



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

#### CHAPTER III

#### ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

#### *[<sup>F1</sup>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)

#### **[<sup>F2</sup>31A Disabled persons: copies of works for personal use**

- (1) This section applies if—
- (a) a disabled person has lawful [<sup>F3</sup>access to] a copy of the whole or part of a work, and
  - (b) the person's disability prevents the person from enjoying the work to [<sup>F4</sup>substantially] 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) (a) does not infringe copyright if—
- (a) the copy is made by the disabled person [<sup>F5</sup>and] or by a person acting on behalf of the disabled person,
  - (b) the copy is made for the disabled person's personal use <sup>F6</sup>...
  - <sup>F7</sup>(c) .....

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- <sup>F8</sup>(3) .....
- (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** Words in s. 31A(1)(a) substituted (11.10.2018) by [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **4(2)(a)**
- F4** Word in s. 31A(1)(b) inserted (11.10.2018) by [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **4(2)(b)**
- F5** Word in s. 31A(2)(a) inserted (11.10.2018) by [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **4(3)(a)**
- F6** Word in s. 31A(2)(b) 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), **4(3)(b)**
- F7** S. 31A(2)(c) 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), **4(3)(c)**
- F8** S. 31A(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), **4(4)**

#### <sup>F9</sup>31B Making [<sup>F10</sup>, communicating, making available, distributing or lending] of accessible copies by authorised bodies

- <sup>F11</sup>(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 subsection (1A),
- the body may, without infringing copyright, 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.

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- (1A) An authorised body complies with this subsection 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).]

<sup>F12</sup>(2) .....

<sup>F12</sup>(3) .....

<sup>F12</sup>(4) .....

- (5) For the purposes of [<sup>F13</sup>subsection (1)], [<sup>F14</sup>to communicate, make available, distribute or lend] “for the personal use of disabled persons” [<sup>F15</sup>includes to communicate, make available, distribute or lend] to a person acting on behalf of a disabled person.

<sup>F16</sup>(6) .....

<sup>F16</sup>(7) .....

<sup>F16</sup>(8) .....

- (9) An authorised body which has made an accessible copy of a work under this section may [<sup>F17</sup>communicate, make available, distribute or lend] it to another authorised body [<sup>F18</sup>established in the United Kingdom or another member State of the European Union] 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.

<sup>F19</sup>(10) .....

- (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

- F9** 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)**
- F10** Words in s. 31B heading substituted (11.10.2018) by [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **5(2)**
- F11** S. 31B(1)(1A) substituted for s. 31B(1) (11.10.2018) by [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **5(3)**
- F12** S. 31B(2)-(4) 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), **5(4)**

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- F13** Words in s. 31B(5) substituted (11.10.2018) by The Copyright and Related Rights (Marrakesh Treaty etc.) (Amendment) Regulations 2018 (S.I. 2018/995), regs. 1(2), **5(5)(a)**
- F14** Words in s. 31B(5) substituted (11.10.2018) by The Copyright and Related Rights (Marrakesh Treaty etc.) (Amendment) Regulations 2018 (S.I. 2018/995), regs. 1(2), **5(5)(b)**
- F15** Words in s. 31B(5) substituted (11.10.2018) by The Copyright and Related Rights (Marrakesh Treaty etc.) (Amendment) Regulations 2018 (S.I. 2018/995), regs. 1(2), **5(5)(c)**
- F16** S. 31B(6)-(8) 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), **5(6)**
- F17** Words in s. 31B(9) substituted (11.10.2018) by The Copyright and Related Rights (Marrakesh Treaty etc.) (Amendment) Regulations 2018 (S.I. 2018/995), regs. 1(2), **5(7)(a)**
- F18** Words in s. 31B(9) inserted (11.10.2018) by The Copyright and Related Rights (Marrakesh Treaty etc.) (Amendment) Regulations 2018 (S.I. 2018/995), regs. 1(2), **5(7)(b)**
- F19** S. 31B(10) 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), **5(8)**

### **31BA Making [<sup>F20</sup>, communicating, making available, distributing or lending] 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 [<sup>F21</sup>communicate, make available, distribute or lend it on a non-profit basis] 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.
- (4) <sup>F22</sup> .....

#### **Textual Amendments**

- F9** 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)**
- F20** Words in s. 31BA heading substituted (11.10.2018) by The Copyright and Related Rights (Marrakesh Treaty etc.) (Amendment) Regulations 2018 (S.I. 2018/995), regs. 1(2), **6(2)**
- F21** Words in s. 31BA(2) substituted (11.10.2018) by The Copyright and Related Rights (Marrakesh Treaty etc.) (Amendment) Regulations 2018 (S.I. 2018/995), regs. 1(2), **6(3)**
- F22** S. 31BA(4) 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), **6(4)**

### **31BB Accessible and intermediate copies: records and notification**

- (1) [<sup>F23</sup>A person listed in subsection (3) may request an authorised body—
  - (a) making accessible copies under section 31B, or
  - (b) making intermediate copies under section 31BA,
 to provide the person with the information in subsection (4).

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- (2) On receipt of a request under subsection (1), an authorised body must provide the information to the person in an accessible way within a reasonable time.
- (3) The persons who may make a request under subsection (1) are—
- (a) disabled person;
  - (b) another authorised body;
  - (c) rightholders.
- (4) The information that must be provided by the authorised body is—
- (a) the list of works for which it has accessible copies and the available formats, and
  - (b) the name and contact details of any authorised body established in another member State of the European Union from which, or to which, it has imported, exported or accessed an accessible copy.]]

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**Textual Amendments**

- F9** 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)**
- F23** S. 31BB(1)-(4) substituted for s. 31BB(1)-(3) (11.10.2018) by [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), 7

**F24** **31C**

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**Textual Amendments**

- F24** 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

**F24** **31D**

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**Textual Amendments**

- F24** 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

**F24** **31E**

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**Textual Amendments**

- F24** 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

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### **[<sup>F25</sup>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 [<sup>F26</sup>substantially] 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, [<sup>F27</sup>for example] 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 [<sup>F28</sup>disabled persons to access the work, including accessing it as feasibly and comfortably as a person who is not a disabled person].
- (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.
- <sup>F29</sup>(7) .....
- (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 [<sup>F30</sup>27,] 31A, 31B or 31BA, would not infringe copyright, that term is unenforceable.]

#### **Textual Amendments**

- F25** 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)
- F26** Word in s. 31F(2) inserted (11.10.2018) by [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **8(2)**
- F27** Words in s. 31F(3) inserted (11.10.2018) by [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **8(3)**
- F28** Words in s. 31F(4) substituted (11.10.2018) by [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **8(4)**
- F29** S. 31F(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), **8(5)**
- F30** Word in s. 31F(8) inserted (11.10.2018) by [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **8(6)**

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 182B(3A) inserted by [S.I. 2019/265 reg. 4\(4\)\(c\)](#)
- s. 206(1)(b) omitted by [S.I. 2019/605 reg. 22](#)
- s. 249(1A) inserted by [2007 c. 15 s. 143\(3\)\(b\)](#) (Amendment not applied: 2007 c. 15, s. 143 was repealed (6.4.2015) by Intellectual Property Act 2014 (c. 18), ss. 10(11), 24(1); S.I. 2015/165, art. 3)