



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER III

ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

[^{F1}Disability]

Textual Amendments

- F1** S. 31A cross-heading substituted (1.6.2014) by [The Copyright and Rights in Performances \(Disability\) Regulations 2014 \(S.I. 2014/1384\)](#), regs. 1(1), 2(2)

[^{F2}31A Disabled persons: copies of works for personal use

- (1) This section applies if—
 - (a) a disabled person has lawful possession or lawful use of a copy of the whole or part of a work, and
 - (b) the person's disability prevents the person from enjoying the work to the same degree as a person who does not have that disability.
- (2) The making of an accessible copy of the copy of the work referred to in subsection (1) does not infringe copyright if—
 - (a) the copy is made by the disabled person or by a person acting on behalf of the disabled person,
 - (b) the copy is made for the disabled person's personal use, and
 - (c) the same kind of accessible copies of the work are not commercially available on reasonable terms by or with the authority of the copyright owner.

Status: Point in time view as at 23/05/2016.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Disability. (See end of Document for details)

- (3) If a person makes an accessible copy under this section on behalf of a disabled person and charges the disabled person for it, the sum charged must not exceed the cost of making and supplying the copy.
- (4) Copyright is infringed by the transfer of an accessible copy of a work made under this section to any person other than—
 - (a) a person by or for whom an accessible copy of the work may be made under this section, or
 - (b) a person who intends to transfer the copy to a person falling within paragraph (a),
 except where the transfer is authorised by the copyright owner.
- (5) An accessible copy of a work made under this section is to be treated for all purposes as an infringing copy if it is held by a person at a time when the person does not fall within subsection (4)(a) or (b).
- (6) If an accessible copy made under this section is subsequently dealt with—
 - (a) it is to be treated as an infringing copy for the purposes of that dealing, and
 - (b) if that dealing infringes copyright, it is to be treated as an infringing copy for all subsequent purposes.
- (7) In this section “dealt with” means sold or let for hire or offered or exposed for sale or hire.]

Textual Amendments

- F2** S. 31A substituted (1.6.2014) by [The Copyright and Rights in Performances \(Disability\) Regulations 2014 \(S.I. 2014/1384\)](#), regs. 1(1), **2(3)**

[^{F3}31B Making and supply of accessible copies by authorised bodies

- (1) If an authorised body has lawful possession of a copy of the whole or part of a published work, the body may, without infringing copyright, make and supply accessible copies of the work for the personal use of disabled persons.
- (2) But subsection (1) does not apply if the same kind of accessible copies of the work are commercially available on reasonable terms by or with the authority of the copyright owner.
- (3) If an authorised body has lawful access to or lawful possession of the whole or part of a broadcast or a copy of a broadcast, the body may, without infringing copyright—
 - (a) in the case of a broadcast, make a recording of the broadcast, and make and supply accessible copies of the recording or of any work included in the broadcast, and
 - (b) in the case of a copy of a broadcast, make and supply accessible copies of that copy or of any work included in the broadcast,
 for the personal use of disabled persons.
- (4) But subsection (3) does not apply if the same kind of accessible copies of the broadcast, or of any work included in it, are commercially available on reasonable terms by or with the authority of the copyright owner.

Status: Point in time view as at 23/05/2016.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Disability. (See end of Document for details)

- (5) For the purposes of subsections (1) and (3), supply “for the personal use of disabled persons” includes supply to a person acting on behalf of a disabled person.
- (6) An authorised body which is an educational establishment conducted for profit must ensure that any accessible copies which it makes under this section are used only for its educational purposes.
- (7) An accessible copy made under this section must be accompanied by—
 - (a) a statement that it is made under this section, and
 - (b) a sufficient acknowledgement (unless this would be impossible for reasons of practicality or otherwise).
- (8) If an accessible copy is made under this section of a work which is in copy-protected electronic form, the accessible copy must, so far as is reasonably practicable, incorporate the same or equally effective copy protection (unless the copyright owner agrees otherwise).
- (9) An authorised body which has made an accessible copy of a work under this section may supply it to another authorised body which is entitled to make accessible copies of the work under this section for the purposes of enabling that other body to make accessible copies of the work.
- (10) If an authorised body supplies an accessible copy it has made under this section to a person or authorised body as permitted by this section and charges the person or body for it, the sum charged must not exceed the cost of making and supplying the copy.
- (11) If an accessible copy made under this section is subsequently dealt with—
 - (a) it is to be treated as an infringing copy for the purposes of that dealing, and
 - (b) if that dealing infringes copyright, it is to be treated as an infringing copy for all subsequent purposes.
- (12) In this section “dealt with” means sold or let for hire or offered or exposed for sale or hire.

