I wish to respond to the public consultation being conducted by the Department in the above matter. I was surprised to find it difficult to access information on the consultation on the DAHG website – it does not appear on the page related to current consultations.

I wish to express support as a citizen and a user of NLI services for statutory backing to be given (via an amendment to the Copyright Act) to an extension of the policy of collecting, preserving and making available the published output of the nation for the benefit of the public to include all contemporary publication formats of Irish interest including online digital formats e.g., .ie websites.

The absence of legislation authorising a policy extension on digital legal deposit can impact adversely on the ability of the National Library to continue to collect, preserve and make available this material for future generations.

A policy extension on digital legal deposit reflected in the amendment of the Copyright Act would, I believe, be consistent with other public policy initiatives developed in Ireland in recent decades to improve the online accessibility of legislative enactments and the process of their continual updating. These initiatives include, for instance, the publication of legislation online on the electronic Irish Statute Book database (eISB), the availability on the eISB of the Legislation Directory, the Legislative Observatory of the Houses of the Oireachtas, and the publication of Revised Acts on the website of the Law Reform Commission. The electronic Irish Statute Book database (eISB) is the principal online source of the State’s legislation and is maintained by the Office of the Attorney General (AGO). The AGO first made the eISB available in 1998, initially on CD-ROM and then online.

Currently the Documentary Evidence Act 1925 provides that the printed edition of an Act published by the Stationery Office (that is, the hard copy, paper, version) is prima facie evidence of the content of the law, unless otherwise proven (Article 25.4.5° of the Constitution of Ireland provides that the text of an Act signed by the President and deposited in the office of the Supreme Court is “conclusive evidence” of the any post-1937 Act). Consequently, the electronic versions of Acts published on the eISB therefore currently have no formal legal status, such as the prima facie evidential status given by the Documentary Evidence Act 1925 to Stationery Office printed copies. In practice, however, the Law Reform Commission has noted that the eISB is often relied on as the source of the text of Acts and statutory instruments.

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