



# Public Libraries and Museums Act 1964

## 1964 CHAPTER 75

An Act to place the public library service provided by local authorities in England and Wales under the superintendence of the Secretary of State, to make new provision for regulating and improving that service and as to the provision and maintenance of museums and art galleries by such authorities, and for purposes connected with the matters aforesaid.

[31st July 1964]

### Modifications etc. (not altering text)

- C1** Act: transfer of functions (1.7.1999) by [S.I. 1999/672](#), art. 2, [Sch. 1](#); [S.I. 1998/3178](#), art. 3
- C2** Act amended by [Local Government Act 1972](#) (c. 70), [ss. 206](#), 207(1)  
Act applied (6.3.1992) by [Local Government Finance Act 1992](#) (c. 14), [s. 46\(4\)](#)
- C3** Functions of the Secretary of State under this Act transferred by [S.I. 1979/907](#), 1981/207, 1983/879, 1984/1814, 1986/600, 1992/1311 and as from 29.4.1986 to 2.7.1992 exercisable by the Lord President of the Council by virtue of [S.I. 1986/600](#), art. 2(1), [Sch. 1 Pt. I](#) and as from 3.7.1992 again exercisable by the Secretary of State (or no longer exercisable by the Lord President in the case of functions exercisable by him concurrently with the Secretary of State) by virtue of [S.I. 1992/1311](#) art. 3(1), [Sch. 1 Pt. I](#); references to the Secretary of State from 29.4.1986 to 2.7.1992 and from 3.7.1992 to be construed accordingly by virtue of [S.I. 1986/600](#), [art. 7\(1\)](#) and 1992/1311, art. 12(4).

### Commencement Information

- I1** Act wholly in force at 1.4.1965 see [s. 26\(7\)](#)

### *The public library service*

## 1 Secretary of State to superintend library service.

- (1) From the commencement of this Act it shall be the duty of the Secretary of State to superintend, and promote the improvement of, the public library service provided by local authorities in England and Wales, and to secure the proper discharge by local authorities of the functions in relation to libraries conferred on them as library authorities by or under this Act.

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- (2) Every library authority shall furnish such information, and provide such facilities for the inspection of library premises, stocks and records, as the Secretary of State may require for carrying out his duty under this section.

**Modifications etc. (not altering text)**

- C4** [S. 1\(2\)](#): functions of local authority not to be sole responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), reg. 4(1), [Sch. 3](#)

**2 National Advisory Councils.**

- (1) There shall be two Library Advisory Councils, one for England (excluding Monmouthshire) and the other for Wales and Monmouthshire, and it shall be the duty of each Council to advise the Secretary of State upon such matters connected with the provision or use of library facilities whether under this Act or otherwise as they think fit, and upon any questions referred to them by him.
- (2) The members of each Council shall be appointed by the Secretary of State, and he shall appoint a member of each Council to be chairman thereof and shall appoint an officer of [<sup>F1</sup>a Department of the Secretary of State]to be secretary thereto.
- (3) Each Council shall include persons who have had experience of the administration of the service provided by library authorities and also persons who have had experience of the administration of libraries managed by bodies other than those authorities.
- (4) The persons appointed to be members of either Council shall hold and vacate office in accordance with the terms of their respective appointments, and on ceasing to be members shall be eligible for re-appointment:

Provided that a member may at any time by notice in writing to the Secretary of State resign his office.

- (5) Each Council shall determine its own procedure, but the quorum at meetings of a Council shall be such as may be determined by the Secretary of State.

**Textual Amendments**

- F1** Words substituted by [S.I. 1981/207](#), art. 4, [Sch. 2 para. 1](#)

**Modifications etc. (not altering text)**

- C5** [S. 2\(2\)](#) to be construed prior to 3.7.1992 in relation to the Library Advisory Council for England as if the reference to Department of Secretary of State were a reference to the office of the Lord President of the Council, by virtue of [S.I. 1981/207](#), arts. 2(1), 4, [Sch. 2 para. 1](#), [1986/600](#), art. 6(2), 1992/1311 arts. 3, 12(4), Sch1.

**3 Regional councils for inter-library co-operation.**

- (1) As soon as may be after the commencement of this Act, the Secretary of State shall by order designate as library regions areas together extending to the whole of England and Wales.

