



Public Lending Right Act 1979

1979 CHAPTER 10

An Act to provide public lending right for authors, and for connected purposes. [22nd March 1979]

Annotations:

Modifications etc. (not altering text)

C1 Functions of the Secretary of State under this Act transferred by [S.I. 1979/907](#), 1981/207, 1983/879, 1984/1814, 1986/600 and 1992/1311 and from 29.4.1986 to 2.7.1992 exercisable by the Lord President of the Council by virtue of [S.I. 1986/600](#), [art. 2\(1\)](#), [Sch. 1 Pt. 1](#) and as from 3.7.1992 those functions again exercisable by the Secretary of State by virtue of [S.I. 1992/1311](#), [arts. 3\(1\)](#), [12\(4\)](#), [Sch. 1 Pt. 1](#) and references to the Secretary of State from 29.4.1986 to 2.7.92 and from 3.7.92 to be construed accordingly by virtue of [S.I. 1986/600](#), [art. 7\(1\)](#) and 1992/1311, [art. 12\(4\)](#).

Commencement Information

II Act not in force at Royal Assent see [s. 5\(3\)](#); Act wholly in force at 1. 3. 1980.

1 Establishment of public lending right.

- (1) In accordance with a scheme to be prepared and brought into force by the Secretary of State, there shall be conferred on authors a right, known as “public lending right”, to receive from time to time out of a Central Fund payments in respect of such of their books as are lent out to the public by local library authorities in the United Kingdom.
- (2) The classes, descriptions and categories of books in respect of which public lending right subsists, and the scales of payments to be made from the Central Fund in respect of it, shall be determined by or in accordance with the scheme; and in preparing the scheme the Secretary of State shall consult with representatives of authors and library authorities and of others who appear to be likely to be affected by it.
- (3) ^{F1}... the Schedule to this Act has effect
- (4) The [^{F2}Board] shall be charged with the duty of establishing and maintaining in accordance with the scheme a register showing the books in respect of which public

Changes to legislation: Public Lending Right Act 1979 is up to date with all changes known to be in force on or before 23 April 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

lending right subsists and the persons entitled to the right in respect of any registered book.

- (5) The [^{F3}Board] shall, in the case of any registered book determine in accordance with the scheme the sums (if any) due by way of public lending right; and any sum so determined to be due shall be recoverable from the [^{F3}Board] as a debt due to the person for the time being entitled to that right in respect of the book.
- (6) Subject to any provision made by the scheme, the duration of public lending right in respect of a book shall be from the date of the book's first publication (or, if later, the beginning of the year in which application is made for it to be registered) until 50 years have elapsed since the end of the year in which the author died.
- (7) Provision shall be made by the scheme for the right—
 - (a) to be established by registration;
 - (b) to be transmissible by assignment or assignation, by testamentary disposition or by operation of law, as personal or moveable property;
 - (c) to be claimed by or on behalf of the person for the time being entitled;
 - (d) to be renounced (either in whole or in part, and either temporarily or for all time) on notice being given to the [^{F4}Board] to that effect.

Annotations:

Amendments (Textual)

- F1** Words in s. 1(3) omitted (1.10.2013) by virtue of [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 7(2)** (with art. 8)
- F2** Word in s. 1(4) substituted (1.10.2013) by [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 7(3)** (with art. 8)
- F3** Word in s. 1(5) substituted (1.10.2013) by [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 7(3)** (with art. 8)
- F4** Word in s. 1(7)(d) substituted (1.10.2013) by [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 7(3)** (with art. 8)

2 The Central Fund.

- (1) The Central Fund shall be constituted by the Secretary of State and placed under the control and management of the [^{F5}Board] .
 - (2) There shall be paid into the Fund from time to time such sums, out of money provided by Parliament, as the Secretary of State with Treasury approval determines to be required for the purpose of satisfying the liabilities of the Fund; but in respect of the liabilities of any one financial year of the Fund the total of those sums shall not exceed £2 million ^{F6}....
 - (3) With the consent of the Treasury, the Secretary of State may from time to time by order in a statutory instrument increase the limit on the sums to be paid under subsection (2) above in respect of financial years beginning after that in which the order is made; but no such order shall be made unless a draft of it has been laid before the House of Commons and approved by a resolution of that House.
- [^{F7}(4) There are to be paid out of the Central Fund such sums as may in accordance with the scheme be due from time to time in respect of public lending right.]

