



MONTSERRAT

## CHAPTER 18.13

# CENTRAL LIBRARY ACT

### Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

### CENTRAL LIBRARY ACT

Act 14 of 1954 .. in force 20 November 1954

Amended by Act 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

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**CHAPTER 18.13**

**CENTRAL LIBRARY ACT**

**ARRANGEMENT OF SECTIONS**

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**CHAPTER 18.13**

**CENTRAL LIBRARY ACT**

*(Acts 14 of 1954 and 9 of 2011)*

**Commencement**

*[20 November 1954]*

**Short title**

1. This Act may be cited as the Central Library Act.

**Establishment of central library**

2. The Governor may out of such funds as may be available to him for that purpose reorganise and maintain library facilities, and in addition may establish and maintain such other facilities and provide such other services as in his opinion are desirable in order to provide an efficient public library and library service throughout Montserrat to be called “**the Central Library of Montserrat**” and for those purposes may enter into mutual arrangements with other official and unofficial libraries within and without Montserrat.

### Central Library Board

**3. (1)** For the purposes of this Act there shall be established a Board to be styled the Central Library Board hereinafter called “the Board” and composed of not less than six members nominated by the Governor, not less than two members elected by the subscribing members of the Central Library and such other members as may be co-opted by the Board under subsection (2).

**(2)** The Board may, with the approval of the Governor, co-opt as members, for a stated period not exceeding twelve months, persons with expert knowledge or experience required by the Board in the discharge of its duties. The total number of members so co-opted shall not exceed three.

**(3)** The period of service of nominated and elected members of the Board shall be two years, but any member may be renominated or re-elected as the case may be.

**(4)** Any member of the Board may resign his seat by letter addressed to the Governor, and the Governor may at any time revoke any nomination which he has made.

**(5)** Any member of the Board who has not, on 31 December in each year, attended at least one-third of the meetings of the Board during the preceding twelve months or during his tenure of office in such months, shall be considered to have vacated his seat on the Board, unless he has been absent owing to ill-health or with the leave of the Governor.

**(6)** In case of the absence on leave or owing to ill-health of any nominated member of the Board, the Governor may appoint any person suitably qualified to act in his stead.

**(7)** In the case of the absence on leave or owing to ill-health of any elected, or co-opted member of the Board, the subscribing members shall elect and the Board may with the approval of the Governor co-opt a suitably qualified person to act in the stead of such elected member or co-opted member, as the case may be.

### Chairman of Board

**4.** The Chairman of the Board shall be nominated by the Governor. If he be absent from any meeting, the Board may elect one of its members as Chairman of that meeting.

### Meetings of Board

**5. (1)** The Board shall meet at such times as may be necessary or expedient for transacting its business.

**(2)** The Chairman may at any time summon a meeting of the Board, and on a requisition by any three members he shall summon a meeting. Such requisition shall state the object for which the meeting is required to be summoned.

(3) Decisions of the Board may be taken at meetings or, in cases in which the Chairman shall so direct, by the recording of the opinions of members on papers circulated among them. The Chairman may direct that papers shall not be circulated to any member who through interest, illness, absence from Montserrat or otherwise is, in the opinion of the Chairman, incapacitated from voting on such papers.

(4) The quorum of the Board at any meeting or for the purpose of voting on papers circulated shall be three.

(5) The decisions of the Board shall be by the majority of votes. The Chairman shall have an original vote and in any case in which the voting is equal he shall have a second or casting vote.

(6) The Librarian, or in his absence any other suitable person appointed under section 8, shall be Secretary to the Board and shall attend each meeting of the Board and may speak but shall have no vote.

(7) The Librarian shall keep a true account of the proceedings of all meetings of the Board and shall record the same in a minute book kept for that purpose.

### **Status of Board**

6. The Board shall be primarily a consultative body constituted to advise on any matter which concerns the Central Library of Montserrat or public libraries generally and which the Governor may include within its scope.

### **Functions of Board**

7. The functions of the Board shall be—

- (a) to advise the Governor in regard to public library policy and principles and to submit its views on any question concerning public libraries which the Governor may refer to it or on any aspect of public library policy or administration which in its opinion requires attention;
- (b) to undertake such executive duties as the Governor may from time to time impose, either indefinitely or for a stated period.

### **Appointment of librarian, officers and servants**

8. The Governor after consulting the Board may appoint a Librarian and such other officers and servants as he may deem fit, for the purpose of carrying out this Act at such salaries as he may, with the consent of the Legislative Assembly from time to time direct. (*Amended by Act 9 of 2011*)

## Regulations

9. The Governor acting on the advice of Cabinet, after consulting the Board, may make regulations—

- (a) governing the use by any person or body of persons of the library facilities provided under this Act;
- (b) prescribing the sums to be collected in respect of subscriptions payable by the subscribing members, fines or any other matter or thing;
- (c) prescribing the duties and powers of the Librarian and other officers and servants appointed under this Act; and
- (d) generally, for carrying out the purposes of this Act,

and may attach to the breach of any such regulation a penalty not exceeding \$10 recoverable on summary conviction.

*(Amended by Act 9 of 2011)*

## Financial

10. The expenses of carrying out this Act shall be defrayed out of—

- (a) such moneys as may from time to time be appropriated for the purpose by the Legislative Assembly out of the general revenue of Montserrat; *(Amended by Act 9 of 2011)*
- (b) subscriptions paid by subscribing members;
- (c) penalties and fines imposed and recovered under the provisions of any regulations made under this Act;
- (d) gifts, grants, and bequests derived from any public or private source.

## Recovery of penalties

11. (1) All penalties and fines imposed by regulations made under the provisions of this Act shall be recoverable in the manner provided by the Magistrate's Court Act, and proceedings may be instituted and conducted by the Librarian or by any person authorised by the Board either generally or for any particular proceedings.

(2) All penalties and fines received by a Magistrate under this Act shall be paid by him to the Librarian.



