



# British Library Act 1972

## 1972 CHAPTER 54

An Act to establish a national library for the United Kingdom under the control and management of a new Board and incorporating the Library of the British Museum; and for connected purposes. [27th July 1972]

### Modifications etc. (not altering text)

- C1** Act: functions of the Secretary of State transferred (1.9.1979) to the Chancellor of the Duchy of Lancaster by [The Transfer of Functions \(Arts and Libraries\) Order 1979 \(S.I. 1979/907\)](#), art. 2(1), **Sch. 1 Pt. 1** (with art. 11)
- Act: functions of the Chancellor of the Duchy of Lancaster transferred (1.4.1981) to the Secretary of State by [The Transfer of Functions \(Arts, Libraries and National Heritage\) Order 1981 \(S.I. 1981/207\)](#), art. 2(1), **Sch. 1 Pt. 1** (with art. 5)
- Act: functions of the Secretary of State transferred (1.7.1983) to the Lord President of the Council by [The Transfer of Functions \(Arts, Libraries and National Heritage\) Order 1983 \(S.I. 1983/879\)](#), art. 2(1), **Sch. 1 Pt. 1** (with art. 11)
- Act: functions of the Lord President of the Council transferred (22.12.1984) to the Chancellor of the Duchy of Lancaster by [The Transfer of Functions \(Arts, Libraries and National Heritage\) Order 1984 \(S.I. 1984/1814\)](#), art. 2(1), **Sch. 1 Pt. 1** (with art. 7)
- Act: functions of the Chancellor of the Duchy of Lancaster transferred (29.4.1986) to the Lord President of the Council by [The Transfer of Functions \(Arts, Libraries and National Heritage\) Order 1986 \(S.I. 1986/600\)](#), art. 2(1), **Sch. 1 Pt. 1** (with art. 7)
- Act: functions of the Lord President of the Council transferred (3.7.1992) to the Secretary of State by [The Transfer of Functions \(National Heritage\) Order 1992 \(S.I. 1992/1311\)](#), art. 3(1), **Sch. 1 Pt. 1** (with art. 12)
- C2** Functions of the Minister for the Civil Service under this Act now exercisable by the Treasury by virtue of [S.I. 1981/1670](#), **arts. 2, 3(5)(6)**

### Commencement Information

- I1** Act wholly in force at Royal Assent.

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*Status: Point in time view as at 22/08/1996.*

*Changes to legislation: There are currently no known outstanding effects for the British Library Act 1972. (See end of Document for details)*

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## 1 The British Library.

- (1) This Act shall have effect with a view to the establishment for the United Kingdom of a national library, to be known as “the British Library”, consisting of a comprehensive collection of books, manuscripts, periodicals, films and other recorded matter, whether printed or otherwise.
- (2) The British Library shall be under the control and management of a public authority, to be known as “the British Library Board”, whose duty it shall be to manage the Library as a national centre for reference, study and bibliographical and other information services, in relation both to scientific and technological matters and to the humanities.
- (3) The Board shall make the services of the British Library available in particular to institutions of education and learning, other libraries and industry; and
  - (a) it shall be within the functions of the Board, so far as they think it expedient for achieving the objects of this Act and generally for contributing to the efficient management of other libraries and information services, to carry out and sponsor research; and
  - (b) the Board may contribute to the expenses of library authorities within the meaning of the <sup>M1</sup>Public Libraries and Museums Act 1964, or of any other person providing library facilities, whether for members of the public or otherwise.
- (4) The Board may, subject to such restrictions and conditions as they think necessary to safeguard their collections, lend any item, and make any part of their collections, or of their premises, available in connection with events of an educational, literary or cultural nature:

Provided that in deciding whether or not to lend any such item and in determining the time for which and the conditions subject to which any such item is to be lent, the Board shall have regard to the interests of students and other persons visiting the national library, to the physical condition and degree of rarity of the item in question and to any risks to which it is likely to be exposed.