Changes to legislation: Public Lending Right Act 1979 is up to date with all changes known to be in force on or before 23 April 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- [^{F8}(5) There is to be paid into the Central Fund—
- (a) money received by the Board in respect of property disposed of in connection with its functions in relation to public lending right, and
 - (b) money otherwise received by the Board in the course of its functions in relation to public lending right, or under this Act,
- after deduction of any costs associated with the disposal of the property or otherwise referable to the money received.
- (5A) But an amount required to be paid into the Central Fund under subsection (5) is instead to be paid into the Consolidated Fund if the Secretary of State, with the consent of the Treasury, so directs.]
- ^{F9}(6)

Annotations:

Subordinate Legislation Made

- P1** S. 2: powers previously exercised by [S.I. 1985/201](#) and [S.I. 1988/609](#)
P2 S. 2(3): power exercised by [S.I.1991/858](#)

Amendments (Textual)

- F5** Word in [s. 2\(1\)](#) substituted (1.10.2013) by [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 8(2)** (with art. 8)
F6 Words in [s. 2\(2\)](#) omitted (1.10.2013) by virtue of [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 8(3)** (with art. 8)
F7 [S. 2\(4\)](#) substituted (1.10.2013) by [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 8(4)** (with art. 8)
F8 [S. 2\(5\)\(5A\)](#) substituted for [s. 2\(5\)](#) (1.10.2013) by [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 8(5)** (with art. 8)
F9 [S. 2\(6\)](#) omitted (1.10.2013) by virtue of [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 8(6)** (with art. 8)

Modifications etc. (not altering text)

- C2** By [S.I. 1988/609](#), **art. 2** it is provided that the limit on the sums to be paid under section 2(2) out of money provided by Parliament into the Central Fund to satisfy the liabilities of any one financial year of the Fund should, in respect of any financial year beginning after 31st March 1988, be increased to £3.5 million less the total of any sums paid in that year, out of money so provided, under paragraph 2 of the Schedule to the Act
C3 [S. 2\(2\)](#) amended by [S.I. 1991/858](#), **art. 2**
[S. 2\(2\)](#) amended (1.4.1993) by [S.I. 1993/799](#), **art.2**
[S. 2\(2\)](#) amended (1.4.1999) by [S.I. 1999/905](#), **art. 2**
C4 [S. 2\(2\)](#) amended (1.4.2003) by [The Public Lending Right \(Increase of Limit\) Order 2003 \(S.I. 2003/839\)](#), arts. 1, 2

3 The scheme and its administration.

- (1) As soon as may be after this Act comes into force, the Secretary of State shall prepare the draft of a scheme for its purposes and lay a copy of the draft before each House of Parliament.

Changes to legislation: Public Lending Right Act 1979 is up to date with all changes known to be in force on or before 23 April 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) If the draft scheme is approved by a resolution of each House, the Secretary of State shall bring the scheme into force (in the form of the draft) by means of an order in a statutory instrument, to be laid before Parliament after it is made; and the order may provide for different provisions of the scheme to come into force on different dates.
- (3) The scheme shall be so framed as to make entitlement to public lending right dependent on, and its extent ascertainable by reference to, the number of occasions on which books are lent out from particular libraries, to be specified by the scheme or identified in accordance with provision made by it.
- (4) For this purpose, “library”—
- (a) means any one of a local library authority’s collections of books held by them for the purpose of being borrowed by the public; and
 - (b) includes any such collection which is taken about from place to place.
- (5) The scheme may provide for requiring local library authorities—
- (a) to give information as and when, and in the form in which, the [^{F10}Board] may call for it or the Secretary of State may direct, as to loans made by them to the public of books in respect of which public lending right subsists, or of other books; and
 - (b) to arrange for books to be numbered, or otherwise marked or coded, with a view to facilitating the maintenance of the register and the ascertainment and administration of public lending right.
- (6) The [^{F11}Board] shall^{F12}... reimburse to local library authorities any expenditure incurred by them in giving effect to the scheme, the amount of that expenditure being ascertained in accordance with such calculations as the scheme may prescribe.
- (7) Subject to the provisions of this Act (and in particular to the foregoing provisions of this section), the scheme may be varied from time to time by the Secretary of State, after such consultation as is mentioned in section 1(2) above, and the variation brought into force by an order in a statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament; and the variation may comprise such incidental and transitional provisions as the Secretary of State thinks appropriate for the purposes of continuing the scheme as varied.

^{F13}(8)

Annotations:

Subordinate Legislation Made

P3 S. 3: for previous exercises of this power see Index to Government Orders.