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- (2) The Secretary of State, after consultation with the library authorities within the region, shall make a scheme for each library region providing—
- (a) for the constitution, incorporation and functioning of a library council for the region consisting of persons representing each of those authorities and such other persons as may be provided for by the scheme, and having a duty to make and supervise the working of arrangements for facilitating the co-operation of those authorities with one another and with other bodies within or outside the region having functions in relation to libraries; and
  - (b) for the observance by each of those authorities of any requirements made by the library council, including requirements as to the payment by the authority of contributions towards the expenses of the council,
- and containing such other provisions directed to the promotion of inter-library co-operation within and outside the region as may appear to the Secretary of State to be expedient.
- (3) At least a majority of the library council for a region shall consist of members of library authorities within the region, and an authority none of whose members is included in the library council shall be represented on the council by such of the persons so included as may be determined in accordance with the scheme establishing the council.
- (4) A power conferred by this section to make an order or scheme shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and an order or scheme made under this section may be varied or revoked by a further order or scheme thereunder:
- Provided that before varying or revoking a scheme the Secretary of State shall consult the library council in question as well as the relevant library authorities.
- (5) The Secretary of State may, with a view to improving the efficiency of the public library service or promoting its development, require any library council established under this section to enter into and carry into effect arrangements with another such council or with any other body having functions in relation to libraries.

#### **4 Library authorities and areas.**

- (1) ..... <sup>F2</sup>
- (2) The functions of a library authority as such shall be exercisable within an area (in this Act referred to as a “library area”) consisting of the administrative area of the authority, or—
- (a) in the case of a county council, [<sup>F3</sup>in Wales], consisting of so much of its administrative area as excludes the library area of any other library authority, or
  - (b) in the case of a joint board established under section 5 below, consisting of the areas which, if the authorities constituting the board were library authorities, would form their library areas,
- and may also be exercised elsewhere than within its library area if the authority thinks fit.

#### **Textual Amendments**

**F2** Ss. 4(1), 6(1)–(4), 15(4), 18, 21(2) repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

*Status: Point in time view as at 01/01/1992.**Changes to legislation: There are currently no known outstanding effects for the Public Libraries and Museums Act 1964. (See end of Document for details)***F3** Words inserted by [Local Government Act 1972 \(c. 70\), s. 208\(3\)\(a\)](#)**5 Joint boards.**

- (1) The Secretary of State may with the agreement of two or more library authorities by order provide for the formation of a joint board consisting of those authorities, which, from the date on which it begins to exercise its functions, shall be a library authority in lieu of those authorities; and without prejudice to the operation of [<sup>F4</sup>section 241 of the <sup>M1</sup>Local Government Act 1972] (which authorises the application of that Act to joint boards) the order may provide for the incorporation of the joint board, for its procedure (including quorum), and for the manner in which its expenses are to be defrayed.

[<sup>F4</sup>The said section 241] shall apply to the formation under this section of a joint board comprising the Common Council of the City of London as if the Common Council were a local authority within the meaning of [<sup>F4</sup>the said Act of 1972].

- (2) On the date on which a joint board established under this section begins to exercise its functions—
- (a) the library officers of the authorities constituting the board shall by the operation of this provision be transferred to and become officers of the joint board; and
  - (b) the library assets and liabilities of those authorities shall, save as may be otherwise provided by the order setting up the board, be transferred by the operation of this provision to the board.
- (3) The Secretary of State may on the application of an authority comprised in a joint board established under this section by order provide for the dissolution of the board, and on its dissolution the authorities constituting the board shall again become library authorities:

Provided that if any of those authorities is the council of a [<sup>F5</sup>district in Wales] the order may, [<sup>F6</sup>if the Secretary of State thinks fit], provide that the council shall not so become a library authority.

- (4) On the dissolution of a joint board established under this section—
- (a) each library officer of the board shall by the operation of this provision—
    - (i) where at the formation of the board he was a library officer of one of the authorities which on the dissolution of the board again become library authorities, be transferred to and again become an officer of that authority;
    - (ii) in any other case be transferred to and become an officer of such authority (being one of the authorities which on the dissolution of the board again become library authorities) as may be agreed between those authorities or, in default of agreement, determined by the Secretary of State;
  - (b) the library assets and liabilities of the board shall be divided among the said authorities as provided by the order dissolving the board.

**Textual Amendments****F4** Words substituted by virtue of [Local Government Act 1972 \(c. 70\), s. 272\(2\)](#)**F5** Words substituted by [Local Government Act 1972 \(c. 70\), s. 208\(3\)\(b\)](#)

*Status: Point in time view as at 01/01/1992.*

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**F6** Words substituted by [Local Government Act 1972 \(c. 70\), s. 208\(3\)\(c\)](#)

