



Public Libraries and Museums Act 1964

1964 CHAPTER 75

The public library service

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,—

- ^{F1}(a)
- (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, . . . ^{F2} . . . ^{F3}, shall again become library authorities;
 - ^{F4}(ii)
 - (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.

Changes to legislation: There are currently no known outstanding effects for the Public Libraries and Museums Act 1964, Section 10. (See end of Document for details)

- (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 ^{M1}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

- F1** S. 10(2)(a) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 24(1)(d)(i), **Sch. 18** (with ss. 54(5)(7), 55(5), 66(7)Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F2** Words in s. 10(2)(b)(i) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 24(1)(d)(ii), **Sch. 18** (with ss. 54(5)(7), 55(5), 66(7)Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F3** Words repealed by **Local Government Act 1972 (c. 70), Sch. 30**
- F4** S. 10(2)(b)(ii) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 24(1)(d)(ii), **Sch. 18** (with ss. 54(5)(7), 55(5), 66(7)Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Modifications etc. (not altering text)

- C1** 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

- M1** 1936 c. 49.

Changes to legislation:

There are currently no known outstanding effects for the Public Libraries and Museums Act 1964, Section 10.