

**Changes to legislation:** There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Paragraphs 3A to 3D: interpretation and general. (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>Paragraphs 3A to 3D: interpretation and general*

##### 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](#)

- 3E. (1) This paragraph supplements paragraphs 3A to 3D and includes definitions.
- (2) “Disabled person” means a person who has a physical or mental impairment which prevents the person from enjoying a recording of a performance to [<sup>F2</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>F3</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 recording of a performance means a version of the recording which enables [<sup>F4</sup>disabled persons to access that version, 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 recording, but
- (b) must not include any changes to the recording which are not necessary to overcome the problems suffered by the disabled persons for whom the accessible copy is intended.
- (6) To the extent that a term of a contract purports to prevent or restrict the doing of any act which, by virtue of paragraph 3A, 3B or 3C, would not infringe any right conferred by this Chapter, that term is unenforceable.
- (7) “Authorised body” [<sup>F5</sup>has] the meaning given in section 31F, and other expressions used in paragraphs 3A to 3D but not defined in this paragraph have the same meaning as in sections 31A to 31BB.]

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#### Textual Amendments

- F2** Word in Sch. 2 para. 3E(2) inserted (11.10.2018) by [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **16(2)**
- F3** Words in Sch. 2 para. 3E(3) inserted (11.10.2018) by [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **16(3)**
- F4** Words in Sch. 2 para. 3E(4) substituted (11.10.2018) by [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **16(4)**
- F5** Word in Sch. 2 para. 3E(7) substituted (11.10.2018) by [The Copyright and Related Rights \(Marrakesh Treaty etc.\) \(Amendment\) Regulations 2018 \(S.I. 2018/995\)](#), regs. 1(2), **16(5)**

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