#### Marginal Citations

**M1** [1972 c. 70.](#)

## 6 Special provisions as to non-county boroughs and urban districts.

- (1) ..... <sup>F7</sup>
- (5) Where the council of a [<sup>F8</sup>district in Wales] is a library authority it may at any time resolve to relinquish its functions as such, and if the Secretary of State by order confirms the resolution the council shall cease to be a library authority on such date as is specified in that behalf in the order.
- (6) Where, under any provision of this Act other than section 5 above, [<sup>F9</sup>or under section 207 of the <sup>M2</sup>Local Government Act 1972] the council of a [<sup>F8</sup>district in Wales] non-county borough or urban district at any time ceases to be a library authority—
- (a) the library officers of the council shall by the operation of this provision be transferred to and become officers of the authority assuming the library functions of the council, that is to say, where after that time the library area of the council will be comprised in the library area of a joint board, that joint board, and in any other case the county council; and
  - (b) the library assets and liabilities of the council shall, save as may be otherwise directed by the Secretary of State, be transferred by the operation of this provision to the said authority.
- (7) [<sup>F10</sup>Where the council of a district in Wales are constituted a library authority under section 207 of the <sup>M3</sup>Local Government Act 1972, the Secretary of State] may by order make such provision as he thinks fit with respect to the transfer to the council of any library assets and liabilities of the county council or, where the county council is comprised in a joint board established under section 5 above, of the joint board, being assets and liabilities which relate, or are referable, to the library area of the [<sup>F10</sup>council so constituted].

#### Textual Amendments

**F7** [Ss. 4\(1\), 6\(1\)–\(4\), 15\(4\), 18, 21\(2\)](#) repealed by [Local Government Act 1972 \(c. 70\), Sch. 30](#)

**F8** Words substituted by [Local Government Act 1972 \(c. 70\), s. 208\(3\)\(b\)](#)

**F9** Words inserted by [Local Government Act 1972 \(c. 70\), s. 208\(3\)\(d\)](#)

**F10** Words substituted by [Local Government Act 1972 \(c. 70\), s. 208\(3\)\(e\)](#)

#### Marginal Citations

**M2** [1972 c. 70.](#)

**M3** [1972 c. 70.](#)

## 7 General duty of library authorities.

- (1) It shall be the duty of every library authority to provide a comprehensive and efficient library service for all persons desiring to make use thereof, . . . <sup>F11</sup>

Provided that although a library authority shall have power to make facilities for the borrowing of books and other materials available to any persons it shall not by virtue

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of this subsection be under a duty to make such facilities available to persons other than those whose residence or place of work is within the library area of the authority or who are undergoing full-time education within that area.

- (2) In fulfilling its duty under the preceding subsection, a library authority shall in particular have regard to the desirability—
- (a) of securing, by the keeping of adequate stocks, by arrangements with other library authorities, and by any other appropriate means, that facilities are available for the borrowing of, or reference to, books and other printed matter, and pictures, gramophone records, films and other materials, sufficient in number, range and quality to meet the general requirements and any special requirements both of adults and children; and
  - (b) of encouraging both adults and children to make full use of the library service, and of providing advice as to its use and of making available such bibliographical and other information as may be required by persons using it; and
  - (c) of securing, in relation to any matter concerning the functions both of the library authority as such and any other authority whose functions are exercisable within the library area, that there is full co-operation between the persons engaged in carrying out those functions.

#### Textual Amendments

**F11** Words repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

## 8 Restriction on charges for library facilities.

- (1) Except as provided by this section, no charge shall be made by a library authority (otherwise than to another library authority) for library facilities made available by the authority.

[<sup>F12</sup>(2) Subject to subsections (3) and (4) below, the Minister may by regulations—

- (a) authorise library authorities to make charges for such library facilities made available by them as may be specified in the regulations; and
  - (b) make such provision as regards charges by library authorities for library facilities, other than provision requiring the making of charges, as he thinks fit.
- (3) Nothing in any regulations under this section shall authorise any charges to be made by a library authority for lending any written material to any person where—
- (a) it is the duty of the authority under section 7(1) above to make facilities for borrowing available to that person;
  - (b) the material is lent in the course of providing such facilities 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; but this subsection shall not prevent any regulations under this section from authorising the making of charges in respect of the use of any facility for the reservation of written materials or in respect of borrowed materials which are returned late or in a damaged condition.

