

**Changes to legislation:** There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Disabled persons: copies of recordings for personal use. (See end of Document for details)

## SCHEDULES

### SCHEDULE 2

#### RIGHTS IN PERFORMANCES: PERMITTED ACTS

##### Modifications etc. (not altering text)

- C1** Sch. 2 continued (31.10.2003) by virtue of [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#) , [reg. 33](#) (with [regs. 31-40](#) )

*[<sup>F1</sup>Disabled persons: copies of recordings for personal use*

##### Textual Amendments

- F1** Sch. 2 paras. 3A-3E and cross-headings inserted (1.6.2014) by [The Copyright and Rights in Performances \(Disability\) Regulations 2014 \(S.I. 2014/1384\)](#), [regs. 1\(1\), 3](#)

- 3A. (1) This paragraph applies if—
- (a) a disabled person has lawful [<sup>F2</sup>access to] a copy of the whole or part of a recording of a performance, and
  - (b) the person’s disability prevents the person from enjoying the recording to [<sup>F3</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 recording referred to in sub-paragraph (1)(a) does not infringe the rights conferred by this Chapter if—
- (a) the copy is made by the disabled person [<sup>F4</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>F5</sup>...
  - <sup>F6</sup>(c) .....
- <sup>F7</sup>(3) .....
- (4) The rights conferred by this Chapter are infringed by the transfer of an accessible copy of a recording made under this paragraph to any person other than—
- (a) a person by or for whom an accessible copy of the recording may be made under this paragraph, 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 rights owner.
- (5) An accessible copy of a recording made under this paragraph is to be treated for all purposes as an illicit recording if it is held by a person at a time when the person does not fall within sub-paragraph (4)(a) or (b).

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- (6) If an accessible copy of a recording made under this paragraph is subsequently dealt with—
- (a) it is to be treated as an illicit recording for the purposes of that dealing, and
  - (b) if that dealing infringes any right conferred by this Chapter, it is to be treated as an illicit recording for all subsequent purposes.]

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**Textual Amendments**

- F2** Words in Sch. 2 para. 3A(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), **12(2)(a)**
- F3** Word in Sch. 2 para. 3A(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), **12(2)(b)**
- F4** Word in Sch. 2 para. 3A(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), **12(3)(a)**
- F5** Word in Sch. 2 para. 3A(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), **12(3)(b)**
- F6** Sch. 2 para. 3A(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), **12(3)(c)**
- F7** Sch. 2 para. 3A(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), **12(4)**

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