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### Marginal Citations

**M1** 1964 c. 75.

## 2 The Board.

- (1) The British Library Board shall consist of a chairman appointed by the Secretary of State and not less than eight, nor more than thirteen, other members of whom one shall be appointed by Her Majesty and the remainder by the Secretary of State; and—
  - (a) at least one of the members (who may be the chairman) shall be appointed as a whole-time member;
  - (b) subject to paragraph (a) above, any member (including the chairman and the member appointed by Her Majesty) may be appointed as a part-time member; and
  - (c) one part-time member shall be a person nominated by the trustees of the British Museum.

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- (2) In selecting persons for appointment to be members of the Board, the Secretary of State shall give preference to those who appear to him to have knowledge and experience of library or university affairs, finance, industry or administration.
- (3) The Board shall, in accordance with directions of the Secretary of State given after consultation with them, constitute Advisory Councils with responsibility for providing advice to the Board, or to any department of the British Library, on such matters as the Secretary of State or the Board may determine from time to time.
- (4) The provisions of the Schedule to this Act shall have effect with respect to the Board and its members, to the Board's proceedings and incidental powers, to the employment of staff and the terms and conditions of their employment, and to the Advisory Councils constituted under this section.

### **3 Transfer of British Museum Library.**

- (1) Subject to this section, all articles which immediately before the appointed day were the property of the trustees of the British Museum and—
  - (a) formed part of the collections in the Museum's Department of Printed Books, Department of Manuscripts and Department of Oriental Printed Books and Manuscripts, or
  - (b) were in normal use in those Departments for the purposes of the collections, or of their storage or management, or for the purposes of the administration of the Departments,shall on that day cease to be property of the trustees and become property of the British Library Board.
- (2) In this Act "the appointed day" means a day appointed by the Secretary of State by order made by statutory instrument.
- (3) Subsection (1) above shall not apply to any article in the case of which it has been agreed in writing between the trustees and the Board that it shall not become the property of the Board under this section.
- (4) Without prejudice to subsection (1) above, the trustees may transfer to the Board any article from their collections in the case of which the Board have indicated to the trustees that the article is required for the British Library; and the power of the trustees under this section to transfer any article shall be exercisable notwithstanding any trust or condition (whether express or implied) prohibiting or restricting the disposal of the article, and also notwithstanding anything in the <sup>M2</sup>British Museum Act 1963.

[<sup>F1</sup>This subsection does not apply to pictures (as to which there is a power of transfer in section 9 of the British Museum Act 1963).]
- (5) Any property transferred to the Board under this section shall, if it was previously vested in the trustees subject to any trust or condition, be subject to the same trust or condition in the hands of the Board.
- (6) The trustees may make any part of their premises available for the use of the Board, and may arrange for services to be rendered to the Board by British Museum staff, on such terms (including terms as to payment) as may be agreed with the Board.

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#### Subordinate Legislation Made

P1 [S. 3\(2\)](#): Power of appointment conferred by s. 3(2) fully exercised: 1.7.1973 appointed by [S.I. 1973/1125](#), [art. 2](#)

#### Textual Amendments

F1 Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 40, [Sch. 5 para. 7](#)

#### Marginal Citations

M2 [1963 c. 24](#).

## 4 Further provisions as to the Board.

(1) As from the appointed day section 15 of the Copyright Act 1911 (which requires the publisher of every book published in the United Kingdom to deliver a copy to the British Museum) shall have effect as if references in subsections (1), (3) and (6) to the trustees of the British Museum were references to the British Library Board: and—

- (a) corresponding amendment shall be made of all references to the trustees in section 1(1) of the British Museum Act 1932 (which excepts certain categories of publications from the requirements of section 15 of the Act of 1911, subject to written demand by the trustees) ;
- (b) the power under section 1(2) of that Act to make regulations shall, instead of being exercisable by the trustees, be exercisable by the Board; and
- (c) any regulations of the trustees under that section which were in force immediately before the appointed day shall continue in force as if made by the Board thereunder, with the substitution for references in the regulations to the trustees of references to the Board.

