
Making Accessible Resources under the Copyright Licensing Agency Schools Photocopying Licence 2008

Quick Guide

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The Copyright Licensing Agency (CLA) photocopying licence (see overleaf) held by schools allows 'Accessible Copies' of books and other learning materials to be made for 'Authorised Persons' who 'are unable to read or access' the ordinary printed book. Up until 1st April 2008, the licence only allowed copies to be made for pupils who were visually impaired or physically disabled, but from 1st April, the licence has been changed so that Accessible Copies can now be also made for pupils who are 'visually impaired or otherwise disabled'.

In Scotland, the licence is held by the local authority and so this means an employee of the local authority can legally make and supply an accessible copy of any book or other publication, for any pupil who meets the definition below, in the local authority (i.e. not just your own school), without having to ask permission from, or notify, the publisher. If the pupil does not meet the definitions below, you have to ask permission to adapt the book.

A 'visually impaired person', in accordance with s.31F (9) of the Copyright, Designs and Patents Act 1988 is someone:

- "(a) who is blind;
- (b) who has an impairment of visual function which cannot be improved, by the use of corrective lenses, to a level that would normally be acceptable for reading without a special level or kind of light;
- (c) who is unable, through physical disability, to hold or manipulate a book; or
- (d) who is unable, through physical disability, to focus or move his eyes to the extent that would normally be acceptable for reading."

A pupil is 'otherwise disabled' in accordance with s.1 of the Disability Discrimination Act 1995 if 'he has a physical or mental impairment which has a substantial and **long-term adverse effect** on his ability to carry out **normal day-to-day activities**'.

Note that you are not allowed to make an accessible copy of a book if one already exists commercially - you should buy the accessible version. You are therefore obliged to check first before making an accessible copy. Also there are some publications that the CLA licence does not cover - see the CLA web site www.cla.co.uk.

*Extract from the **Schools licence England and Wales**, from http://www.cla.co.uk/Schools_licences.php. The Scottish Schools licence is not yet available from CLA, but we believe the wording is the same.*

7. VISUALLY IMPAIRED AND DISABLED PERSONS

- 7.1 The provisions of this clause shall only apply where an Authorised Person is visually impaired or otherwise disabled and by reason of such visual impairment or disability is unable to read or access a Licensed Copy made under the provisions of this Licence.
- 7.2 Notwithstanding the provisions of clause 5.2 the Licensee may make and supply a copy (an “Accessible Copy”) of part or the whole of any work within Licensed Material in any alternative format that is more accessible to an Authorised Person (as described in 7.1), whether in digital or audio format, large or small print copies or embossed copies (whether produced in Moon or Braille or otherwise) or in other formats on, and subject to, the following conditions:
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- 7.2.2 the Licensee may only make an Accessible Copy of a work if and to the extent that such work is not commercially available in a form accessible to the Authorised Person for whom the Accessible Copy is made;
- 7.2.3 each Accessible Copy that exceeds the limits set out in clause 5.2 shall contain:
- (a) a statement that it is a copy of the original work made under a CLA Licence for the personal use of a visually impaired or a disabled person and that it may not be further copied (including any electronic copying or transmission) or dealt with without permission or save as may be permitted by law;
 - (b) the title, as well as the name of the author and publisher, of the original work and the published edition from which it is copied;
- 7.2.4 the Licensee may only charge for the supply of an Accessible Copy an amount which does not exceed the cost of making and supplying it;
- 7.2.5 any Accessible Copy produced in a digital format may include facilities for navigating around the Accessible Copy and any such other facilities or changes (such as enlargement, reduction or colour selection of the text or illustrations) as are necessary to enable the Authorised Person for whom the Accessible Copy is made to access the Accessible Copy provided that:
- (a) such changes do not amount to a derogatory treatment of the work;
 - (b) no other digital manipulation of the work is made whether by way of optical character recognition, morphing, colour or shade adjustment beyond what is necessary to make the Accessible Copy accessible to the Authorised Person for whom the Accessible Copy is made;
- 7.2.6 that the Accessible Copy is only to be used for the benefit of Authorised Persons.
- 7.3 An Authorised Person is to be regarded as visually impaired or disabled for the purposes of this clause if he would be regarded as a “visually impaired person” in accordance with s.31F (9) of the Copyright, Designs and Patents Act 1988, or, as appropriate, as a disabled person in accordance with s.1 of the Disability Discrimination Act 1995.