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National Library Board (Amendment) Bill

Bill No. 19/2018.

Read the first time on 19 March 2018.

A BILL

i n t i t u l e d

An Act to amend the National Library Board Act (Chapter 197 of the 2014 Revised Edition), and to make consequential and related amendments to the Copyright Act (Chapter 63 of the 2006 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the National Library Board (Amendment) Act 2018 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 2

2. Section 2 of the National Library Board Act (called in this Act the principal Act) is amended —

(a) by deleting the definition of “library materials” and substituting the following definition:

10 “ “library materials” means —

(a) any book, periodical, newspaper, pamphlet, musical score, map, chart, plan, picture, photograph or matter, in printed or electronic form;

15 (b) any visual image (including a computer generated image) or sound, or aggregate of visual images or sounds or both, or data —

20 (i) embodied in or recorded on a film (including a microfilm or a microfiche), negative, tape, disc, sound track or other device or thing, so as to be capable (with or without the aid of some other equipment) of being reproduced from it; or

25 (ii) transmitted by electronic means; and

30 (c) any online material made available on a Singapore website;”;

(b) by inserting, immediately after the definition of “National Heritage Board”, the following definition:

““online material” means any writing, visual image, video, sound recording or data accessible to the public generally, through the Internet on a website;”;

(c) by inserting, immediately after the word “books” in the definition of “printed”, the words “or other materials”; 5

(d) by deleting the definition of “published in Singapore” and substituting the following definition:

““published in Singapore”, in relation to library materials other than online material, means produced and released in Singapore for sale or public distribution;”; and 10

(e) by deleting the full-stop at the end of the definition of “publisher” and substituting a semi-colon, and by inserting immediately thereafter the following definition: 15

““Singapore website” means —

(a) any website, the country code top level domain of which is associated with Singapore; or

(b) any prescribed website or electronic service associated with Singapore.”. 20

Amendment of section 7

3. Section 7(2) of the principal Act is amended —

(a) by inserting, immediately after the words “section 10” in paragraph (f), the words “or otherwise acquired by the Board”; and 25

(b) by inserting, immediately after paragraph (f), the following paragraph:

“(fa) to make copies of any online material made available on a Singapore website, at the times and in the manner the Board considers appropriate;”. 30

Amendment of section 10**4.** Section 10 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

5 “(1) Except as otherwise provided by regulations, the publisher of every library material (other than online material) published in Singapore must, at the publisher’s own expense —

10 (a) subject to paragraph (b), deposit 2 copies of that library material with the Board at a place determined by the Board within 4 weeks after the date of first publication; and

15 (b) where the library material is in electronic form, deposit a copy of that library material with the Board in the form and manner determined by the Board, free of any technological or other restriction on access, within 4 weeks after the date of first publication.”;

20 (b) by inserting, immediately after the words “by regulations” in subsection (2), the words “made under section 35”;

25 (c) by inserting, immediately after the words “required to be deposited” in subsection (2)(b), the words “, and the manner in which they must be deposited”; and

(d) by deleting subsection (4).

Amendment of section 11

30 **5.** Section 11(2) of the principal Act is amended by inserting, immediately after the words “by regulations”, the words “made under section 35”.

New section 33A

6. The principal Act is amended by inserting, immediately after section 33, the following section:

“Composition of offences

33A.—(1) The chief executive officer, or an officer or employee of the Board authorised in writing by the Board, may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$500.

(2) On payment of such sum of money, no further proceedings are to be taken against that person in respect of the offence.

(3) All sums collected under this section must be paid into the Consolidated Fund.”.

Amendment of section 35

7. Section 35(2) of the principal Act is amended —

(a) by deleting the words “amount of fines that may be levied” in paragraph (g) and substituting the word “charges”; and

(b) by deleting the words “such fines” in paragraph (g) and substituting the words “such charges”.

Consequential and related amendments to Copyright Act

8.—(1) Section 7(1) of the Copyright Act (Cap. 63) is amended —

(a) by inserting, immediately after the definition of “minimum royalty”, the following definition:

““National Library Board” means the National Library Board established by the National Library Board Act;”;

(b) by inserting, immediately after the definition of “Office”, the following definition:

““online material” has the same meaning as in section 2 of the National Library Board Act;”;
and

(c) by inserting, immediately after the definition of
5 “simulcasting”, the following definition:

““Singapore website” has the same meaning as in section 2 of the National Library Board Act;”.

(2) Section 45 of the Copyright Act is amended by deleting subsection (7A) and substituting the following subsection:

10 “(7A) If any of the following is acquired as part of the collection of a library or archives:

(a) an article contained in a periodical publication or a published work (other than an article contained in a periodical publication) acquired in electronic form;

15 (b) any work that is or is part of online material acquired under section 49A,

the copyright in the article, published work or work is not infringed by the officer-in-charge of the library or archives making it available online within the premises of the library or archives in such a manner that users cannot, by using any
20 equipment supplied by the library or archives —

(i) make an electronic copy of the article, published work or work; or

(ii) communicate the article, published work or work.”.

25 (3) The Copyright Act is amended by inserting, immediately after section 49, the following section:

“Copying of online material for National Library Board collection

30 **49A.** The copyright in a work that is or is part of online material made available on a Singapore website is not infringed by the making of a copy of the online material, by or on behalf of the National Library Board, in the performance of its functions

under section 6(*d*) of the National Library Board Act (Cap. 197).”.

