

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Paragraph 3B. (See end of Document for details)

SCHEDULES

SCHEDULE 2

RIGHTS IN PERFORMANCES: PERMITTED ACTS

Modifications etc. (not altering text)

- C1** Sch. 2 continued (31.10.2003) by virtue of [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#) , **reg. 33** (with [regs. 31-40](#))

[^{F1}Making [^{F1}communicating, making available, distributing or lending] of accessible copies by authorised bodies

Textual Amendments

- F1** Sch. 2 paras. 3A-3E and cross-headings inserted (1.6.2014) by [The Copyright and Rights in Performances \(Disability\) Regulations 2014 \(S.I. 2014/1384\)](#), [regs. 1\(1\), 3](#)
- F1** Words in Sch. 2 para. 3B heading substituted (11.10.2018) by [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), [regs. 1\(2\), 13\(2\)](#)

3B. [^{F2}(1) If—

- (a) an authorised body has lawful access to the whole or part of a work which has been published or otherwise made available, and
- (b) the body complies with sub-paragraph (1A),

the body may, without infringing the rights conferred by this Chapter, make, communicate, make available, distribute or lend accessible copies of the work on a non-profit basis for the personal use of disabled persons in the United Kingdom ^{F3}....

(1A) An authorised body complies with this sub-paragraph if it—

- (a) distributes, communicates, makes available or lends accessible copies only to disabled persons or other authorised bodies,
- (b) takes appropriate steps to discourage the unauthorised reproduction, distribution, communication to the public or making available to the public of accessible copies,
- (c) demonstrates due care in, and maintains records of, its handling of works and accessible copies, and
- (d) publishes and updates, on its website if appropriate, or through other online or offline channels, information on how it complies with the obligations in paragraphs (a), (b) and (c).]

^{F4}(2)

^{F4}(3)

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- (4) For the purposes of [^{F5}sub-paragraph (1)], [^{F6}communicate, make available, distribute or lend] “for the personal use of disabled persons” [^{F7}includes to communicate, make available, distribute or lend] to a person acting on behalf of a disabled person.
- ^{F8}(5)
- ^{F8}(6)
- ^{F8}(7)
- (8) An authorised body which has made an accessible copy of a recording under this paragraph may [^{F9}communicate, make available, distribute or lend] it to another authorised body [^{F10}established in the United Kingdom ^{F11}...] which is entitled to make accessible copies of the recording under this paragraph for the purposes of enabling that other body to make accessible copies of the recording.
- ^{F12}(9)
- (10) If an accessible copy of a recording made under this paragraph is subsequently dealt with—
- (a) it is to be treated as an illicit recording for the purposes of that dealing, and
 - (b) if that dealing infringes any right conferred by this Chapter, it is to be treated as an illicit recording for all subsequent purposes.
- [In this paragraph “dealt with” means sold or let for hire or offered or exposed for ^{F13}(11) sale or hire.]]

Textual Amendments

- F2** Sch. 2 para. 3B(1)(1A) substituted for Sch. 2 para. 3B(1) (11.10.2018) by [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **13(3)**
- F3** Words in Sch. 2 para. 3B(1) omitted (31.12.2020) by virtue of [The Intellectual Property \(Copyright and Related Rights\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/605\)](#), regs. 1(2), **25(a)** (with reg. 38) (as amended by [S.I. 2020/1050](#), regs. 1(2), 4); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Sch. 2 para. 3B(2)(3) omitted (11.10.2018) by virtue of [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **13(4)**
- F5** Words in Sch. 2 para. 3B(4) substituted (11.10.2018) by [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **13(5)(a)**
- F6** Words in Sch. 2 para. 3B(4) substituted (11.10.2018) by [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **13(5)(b)**
- F7** Words in Sch. 2 para. 3B(4) substituted (11.10.2018) by [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **13(5)(c)**
- F8** Sch. 2 paras. 3B(5)-(7) omitted (11.10.2018) by virtue of [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **13(6)**
- F9** Words in Sch. 2 para. 3B(8) substituted (11.10.2018) by [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **13(7)(a)**
- F10** Words in Sch. 2 para. 3B(8) inserted (11.10.2018) by [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **13(7)(b)**
- F11** Words in Sch. 2 para. 3B(8) omitted (31.12.2020) by virtue of [The Intellectual Property \(Copyright and Related Rights\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/605\)](#), regs. 1(2), **25(b)** (with reg. 38) (as amended by [S.I. 2020/1050](#), regs. 1(2), 4); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Sch. 2 para. 3B(9) omitted (11.10.2018) by virtue of [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **13(8)**

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F13 Sch. 2 para. 3B(11) inserted (11.10.2018) by The Copyright and Related Rights (Marrakesh Treaty etc.) (Amendment) Regulations 2018 (S.I. 2018/995), regs. 1(2), **13(9)**

Changes to legislation:

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