



## 2008 CHAPTER 8

### *The Northern Ireland Library Authority*

#### **The Northern Ireland Library Authority**

1.—(1) There shall be a body corporate to be known as the Northern Ireland Library Authority.

(2) Schedule 1 applies in relation to the Authority.

(3) The Authority shall be the library authority for Northern Ireland.

(4) Accordingly, an Education and Library Board established by the [Education and Libraries \(Northern Ireland\) Order 1986 \(NI 3\)](#) shall cease to be the library authority for its area.

(5) The Department may make one or more schemes for the transfer of designated property, rights and liabilities of education and library boards to the Authority.

(6) On the transfer date, the designated property, rights and liabilities are transferred to and vest in the Authority in accordance with the scheme.

(7) Schedule 2 contains further provisions relating to a scheme.

(8) In this section and that Schedule—

“designated”, in relation to a scheme, means specified in or determined in accordance with the scheme;

“scheme” means a scheme under this section;

“the transfer date”, in relation to a scheme, means the date specified by the scheme as the date on which it is to have effect.

**Duty of Authority to provide library service**

2.—(1) It shall be the duty of the Authority to provide a comprehensive and efficient public library service for persons living, working or studying in Northern Ireland.

(2) In carrying out its duty under subsection (1), the Authority shall—

- (a) secure that facilities are available for the borrowing of, or reference to, library materials sufficient in number, range and quality to meet the general requirements of adults and children (whether by keeping adequate stocks, by arrangements with other bodies concerned with library services or by any other appropriate means);
- (b) have regard to the desirability of—
  - (i) encouraging both adults and children to make full use of the library service;
  - (ii) providing advice as to the use of the library service and making available such bibliographical and other information as may be required by persons using the service;
  - (iii) promoting literacy and lifelong learning;
  - (iv) maintaining a collection of library materials relevant to the cultural heritage of Northern Ireland;
  - (v) making library premises available for cultural and community activities; and
  - (vi) meeting any special requirements of adults and children by any appropriate means.

(3) The Authority may make such arrangements with other bodies whether inside or outside Northern Ireland which it considers necessary in order to enable it to carry out its duty under subsection (1) more effectively.

(4) The Authority may provide such library services to persons visiting Northern Ireland as it considers appropriate.

**Ancillary powers of Authority**

3.—(1) The Authority may do anything that appears to it to be conducive or incidental to the discharge of its functions.

(2) In particular the Authority may—

- (a) enter into agreements;
- (b) subject to section 5, acquire or dispose of property;
- (c) borrow money;
- (d) subject to the approval of the Department, form bodies corporate or acquire or dispose of interests in bodies corporate;

- (e) accept gifts;
- (f) invest money;
- (g) carry out, or commission or assist in the carrying out of, research;
- (h) co-operate with, or provide advice to, other bodies established by or under a statutory provision.

#### **Power of Authority to undertake commercial activities**

4.—(1) Subject to the following provisions of this section, the Authority shall have power, with the approval of the Department, to undertake commercial activities which, apart from this section, it would not have power to undertake.

(2) An approval granted under this section—

- (a) shall specify the particular commercial activities which the Authority has power to undertake under this section in pursuance of the approval;
- (b) shall be subject to such conditions as may be specified by the Department in the approval.

(3) Subject to any conditions applying under this section, the Authority shall have power—

- (a) to do anything which appears to the Authority to be conducive or incidental to the exercise of any power conferred under this section; and
- (b) to make such charge as the Authority considers appropriate for anything that it does in the exercise of any such power and to calculate any such charge on any basis that it considers to be the appropriate commercial basis.

(4) Nothing in this section authorises the Authority—

- (a) to undertake any commercial activities which are detrimental to the performance of any duty imposed on it by any other provision of this Act; or
- (b) to disregard any statutory provision or rule of law or to override any person's contractual or property rights.

(5) Where it appears to the Department that the Authority—

- (a) has failed to comply with any conditions subject to which an approval under this section has been granted; or
- (b) has in undertaking any commercial activity in pursuance of such an approval contravened subsection (4),

the Department may, by notice served on the Authority—

- (i) revoke the approval; or
- (ii) modify the approval, whether by modifying the particular commercial activities or any conditions specified therein.

(6) The revocation or modification of an approval under this section does not affect the power of the Authority to meet any contractual commitments outstanding at the date on which the notice under subsection (5) is served on the Authority.

(7) Any approval or notice under this section shall be in writing.

(8) In this section “commercial activity” includes—

- (a) the carrying out of work for any other body or person;
- (b) the supplying of goods and services to any other body or person; and
- (c) the developing and exploiting of ideas and the exploiting of intellectual property.

### **Powers of Authority in relation to land**

**5.—**(1) The Authority may, with the approval of the Department, acquire, hold and dispose of land for the purpose of carrying out its functions.

(2) The power of the Authority to acquire land includes power to acquire it compulsorily in accordance with subsections (3) and (4); and the power of acquiring land compulsorily under this subsection includes power to acquire, by the creation of a new right, an easement or other right over land.

(3) Where the Authority proposes to acquire any land compulsorily, it may apply to the Department for an order (a “vesting order”) vesting that land in the Authority and, subject to subsections (4) and (5), the Department shall have power to make such an order.