<sup>F2</sup>(2) .....

(3) The Board shall, not later than such date in each year as the Secretary of State may determine, send to him a report of the proceedings and activities of the Board during the previous twelve months, and the Secretary of State shall lay copies of the report before each House of Parliament.

#### Textual Amendments

F2 [S. 4\(2\)](#) repealed (1.8.1993) by [1993 c. 10, s. 98\(2\)](#), [Sch. 7](#)

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

- C3 “The trustees” means the trustees of British Museum and “that Act” means [British Museum Act 1932 \(c. 34\)](#)
- C4 Words beginning “section 15 of the Copyright Act 1911” to the end of s. 4(1)(a) are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and they do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## 5 Finance and accounts.

(1) The Secretary of State shall, out of moneys provided by Parliament, make to the British Library Board such payments as the Treasury may approve towards expenditure

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incurred by the Board, whether in respect of their management of the British Library (including the acquisition of new items for the Board's collections), or of general administration, or otherwise; and so far as relates to the use and expenditure of sums so paid to the Board, the Board shall act in accordance with such directions as may from time to time be given to them by the Secretary of State.

- (2) Moneys received by the Board in any financial year, whether in respect of property disposed of, or services provided, or otherwise, shall be applied by the Board in such manner as the Secretary of State may, with the approval of the Treasury, direct; and any such direction may require the whole or any part of those moneys to be paid into the Consolidated Fund.
- (3) The Board shall keep proper accounts and other records and shall prepare in respect of each financial year statements of account in such form as the Secretary of State may, with the approval of the Treasury, direct; and those statements shall, on or before 30th November next following the expiration of the financial year in question, be submitted to the Secretary of State and shall be transferred by him to the Comptroller and Auditor General, who shall examine and certify the statements and lay copies thereof, together with his report thereon, before each House of Parliament.

## **6 Consultation on terms and conditions of employment of staff.**

- (1) It shall be the duty of the British Library Board to seek consultation with any organisation appearing to them to be appropriate with a view to the conclusion between the Board and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for the settlement by negotiation of terms and conditions of employment of persons employed by the Board with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements; and
- (2) It shall be the duty of the Board to seek consultation with any organisation appearing to them to be appropriate with a view to the conclusion between the Board and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the Board and the discussion of other matters of mutual interest to the Board and such persons including efficiency in the operation of the services of the Board.

## **7 Citation.**

This Act may be cited as the British Library Act 1972.

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## SCHEDULE

Section 2.

### THE BRITISH LIBRARY BOARD AND ITS ADVISORY COUNCILS

#### *Constitution and membership of the Board*

- 1 The Board shall be a body corporate, with perpetual succession and a common seal.
- 2 Subject to the following provisions of this Schedule, a member of the Board shall hold and vacate office in accordance with the terms of his appointment; but no member of the Board shall be appointed for a period of less than three years or more than seven years.
- 3 A member of the Board may, by notice in writing addressed to the Secretary of State (or, in the case of the member appointed by Her Majesty, by notice in writing to Her) resign his membership, and the chairman may by such a notice resign his office as such without resigning his membership.
- 4 A member of the Board who ceases to be a member, or ceases to be chairman, shall be eligible for re-appointment.

#### *Remuneration, allowances and pensions*

- 5 (1) The Board—
  - (a) shall pay to the members thereof such remuneration and allowances as the Secretary of State may determine; and
  - (b) as regards any member in whose case the Secretary of State may determine, shall pay such pension, allowance or gratuity to or in respect of him, or make such payments towards the provision of such pension, allowance or gratuity, as may be so determined;

and, if a person ceases to be member of the Board and it appears to the Secretary of State that there are special circumstances which make it right that that person should receive compensation, the Secretary of State may require the Board to pay to that person a sum of such amount as the Secretary of State may determine.
- (2) The Secretary of State shall, as soon as possible after the first appointment of a person as a member of the Board, lay before each House of Parliament a statement of the salary and allowances that are or will be payable to that person under this paragraph; and if a subsequent determination by him under this paragraph involves a departure from the terms of that statement, or if a determination under this paragraph relates to the payment of, or the payment towards the provision of, a pension, allowance or gratuity to, or in respect of, a member of the Board, the Secretary of State shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.
- (3) Any determination by the Secretary of State under this paragraph, and the imposition by him of any requirement thereunder, shall require the approval of the Minister for the Civil Service.

