



Copyright (Visually Impaired Persons) Act 2002

2002 CHAPTER 33

2 Multiple copies for visually impaired persons

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

“31B Multiple copies for visually impaired persons

- (1) If an approved body has lawful possession of a copy (“the master copy”) of the whole or part of—
 - (a) a commercially published literary, dramatic, musical or artistic work; or
 - (b) a commercially published edition,it is not an infringement of copyright in the work, or in the typographical arrangement of the published edition, for the body to make, or supply, accessible copies for the personal use of visually impaired persons to whom the master copy is not accessible because of their impairment.
- (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 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 the same or substantially the same degree.
- (4) Subsection (1) does not apply in relation to the supply of an accessible copy to 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.

- (5) 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.
- (6) If an approved body charges for supplying a copy made under this section, the sum charged must not exceed the cost of making and supplying the copy.
- (7) An approved body making copies under this section must, if it is an educational establishment, ensure that the copies will be used only for its educational purposes.
- (8) If the master copy is in copy-protected electronic form, any accessible copy made of it under this section must, so far as it is reasonably practicable to do so, incorporate the same, or equally effective, copy protection (unless the copyright owner agrees otherwise).
- (9) If an approved body continues to hold an accessible copy made under subsection (1) when it would no longer be entitled to make or supply such a copy under that subsection, the copy is to be treated as an infringing copy.
- (10) 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.
- (11) In subsection (10), “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.
- (12) “Approved body” means an educational establishment or a body that is not conducted for profit.
- (13) “Supplying” includes lending.”