
STATUTORY INSTRUMENTS

2013 No. 777

The Legal Deposit Libraries (Non-Print Works) Regulations 2013

PART 4

Permitted activities

Reader access to relevant material: visually impaired persons

26.—(1) A deposit library may make and supply for use on its premises accessible copies of relevant material for a visually impaired person if copies of the relevant material are not commercially available in a form that is accessible to the visually impaired person.

(2) Paragraph (1) does not apply in relation to relevant material that is a database in which copyright or database right subsists.

(3) A deposit library must ensure that only one reader uses an accessible copy of the same relevant material made under this regulation at any one time.

(4) An accessible copy made under paragraph (1) must be accompanied by—

- (a) a statement that it is made under this regulation; and
- (b) a sufficient acknowledgement.

(5) A deposit library entitled to make accessible copies under paragraph (1) may hold an intermediate copy of the relevant material which is necessarily made during the production of the accessible copies, but only—

- (a) if and so long as the deposit library continues to be entitled to make accessible copies of that relevant material; and
- (b) for the purposes of the production of further accessible copies.

(6) A deposit library may lend or transfer the intermediate copy to another deposit library which is entitled to make accessible copies of the relevant material under paragraph (1) provided that the intermediate copy is used only for the purposes of the production of further accessible copies.

(7) A deposit library must—

- (a) keep records of accessible copies made under this regulation and of the persons to whom they are supplied;
- (b) keep records of any intermediate copy lent or transferred under this regulation and of the deposit libraries to whom it is lent or transferred;
- (c) allow a copyright owner or a person acting for a copyright owner, on giving reasonable notice, to inspect the records at any reasonable time.

(8) Within a reasonable time of making an accessible copy under paragraph (1) or lending or transferring an intermediate copy under paragraph (6), the deposit library must notify—

- (a) each representative body; or
- (b) if there is no such body, the copyright owner.

- (9) A representative body is a body which—
 - (a) represents particular copyright owners, or owners of copyright in the type of copyright work concerned; and
 - (b) has given notice to the Secretary of State of the copyright owners, or the classes of copyright owner, represented by it.
- (10) The requirement to notify the copyright owner under paragraph (8) does not apply—
 - (a) if it is not reasonably possible for the deposit library to ascertain the name and address of the copyright owner; or
 - (b) (where there is more than one copyright owner of the work to which the notification relates) in respect of those persons for whom it is not reasonably possible for the deposit library to ascertain their names and addresses.
- (11) In this regulation—
 - (a) “accessible copy” and “visually impaired” have the same meaning as in section 31F of the Copyright, Designs and Patents Act 1988⁽¹⁾ (“the 1988 Act”);
 - (b) “database” has the same meaning as in section 3A of the 1988 Act;
 - (c) “sufficient acknowledgement” has the same meaning as in section 178 of the 1988 Act.

⁽¹⁾ 1988 c.48.