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

- C5** Functions of the Minister for the Civil Service under para. 5(3) now exercisable by the Treasury by virtue of S.I. 1981/1670, **arts. 2, 3(5)(6), 4**

*Status:* Point in time view as at 22/08/1996.

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6 ..... F3

#### Textual Amendments

F3 Sch. para. 6 repealed by House of Commons Disqualification Act 1975 (c. 24), Sch. 3

#### *Proceedings*

- 7 (1) The quorum of the Board shall be five; and the arrangements relating to meetings of the Board shall be such as the Board may determine.
- (2) The Board shall have power to regulate their own procedure.
- 8 The validity of any proceedings of the Board shall not be affected by any vacancy among the members or by any defect in the appointment of any member.
- 9 The application of the seal of the Board shall be authenticated by the signature of the secretary or of some other person authorised by the Board, either generally or specially, to act for that purpose.
- 10 Any document purporting to be a document duly executed under the seal of the Board, or to be signed on behalf of the Board, shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed or, as the case may be, signed.

#### *Incidental powers*

- 11 (1) It shall be within the capacity of the Board as a statutory corporation to do all such things, and enter into all such transactions, as are incidental or conducive to the discharge of its functions; but the Board shall not have power to borrow money.
- (2) The Board may frame, and vary and revoke from time to time, rules relating to the exercise by them of any power or the manner of entering into any transaction; and the rules may, with the approval of the Secretary of State, provide for the imposition of charges for any services provided by the Board or for the loan or use of any item from their collections.
- (3) Without prejudice to the foregoing, the powers of the Board shall include power to acquire or dispose of any property, whether or not for the purposes of their collections, but subject to the following sub-paragraphs.
- (4) The power of the Board to dispose of an article transferred to them by section 3(1) (a) of this Act shall be exercisable only if—
- (a) it is a duplicate of another article in the Board's collections (whether or not so transferred), or
  - (b) it appears to the Board to have been printed not earlier than the year 1850, and a copy of that article made by photography or a process akin to photography is held by the Board, or
  - (c) in the opinion of the Board it is unfit to be retained in their collections and can be disposed of without detriment to the interests of students; [<sup>F4</sup>or
  - (d) the disposal is an exercise of the power conferred by section 6 of the Museums and Galleries Act 1992.]

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- (5) Where any property in the hands of the Board (whether or not transferred to them under section 3(1)(a) of this Act) is subject to any trust or condition—
- (a) they shall not dispose of or deal with it in any manner inconsistent with the trust or condition [<sup>F5</sup>except as provided by section 6 of the Museums and Galleries Act 1992]; and
  - (b) it shall be subject to the same trust or condition in the hands of any person acquiring it from the Board.

(6) <sup>F6</sup> .....

#### Textual Amendments

- F4** Sch. para. 11(4)(d) and word "or" preceding it substituted (1.9.1992) for words by Museums and Galleries Act 1992 (c. 44), s. 11(2), **Sch. 8 Pt. II para. 12(1)**; S.I. 1992/1874, **art. 2**
- F5** Words in Sch. para. 11(5)(a) inserted (1.9.1992) by Museums and Galleries Act 1992 (c. 44), s. 11(2), **Sch. 8 Pt. II para. 12(2)**; S.I. 1992/1874, **art. 2**
- F6** Sch. para. 11(6) repealed (1.9.1992) by Museums and Galleries Act 1992 (c. 44), s. 11(3), **Sch. 9**; S.I. 1992/1874, **art. 2**