(4) The Copyright Act is amended by inserting, immediately after section 113, the following sections:

“Copying of online material for National Library Board collection

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113A. The copyright in any cinematograph film or sound recording that is or is part of online material made available on a Singapore website is not infringed by the making of a copy of the online material, by or on behalf of the National Library Board, in the performance of its functions under section 6(*d*) of the National Library Board Act (Cap. 197).

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Access to cinematograph film and sound recording by users of libraries and archives

113B. If any cinematograph film or sound recording is acquired, or is or is part of online material acquired under section 113A, as part of the collection of a library or archives, the copyright in the cinematograph film or sound recording is not infringed by the officer-in-charge of the library or archives making it available online within the premises of the library or archives in such a manner that users cannot, by using any equipment supplied by the library or archives —

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(*a*) make an electronic copy of the cinematograph film or sound recording; or

(*b*) communicate the cinematograph film or sound recording.”.

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(5) Section 116 of the Copyright Act is amended by inserting, immediately after “48,” in paragraphs (*a*)(ii) and (*b*)(ii), “49A,”.

EXPLANATORY STATEMENT

This Bill seeks to amend the National Library Board Act (Cap. 197) for the main purpose of giving the National Library Board (the Board) the power to make copies of online material on Singapore websites, commonly known as web-harvesting. Other amendments to the Act relate to expanding the collection of library materials to cover electronic forms of library materials and including a general power to compound offences.

The Bill also makes consequential and related amendments to the Copyright Act (Cap. 63).

Clause 1 relates to the short title and commencement.

Clause 2 replaces the definitions of “library materials” and “published in Singapore” and inserts new definitions for “online material” and “Singapore website”.

The new definition of “library materials” is expanded to cover electronic material such as electronic books and other material formerly only in printed form. In relation to films, videos, sound recordings and other similar material, the definition covers the electronic form, including streamed content, where currently the definition refers to a physical device. The definition of “library materials” is also expanded to cover online material made available on a Singapore website.

As a result, the definition of “published in Singapore” is amended to include electronic forms. However, this definition does not apply to online material as the inclusion of online material in the collection of library materials is not determined by whether it is published in Singapore.

To support web-harvesting, a new definition of “online material” is inserted, referring to material on websites that are available generally to the public. This refers to open websites and not subscription-based or restricted websites. A new definition of “Singapore website” is also inserted. This refers to websites with the “.sg” domain, and any other website associated with Singapore that is prescribed by the Board.

Clause 3 amends section 7(2) to empower the Board to make copies of online material made available on Singapore websites.

Clause 4 amends section 10 to provide for the obligation of legal deposit to apply to the electronic forms of library materials, and to clarify that the obligation does not apply to online material. The Board will make copies of online material on its own initiative and in the exercise of its powers under the Act.

Clause 4 also clarifies that the power of the Board to make regulations for the purposes of section 10 is to be exercised with the approval of the Minister.

An amendment is made to delete section 10(4) which relates to compounding the offence under that section, as a general composition provision is inserted by clause 6.

Clause 5 clarifies that the power of the Board to make regulations for the purposes of section 11 is to be exercised with the approval of the Minister.

Clause 6 inserts a new composition provision (new section 33A) to allow the chief executive officer and specifically authorised officers or employees of the Board to compound any offence under the Act that is prescribed by the Board as a compoundable offence. All composition sums are to be paid into the Consolidated Fund. Officers and employees of the Board collecting such sums are deemed to be public officers for the purposes of the Financial Procedure Act (Cap. 109) by virtue of section 21 of the Public Sector (Governance) Act 2018 (Act 5 of 2018).

Clause 7 makes an editorial amendment to section 35(2)(g) to clarify that the charges for damage, loss or late return of borrowed library materials are not “fines” in the sense of court fines.

Clause 8 makes consequential and related amendments to the Copyright Act.

New definitions are added to section 7 of the Copyright Act for “National Library Board”, “online material” and “Singapore website” to support the consequential and related amendments.

Section 45(7A) of the Copyright Act, which relates to making available articles in periodical publications and published works in electronic form within the library or archive premises, is amended to include online material on Singapore websites acquired by the Board. The online material can be made available to users of the library or archives in the same manner as the articles and published works, and with the same restrictions as to copying and communication.

The clause also inserts a new section 49A to the Copyright Act to provide that copyright in work that is or is part of online material on Singapore websites (within the meaning of the National Library Board Act) is not infringed by the Board making a copy of the online material for the purposes of acquiring and maintaining a comprehensive library collection relevant to Singapore and its people. A consequential amendment is made to section 116 of the Copyright Act resulting from the new section 49A.

A similar provision is inserted in the new section 113A of the Copyright Act in relation to subject matter other than works. The new section allows the Board to copy cinematograph films and sound recordings that may be online material on a Singapore website, without infringing the copyright in the cinematograph film or sound recording.

A new section 113B is inserted to allow libraries and archives to make available cinematograph films or sound recordings, including online material copied by the

Board, to users within the library and archive premises, with the same restrictions as to copying and communication as for works.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
