

THE BOOKSELLERS ASSOCIATION LAW REPORT – SPRING 2016

Competition

The Complaint made by The BA in June 2015 is still being considered by the European Commission. Following the formal submission of the Complaint in June 2015 a delegation from The BA met with Mrs Larsson Haug and officials from DG Competition in Brussels in November 2015 to expand on the issues.

Business Rates

The fundamental review promised by Government has been postponed to Budget 2016 though the Chancellor has repeated the policy to devolve rates to local and combined authorities, and for 100% local retention; local authorities will have the ability to reduce rates and combined authorities with Mayors will be able to increase rates to fund infrastructure investments.

American Booksellers Association Compliant re Amazon's Abuse of Its Dominance in the Book Market

As you will know the ABA took part in an unprecedented joint action in which U.S. booksellers, authors, and literary agents called on the U.S. Department of Justice (DOJ) to investigate the business practices of Amazon.com. The action comes as similar efforts are underway in the European Union. This is on-going.

Consumer Protection

A reminder that legislation came into effect in October last year that introduces new mechanisms to assist consumers in resolving their disputes with a business. The 'Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015' requires that all businesses, once they fail to resolve the consumer's complaint through their own customer service methods, indicate an alternative dispute resolution body relevant to their dispute.

Please see <http://www.legislation.gov.uk/uksi/2015/542/contents/made>

Unfair Contract Terms

A reminder also that The Consumer Rights Act 2015 (in force from 1 October 2015) updates the law on the use of unfair contract terms in consumer contracts. This guidance for businesses will help you to understand what makes terms and notices unfair, and what the risks are if you use unfair wording.

Please see <http://www.legislation.gov.uk/ukpga/2015/15/contents/enacted>

Proposed New Irish Consumer Rights Bill

The Department of Jobs, Enterprise and Innovation in Dublin has put forward suggested amendments to the Irish Consumer Rights Bill. However, the deliverance of the Bill is unclear since the election in Ireland this month delivered an uncertain political future as to who will form the next Government.

Please see <http://www.eccireland.ie/minister-announces-consultation-on-new-consumer-rights-bill/>

Environment & CSR

As you will know the Government has introduced a new law requiring large organisations with over 250 employees to charge 5p for all single use plastic carrier bags from 5th October 2015.

It is a requirement that businesses use the Government portal to report by 31st May each year on the number of bags given out and what has been done with the proceeds.

The first reporting period for this data is 5th October 2015 to 6th April 2016. This should be reported by 31 May 2016.

If you need further information on the plastic bag charging scheme please see here: <https://www.gov.uk/government/collections/carrier-bags>

If you need further help on how to report please contact PlasticBagCharge@defra.gsi.gov.uk

Scottish Business Rates Update

With the upcoming elections to the Scottish Parliament taking place in May 2016 the BA will be attending an event in Edinburgh next month to assess what the future road-map of Business Rates may look like.

Sunday trading review continues the Government's devolution drive

Under current laws, large stores (over 3,000sq ft) in England and Wales can open for a maximum of six hours on a Sunday, with certain exemptions such as shops at airports and railways stations.

The Government wants to implement devolved powers to allow mayors and local councils the ability to determine trading hours in their areas. To this effect the Secretary of State for Business, Innovation and Skills, Rt Hon Sajid Javid MP, announced on 9th February that the Government proposes to devolve the power to extend Sunday trading hours across England & Wales. This is a devolved matter for both Northern Ireland and Scotland.

However, reports suggest a combination of the Official Opposition, Conservative rebels and SNP opposition will stop the Government's plans.

Please see <http://www.bbc.co.uk/news/uk-politics-35759590>

Copyright Enforcement

The BA submitted its views on the Government's consultation on the transitional arrangements for the repeal of Section 52 of the Copyright Designs and Patents Act 1988. The Government intends to announce its plans by the end of March.

Digital Single Market update

From discussions The BA has had, it is likely that any new exceptions made will be mandatory, although scope and scale is still being finalised. A number of live issues remain such as the exception for illustration for education, text and data mining, remote access in public libraries, and preservation by public libraries.

Of concern to The BA is that the Commission appears to have returned to their previous belief that some forms of work (those that are published specifically for the educational market) should be excluded from a new digital education exception.

The BA is also remaining in contact with the UK IPO who have, to date, been supportive of the need to ensure that any proposals from the Commission enable the UK's current system of a work-neutral exception subject to licence to remain intact.

Libraries

The BA has been active in raising the importance of libraries and has asked Government to establish a Parliamentary Commission to further the general duty as set out in the Public Libraries and Museums Act 1964 to “provide a comprehensive and efficient library service for all persons” and to consider amending the legislation if necessary.



L to R: Rt Hon Dame Margaret Hodge DBE MP, Giles Clifton, Head of Corporate Affairs. Margaret Hodge is Chair of the All Party Parliamentary Group on Responsible Taxation to whom The BA will be giving oral evidence this month.