#### Staff

- 12 (1) The Board shall appoint a secretary, and may appoint such other officers as they may determine, and may pay to their officers and other persons employed by them such remuneration and allowances as the Secretary of State may determine with the approval of the Minister for the Civil Service.
- (2) The Board shall, in the case of such officers or other persons employed by them as may be determined by the Board with the approval of the Minister for the Civil Service (not being members of the Board), pay such pensions, allowances or gratuities to or in respect of them as may be so determined, make such payments towards the provision of such pensions, allowances or gratuities as may be so determined or provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as may be so determined.
- (3) Where a participant in such a scheme as is referred to above becomes a member of the Board, he may be treated for the purposes of the scheme as if his service as a member of the Board were service as a person employed by the Board otherwise than as such a member, and his rights under the scheme shall not be affected by paragraph 5(1)(b) of this Schedule.

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

- C6** Functions of the Minister for the Civil Service under para. 12(1) now exercisable by the Treasury by virtue of S.I. 1981/1670, **arts. 2, 3(5)(6), 4**
- C7** Functions of the Minister for the Civil Service under para. 12(2) now exercisable by the Treasury by virtue of S.I. 1981/1670, **arts. 2, 3(5)(6), 4**

- 13 (1) In the case of persons to be employed by them on and after the appointed day who immediately before that day are employed either in the civil service of the State or by the trustees of the British Museum, the Board shall, in negotiating their terms of employment, ensure that the terms, taken as a whole, are not less favourable in the



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case of each such person than those on which he is employed at the time when an offer is made to him of employment with the Board.

- (2) In the following provisions of this paragraph, . . . <sup>F7</sup>“the Act of 1965” means the <sup>M3</sup>Redundancy Payments Act 1965 and “the Superannuation Acts” means the <sup>M4</sup>Superannuation Acts 1965 and <sup>M5</sup>1972.
- (3) Where a person enters the employment of the Board on the appointed day having been, immediately before that day, employed as mentioned in sub-paragraph (1) above, then—
- (a) for the purposes of [<sup>F8</sup>the Employment Rights Act 1996] any period during which he was so employed before that day (other than a period excepted by sub-paragraph (4) below) shall count as a period of employment with the Board, and the change of employer shall not break the continuity of the period of employment; and
- (b) if he was employed by the trustees of the British Museum and his contract of employment was terminated with a view to his being re-employed by the Board as from that day, he is not to be treated for the purposes of the Act of 1965 as having been dismissed by reason of redundancy.
- (4) A period of employment excepted by this sub-paragraph is one which ended before the appointed day in consequence of termination of the employment, where there was made to the person in respect of that termination a payment in accordance with Part I of the Act of 1965, or under the Superannuation Acts or any enactment replaced by either of those Acts, or under any such arrangements as are mentioned in section 41(3) of the Act of 1965.

#### Textual Amendments

- F7** Definition of “the Act of 1963” repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\), Sch. 17](#)
- F8** Words in [Sch. para. 13\(3\)\(a\)](#) substituted (22.8.1996) by [1996 c. 18, ss. 240, 243, Sch. 1 para. 4](#) (with ss. 191 - 195, 202)

#### Marginal Citations

- M3** [1965 c. 62.](#)
- M4** [1965 c. 74.](#)
- M5** [1972 c. 11.](#)

#### Advisory Councils

- 14 (1) An Advisory Council constituted by the Board in accordance with section 2(3) of this Act shall consist of a chairman and such number of other members as the Secretary of State may specify in directions given under that subsection.
- (2) The Board shall pay to the chairman and other members of an Advisory Council such remuneration by way of fees, and such allowances, as may be determined by the Secretary of State with the approval of the Minister for the Civil Service.

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*Changes to legislation: There are currently no known outstanding effects  
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**Modifications etc. (not altering text)**

- C8** Functions of the Minister for the Civil Service under para. 14(2) now exercisable by the Treasury by virtue of S.I. 1981/1670, **arts. 2, 3(5)(6), 4**

**Status:**

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**Changes to legislation:**

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