

PUBLICATIONS (LEGAL DEPOSIT) ACT

CHAPTER 82:74

Act
8 of 1985

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

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PUBLICATIONS (LEGAL DEPOSIT) ACT

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CHAPTER 82:74

PUBLICATIONS (LEGAL DEPOSIT) ACT

8 of 1985.

An Act to make provision for the designation of legal depositories in Trinidad and Tobago for the deposit therein of audio-visual, literary, musical and other works published in Trinidad and Tobago, in substitution for Part I of the Copyright Act and the West Indian Publications Regulations, 1958, and for matters incidental thereto.

Ch. 82:80.
Cap. 381 of the
Federal Laws.

*[ASSENTED TO 1ST APRIL 1985]

WHEREAS it is enacted by section 13(1) of the Constitution, that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly.

And whereas it is provided by the said section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all members of the House.

And whereas it is necessary and expedient that the provisions of this Act shall have effect notwithstanding sections 4 and 5 of the Constitution.

Short title.

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

Act at
variance with
Constitution.

(2) This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Commencement.
[89/1996].

2. This Act came into operation on 17th June 1996.

* See section 2 for commencement date of this Act.

3. (1) For the purposes of this Act, the expression—

Interpretation.

“audio-visual production” means the aggregate of a series of related visual images together with accompanying sounds, if any, which is capable of being shown by means of a mechanical, electronic or other device and irrespective of the nature of the material support on which the visual images and sounds, if any, are carried, but does not include a broadcast unless the broadcast has been incorporated in an audio-visual production which has been published;

“a broadcast” means the aggregate of sounds, or of sounds and visual images, embodied in a programme as transmitted by radio or television broadcasting;

“computer software” means a set of instructions, whether expressed in words or in schematic or other form, which is capable, when incorporated in a machine-readable medium, of causing an electronic or other device having information-processing capabilities to indicate, perform or achieve a particular function, task or result;

“legal depository” means a library designated by Order of the Minister under section 4;

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

“literary work” means any work, other than an audio-visual production or a sound recording, 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 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 computer software;

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

“Minister” means the Minister responsible for library services;

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

“printer or producer” means any person who undertakes in Trinidad and Tobago the printing or manufacture of copies of any literary or musical work, audio-visual production or any sound recording;

“publisher”, subject to subsection (2), means any person in Trinidad and Tobago who, by himself or in association with others, having undertaken the arrangements necessary for the printing or manufacture of copies of any literary or musical work, audio-visual production or of any sound recording, publishes them in Trinidad and Tobago;

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

“publish in Trinidad and Tobago”, in relation to any literary or musical work, audio-visual production or to any sound recording, means, subject to subsection (3), release copies of such work, production or sound recording in Trinidad and Tobago for distribution to, or for acquisition, whether by purchase or otherwise, by the public in Trinidad and Tobago and the term “publication” shall be construed accordingly;

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

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

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

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

4. The Minister may, by Order, designate any library as a legal depository for the purposes of this Act and shall therein specify, in relation to each such legal depository, the categories of literary or musical works, audio-visual productions or sound recordings, a copy of which shall be deposited with that depository.

Designation of legal depositories.

5. (1) Subject to Regulations made under section 9, every publisher shall deposit with each legal depository one copy of every literary or musical work, audio-visual production and of every sound recording, which is within a category specified in relation to that depository in an Order made by the Minister under section 4, and which he publishes in Trinidad and Tobago, within one month of its publication.

Obligation to deposit copies of publications with legal depositories.

(2) Every legal depository which receives a copy of a literary or musical work, audio-visual production or sound recording from a publisher pursuant to subsection (1), shall issue a receipt therefor to the publisher, and the receipt shall be in such form, and signed by such official, as may be prescribed.

6. (1) Subject to this section, every printer or producer shall, within the first fourteen days of February, May, August and November in each year, furnish each legal depository with a list of the literary or musical works, audio-visual productions or sound recordings which he has printed in the previous three months.

Printer to notify legal depositories of works or recordings printed by him.

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

(3) Where, in consequence of an Order made pursuant to section 4, a category of literary or musical works, audio-visual productions or sound recordings is not required to be deposited with any legal depository, it shall not be necessary for a list of any works, productions or recordings comprised in that category to be furnished to that legal depository under subsection (1).

Legal depository to maintain registers and publish lists.

7. (1) Every legal depository shall maintain a register of all literary and musical works, audio-visual productions and sound recordings deposited with it, or deemed to have been deposited with it, under this Act and any member of the public shall have access to copies of the register on the same terms and conditions as they have access to the works, productions and sound recordings in the custody of the depository.

(2) Subject to subsection (3), as soon as practicable after the end of March, June, September and December in each year, every legal depository shall prepare a list of all literary and musical works, audio-visual productions and sound recordings deposited with it (whether or not deposited pursuant to this Act) during the preceding three months, and shall cause the list to be published in the *Gazette* in such form as may be prescribed.

(3) The Minister may, by instrument in writing, exempt a legal depository from compliance with subsection (2).

Offences.

8. (1) A publisher who fails to comply with section 5 is liable on summary conviction to a fine of five hundred dollars and to forfeit to each of the legal depositories entitled to such deposit one copy of the work, production or sound recording which he was required by that section to deposit.

(2) Any printer or producer who fails to comply with section 6 is liable on summary conviction to a fine of five hundred dollars.

9. The Minister may make Regulations for the purposes of this Act and in particular such Regulations may—

- (a) prescribe categories, classes or descriptions of literary or musical works, audio-visual productions or sound recordings which shall be exempt from this Act;
- (b) prescribe the kind of copy which is required to be deposited where copies of the work, production or sound recording are not of uniform quality, and the conditions under which the deposit should be made.

10. (1) For the purpose of ascertaining, under the Income Tax Act, or the Corporation Tax Act, the chargeable income or chargeable profits of a publisher who has made a deposit pursuant to section 5, there shall be allowed a sum equivalent to the value of each copy of the work, production or sound recording so deposited, in respect of the year in which the deposit was made.

Income and corporation tax allowance in respect of deposited works or recordings. Ch. 75:01. Ch. 75:02.

(2) For the purposes of subsection (1), the value of a work, production or sound recording means the price which could reasonably have been obtained therefor if the work or sound recording had been sold on the open market on the date on which the work or sound recording was deposited.

11. (1) Part I of the Copyright Act and the West Indian Publications Regulations, 1958 are hereby repealed, and in this section are referred to as the repealed laws.

Repeals. Ch. 82:80 and Cap. 381 of the Federal Laws.

(2) All literary and musical works, audio-visual productions, sound recordings and any other material which, on the date of the commencement of this Act, are in the custody of any person or library pursuant to the provisions of the repealed laws shall be deemed to have been deposited with that person or library pursuant to this Act and that person or library shall, in respect of those works, productions, sound recordings and material, be deemed to be a legal depository for the purposes of this Act.

Transition.