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- (4) Nothing in any regulations under this section shall authorise any charges to be made by a library authority for making facilities available for any person to do any of the following on any library premises, that is to say—
- (a) reading the whole or any part of any of the written materials for the time being held by the authority in a form in which they are readable without the use of any electronic or other apparatus or in microform;
  - (b) consulting (whether or not with the assistance of any such apparatus or of any person) such catalogues, indexes or similar articles as are maintained, in any form whatever, exclusively for the purposes of that authority's public library service.
- (5) Without prejudice to the generality of subsection (2) above, the power to make regulations under this section shall include power—
- (a) to confer a discretion as to the amount of any charge made under the regulations;
  - (b) to provide for such a discretion to be exercisable subject to such maximum amount or scale of maximum amounts as may be specified in or determined under the regulations;
  - (c) to require library authorities to take such steps as may be specified or described in the regulations for making the amounts of their charges for library facilities known to the public;
  - (d) to make such other incidental provision and such supplemental, consequential and transitional provision as the Minister thinks necessary or expedient; and
  - (e) to make different provision for different cases, including different provision in relation to different persons, circumstances or localities.
- (5A) The power to make regulations under this section shall be exercisable by statutory instrument; and no regulations may be made under this section unless a draft of them has been laid before and approved by a resolution of each House of Parliament.]
- [<sup>F13</sup>(6) The provisions of Part I of the Copyright, Designs and Patents Act 1988 (copyright) relating to the rental of copies of sound recordings, films and computer programs apply to any lending by a library authority of copies of such works, whether or not a charge is made for that facility.]
- [<sup>F14</sup>(7) In this section—
- “library premises” means—
  - (a) any premises which are occupied by a library authority and are premises where library facilities are made available by the authority, in the course of their provision of a public library service, to members of the public;
  - (b) any vehicle which is used by a library authority for the purpose of providing such a service and is a vehicle in which facilities are so made available;
  - “the Minister” means—
  - (a) in relation to library authorities whose areas are in England, the Lord President of the Council; and
  - (b) in relation to library authorities whose areas are in Wales, the Secretary of State;
  - and
  - “written material” means—
  - (a) any book, journal, pamphlet or other similar article; or



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- (b) any reprographic copy (within the meaning of the Copyright, Designs and Patents Act 1988) of any article falling within paragraph (a) above or any other reproduction of such an article made by any means whatever.]

**Subordinate Legislation Made**

**P1** [S. 8\(2\)\(5\)\(5A\)\(7\)](#): s. 8(5A) (with s. 8(2)(5)(7)) power exercised (3.12.1991) by [S.I. 1991/2712](#)

**Textual Amendments**

**F12** [S. 8\(2\)—\(5A\)](#) substituted (1.1.1992) for s. 8(2)—(5) by [Local Government and Housing Act 1989](#) (c. 42, SIF 81:1), [s. 154\(1\)](#); [S.I. 1991/2940](#), [art.2](#)

**F13** [S. 8\(6\)](#) inserted by [Copyright, Designs and Patents Act 1988](#) (c. 48, SIF 67A), s. 303(1), [Sch. 7 para. 8](#)

**F14** [S. 8\(7\)](#) inserted (1.1.1992) by [Local Government and Housing Act 1989](#) (c. 42, SIF 81:1), [s. 154\(2\)](#); [S.I. 1991/2940](#), [art.2](#)

**9 Contributions and grants.**

- (1) A library authority may make contributions towards the expenses of another library authority or of any other person providing library facilities for members of the public.
- (2) The Secretary of State may make grants to any body which maintains book catalogues or indexes to which all library authorities are permitted to refer, or otherwise makes available to all library authorities facilities likely to assist them in the discharge of their duty under section 7(1) above.

**10 Default powers of Secretary of State.**

- (1) If—
  - (a) a complaint is made to the Secretary of State that any library authority has failed to carry out duties relating to the public library service imposed on it by or under this Act; or
  - (b) the Secretary of State is of opinion that an investigation should be made as to whether any such failure by a library authority has occurred,
 and, after causing a local enquiry to be held into the matter, the Secretary of State is satisfied that there has been such a failure by the library authority, he may make an order declaring it to be in default and directing it for the purpose of removing the default to carry out such of its duties, in such manner and within such time, as may be specified in the order.
- (2) If a library authority with respect to which an order has been made under the preceding subsection fails to comply with any requirement of the order, the Secretary of State, instead of enforcing the order by mandamus or otherwise,—
  - (a) if the authority is the council of a [<sup>F15</sup>district in Wales] may make an order providing that on a date specified therein the council shall cease to be a library authority, or
  - (b) if the authority is a joint board, may make an order providing that on a date specified therein the board shall be dissolved and—
    - (i) that on its dissolution the authorities constituting the board, other than any council of a [<sup>F15</sup>district in Wales] . . . <sup>F16</sup>, shall again become library authorities;



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- (ii) that any council of a [<sup>F15</sup>district in Wales] comprised in the board . . .  
<sup>F16</sup>, shall or shall not so become a library authority, as the Secretary of State thinks fit;
    - (iii) that the functions relating to the public library service of such of those library authorities as may be specified in that behalf in the order shall be transferred to the Secretary of State, or
  - (c) in any other case, may make an order providing that the functions of the authority relating to the public library service shall be transferred to the Secretary of State.
- (3) A power conferred by subsection (2) above to make an order shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Where functions of a library authority have been transferred to the Secretary of State under subsection (2) above he may at any time by order transfer those functions back to the authority, and the order may contain such supplemental provisions as may appear to him to be expedient for that purpose.
- (5) Section 324 of the <sup>M4</sup>Public Health Act 1936 (which relates to expenses incurred in exercising the functions of a body in default under that Act) shall apply in relation to expenses incurred by the Secretary of State in exercising the functions of a library authority as if the Secretary of State were the Minister therein referred to and the reference to a local authority included any library authority.

