



# Public Libraries and Museums Act 1964

## 1964 CHAPTER 75

### *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.
- (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.

#### **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 the Department of Education and Science 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.

### **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.

- (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) Subject to the provisions of this Act, each of the following local authorities shall be a library authority, that is to say—

- (a) the council of a county or county borough;
- (b) the council of a London borough, and the Common Council of the City of London;
- (c) the council of a non-county borough or urban district where either—

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*Status: This is the original version (as it was originally enacted).*

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- (i) the council was a library authority immediately before the commencement of this Act, or
  - (ii) the council has been approved by the Secretary of State under section 6(3) below,
- and any other local authority being a library authority immediately before the commencement of this Act shall at that commencement cease to be a library authority.
- (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, 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.

## **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 section 293(1) of the Local Government Act 1933 (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.

The said section 293(1) 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 the said Act of 1933.

- (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 non-county borough or urban district the order may, at the request of the council or where the population of the borough or urban district is less than 40,000, 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.

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

### (1) Where—

- (a) the council of a non-county borough or urban district was a library authority immediately before a date (in this section referred to as a " review date "), being the date of the commencement of this Act or falling ten years after that or any subsequent review date, and
- (b) the population of the borough or urban district at the review date is less than 40,000,

the Secretary of State, if, after consulting the council of the borough or urban district and also the county council or, where the county council is comprised in a joint board established under section 5 above, the joint board, and after taking account of any likely changes in the area and population of the borough or urban district and of other relevant matters, he is of opinion that to do so would lead to an improvement in the library facilities made available under this Act in the borough or urban district, may at any time before the next review date by order provide that on a date specified in the order the council of the borough or urban district shall cease to be a library authority.

- (2) The power to make an order under subsection (1) above shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Where the council of a non-county borough or urban district was not a library authority immediately before a review date but the population of its administrative area at that date is not less than 40,000, the Secretary of State may on an application made by the council within six months after that date approve the council as a library authority, and where he does so the council shall become a library authority on a date specified by him in giving notice of his approval to the council.
- (4) Before determining an application under subsection (3) above the Secretary of State shall consult the county council or, where the county council is comprised in a joint board established under section 5 above, the joint board.
- (5) Where the council of a non-county borough or urban district 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, the council of a 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) Where the council of a non-county borough or urban district is approved by the Secretary of State under subsection (3) above he 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 approved council.

## **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, and for that purpose to employ such officers, to provide and maintain such buildings and equipment, and such books and other materials, and to do such other things, as may be requisite:

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 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.

## **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.

- (2) A library authority may make a charge not exceeding such amount as may be specified in that behalf by the Secretary of State—
  - (a) for notifying a person that a book or other article reserved by him has become available for borrowing, or
  - (b) in respect of failure to return a book or other article before the end of the period for which it was lent.
- (3) A library authority may make a charge for the borrowing of any article, except that where under section 7(1) above the authority is under a duty to make facilities for borrowing available to a person the authority shall not charge that person for borrowing—
  - (a) a book, journal, pamphlet or similar article, or
  - (b) a reproduction made by photographic or other means of title whole or a part of any such article.
- (4) A library authority may make a charge for supplying book catalogues or indexes, or any similar articles, where the articles become the property of the persons to whom they are supplied.
- (5) Where facilities made available to any person by a library authority go beyond those ordinarily provided by the authority as part of the library service the authority may make a charge for the provision of those facilities.

## **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 non-county borough or urban district, 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 non-county borough or urban district with a population less than 40,000, shall again become library authorities;
    - (ii) that any council of a non-county borough or urban district comprised in the board with a population less than 40,000 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 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.

## **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—
    - (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) Section 60(2) of the Local Government Act 1958 (which requires provision to be made by regulations for the payment in certain cases of compensation for loss of employment or loss or diminution of emoluments) shall apply as respects persons—
- (a) 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
  - (b) 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 non-county borough or urban district 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.