



Public Libraries Consolidation (Scotland) Act 1887

1887 CHAPTER 42 50 and 51 Vict

28 Recovery of penalties and forfeitures.

All penalties and forfeitures exigible under this Act, and the Acts incorporated wholly or partially herewith, or under any byelaw made in pursuance thereof, may be recovered by an ordinary small-debt action in the [^{F1}name of the library authority or museum and art gallery authority, as the case may be, before either the sheriff or justices exercising jurisdiction in the area of the authority]; and the same shall be payable to the [^{F2}library authority or museum and art gallery authority] and shall, when recovered, be applied by them for the purposes of this Act; and in any prosecution under this Act an excerpt from the books of the [^{F2}library authority or museum and art gallery authority] certified by the . . . ^{F3} proper officer, shall be held equivalent to the books of the [^{F2}library authority or museum and art gallery authority], and all entries in the books of the [^{F2}library authority or museum and art gallery authority] bearing that any book or books mentioned or referred to therein has or have been borrowed by the person complained against shall be taken and received as evidence of the fact, and the *onus probandi* shall be thrown on the party complained against, and if decree passes against such party, he shall be found liable in costs.

Textual Amendments

- F1** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 21 para.7\(a\)](#)
- F2** Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 21 para. 7\(b\)](#)
- F3** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)

Changes to legislation:

There are currently no known outstanding effects for the Public Libraries Consolidation (Scotland) Act 1887, Section 28.