#### Textual Amendments

**F15** Words substituted by [Local Government Act 1972 \(c. 70\), s. 208\(3\)\(b\)](#)

**F16** Words repealed by [Local Government Act 1972 \(c. 70\), Sch. 30](#)

#### Modifications etc. (not altering text)

**C6** Functions of the Secretary of State under s. 324 of the Public Health Act 1936 so far as exercisable by virtue of s. 10(5) of this Act and so exercisable in relation to England, exercisable from 29.4.1986 to 2.7.1992 by the Lord President of the Council and as from 3.7.1992 again exercisable by the Secretary of State, by virtue of [S.I. 1979/907, art. 4](#); 1981/207, art. 2, Sch. 1 Pt. 1; 1983/879, art. 5; 1984/1814, arts. 2(1), 7, Sch. 1 Pt. I; 1986/600, arts. 2(1), 7, Sch. 1 Pt. I; 1992/1311 arts. 3, 12(4), Sch. 1

#### Marginal Citations

**M4** [1936 c. 49](#).

## 11 Supplemental provisions as to transfers of officers, assets and liabilities.

- (1) A library authority to which an officer is transferred by the operation of any provision of this Act shall be under a duty to secure that—
- (a) so long as he continues in the employment of the authority by virtue of the transfer and until he is served with a statement in writing of new terms and conditions of employment, he enjoys terms and conditions of employment not less favourable than those he enjoyed immediately before the date of transfer; and
  - (b) the said new terms and conditions are such that—

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- (i) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of transfer, the scale of his salary or remuneration, and
- (ii) the other terms and conditions of his employment,
- are not less favourable than those he enjoyed immediately before the date of transfer.
- (2) [<sup>F17</sup>Section 255 of the <sup>M5</sup>Local Government Act 1972] shall apply as respects persons—
- who suffer loss of employment or loss or diminution of emoluments in consequence of their transfer by the operation of any provision of this Act, or
  - who, being officers of a county council or a joint board established under section 5 of this Act, suffer loss of employment or loss or diminution of emoluments in consequence of a reduction in the library area of the county council or joint board resulting from the approval of the council of a [<sup>F18</sup>district in Wales] as a library authority,
- as it applies in the cases there provided.
- (3) Where any library officers or library assets and liabilities have been transferred by the operation of this Act from one local authority to another, those authorities may by agreement provide for the making of such adjustments in relation to their respective property, rights and liabilities as appear to them to be desirable having regard to the transfer, and any such agreements may in particular provide for the making of payments by either party thereto.
- (4) Where it appears to the Secretary of State that having regard to any such transfer it is desirable that any such adjustment as is mentioned in subsection (3) above (including any payment by either of the authorities concerned) should be made, he may, subject to any agreement made under that subsection and after consultation with the authorities concerned, by directions make provision for that adjustment.
- (5) Where any question arises as to whether any library officers or library assets and liabilities have been transferred by the operation of this Act from one local authority to another, that question shall be determined by the Secretary of State.
- (6) The provisions of Schedule 1 to this Act shall have effect as respects superannuation and other benefits in the cases there provided.

**Textual Amendments****F17** Words substituted by virtue of [Local Government Act 1972 \(c. 70\), s. 208\(3\)\(f\)](#)**F18** Words substituted by [Local Government Act 1972 \(c. 70\), s. 208\(3\)\(b\)](#)**Marginal Citations****M5** [1972 c. 70.](#)*Museums and art galleries***12 Provision and maintenance of museums and galleries.**

- (1) A local authority may provide and maintain museums and art galleries within its administrative area or elsewhere in England or Wales, and may do all such things as

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may be necessary or expedient for or in connection with the provision or maintenance thereof:

... <sup>F19</sup>

- (2) A local authority maintaining a museum or art gallery under this section may ... <sup>F20</sup> enter into an agreement with any other local authority empowered to maintain it for the transfer of the museum or gallery and its collections to that authority.

#### Textual Amendments

**F19** S. 12(1) proviso repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

**F20** Words repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

### 13 Charges for admission to museums and galleries.

- (1) A local authority may make a charge for admission to a museum or art gallery maintained by it under section 12 of this Act.
- (2) In determining whether, and in what manner, to exercise its powers under this section in relation to a museum or gallery, a local authority shall take into account the need to secure that the museum or gallery plays its full part in the promotion of education in the area, and shall have particular regard to the interests of children and students.

### 14 Contributions to expenses of museums and galleries.

A local authority . . . . . <sup>F21</sup> may make contributions towards expense incurred by any person—

- (a) in providing or maintaining a museum or art gallery in any place within England or Wales, or
- (b) in providing advisory or other services or financial assistance for the benefit of a museum or art gallery in any such place.

