



2008 CHAPTER 8

The Northern Ireland Library Authority

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.