



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER III

ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

Libraries and archives

[^{F1}43 Copying by librarians or archivists: single copies of unpublished works

- (1) A librarian or archivist may make and supply a single copy of the whole or part of a work without infringing copyright in the work, provided that—
 - (a) the copy is supplied in response to a request from a person who has provided the librarian or archivist with a declaration in writing which includes the information set out in subsection (2), and
 - (b) the librarian or archivist is not aware that the declaration is false in a material particular.
- (2) The information which must be included in the declaration is—
 - (a) the name of the person who requires the copy and the material which that person requires,
 - (b) a statement that the person has not previously been supplied with a copy of that material by any library or archive, and
 - (c) a statement that the person requires the copy for the purposes of research for a non-commercial purpose or private study, will use it only for those purposes and will not supply the copy to any other person.
- (3) But copyright is infringed if—

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 43. (See end of Document for details)

- (a) the work had been published or communicated to the public before the date it was deposited in the library or archive, or
 - (b) the copyright owner has prohibited the copying of the work,
- and at the time of making the copy the librarian or archivist is, or ought to be, aware of that fact.
- (4) Where a library or archive makes a charge for supplying a copy under this section, the sum charged must be calculated by reference to the costs attributable to the production of the copy.
- (5) Where a person (“P”) makes a declaration under this section that is false in a material particular and is supplied with a copy which would have been an infringing copy if made by P—
- (a) P is liable for infringement of copyright as if P had made the copy, and
 - (b) the copy supplied to P is to be treated as an infringing copy for all purposes.]

Textual Amendments

- F1** Ss. 41-43A substituted (1.6.2014) for ss. 41-43 by [The Copyright and Rights in Performances \(Research, Education, Libraries and Archives\) Regulations 2014 \(S.I. 2014/1372\)](#), regs. 1, **5(2)**

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 43.