#### Textual Amendments

**F21** Words repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

#### Modifications etc. (not altering text)

**C7** S. 14 amended by [Local Government Act 1972 \(c. 70\)](#), [s. 208\(2\)](#)

### 15 Power to establish fund for purchase of exhibits.

- (1) A local authority maintaining [<sup>F22</sup>or proposing to provide] a museum or art gallery under section 12 of this Act may establish a fund to be used for the purchase of objects for exhibition in any museum or art gallery [<sup>F23</sup>which the authority maintains or proposes to provide under that section.]
- (2) Where at the time a fund is established by it under this section a local authority maintains under a local Act a fund which it is authorised to use for the purchase of such objects as aforesaid, [<sup>F24</sup>it may amalgamate the funds, but without prejudice to the effect of any condition attached to any particular gift received by the authority.]

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(3) The provisions of Schedule 2 to this Act shall apply with respect to the management of a fund established by a local authority under this section.

(4) ..... F25

#### Textual Amendments

**F22** Words inserted by [Local Government Act 1972 \(c. 70\), s. 208\(3\)\(g\)](#)

**F23** Words substituted by [Local Government Act 1972 \(c. 70\), s. 208\(3\)\(g\)](#)

**F24** Words substituted by [Local Government Act 1972 \(c. 70\), s. 208\(1\)](#)

**F25** [Ss. 4\(1\), 6\(1\)–\(4\), 15\(4\), 18, 21\(2\)](#) repealed by [Local Government Act 1972 \(c. 70\), Sch. 30](#)

### General

## 16 Inquiries.

The Secretary of State may hold an inquiry into any matter relating to the functions of a [<sup>F26</sup>library authority] under this Act.

#### Textual Amendments

**F26** Words substituted by [Local Government Act 1972 \(c. 70\), s. 208\(3\)\(h\)](#)

## 17 Annual report.

The Secretary of State shall annually lay before each House of Parliament a report on the exercise of his functions under this Act.

18 ..... F27

#### Textual Amendments

**F27** [Ss. 4\(1\), 6\(1\)–\(4\), 15\(4\), 18, 21\(2\)](#) repealed by [Local Government Act 1972 \(c. 70\), Sch. 30](#)

## 19 Byelaws.

(1) A local authority may make byelaws regulating the use of facilities provided by the authority under this Act and the conduct of persons in premises where those facilities are provided, and the Secretary of State shall be the person by whom byelaws so made are to be confirmed.

(2) Without prejudice to [<sup>F28</sup>section 237 of the <sup>M6</sup>Local Government Act 1972] (under which byelaws may include provisions for imposing fines), byelaws made under this section may include provisions for enabling officers of the local authority to exclude or remove from premises maintained by the authority under this Act any person who contravenes the byelaws.

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- (3) As well as complying with [<sup>F28</sup>section 236(8) of the said Act of 1972] (which requires byelaws, when confirmed, to be made available to the public), a local authority shall cause a copy of byelaws made by it and in force under this section to be displayed in any premises maintained by the authority under this Act to which the public have access.

#### Textual Amendments

**F28** Words substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), [s. 272\(2\)](#)

#### Marginal Citations

**M6** [1972 c. 70](#).

## 20 Use of premises for educational or cultural events.

A local authority maintaining premises under this Act may use the premises, or allow them to be used (whether in return for payment or not), for the holding of meetings and exhibitions, the showing of films and slides, the giving of musical performances, and the holding of other events of an educational or cultural nature, and in connection therewith may, notwithstanding anything in section 8 above, make or authorise the making of a charge for admission.

## 21 Expenses of county councils.

- (1) Expenses of a county council [<sup>F29</sup>in Wales] under this Act in respect of the public library service shall not be charged on any [<sup>F30</sup>district in Wales] outside the library area of the county council; . . . <sup>F31</sup>

- (2) . . . . . <sup>F32</sup>

- (3) Where a county council [<sup>F29</sup>in Wales] is comprised in a joint board established under section 5 of this Act—

- (a) references in subsection (1) above to the library area of the council shall be construed as references to the area which would be its library area if the joint board did not exist and each authority comprised in it were a library authority; and

- (b) . . . <sup>F33</sup>

- [<sup>F34</sup>(4) Subsection (1) shall not apply to any expenses of a county council in Wales which are incurred or defrayed after 31st March 1990.

- (5) Expenses of a county council in Wales incurred or defrayed on or after 1st April 1990 in exercising its functions as library authority in its library area shall not be charged on any district in Wales outside the library area of the county council.]