(4) Schedule 6 to the Local Government Act (Northern Ireland) 1972 (c. 9) shall apply for the purposes of the acquisition of land by means of a vesting order made under subsection (3) as it applies to the acquisition of land by means of a vesting order made under that Act, subject to the following modifications—

- (a) for any reference to the council there shall be substituted a reference to the Authority;
- (b) for any reference to the Department concerned there shall be substituted a reference to the Department;
- (c) for any reference to that Act there shall be substituted a reference to this Act;
- (d) in paragraph 6(2) for the words from “the fund” onwards there shall be substituted “funds of the Authority (in this Schedule referred to as “the compensation fund”), and shall be discharged by payments made by the Authority”; and
- (e) in paragraph 12(2) for “the clerk of the council” there shall be substituted “such person as may be designated for the purposes of this Schedule by the Authority”.

(5) Nothing in this section authorises the acquisition, without the consent of the Department of the Environment, of any land on or in which there is to the knowledge of the Department any historic monument or archaeological object within the meaning of the [Historic Monuments and Archaeological Objects \(Northern Ireland\) Order 1995 \(NI 9\)](#).

(6) The powers to make a vesting order under this section may be exercised over land—

(a) which is the property of any body established by or under any statutory provision which has power under any statutory provision to acquire land compulsorily; or

(b) which is declared by or under any statutory provision to be inalienable;

but a vesting order shall not be made in relation to any such land, where representations objecting to the proposal for making the order have been duly made by the owner of the land and have not been withdrawn, unless the proposal has been approved by a resolution of the Assembly.

#### **Charges for certain library services**

6.—(1) The Authority may not make any charges for any library services provided by it unless—

(a) the services in question are specified in a scheme of charges approved by the Department and published by the Authority; and

(b) the charges are made in accordance with that scheme.

(2) The scheme of charges may make different provision for different cases including different provision in relation to different persons, circumstances or localities.

#### **Byelaws in respect of use of library facilities**

7.—(1) The Authority may make byelaws—

(a) regulating the use of library facilities provided or maintained by the Authority and the conduct of persons in library premises; and

(b) for enabling officers of the Authority to exclude or remove from library premises any person who contravenes the byelaws.

(2) Byelaws made under this section may provide for a person contravening a provision of the byelaws to be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale and, in the case of a continuing offence, to a fine not exceeding one-tenth of level 2 on the standard scale for each day on which the offence continues after conviction.

(3) Byelaws made under this section shall not come into operation until they have been confirmed by the Department.

(4) The Authority shall, not less than one month before submitting proposed byelaws for the confirmation of the Department—

- (a) deposit a draft of the proposed byelaws at the headquarters of the Authority and at such other place or places as the Department may direct;
- (b) permit any person to inspect the deposited copy at all reasonable times without payment; and
- (c) provide to any person, on application, a copy of the proposed byelaws, or of any part thereof, on payment of such reasonable sum as the Authority may determine.

(5) The Department before confirming any byelaws must be satisfied that the provisions of subsection (4)(a) have been complied with.

(6) A copy of byelaws made and confirmed under this section—

- (a) shall be printed and deposited at the headquarters of the Authority and in such other place or places as the Department may direct;
- (b) shall at all reasonable hours be open to public inspection without payment.

(7) The Authority shall, on payment of such reasonable sum as the Authority determines, provide any person with a copy of byelaws made and confirmed under this section.

(8) In any legal proceedings, a copy of any byelaws under this section certified and signed by the chief executive of the Authority to be a true copy and to have been duly confirmed shall, until the contrary is proved, be evidence of the due making, confirmation and existence of such byelaws without further or other proof.

### *Functions of the Department*

#### **Grants for or in connection with library services**

**8.—**(1) The Department may make grants to any person (other than the Authority) in respect of expenditure incurred or to be incurred by that person for the purposes of, or in connection with, the provision (or proposed provision) of library services.

(2) Grants under this section—

- (a) shall be of such amounts; and
- (b) shall be made subject to such terms and conditions (including conditions as to repayment),

as the Department may determine.

(3) The Department may by order subject to negative resolution provide for the functions of the Department under subsections (1) and (2) to be exercisable

by the Authority (either instead of, or in addition to, the Department) subject to such conditions as are specified in the order.

- (4) An order under subsection (3) may amend subsections (1) and (2).

### **Directions**

**9.**—(1) The Department may give the Authority general or specific directions as to the exercise of its functions.

- (2) The Department shall publish any directions given under this section.  
(3) The Authority shall comply with any directions given under this section.

### *Supplementary provisions*

### **Amendments and repeals**

**10.**—(1) The statutory provisions set out in Schedule 3 shall have effect subject to the amendments specified in that Schedule.

(2) The statutory provisions set out in Schedule 4 are hereby repealed to the extent specified in the second column of that Schedule.

### **Interpretation**

**11.** In this Act—

“the Authority” means the Northern Ireland Library Authority established by section 1;

“the Department” means the Department of Culture, Arts and Leisure;

“library material” includes words, images, sounds, data and information of any kind recorded in or on any medium;

“library premises” means—

- (a) any premises occupied by the Authority where library facilities are made available to members of the public;  
(b) any vehicle used by the Authority in which library facilities are so made available;

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33).

### **Commencement**

**12.**—(1) The following provisions of this Act come into operation one month after the day on which this Act receives Royal Assent—

- (a) section 1(5) to (8);  
(b) section 11;

- (c) this section;
- (d) section 13; and
- (e) Schedule 2.

(2) The other provisions of this Act come into operation on such day or days as the Department may by order appoint.

(3) An order under subsection (2) may contain such transitional provisions or savings as appear to the Department to be appropriate.

**Short title**

**13.** This Act may be cited as the Libraries Act (Northern Ireland) 2008.