

Copyright (Visually Impaired Persons) Act 2002

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The Copyright (Visually Impaired Persons) Act removes copyright law barriers to the production of books in accessible formats by individual blind and partially sighted people, schools, colleges and not-for-profit bodies. This has removed a serious delaying factor in the production of accessible format, as well as removing a heavy administrative burden from transcription agencies.

Passage through Parliament

House of Commons

The Bill was introduced into the House of Commons in July 2001 by MP Rachel Squire and had its second reading on 15 March 2002. At Committee stage in the House of Commons the Bill underwent a number of amendments, aimed primarily at re-structuring rather than fundamentally changing its impact. The Government stressed that these amendments ensured the Bill balances the legitimate interests of rights holders with blind and partially sighted people's right to accessible information.

The Third Reading of the Bill, its final stage in the House of Commons, took place on 21 June 2002. It then passed to the House of Lords, where Lord Morris of Manchester became its sponsor and it had its First Reading there on 24 June.

House of Lords

The Bill received its Second Reading in the House of Lords on 12 July. Peers from all sides of the House expressed their satisfaction at the well balanced state in which the Bill had been passed to them following its passage through the House of Commons. Peers from all parties expressed strong support for the Bill, many asking why it had taken so long for such a vital Bill, with such significant benefits for blind and partially sighted people, to reach them.

On 30 July it was announced that no amendments had been tabled to the Bill, meaning that its next stage (Committee Stage), where Peers would have gone through the Bill line by line, along with the proposed

amendments, would not be necessary. The Bill was therefore discharged from Committee Stage.

On Friday 11 October the Bill had its Third Reading in the House of Lords. Lord Morris of Manchester spoke briefly about the huge importance the Bill has in ensuring timely access to information for blind and partially sighted people, and the massive difference it will make to thousands of people's lives. The Bill was read a third time and passed with no amendments having been tabled.

Brief overview of what the Act allows

The Act sets out two situations in which producing accessible copies of material covered by copyright for people with sight problems, without seeking permission from the right holders, is not illegal.

1) For individuals with sight problems.

The Act allows a single accessible copy of a work to be made by or on behalf of a blind or partially sighted person for their personal use without first seeking the permission of the copyright owners. Some conditions apply to this exception. For example, using this exception is legal as long as the person has lawful possession or use of a "master copy" of the work and an equivalent accessible copy of the work is not already commercially available.

2) For educational and "not-for-profit" organisations

The Act allows multiple accessible copies of a master copy to be made for, and distributed to, people with sight problems without seeking the permission of the right holders, but with safeguards for the moral rights of the author, and without interfering with the legitimate exploitation of the work.

Only educational establishments or not-for-profit bodies (like charities) may act under this exception. Where there is a licensing scheme covering the work or works, the provision of multiple accessible copies is subject to the terms and conditions of the scheme.

People with sight problems can benefit from either or both exceptions. The two exceptions are added to the existing list of exceptions contained in Part 1 of the Copyright, Designs and Patents Act 1988.

Where the Act does not apply

The exception does not apply if there are commercially published versions of a work which are accessible to blind and partially sighted people. Although the exception acknowledges that what can be accessed will be

different for different people. In the event of serious infringements of copyright arising from the activities of bodies under this second exception, the Secretary of State would have the power to prohibit the body or bodies involved from acting under the exception.

Implementation:

The Act received the Royal Assent on 07 November 2002, and came into force on 31 October 2003. On the same dates, licensing schemes covering sheet music (issued by the Copyright Licensing Agency) also came into force.

Further information

[Copyright \(Visually Impaired Persons\) Act 2002 - further information.](#)

If you would like to view the text of the Act, it is available on the [HMSO website](#).