#### Textual Amendments

**F29** Words inserted by [Local Government Act 1972 \(c. 70\)](#), [s. 208\(3\)\(i\)](#)

**F30** Words substituted by [Local Government Act 1972 \(c. 70\)](#), [s. 208\(3\)\(b\)](#)

**F31** Words repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

**F32** [Ss. 4\(1\), 6\(1\)–\(4\), 15\(4\), 18, 21\(2\)](#) repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

**F33** [S. 21\(3\)\(b\)](#) repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

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**F34** S. 21(4)(5) inserted by S.I. 1989/2292, **art. 2**

**22** ..... **F35**

#### Textual Amendments

**F35** S. 22 repealed by Statute Law (Repeals) Act 1975 (c. 10), **Sch. Pt. VIII**

### **23 Local Acts.**

The provisions of this Act shall have effect notwithstanding any inconsistent provision in a local Act, and any public library maintained by a library authority at the commencement of this Act under a power conferred by a local Act shall thereafter be treated as maintained under this Act and not under that power; but save as aforesaid nothing in this Act shall be taken to derogate from the provisions of any local Act.

### **24 Isles of Scilly.**

- (1) The Secretary of State may, after consultation with the Council of the Isles of Scilly, by order made by statutory instrument provide that [<sup>F36</sup>the provisions of this Act relating to libraries] shall apply to those Isles, subject to such modifications as may be specified in the order, as if the Isles were a [<sup>F36</sup>non-metropolitan county] and the Council thereof were the county council.
- (2) An order under this section may contain such transitional provisions as may appear to the Secretary of State, after such consultation as aforesaid, to be expedient; and may be varied or revoked by a subsequent order thereunder.

#### Textual Amendments

**F36** Words substituted by Local Government Act 1972 (c. 70), **s. 208(3)(j)**

### **25 Interpretation.**

In this Act—

“library area” has the meaning assigned to it by section 4(2) of this Act;

“library assets and liabilities” means property held by a local authority solely or mainly for the purposes of any functions exercisable by it in relation to the public library service and rights and liabilities to which the authority is entitled or subject by reason of the exercise of such functions;

“library authority” means a library authority under this Act or, in relation to a time before the commencement of this Act, under the Public Libraries Acts 1892 to 1919;

“library officer” means an officer of a local authority employed by the authority solely or mainly for the purposes of any functions exercisable by it in relation to the public library service;

**F37**

“officer” includes a servant;

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Changes to legislation: There are currently no known outstanding effects for the Public Libraries and Museums Act 1964. (See end of Document for details)

..... F37

Textual Amendments

F37 Definitions of “local authority” and “population” repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

26 <sup>F38</sup>Short title, repeals etc., commencement and extent.

- (1) This Act may be cited as the Public Libraries and Museums Act 1964.
- (2) ..... F39
- (3) ..... F40
- (5) Byelaws in force immediately before the commencement of this Act under section 7 of the <sup>M7</sup>Museums and Gymnasiums Act 1891 or section 3 of the <sup>M8</sup>Public Libraries Act 1901 shall not be invalidated by the repeal of those Acts but shall have effect as if they had been made, and confirmed by the Secretary of State, under section 19 of this Act.
- (6) ..... F40
- (7) This Act shall come into force on 1st April 1965.
- (8) This Act shall not extend to Scotland or Northern Ireland.

Textual Amendments

F38 Unreliable marginal note

F39 [S. 26\(2\)](#) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

F40 [S. 26\(3\)\(4\)\(6\)](#) repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

Marginal Citations

M7 [1891 c. 22.](#)

M8 [1901 c. 19.](#)



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SCHEDULES

SCHEDULE 1 Section 11.

SUPERANNUATION AND OTHER BENEFITS IN CASES OF TRANSFER ETC.

- 1
- (1) .....

(4) .....
- F41

F42

Textual Amendments

F41

Sch. 1 paras. 1(1)(2)(3), 3 repealed with saving by S.I. 1974/520, Sch. 19 Pt. II and 1977/1341, Sch. 6 Pt. I

F42

Sch. 1 para. 1(4) repealed by Superannuation Act 1972 (c. 11), Sch. 8

- 2
- .....
- F43

Textual Amendments

F43

Sch. 1 para. 2 repealed by Superannuation Act 1972 (c. 11), Sch. 7 para. 5(1), Sch. 8

- 3
- .....
- F44

Textual Amendments

F44

Sch. 1 paras. 1(1)(2)(3), 3 repealed with saving by S.I. 1974/520, Sch. 19 Pt. II and 1977/1341, Sch. 6 Pt. I

- 4
- (1) Where a joint board established under section 5 of this Act is dissolved, and at any time before its dissolution a gratuity by way of periodical payments or an annuity—

(a) was granted to any person by the board on his ceasing to be employed by the board, or

(b) was granted to the widow or any other dependant of a person who died while in the employment of the board, or who died during the currency of such a gratuity granted to him as mentioned in paragraph (a) above,

and, if the board had not been dissolved at that time, one or more payments in respect of that gratuity would under the terms of the grant have fallen to be made by the board after that time (whether the board would have been obliged to make those payments or not), those payments shall be made by such authority (being one of the authorities which on the dissolution of the board again become library authorities) as the Secretary of State may determine.

