currently being undertaken on the collection of web content internationally and also by a voluntary group of the main UK based players who constitute the UK web archiving consortium (UKWAC). The Panel has spent considerable time with lawyers probing understanding of what is termed 'territoriality' (i.e. 'place of publication'), as this clearly brings with it particular difficulties in an internet-supported 'borderless world'.
- In addition, the Panel has carried out a tender exercise and subsequently commissioned research from EPS Ltd (Electronic Publications Systems) into describing and defining all the currently existing types of non-print content which could be subject to deposit. This research will be completed by the end of 2006, and will help the Panel to form a rational and coherent approach to recommending Regulations for particular categories or formats of non-print publications.

# Meetings

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The Panel has met 5 times in the first twelve months of its operation on the following dates:

02 September 2005  
01 November 2005\*  
18 January 2006  
21 March 2006  
15 June 2006

\* At the November meeting the Panel undertook a half-day induction and training provided by the National School of Government. This included an overview of the Legal Deposit Libraries Act, information about the Freedom of Information Act, the process of making regulations and the constitutional status of an advisory NDPB. In addition the triads met in between Panel meetings on average about 4 times during the year.

# Forward Look

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Having arrived at a satisfactory working definition of territoriality and put in place consistent frameworks for reporting on future recommendations, the Panel decided at its September 2006 meeting to stand down the work of the two triads that had tackled these issues, in order to concentrate work going forward on three larger sub-groups focusing on the three main categories of non-print media potentially eligible for regulation namely:

**(i) Offline publications** (such as CDs, DVDs and microforms). The Panel has established that the existing voluntary scheme has produced insufficient evidence upon which to base sound recommendations. It has therefore agreed to work with publishers and the legal deposit libraries on implementing a reinvigorated voluntary deposit scheme during 2007 in order to maximise participation and gather the data needed in a more effective and consistent manner. Progress on this will be reviewed at regular intervals by the sub group and the Panel and the success of the re-revamped scheme will be analysed after the first 12 months of its operation. This work will therefore constitute a major part of the Panel's work plan for 2006-2007 and it is anticipated that the Panel will derive from it a robust evidence base upon which to make recommendations on whether or not Regulations are required in respect of offline publications.

**(ii) Web archiving** of public-domain UK web space. The Panel's work in this area is poised to take a significant move forward during 2007. In tackling this ambitious and leading-edge area, the Panel will take into account the work of the independent research study concluded in November 2006. The Panel hopes to be able to make recommendations on the public-domain UK web space in 2007.

**(iii) E-journals.** This sub-group has sought to build on the small-scale technical pilot work in this area developed by the JCLD group on e-journals. It will continue to work closely with the JCLD group on this in order to establish the scope and mechanisms for implementing a formal voluntary deposit scheme. To this end, the Panel has set up a joint expert group comprising members of LDAP and members of the JCLD e-journals working group which will advise the Panel on a workable way forward during 2007.

In November 2006 the Panel will receive the final report on mapping the Digital Content Universe, will review classifications of publication formats in the light of this report, and revise its work plan for 2006-2007 as appropriate.

A handwritten signature in black ink that reads "Ann Limb". The letters are cursive and fluid, with a large initial 'A' and 'L'.

Dr. Ann Limb Chair Legal Deposit Advisory Panel

# Annex A

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## Legal Deposit Advisory Panel

### Terms of Reference

The Legal Deposit Advisory Panel (LDAP) is a lower-tier Non-Departmental Public Body (NDPB). An NDPB is a body with a role in the process of national government which is not a government department or part of one, and operates at arm's length from Ministers. Advisory NDPBs are generally set up to provide independent expert advice to Ministers and their departments on matters within their sphere of interest.

The primary purpose of LDAP will be to advise the Secretary of State on the timing and content of Regulations relating to legal deposit. The role of LDAP will be to:

- advise the Secretary of State on the content of regulations for the deposit of particular classes on non-print media, making recommendations for future secondary legislation as appropriate, in line with Ministerial undertakings made in Parliament;
- monitor and oversee the operation and implementation of the Legal Deposit Libraries Act 2003;
- execute all these responsibilities in accordance with the letter and the spirit of the 2003 Act;
- advise the DCMS as requested on the operation of the 2003 Act.

# Annex B

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## Membership

The Panel comprises 15 members, of which 5 are publishers, 5 librarians, and 5 are independent. Eleven members were appointed to the Panel; the remainder are four ex-officio posts.

The appointments to the Panel are made in accordance with the Office of the Commissioner of Public Appointment's Code of Practice. Posts are not remunerated, except for the post of Chair. All appointments are made on merit. Appointments were made for either 4 year or 2 year terms, with the possibility of re-appointment.

A list of members as at 31 August 2006, together with their professional backgrounds, is set out below.

### Independent Members

Ann Limb (Chair)	Vice President gov3 limited
Simon Tanner	Director, King's Digital Consultancy Services
Nina Barakzai	EU Privacy Counsel, Towers Perrin
Nicholas Higham	Legal Consultant
Adrienne Muir	Lecturer in Information Science, Loughborough University

### Publisher Members

Angela Mills Wade ( <i>ex officio</i> )	Executive Director, European Publishers Council (EPC) and Chair, Digital Content Forum (DCF) Intellectual Property Rights Industry Action Group
Hugh Jones	Copyright and legal consultant
Trevor Fenwick	Managing Director, Euromonitor plc
Andrew Yeates	Media lawyer and business affairs specialist
Sally Morris	Chief Executive, Association of Learned and Professional Society Publishers

## Library Members

Clive Field ( <i>ex officio</i> )	Director of Scholarship and Collections, British Library
Martyn Wade ( <i>ex officio</i> )	National Librarian, National Library of Scotland
Andrew Green ( <i>ex officio</i> )	Librarian, National Library of Wales
Peter Fox	University Librarian, Cambridge University Library
Robin Adams	Librarian, Trinity College Dublin

## *Ex officio* Posts

The four *ex officio* posts are as follows:

<b>Organisation</b>	<b>Post</b>
Digital Content Forum	Chair of the Intellectual Property Rights Industry Action Group
British Library	Director of Scholarship and Collections
National Library of Scotland	National Librarian
National Library of Wales	Librarian

*Ex officio* members are not on the Panel on a personal basis. They are members because of the position they hold. If the holder of the 'primary' post (listed above) changes, then the *ex officio* representative on the Panel will change to the new holder of the primary post.

# Annex C

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## **Finance**

The Panel had an expenditure of £19,000 in the accounting year 2005/06, financed by the Department for Culture, Media and Sport.

Expenditure was in respect of the Chair's remuneration (£7,500), travel and subsistence, refreshments and training.

The Panel generated no income.

## **Administrative Arrangements**

A Secretariat provided by the Department for Culture, Media and Sport provides the Panel with administrative support including arranging panel meetings. The Secretariat also administers the budget.