

THE JAMAICA LIBRARY SERVICE ACT

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Establishment of Jamaica Library Board.
4. General powers of Board.
5. Power to make by-laws.
6. Regulations.
7. Duties of Board.
8. Composition and meetings of Board.
9. Power of Board to appoint acting Chairman.
10. Duration of office of members of Board.
11. Member of Board not personally liable for *bona fide* act.
12. Travelling expenses.
13. Audit.
14. Establishment of Parish Library Committees.
15. Duties of Parish Library Committees.
16. Power of Parish Library Committees to make rules.
17. Composition of Parish Library Committees.
18. Duration of office of members of Parish Library Committees.
19. Exemption from import duty and tonnage tax.

THE JAMAICA LIBRARY SERVICE ACT

Cap. 175.
Laws
54 of 1953,
2 of 1961.

[18th November, 1949.]

1. This Act may be cited as the Jamaica Library Service Act. Short title

2. In this Act—

“the Board” means the Jamaica Library Board constituted under this Act;

“Parish Council” includes the Kingston and St. Andrew Corporation;

“Parish Library Committee” means any committee established under section 14.

Interpreta-
tion.

3.—(1) There is hereby established a body corporate to be known as the Jamaica Library Board which shall have perpetual succession and a common seal and power to acquire land and other property of whatever description.

Establish-
ment of
Jamaica
Library
Board.

(2) The seal of the Board shall be authenticated by the signatures of the Chairman and one member of the Board authorized to act in that behalf and such seal shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the Chairman or any member of the Board authorized in that behalf.

(4) The Board may sue and be sued in their corporate name and may for all purposes be described by such name.

(5) No act or proceeding of the Board shall be questioned on account of any vacancy in their membership;

and no defect in the qualification or appointment of any person acting as a member of the Board shall vitiate any proceedings thereof.

General
powers of
Board.

4. In addition to any powers conferred by any other section of this Act the Board shall have the following powers—

- (a) to make standing orders regulating the date, time and place of meeting of the Board and the conduct of business and the procedure to be followed at any meeting of the Board, so, however, that such standing orders shall provide that no business except the business of adjourning to some other day and time shall be transacted at any meeting of the Board unless there are present not less than three members of the Board (including the Chairman or the acting Chairman);
- (b) to delegate the performance of any duty imposed or the exercise of any power conferred by or under this Act upon the Board to a sub-committee composed of so many and such members of the Board and so many and such (if any) persons other than members of the Board as the Board may appoint, so, however, that no act of any sub-committee shall have any effect unless such act is ratified by the Board not later than the next meeting but one of the Board after the meeting of the sub-committee at which such act was done;
- (c) to draw, negotiate and accept bills of exchange, cheques and promissory notes;
- (d) to enter into all such contracts as the Board may consider necessary or expedient to be entered into for the due performance of any duty imposed or

the effective exercise of any power conferred upon the Board by or under this Act;

- (e) to incur all such expenditure as the Board may consider necessary or expedient, within the limits of the funds at the disposal of the Board, for the due performance of any duty imposed or the effective exercise of any power conferred upon the Board by or under this Act;
- (f) such other powers as the Minister may by order confer upon the Board at the request of the Board.

5.—(1) Subject to the provisions of subsection (2) the Board may make by-laws—

Power to
make
by-laws.

- (a) prohibiting or restricting the access of members of the public to any premises vested in or occupied by the Board or by a Parish Library Committee or to any portion of such premises;
- (b) for ensuring the maintenance of good order and discipline amongst members of the public at any time when upon any premises vested in or occupied by the Board or by a Parish Library Committee;
- (c) for preventing the unauthorized or improper use of or the wilful or negligent occasioning of injury to any property vested in or occupied by the Board or by a Parish Library Committee.

(2) By-laws under this section shall be of no effect until such time as they are approved by the Minister and are published in the *Gazette*.

(3) Every person who contravenes any by-law under this section shall be guilty of an offence against this section and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding twenty dollars and in

default of payment of such fine to be imprisoned for any term not exceeding thirty days.

Regulations.

2/1961
S. 2.

6. Subject to the provisions of this section the Board may with the approval of the Minister make such regulations as may be necessary or expedient generally—

- (a) for securing the full and effectual performance of any duty imposed and exercise of any power conferred upon the Board by or under this Act;
- (b) for securing the proper, efficient and economic maintenance, management, organization, administration and operation of the library service operated by the Board;
- (c) for securing the proper, efficient and economic maintenance, management, administration, organization and use of any facilities or services of any description provided by or at the expense of the Board;
- (d) for regulating the hours during which, the means whereby, the purposes for which and the conditions subject to which members of the public may have access to any premises vested in or occupied by the Board or any portion of such premises;
- (e) for the preservation of all property vested in the Board and for the proper and economic use of all such property.