(2) Without prejudice to sub-paragraph (1) above, where for the purposes of any pensions provision the board, if it had not been dissolved, would at any time after the date on which it is dissolved have been the employing authority or former employing authority in relation to—

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- (a) a person who before that time died while in the employment of the board, or otherwise ceased to be employed by the board; or
- (b) the widow or any other dependant of such a person,
- such authority (being one of the authorities which on the dissolution of the board again become library authorities) as the Secretary of State may determine shall be treated as being at that time the employing authority or former employing authority for those purposes in relation to that person, or to that person's widow or other dependant, as the case may be.

#### Modifications etc. (not altering text)

- C8** Functions of Secretary of State, so far as exercisable on the dissolution of a joint board whose area does not include any part of Wales, exercisable as from 29.4.1986 to 2.7.1992 by the Lord President of the Council and as from 3.7.1992 again exercisable by the Secretary of State, by virtue of [S.I. 1979/907](#), [art. 3\(2\)](#); 1981/207, art. 2 Sch. 1 Pt. I; 1983/879, arts. 4(1)(2), 11; 1984/1814, arts. 2(1), 7, Sch. 1 Pt. I; 1986/600, arts. 2(1), 7, Sch. 1 Pt. I; 1992/1311 arts. 3, 12(4), Sch. 1

#### 5 In this Schedule—

**F45**

“pensions provision” means a provision relating to pensions contained in or made under a general or local Act.

#### Textual Amendments

- F45** Definition of “pensions” repealed with saving by [S.I. 1974/520](#), [Sch. 19 Pt. II](#) and 1977/1341, Sch. 6 Pt. I

## SCHEDULE 2

Section 15.

### MANAGEMENT OF FUNDS FOR PURCHASE OF EXHIBITS

#### *Payments into fund*

- 1 No payment shall be made into the fund (hereinafter referred to as the “art fund”) unless the payment is authorised or required to be made by the following provisions of this Schedule.
- 2 (1) There may be paid into the art fund from the county fund or, as the case may be, the [<sup>F46</sup>general fund or, in the case of the common council, the City fund]such sums as the local authority determine, . . . . .<sup>F47</sup>
- (2) . . . . .<sup>F48</sup>

#### Textual Amendments

- F46** Words substituted by [S.I. 1990/1285](#), art. 2, [Sch. Part I para. 6](#)
- F47** Words repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)
- F48** [Sch. 2 paras. 2\(2\)\(3\), 6](#) repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

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3       Where any object previously kept for exhibition in a museum or art gallery maintained by the local authority under section 12 of this Act is sold by the authority, and the proceeds of sale are not subject to any trust the terms of which prevent their being used for the purchase of other objects for exhibition either in that museum or gallery or in any other museum or art gallery for the time being so maintained, the proceeds of sale or any part thereof may be paid into the art fund.

*Power of investment*

4       Until it is required for the purposes of the art fund, money therein may be invested by the local authority in the like investments as trustees are for the time being by law authorised to make, and for this purpose section 7 of the <sup>M9</sup>Trustee Investments Act 1961 (which applies the preceding sections of the Act to persons, other than trustees, having trustee investment powers) shall have effect as if this Act had been passed before that Act:

Provided that for the purpose of the making of investments by the authority under this paragraph, paragraph 9 of Part II of Schedule 1 to that Act (which specifies local authorities whose securities are to be authorised investments) shall not apply to the authority or to a joint board comprising the authority and established under section 5 of this Act.

**Marginal Citations**

**M9**   1961 c. 62.

5       Income arising from investments made under paragraph 4 above shall be carried to the county fund or the [<sup>F49</sup>general fund or, in the case of the common council, the City fund], as the case may be, and an equivalent sum shall be paid from that fund into the art fund.

**Textual Amendments**

**F49**   Words substituted by [S.I. 1990/1285, art. 2, Sch. Part I para. 6](#)

6       .....<sup>F50</sup>

**Textual Amendments**

**F50**   [Sch. 2 paras. 2\(2\)\(3\), 6](#) repealed by [Local Government Act 1972 \(c. 70\), Sch. 30](#)

<sup>F51</sup><sup>F51</sup>SCHEDULE 3

**Textual Amendments**

**F51**   [Sch. 3](#) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\), Sch. Pt. XI](#)

SCHEDULE 3

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F51

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**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Public Libraries and Museums Act 1964.