
STATUTORY INSTRUMENTS

1993 No. 2810

The Education and Libraries (Northern Ireland) Order 1993

PART IV

MISCELLANEOUS

Miscellaneous amendments to the 1986 Order

Charges for library services

43.—(1) For Article 77 of the 1986 Order there shall be substituted the following Article—

“Charges for library services

77.—(1) Except as provided by this Article, no charge shall be made by a board for library services provided by it.

(2) A board may make a charge—

- (a) subject to paragraph (3), for lending library material or library apparatus;
- (b) for reserving for any person library material or library apparatus (whether that material or apparatus is for the time being held by the board or is to be obtained from elsewhere and whether for the purpose of lending the material or apparatus to that person or making it available for his use on library premises) and for notifying that person that that material or apparatus has become available or is not available for borrowing or use by him;
- (c) in respect of the failure to return any borrowed library material or library apparatus before the end of the period for which it is lent;
- (d) subject to paragraph (4), for making library apparatus available for use on library premises;
- (e) in respect of library apparatus, library material and any other equipment or thing used in providing the library service which is lost, damaged or destroyed by, or while on loan to, any person;
- (f) subject to paragraph (4), for assisting or instructing a person in the use of a computer;
- (g) for researching or collating information for and at the request of a person;
- (h) for supplying catalogues, indexes or similar articles where the articles become the property of the person to whom they are supplied;
- (i) for supplying library material which has been researched, collated, produced or copied by the board where the material becomes the property of the person to whom it is supplied;
- (j) for supplying copies of library material obtained from another library not maintained by the board or from any other body or person, where the copies become the property of the person to whom they are supplied;

- (k) for providing, or procuring the provision of, library material to a person who does not wish to collect it or have it collected and for notifying a person who has requested provision other than by collection that the library material is not available;
 - (l) for providing a room or cubicle on library premises for the purpose of working or studying to which only the person paying the charge is for the time being permitted access;
 - (m) subject to paragraph (5), for making library facilities available otherwise than on library premises; and
 - (n) subject to paragraphs (3) and (4), for making available to any person library facilities which go beyond those ordinarily provided by the board as part of the library service.
- (3) No charge shall be made under sub-paragraph (a) or (n) of paragraph (2) for lending any written material to any person where—
- (a) it is the duty of the board under Article 73(1) to provide a library service to that person;
 - (b) the material is lent in the course of providing such a service to that person on any library premises;
 - (c) the material is lent in a form in which it is readable without the use of any electronic or other apparatus; and
 - (d) that person is not a person who has required any such apparatus to be used, or made available to him, for putting the material into such a form in order that he may borrow it.
- (4) No charge shall be made under sub-paragraph (d), (f) or (n) of paragraph (2) for making facilities available for any person—
- (a) to read the whole or any part of any of the written materials for the time being held by the board—
 - (i) in a form in which they are readable without the use of any electronic or other apparatus; or
 - (ii) in microform; or
 - (b) to consult such catalogues, indexes or similar articles as are maintained, in any form whatever, exclusively for the purposes of that board's library service,
- on library premises.
- (5) No charge shall be made under sub-paragraph (m) of paragraph (2) to individual users of facilities made available as mentioned in that sub-paragraph where—
- (a) the facilities are made available at a school, residential home, hospital, prison, club or like institution; and
 - (b) the person who has arranged with the board for the facilities to be made available at such institution is charged under that sub-paragraph.
- (6) The Department may, by order subject to affirmative resolution, amend paragraphs (2) to (5).
- (7) Subject to paragraph (8), any charge made under this Article shall be of such amount as the board may determine and, without prejudice to the generality of the foregoing, the board may—
- (a) make different provision for different cases including different provision in relation to different persons, circumstances or localities; and
 - (b) make charges in respect of each use of the library facilities made available by it, or charge an annual subscription or a deposit in respect of all or some of such facilities.

(8) A board shall not make a charge under this Article to a person living or working or undertaking a course of study outside the area of the board if it would not be entitled in the circumstances to make the same charge to a person living or working or undertaking a course of study within that area.

(9) A board which makes a charge under this Article shall display in a conspicuous place within each library premises of the board a notice specifying the library facilities made available by the board for which it makes a charge and, in the case of each such facility, the amount of the charge or the basis on which the charge will be calculated.

(10) The provisions of Part I of the 1988 Act (copyright) relating to the rental of copies of sound recordings, films and computer programs apply to any lending by a board of copies of such works, whether or not a charge is made for that facility.

(11) In this Article—

“the 1988 Act” means the Copyright, Designs and Patents Act 1988(1);

“computer” means any device for storing and processing information;

“copying” and “copies” shall be construed in accordance with section 17 of the 1988 Act;

“library apparatus” means electronic or other apparatus intended for use with library material;

“residential home” means a residential care home or nursing home registered under the Registered Homes (Northern Ireland) Order 1992(2) or any residential accommodation provided by a Health and Social Services Board or a Health and Social Services Trust;

“written material” means—

(a) any book, journal, pamphlet or other similar article; or

(b) any reprographic copy (within the meaning of the 1988 Act) of any article falling within paragraph (a) or any other reproduction of such an article made by any means whatsoever.”.

(2) In Part VII of the 1986 Order after Article 78 there shall be inserted the following Article—

“Interpretation of Part VII

78A. In this Part—

“library material” means—

(a) words, figures, images, sounds or data recorded in or on any medium;

(b) toys; and

(c) educational artefacts;

“library premises” means—

(a) any premises which are occupied by a board and are premises where library facilities are made available by the board, in the course of the provision of a library service, to members of the public;

(b) any vehicle which is used by a board for the purpose of providing such a service and is a vehicle in which facilities are so made available.”.

(1) 1988 c. 48
(2) 1992 NI 20