Duties of
Board.

7. The duties of the Board shall be—

- (a) to establish, maintain, manage, control and operate a library service;
- (b) to make all such appointments as may be necessary to enable the duties imposed by paragraph (a) to be fully and effectually performed;

- (c) to prepare and to submit to the Minister not later than the 31st day of July in each year, a report of the activities of the Board and a financial statement of all receipts and expenditure by the Board during the preceding year ending 31st day of March, and such report and financial statement shall be laid on the Tables of the Senate and the House of Representatives;
- (d) to prepare and to submit to the Minister for approval not later than the 15th day of October in each year an estimate of all revenue likely to be received and expenditure likely to be incurred during the next financial year upon or in respect of the library service together with a forecast of all expenditure likely to be incurred upon or in connection with any activities associated with the library service.

2/1961
S. 2.

8.—(1) The Board shall consist of nine persons to be appointed by the Minister.

Composition
and meet-
ings of
Board.

(2) The Minister may appoint any person to act temporarily in the place of any member of the Board in the case of the absence or inability to act of that member.

2/1961
S. 2.

(3) The Minister shall appoint one of the members of the Board to be the chairman thereof.

(4) The Board shall meet as often as may be necessary or expedient for the transaction of business but in any event at least once in every three months.

9.—(1) At any time when the office of Chairman is vacant or the Chairman is incapable of acting or has been granted leave by the Board the Board may appoint one of their members to act as Chairman until such time as the office of Chairman is filled or until the Chairman becomes capable

Power of
Board to
appoint
acting
Chairman.

of acting or until the expiration of the leave of absence granted to the Chairman, as the case may be, and any person so appointed shall have for the duration of his appointment all the powers of the Chairman.

(2) If the Chairman or the acting Chairman fails to attend any meeting of the Board the members present at such meeting may elect one of their number to act as Chairman at such meeting.

Duration of
office of
Members
of Board.
2/1961
S. 2.

10.—(1) Every member of the Board shall be appointed for a period not exceeding three years, but shall be eligible for reappointment.

(2) Every member of the Board shall be deemed to have vacated his seat on the Board if—

- (a) he dies or becomes bankrupt; or
- (b) there is passed by the Board a resolution declaring that he has become incapable by reason of mental or bodily infirmity of discharging his duties; or
- (c) there is passed by the Board a resolution declaring that he has been absent from not less than four of six consecutive meetings of the Board without the leave of the Board first had and obtained; or
- (d) he tenders his resignation in writing to the Board.

Member of
Board not
personally
liable for
bona fide
act.

11. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

Travelling
expenses.

12.—(1) Subject to the provisions of subsection (6), travelling expenses actually incurred by members of the Board or members of the Parish Library Committees when attending meetings of the Board shall be reimbursed from the funds of the Board:

Provided that no travelling expenses shall be paid under this subsection to any member of a Parish Library Committee unless such member was requested by the Board to attend such meeting.

(2) Subject to the provisions of subsection (6), travelling expenses actually incurred by any member of a Parish Library Committee when attending meetings of such Parish Library Committee shall be reimbursed from the funds of the Committee.

(3) A Parish Library Committee may authorize the payment from the funds of the Committee of travelling expenses actually incurred by one member of their committee or one member of their staff, or both, when attending conferences approved by the Board.

(4) Subsistence allowance shall be paid from the funds of the Board to members of the Board or members of Parish Library Committees when attending meetings of the Board.

(5) A Parish Library Committee may authorize the payment of subsistence allowance from the funds of the Committee to any one member of their Committee or to any one member of their staff, or both, when attending conferences approved by the Board.

(6) The rates of travelling allowance and subsistence allowance shall be the same as those paid to members of the Government Service.

13.—(1) The accounts of the Board shall be audited Audit. annually under such arrangements and in such manner as may be approved by the Auditor-General and the members, officers and servants of the Board shall grant to the person conducting such audit access to all the books, documents, cash and securities of the Board and shall give to him on

request all such information as shall be within their knowledge in relation to the operation of the Board.

(2) The provisions of subsection (1) shall apply to the accounts, books, documents, cash and securities of Parish Library Committees and to the members, officers and servants and to the operation of such Committees as they apply to the accounts, books, documents, cash and securities of the Board and to the members, officers and servants of the Board and to the operation of the Board.

Establishment of Parish Library Committees.
54/1953
S. 2 (a).