Textual Amendments

- F3** Ss. 31B, 31BA, 31BB substituted (1.6.2014) for s. 31B by [The Copyright and Rights in Performances \(Disability\) Regulations 2014 \(S.I. 2014/1384\)](#), regs. 1(1), **2(4)**

31BA Making and supply of intermediate copies by authorised bodies

- (1) An authorised body which is entitled to make an accessible copy of a work under section 31B may, without infringing copyright, make a copy of the work (“an intermediate copy”) if this is necessary in order to make the accessible copy.
- (2) An authorised body which has made an intermediate copy of a work under this section may supply it to another authorised body which is entitled to make accessible copies of the work under section 31B for the purposes of enabling that other body to make accessible copies of the work.
- (3) Copyright is infringed by the transfer of an intermediate copy made under this section to a person other than another authorised body as permitted by subsection (2), except where the transfer is authorised by the copyright owner.

Status: Point in time view as at 23/05/2016.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Disability. (See end of Document for details)

- (4) If an authorised body supplies an intermediate copy to an authorised body under subsection (2) and charges the body for it, the sum charged must not exceed the cost of making and supplying the copy.

Textual Amendments

F3 Ss. 31B, 31BA, 31BB substituted (1.6.2014) for s. 31B by [The Copyright and Rights in Performances \(Disability\) Regulations 2014 \(S.I. 2014/1384\)](#), regs. 1(1), **2(4)**

31BB Accessible and intermediate copies: records and notification

- (1) An authorised body must keep a record of—
 - (a) accessible copies it makes under section 31B,
 - (b) intermediate copies it makes under section 31BA, and
 - (c) the persons to whom such copies are supplied.
- (2) An authorised body must allow the copyright owner or a person acting for the copyright owner, on giving reasonable notice, to inspect at any reasonable time—
 - (a) records kept under subsection (1), and
 - (b) records of copies made under sections 31B and 31C as those sections were in force before the coming into force of these Regulations.
- (3) Within a reasonable time of making an accessible copy under section 31B, an authorised body must—
 - (a) notify any body which—
 - (i) represents particular copyright owners or owners of copyright in the type of work concerned, and
 - (ii) has given notice to the Secretary of State of the copyright owners, or the classes of copyright owner, represented by it, or
 - (b) if there is no such body, notify the copyright owner (unless it is not reasonably possible to ascertain the name and address of the copyright owner).]

Textual Amendments

F3 Ss. 31B, 31BA, 31BB substituted (1.6.2014) for s. 31B by [The Copyright and Rights in Performances \(Disability\) Regulations 2014 \(S.I. 2014/1384\)](#), regs. 1(1), **2(4)**

F4 31C

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Textual Amendments

F4 Ss. 31C-31E repealed (1.6.2014) by [The Copyright and Rights in Performances \(Disability\) Regulations 2014 \(S.I. 2014/1384\)](#), reg. 1(1), **Sch. para. 8** Table

F4 31D

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Status: Point in time view as at 23/05/2016.

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Textual Amendments

F4 Ss. 31C-31E repealed (1.6.2014) by [The Copyright and Rights in Performances \(Disability\) Regulations 2014 \(S.I. 2014/1384\)](#), reg. 1(1), **Sch. para. 8** Table

^{F4}**31E**

Textual Amendments

F4 Ss. 31C-31E repealed (1.6.2014) by [The Copyright and Rights in Performances \(Disability\) Regulations 2014 \(S.I. 2014/1384\)](#), reg. 1(1), **Sch. para. 8** Table

[^{F5}**31F Sections 31A to 31BB: interpretation and general**

- (1) This section supplements sections 31A to 31BB and includes definitions.
- (2) “Disabled person” means a person who has a physical or mental impairment which prevents the person from enjoying a copyright work to the same degree as a person who does not have that impairment, and “disability” is to be construed accordingly.
- (3) But a person is not to be regarded as disabled by reason only of an impairment of visual function which can be improved, by the use of corrective lenses, to a level that is normally acceptable for reading without a special level or kind of light.
- (4) An “accessible copy” of a copyright work means a version of the work which enables the fuller enjoyment of the work by disabled persons.
- (5) An accessible copy—
 - (a) may include facilities for navigating around the version of the work, but
 - (b) must not include any changes to the work which are not necessary to overcome the problems suffered by the disabled persons for whom the accessible copy is intended.
- (6) “Authorised body” means—
 - (a) an educational establishment, or
 - (b) a body that is not conducted for profit.
- (7) The “supply” of a copy includes making it available for use, otherwise than for direct or indirect economic or commercial advantage, on terms that it will or may be returned.
- (8) To the extent that a term of a contract purports to prevent or restrict the doing of any act which, by virtue of section 31A, 31B or 31BA, would not infringe copyright, that term is unenforceable.]

Textual Amendments

F5 S. 31F substituted (1.6.2014) by [The Copyright and Rights in Performances \(Disability\) Regulations 2014 \(S.I. 2014/1384\)](#), regs. 1(1), **2(5)** (with Sch. para. 9)

Status:

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