

INFORMATION LEAFLET



ASSIGNMENTS AND POSTHUMOUS REGISTRATION

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'PLR's aim is to provide an excellent service to all our stakeholders making annual payments to writers and other creators whose works are freely available in libraries. We will achieve this by maintaining a highly skilled team and making efficient use of all our resources'



1. INTRODUCTION

Under the Public Lending Right system, payment is made from government funds to authors, illustrators etc. whose books are borrowed from public libraries. In the event of a registered owner's death, the PLR is transferred to a new owner and continues for up to 70 years after the date of their death. Once the rights are transferred, posthumous applications may be made to register any additional titles which were not registered by the original owner.

Before submitting a posthumous application you must check that the books are eligible (details in section 5). First applications may not be made by the estate of a deceased author.

The annual closing date for applications is 30 June. Providing a valid application is received before 30 June, books are credited with loans from the previous 1 July. Retrospective payment cannot be made for earlier PLR years.

2. HOW THE SYSTEM WORKS

From the applications received, the PLR office compiles a computerised register of contributors and books. A representative sample of book loans, consisting of all issues from selected public libraries, 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.

Each year after deduction of administrative costs, the fund allocated by Parliament is divided by the total loans of registered books to arrive at a 'pence per loan' figure. This forms the basis for calculating payments.

The amount payable is proportionate to the estimated number of times that registered books are borrowed nationally during the PLR year (July - June). Payment is made in the following year (usually in February). The maximum anyone may receive in a year is £6,600; earnings that total less than £1 are not paid. Money saved as a result of these thresholds is returned to the Fund for redistribution.

3. ASSIGNMENT PROCESS

PLR is a property right and, as such, can be given away, sold or bequeathed by will. Authors may transfer the PLR interests in their books in this way to an individual, organisation or company who then becomes the PLR assignee.

Gift or Sale Assignments

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. Applications to assign PLR must be made on an official form available from the PLR office. Forms are available in Braille or Large Print on request. Printable forms are also available on the website www.plr.uk.com under Registration Service/PLR Forms and Leaflets.

Only books which are already registered for PLR can be assigned. You will therefore need to complete both an Application for 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 re-applied 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.

Before submitting your application please check that:

- The books to be assigned have been registered. If not, enclose an Application for Registration form together with the Assignment form
- 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

PLR continues for up to 70 years after the date of the original registered owner's death.

Applications to assign PLR must be made on an official form available from the PLR office. Forms are available in Braille or Large Print on request. Printable forms are also available on the website www.plr.uk.com under Registration Service/PLR Forms and Leaflets.

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 will be named on the Will or Grant of Probate (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 (Confirmation document in Scotland). These documents are returned once we have recorded receipt.

It is possible to divide the assignment of different books to more than one assignee. 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 right in one book between different assignees.

Before submitting your application please check that:

- 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 (please refer to Joint Owners section overleaf)

Joint Owners

PLR can be transferred to a group of 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 assignee 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.

4. 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.

5. POSTHUMOUS REGISTRATION

Once the transfer of PLR is complete the assignee will receive a printout listing all titles assigned. 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.

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 must be made on an official form available from the PLR office. Forms are available in Braille or large print on request. Printable forms are also available on the website www.plr.uk.com under Registration Service/PLR Forms and Leaflets. We regret that the online service is not available for applicants wishing to register posthumously.

There are two separate forms for posthumous registration. First applications for posthumous registration must be completed jointly by the Personal Representative and the New Owner on a 'First Application for Posthumous Registration' form. 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 on the front of the form 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 of the PLR on 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.

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. Refer to the section below – eligible books, contributors and shares.
- The original registered owner met the residence requirements at the time of their death. Refer to the section below.

Residence Requirement

For books to be eligible for posthumous registration, 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.

Eligible Books, Contributors & Shares

You must register separately each book and each new edition where it has a different ISBN. However, 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** - Share to reflect contribution
- **ILLUSTRATORS/PHOTOGRAPHERS** - Share to reflect contribution even if paid by fee
- **TRANSLATORS** - Share fixed at 30%
- **ORIGINAL AUTHOR** - Even if out of copyright or deceased a notional share should be allocated to reflect contribution

- **ADAPTORS/RETELLERS** - 80% of the text share (after any 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** - If named on the title page or entitled to royalties from the publisher
- **EDITORS/COMPILERS/REVISERS** - Share to reflect contribution. The basic share for editors is 20%, but this can be increased depending on contribution. For further information refer to the Guidelines for Editors which is included on our Information Leaflet (copies available from the office and on our website www.plr.uk.com under Registration Service/PLR Forms and Leaflets).

The annual closing date for applications is 30 June. Providing a valid application is received before 30 June, you will be credited with loans from the previous 1 July. Retrospective payments cannot be made for earlier PLR years.

Once your posthumous application has been processed you will be sent a computer printout as confirmation of the registration.

If you then wish to register any further books and new editions of existing books (only if a new ISBN is allocated), you will need to submit another posthumous application form.

6. INCOME TAX AND VAT

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 the Inland Revenue's Centre for Non-Residents (tel: +44 (0) 151 210 2222). Information and forms are also available on their website (www.hmrc.gov.uk/cnr)

PLR is outside the scope of VAT and should not be declared on VAT return forms. In cases of difficulty your local VAT offices should be asked to refer to VAT Administration Directorate (VAH2) quoting reference TL1158/82.

7. THE SERVICE YOU MAY EXPECT

How may I find out more about 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 PLR's website: www.plr.uk.com. A fuller Annual Report is published by the Registrar. Copies are available from the PLR office and on the website.

How soon may I expect to receive a reply to letters and application forms?

You should normally receive a reply within two weeks. However, during busy periods (June and January/February) this may extend to six weeks. Once your application has been processed you will be sent confirmation for your records.

When is payment made?

You will receive a Statement each January. This gives details of the estimated national loans of all your books, the payments due on each and how the payment will be made. Payments are made once in a year (usually in February) direct to your account wherever possible.

What information is confidential?

In accordance with Data Protection legislation the Registrar confirms that the personal data you provide in registering with this organisation will only be used for the purposes of administering PLR. If you have provided an email address, we may send you emails occasionally updating you on PLR developments. If you do not wish to receive these emails you may contact us to opt out.

No personal information will be disclosed to a third party. However, the Inland Revenue is entitled to information about payments.

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 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.

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

In the first instance write with details to the Registrar, Jim Parker, at the address on the front of this leaflet, enclosing a copy of your book if appropriate or email him (theregistrar@plr.uk.com). Alternatively you may telephone him on (01642) 604699 between Monday and Thursday, 9.00am-5.00pm (4.30pm on Fridays). If the cause of your concern remains unresolved you are of course at liberty to refer the matter to the Secretary of State for Culture, Media and Sport, to whom the Registrar 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.

Your Views

The Registrar monitors the working of the PLR Scheme and would be glad to hear from you regarding possible unfairness or anomalies in the rules. Suggestions for improvements can be referred by the Registrar to a Management Board which advises him on PLR matters and may lead to changes in the PLR Scheme. You may wish to send an email message to the Registrar (theregistrar@plr.uk.com) expressing your views – but please note that we cannot accept changes to personal details via email.