P4 S. 3(7): s. 3(7) power exercised by [S.I.1991/2618](#)

Amendments (Textual)

F10 Word in s. 3(5)(a) substituted (1.10.2013) by [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 9(2)** (with art. 8)

F11 Word in s. 3(6) substituted (1.10.2013) by [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 9(2)** (with art. 8)

F12 Words in s. 3(6) omitted (1.10.2013) by virtue of [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 9(3)** (with art. 8)

F13 S. 3(8) omitted (1.10.2013) by virtue of [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 9(4)** (with art. 8)

Changes to legislation: Public Lending Right Act 1979 is up to date with all changes known to be in force on or before 23 April 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

4 The register.

- (1) The register shall be kept in such form, and contain such particulars of books and their authors, as may be prescribed.
- (2) No application for an entry in the register is to be entertained in the case of any book unless it falls within a class, description or category of books prescribed as one in respect of which public lending right subsists.
- (3) The scheme shall provide for the register to be conclusive both as to whether public lending right subsists in respect of a particular book and also as to the persons (if any) who are for the time being entitled to the right.
- (4) Provision shall be included in the scheme for entries in the register to be made and amended, on application made in the prescribed manner and supported by prescribed particulars (verified as prescribed) so as to indicate, in the case of any book who (if any one) is for the time being entitled to public lending right in respect of it.
- (5) The [F14Board] may direct the removal from the register of every entry relating to a book in whose case no sum has become due by way of public lending right for a period of at least 10 years, but without prejudice to a subsequent application for the entries to be restored to the register.
- [F15(6) The Board may require the payment of fees, according to prescribed scales and rates, for supplying copies of entries in the register.
- (6A) A copy of an entry in the register is, in all legal proceedings, admissible in evidence as of equal validity with the original if it is certified in writing by—
 - (a) a member of the Board,
 - (b) a person employed by, or contracted to provide services for, the Board with authority in that behalf (which authority it is unnecessary to prove).]
- (7) It shall be an offence for any person, in connection with the entry of any matter whatsoever in the register, to make any statement which he knows to be false in a material particular or recklessly to make any statement which is false in a material particular; and a person who commits an offence under this section shall be liable on summary conviction to a fine of not more than [F16level 5 on the standard scale]
- (8) Where an offence under subsection (7) above which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he (as well as the body corporate) shall be guilty of that offence and be liable to be proceeded against accordingly.

Where the affairs of a body corporate are managed by its members, this subsection applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Annotations:

Amendments (Textual)

- F14** Word in s. 4(5) substituted (1.10.2013) by [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 10(2)** (with art. 8)
- F15** S. 4(6)(6A) substituted for s. 4(6) (1.10.2013) by [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 10(3)** (with art. 8)

Changes to legislation: Public Lending Right Act 1979 is up to date with all changes known to be in force on or before 23 April 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F16 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c.48, SIF 39:1\)](#), [s. 46](#); (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c.21, SIF 39:1\)](#), [s. 289G](#) and (N.I.) [S.I. 1984/703 \(N.I.3\)](#), [art. 5](#)

5 Citation, etc.

- (1) This Act may be cited as the Public Lending Right Act 1979.
- (2) In this Act any reference to “the scheme” is to the scheme prepared and brought into force by the Secretary of State in accordance with sections 1 and 3 of this Act (including the scheme as varied from time to time under section 3(7); and—
 - [^{F17}“author”, in relation to a work recorded as a sound recording, includes a producer or narrator;]
 - [^{F18}“the Board” means the British Library Board established under section 1(2) of the British Library Act 1972;]
 - [^{F17}“book” includes—
 - (a) a work recorded as a sound recording and consisting mainly of spoken words (an “audio-book”), and
 - (b) a work, other than an audio-book, recorded in electronic form and consisting mainly of (or of any combination of) written or spoken words or still pictures (an “e-book”);
 - “lent out”—
 - (a) means made available to a member of the public for use away from library premises for a limited time, but
 - (b) does not include being communicated by means of electronic transmission to a place other than library premises, and “loan” and “borrowed” are to be read accordingly;
 - “library premises” has the meaning given in section 8(7) of the Public Libraries and Museums Act 1964;]
 - “local library authority” means—
 - (a) a library authority under the ^{M1}Public Libraries and Museums Act 1964,
 - (b) a statutory library authority within the ^{M2}Public Libraries (Scotland) Act 1955, and
 - (c) an Education and Library Board within the ^{M3}Education and Libraries (Northern Ireland) Order 1972;
 - “prescribed” means prescribed by the scheme;
 - [^{F19}“producer” has the meaning given in section 178 of the Copyright, Designs and Patents Act 1988;]
 - “the register” means the register required by section 1(4) to be established and maintained by the [^{F20}Board] ; ^{F21}...
 - ^{F22}...
 - [^{F23}“sound recording” has the meaning given in section 5A(1) of the Copyright, Designs and Patents Act 1988.]
- (3) This Act comes into force on a day to be appointed by an order made by the the Secretary of State in a statutory instrument to be laid before Parliament after it has been made.
- (4) This Act extends to Northern Ireland.

