



Public Libraries and Museums Act 1964

1964 CHAPTER 75

The public library service

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.

[^{F1}(2) Subject to subsections (3) and (4) below, the [^{F2}Secretary of State] 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.

(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—

Changes to legislation: There are currently no known outstanding effects for the Public Libraries and Museums Act 1964, Section 8. (See end of Document for details)

- (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 [F²Secretary of State] 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.]
- (6) F³.....
- [F⁴(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;
- F⁵ . . .
- and
- “written material” means—
- (a) any book, journal, pamphlet or other similar article; or
 - (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

Changes to legislation: There are currently no known outstanding effects for the Public Libraries and Museums Act 1964, Section 8. (See end of Document for details)

Textual Amendments

- F1** 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](#)
- F2** Words in s. 8(2)(5)(d) substituted (3.7.1992) by [S.I. 1992/1311 art. 12\(2\)](#), Sch. 2 para. 3(a)
- F3** S. 8(6) repealed (1.12.1996) by [The Copyright and Related Rights Regulations 1996 \(S.I. 1996/2967\)](#), [art. 11\(7\)](#)
- F4** 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](#)
- F5** Words in s. 8(7) repealed (3.7.1992) by virtue of [S.I. 1992/1311 art. 12\(2\)](#), Sch. 2 para. 3(b)

Changes to legislation:

There are currently no known outstanding effects for the Public Libraries and Museums Act 1964, Section 8.