14.—(1) The Minister on an application from the Parish Council of the parish and from the Board may by order establish a Parish Library Committee in any parish, so, however, that the Corporate Area of Kingston and St. Andrew shall for this purpose and all purposes incidental thereto, be deemed to be one parish.

(2) Each application under subsection (1) shall include an undertaking to make annual contributions in accordance with the terms agreed upon between the Board and the Parish Council for the parish for the division of maintenance expenses.

54/1953
S. 2 (b).

(3) No act or proceeding of any Parish Library Committee shall be questioned on account of any vacancy in its membership; and no defect in the qualification or appointment of any person acting as a member of the Committee shall vitiate any proceedings thereof.

Duties of Parish Library Committees.
2/1961
S. 2.

15.—(1) The duties of each Parish Library Committee shall be—

- (a) to maintain, manage and operate the library services in the particular parish subject to regulations made by the Board;
- (b) to make recommendations to the Board for the appointment and dismissal of professional staff;

- (c) to appoint and dismiss staff other than professional staff;
- (d) to prepare and submit to the Board and the Parish Council of the parish not later than the 31st day of May in each year a report of the activities of the Committee and a financial statement of all receipts and expenditure by the Committee during the preceding financial year;
- (e) to prepare and submit to the Board and the Parish Council of the parish before the 31st day of August in each year estimates of all receipts and expenditure by the Committee for the forthcoming financial year;
- (f) to make rules for the conduct of meetings of the Committee;
- (g) to have ownership of the library buildings constructed under the scheme vested in the Committee:

Provided that should the order establishing a Committee be revoked by the Minister ownership shall then vest in the Board:

Provided also that neither the Committee nor the Board shall have authority to assign or transfer property without the prior approval of the Minister;

- (h) to retain for its own use all revenue of any type accruing to the Committee except revenue in respect of loss of books which shall be paid over to the Board.

(2) In this section "professional staff" means staff designated by the Board as professional staff.

Power of
Parish
Library
Committees
to make
rules.

16.—(1) Each Parish Library Committee shall have power to make rules for the management and operation of the parish libraries based upon model rules laid down by the Board.

2/1961
S. 2.

(2) Any rules made by the Parish Library Committees shall be subject to confirmation by the Board.

Composition
of Parish
Library
Committees.
2/1961
S. 2.

17.—(1) Each Parish Library Committee—

- (a) shall consist of eight members of whom five shall be appointed by the Board and three shall be appointed by the Parish Council; and
- (b) shall have power to co-opt not more than two other members.

2/1961
S. 2.

(2) All members of Parish Library Committees shall be residents of the Parish.

(3) No business except the business of adjourning to some other day and time shall be transacted at any meeting unless there are present not less than four members of the Committee including the Chairman or the acting Chairman.

(4) Each Parish Library Committee shall have power to appoint its own Chairman.

2/1961
S. 2.

(5) Each Parish Library Committee shall meet as often as may be necessary or expedient for the transaction of business but in any event at least once in every three months.

2/1961
S. 2.

(6) Any officer of the Library Service designated for the purpose by the Director of Library Services shall be entitled to attend meetings of any Parish Library Committee.

Duration of
office of
members of
Parish
Library
Committees.

18.—(1) Every member of the Parish Library Committee shall be appointed for a period not exceeding three years, but shall be eligible for reappointment.

(2) Every member of a Parish Library Committee shall be deemed to have vacated his seat on the Committee if— 2/1961
S. 2.

- (a) he dies or becomes bankrupt; or
- (b) there is passed by the Parish Library Committee a resolution declaring that he has become incapable by reason of mental or bodily infirmity of discharging his duties; or
- (c) there is passed by the Parish Library Committee a resolution declaring that he has been absent from not less than four of six consecutive meetings of the Committee without the leave of the Committee first had and obtained; or
- (d) he tenders his resignation in writing to the Board; or
- (e) he ceases to be resident in the parish.

(3) So soon as may be after any member of a Parish Library Committee is deemed to have vacated his seat on the Committee pursuant to the provisions of subsection (2) another person shall be appointed or elected as a member of the Committee in place of the member who is deemed to have vacated his seat on the Committee by the person or body of persons by whom the member so deemed to have vacated his seat was appointed or elected and any person so appointed or elected shall hold office for the remainder of the period for which the previous holder had been appointed or elected.

19. Notwithstanding anything to the contrary no import duty or tonnage tax shall be payable upon any articles imported into Jamaica or taken out of bond in Jamaica by the Board. Exemption
from import
duty and
tonnage tax.