
STATUTORY INSTRUMENTS

2018 No. 995

The Copyright and Related Rights (Marrakesh Treaty etc.) (Amendment) Regulations 2018

PART 2

Amendments to the 1988 Act

Making and supply of accessible copies by authorised bodies

13.—(1) Paragraph 3B (making and supply of accessible copies by authorised bodies)(1) is amended as follows.

(2) In the paragraph heading for “and supply” substitute “communicating, making available, distributing or lending”.

(3) For sub-paragraph (1) substitute—

“(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 or another member State of the European Union.

(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).”

(4) Omit sub-paragraphs (2) and (3).

(5) In sub-paragraph (4)—

(a) for “sub-paragraphs (1) and (2)” substitute “sub-paragraph (1)”;

(b) for “supply” substitute “communicate, make available, distribute or lend”;

- (c) for “includes supply” substitute “includes to communicate, make available, distribute or lend”.
- (6) Omit sub-paragraphs (5) to (7).
- (7) In sub-paragraph (8)—
 - (a) for “supply” substitute “communicate, make available, distribute or lend”;
 - (b) after “another authorised body” insert “established in the United Kingdom or in another member State of the European Union”.
- (8) Omit sub-paragraph (9).
- (9) After sub-paragraph (10), insert—
 - “(11) In this paragraph “dealt with” means sold or let for hire or offered or exposed for sale or hire.”