

*These notes refer to the Libraries Act 2008 (c.8)
which received Royal Assent on 18 June 2008*

Libraries Act 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Comments are Not Given Where the Wording is Self-Explanatory.

11. [Section 1](#) and Schedule 1 (The Northern Ireland Library Authority) provide for the Library Authority to assume responsibility for the public library service in Northern Ireland. Consequently, the section removes the responsibility for this service from the Education and Library Boards. The section and Schedule 2 also provide for the creation of schemes to enable the transfer of assets, property, rights, liabilities and staff contracts of employment within the library sector from the Education and Library Boards to the Authority.

[Section 2](#) (Duty of Authority to provide library service) requires the Authority to provide a comprehensive and efficient public library service for persons living, working or studying in Northern Ireland, lists the specific functions and objectives of the Authority and enables the Authority to work with other bodies in carrying out its duty. The Section contains a new provision to enable the Library Authority to maintain a collection of materials relevant to the cultural heritage of Northern Ireland. The Section also enables the Authority to provide a library service to visitors to Northern Ireland.

[Section 3](#) (Ancillary powers of Authority) specifies in more detail the additional powers that the Authority is enabled to discharge in exercise of its functions as described in Section 2. These powers are standard for non-departmental public bodies.

[Section 4](#) (Commercial activity) enables the Authority to undertake commercial activity that would not ordinarily be covered by Section 3. Commercial activity can include carrying out work for any other body or person, supplying goods and services and developing and exploiting ideas, and exploiting intellectual property. In order to ensure that such activity is not detrimental to the provision of the public library service, Departmental approval will be required.

[Section 5](#) (Powers of Authority in relation to land) enables the Authority, with the approval of the Department to acquire, hold and dispose of land for the purpose of carrying out its functions.

[Section 6](#) (Charges for library services) retains the principle of a free public lending library and free access to information whilst enabling the Authority to

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make charges for some of its services or the use of its premises. Charges for services will be specified in a scheme that will require Departmental approval. This retains the approach of the Education and Libraries Order but simplifies the provisions.

Section 7 (Byelaws in respect of use of library facilities) enables the Authority to introduce byelaws in respect of conduct in and use of library facilities and enables officers of the Authority to remove from library premises anyone who contravenes the byelaws. Contravention of the byelaws creates an offence, summary conviction for which attracts a fine.

Section 8 (Grants for and in connection with library services) enables the Department to pay grants to persons or bodies (currently the Linen Hall Library and the Library and Information Services Council) other than the Authority for the provision of certain library services. The Department will attach terms and conditions to the grant and is empowered to retrieve or withhold funding in the event of default of grant conditions.

Section 9 (Power of direction) enables the Department to give general or specific directions to the Library Authority as to the exercise of its functions.

Schedule 1 describes the status of the Authority, makes provision for the appointment of board members, the employment of staff, the need for committees and the proceedings of committees. It also makes provision for the payment of grant by the Department of Culture, Arts and Leisure and sets out the responsibility of the Authority to produce accounts and an annual report.

Schedule 2 provides for a scheme for the transfer of property, rights and liabilities from the Education and Library Boards to the Library Authority. It makes provision for all staff who transfer to have the statutory protections of the Transfer of Undertakings (Protection of Employment) Regulations 2006 and for the protection of pensions. Provision is also made for independent third party dispute resolution and compensation.