



Copyright (Visually Impaired Persons) Act 2002

2002 CHAPTER 33

1 Accessible copies of copyright work for visually impaired persons

In the Copyright, Designs and Patents Act 1988 (c. 48), after section 31 insert—

“Visual impairment

31A Making a single accessible copy for personal use

- (1) If a visually impaired person has lawful possession or lawful use of a copy (“the master copy”) of the whole or part of—
 - (a) a literary, dramatic, musical or artistic work; or
 - (b) a published edition,which is not accessible to him because of the impairment, it is not an infringement of copyright in the work, or in the typographical arrangement of the published edition, for an accessible copy of the master copy to be made for his personal use.
- (2) Subsection (1) does not apply—
 - (a) if the master copy is of a musical work, or part of a musical work, and the making of an accessible copy would involve recording a performance of the work or part of it; or
 - (b) if the master copy is of a database, or part of a database, and the making of an accessible copy would infringe copyright in the database.
- (3) Subsection (1) does not apply in relation to the making of an accessible copy for a particular visually impaired person if, or to the extent that, copies of the copyright work are commercially available, by or with the authority of the copyright owner, in a form that is accessible to that person.
- (4) 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.
- (5) If a person makes an accessible copy on behalf of a visually impaired person under this section and charges for it, the sum charged must not exceed the cost of making and supplying the copy.
- (6) If a person holds an accessible copy made under subsection (1) when he is not entitled to have it made under that subsection, the copy is to be treated as an infringing copy, unless he is a person falling within subsection (7)(b).
- (7) A person who holds an accessible copy made under subsection (1) may transfer it to—
 - (a) a visually impaired person entitled to have the accessible copy made under subsection (1); or
 - (b) a person who has lawful possession of the master copy and intends to transfer the accessible copy to a person falling within paragraph (a).
- (8) The transfer by a person (“V”) of an accessible copy made under subsection (1) to another person (“T”) is an infringement of copyright by V unless V has reasonable grounds for believing that T is a person falling within subsection (7) (a) or (b).
- (9) If an accessible copy which would be an infringing copy but for 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, is to be treated as an infringing copy for all subsequent purposes.
- (10) In subsection (9), “dealt with” means sold or let for hire or offered or exposed for sale or hire or included in a broadcast or cable programme service.”