Changes to legislation: Public Lending Right Act 1979 is up to date with all changes known to be in force on or before 23 April 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Annotations:

Amendments (Textual)

- F17** Words in s. 5(2) inserted (30.6.2014) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 43(2)**, 47(3)(d); S.I. 2014/1659, **art. 2**
- F18** Words in s. 5(2) inserted (1.10.2013) by [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), **art. 1(2)**, **Sch. 1 para. 11(a)** (with **art. 8**)
- F19** Words in s. 5(2) inserted (30.6.2014) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 43(3)**, 47(3)(d); S.I. 2014/1659, **art. 2**
- F20** Word in s. 5(2) substituted (1.10.2013) by [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), **art. 1(2)**, **Sch. 1 para. 11(b)** (with **art. 8**)
- F21** Word in s. 5(2) omitted (30.6.2014) by virtue of [Digital Economy Act 2010 \(c. 24\)](#), **ss. 43(4)**, 47(3)(d), **Sch. 2**; S.I. 2014/1659, **art. 2**
- F22** Words in s. 5(2) omitted (1.10.2013) by virtue of [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), **art. 1(2)**, **Sch. 1 para. 11(c)** (with **art. 8**)
- F23** Words in s. 5(2) inserted (30.6.2014) by [Digital Economy Act 2010 \(c. 24\)](#), **ss. 43(5)**, 47(3)(d) (as amended (1.10.2013) by [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), **art. 1(2)**, **Sch. 1 para. 14** (with **art. 8**); S.I. 2014/1659, **art. 2**)

Modifications etc. (not altering text)

- C5** Power of appointment conferred by s. 5(3) fully exercised: S.I. 1980/83, **art. 2**

Marginal Citations

- M1** 1964 c. 75.
M2 1955 c. 27.
M3 S.I. 1972/1263 (N.I. 12).

Changes to legislation: Public Lending Right Act 1979 is up to date with all changes known to be in force on or before 23 April 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE

[^{F24}PUBLIC LENDING RIGHT: SUPPLEMENTARY PROVISION]

Annotations:

Amendments (Textual)

F24 Sch. heading substituted (1.10.2013) by [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 12(6)** (with art. 8)

^{F25}₁

Annotations:

Amendments (Textual)

F25 Sch. para. 1 omitted (1.10.2013) by virtue of [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 12(2)** (with art. 8)

^{F26}₂

Annotations:

Amendments (Textual)

F26 Sch. para. 2 omitted (1.10.2013) by virtue of [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 12(2)** (with art. 8)

^{F27}₃

Annotations:

Amendments (Textual)

F27 Sch. para. 3 omitted (1.10.2013) by virtue of [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 12(2)** (with art. 8)

^{F28}₄

Annotations:

Amendments (Textual)

F28 Sch. para. 4 omitted (1.10.2013) by virtue of [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 12(2)** (with art. 8)

^{F29}₅

Annotations:

Amendments (Textual)

F29 Sch. para. 5 omitted (1.10.2013) by virtue of [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 12(2)** (with art. 8)

Changes to legislation: Public Lending Right Act 1979 is up to date with all changes known to be in force on or before 23 April 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[^{F30}6 The Documentary Evidence Act 1868 shall have effect as if the Board were included in the first column of the Schedule to that Act, as if any person authorised to act on behalf of the Board were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any documents issued by the Board, or by any such person, in relation to the Board's functions under this Act or the scheme.]

Annotations:

Amendments (Textual)

F30 Sch. para. 6 substituted (1.10.2013) by [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 12(3)** (with art. 8)

^{F31}7

Annotations:

Amendments (Textual)

F31 Sch. para. 7 omitted (1.10.2013) by virtue of [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 12(4)** (with art. 8)

8 Anything authorised or required under this Act ^{F32}..., or by or under the scheme, to be done by the [^{F33}Board] may be done by any [^{F34}person] who is authorised generally or specially in that behalf in writing by the [^{F33}Board] .

Annotations:

Amendments (Textual)

F32 Words in Sch. para. 8 omitted (1.10.2013) by virtue of [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 12(5)(a)** (with art. 8)

F33 Word in Sch. para. 8 substituted (1.10.2013) by [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 12(5)(b)** (with art. 8)

F34 Words in Sch. para. 8 substituted (1.10.2013) by [The Public Bodies \(Abolition of the Registrar of Public Lending Right\) Order 2013 \(S.I. 2013/2352\)](#), art. 1(2), **Sch. 1 para. 12(5)(c)** (with art. 8)

Changes to legislation:

Public Lending Right Act 1979 is up to date with all changes known to be in force on or before 23 April 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

Changes and effects yet to be applied to :

- s. 3(5)(6) word substituted by [S.I. 2013/2352 Sch. 1 para. 9\(2\)](#)
- s. 5(2) amendment to earlier affecting provision 2010 c. 24, s. 43(5) by [S.I. 2013/2352 Sch. 1 para. 14](#)
- s. 5(2) word repealed by [2010 c. 24 Sch. 2](#)
- s. 5(2) words substituted by [2017 c. 30 s. 31\(1\)](#)