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STATUTORY INSTRUMENTS

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**1991 No. 2712**

**LIBRARIES**

**The Library Charges (England and Wales) Regulations 1991**

*Made* - - - - *3rd December 1991*

*Coming into force* - - *1st January 1992*

Whereas a draft of these Regulations has been approved by each House of Parliament in accordance with section 8(5A) of the Public Libraries and Museums Act 1964<sup>(1)</sup> (“the 1964 Act”):

Now therefore, the Lord President of the Council, in relation to library authorities whose areas are in England, and the Secretary of State, in relation to library authorities whose areas are in Wales, in exercise of the powers conferred on them by section 8(2), (5), (5A) and (7) of the 1964 Act and of all other powers enabling them in that behalf, hereby make the following Regulations:—

**Title and commencement**

1. These Regulations may be cited as the Library Charges (England and Wales) Regulations 1991 and shall come into force on 1st January 1992.

**Interpretation**

2.—(1) In these Regulations—

“computer” means any device for storing and processing information;

“library apparatus” means electronic or other apparatus intended for use with library material;

“library material” means

(a) words, figures, images, sounds or data recorded in or on any medium;

(b) toys; and

(c) educational artefacts; and

“records” has the meaning assigned to it by section 8(1) of the Local Government (Records) Act 1962<sup>(2)</sup>.

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(1) 1964 c. 75; section 8 was amended by paragraph 8 of Schedule 7 to the Copyright, Designs and Patents Act 1988 (c. 48) and by section 154 of the Local Government and Housing Act 1989 (c. 42).

(2) 1962 c. 56.

(2) Any reference in these Regulations to copying and copies shall be construed in accordance with section 17 of the Copyright, Designs and Patents Act 1988(3) and other expressions shall have, unless the context otherwise requires, the meaning assigned to them by the 1964 Act.

### **Authority to charge for library facilities**

**3.—(1)** A library authority whose library area is in England or in Wales (“a relevant authority”) may make charges for the library facilities made available by it which are specified in the following paragraph.

(2) A relevant authority may make a charge—

- (a) subject to paragraph (3) below, for lending library material or library apparatus;
- (b) for reserving for any person library material or library apparatus, whether that material or apparatus is for the time being held by the relevant authority or needs to be obtained from elsewhere and whether for the purpose of lending the material or apparatus to that person or making it available for his use on library premises, and for notifying that person that that material or apparatus has become available or is not available for borrowing or use by him;
- (c) in respect of borrowed library material or library apparatus which is returned late;
- (d) subject to paragraph (4) below, for making library apparatus available for use on library premises;
- (e) in respect of library apparatus, library material and any other equipment or thing used in providing the library service which is lost, damaged or destroyed by, or whilst on loan to, the person paying the charge;
- (f) subject to paragraph (4) below, for assisting or instructing a person how to use a computer;
- (g) for researching and for collating information for and at the request of a person;
- (h) for supplying catalogues, indexes or similar articles where the articles become the property of the person to whom they are supplied;
- (i) for supplying library material which has been researched, collated, produced or copied by the relevant authority where the material becomes the property of the person to whom it is supplied;
- (j) for supplying copies of library material obtained from another library not maintained by the relevant authority or from a holder of records where the copies become the property of the person to whom they are supplied;
- (k) for providing, or procuring the provision of, library material to a person who does not wish to collect it or have it collected and for notifying a person who has requested provision other than by collection that the library material is not available;
- (l) for providing a room or cubicle on library premises for the purpose of working or studying to which only the person paying the charge is for the time being permitted access;
- (m) for making library facilities available other than on library premises except that the relevant authority may not charge the individual users of facilities where—
  - (i) the facilities are made available at a school, old people’s home, hospital, prison, club or like institution, and
  - (ii) the person who has arranged with the relevant authority for the facilities to be made available at such institution is charged under this sub-paragraph; and

- (n) subject to paragraphs (3) and (4) below, for making available to any person library facilities which go beyond those ordinarily provided by the relevant authority as part of the library service.
- (3) Notwithstanding paragraphs (2)(a) and (n) above, no charge shall be made for lending any written material to any person where—
  - (a) it is the duty of the authority under section 7(1) of the 1964 Act 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.
- (4) Notwithstanding paragraphs (2)(d), (f) and (n) above, no charge shall be made for making facilities available, or in respect of time spent by employees of the relevant authority in making facilities available, for any person—
  - (a) to read the whole or any part of any of the written materials for the time being held by the authority
    - (i) in a form in which they are readable without the use of any electronic or other apparatus, or
    - (ii) in microform; or
  - (b) to consult such catalogues, indexes or similar articles as are maintained, in any form whatever, exclusively for the purposes of that authority's public library service, on library premises.

#### **Amount and incidence of the charges**

- 4.—(1) The amount and the incidence of any charge made in accordance with regulation 3 shall be at the discretion of the relevant authority.
- (2) Without prejudice to the generality of paragraph (1) above, the relevant authority may—
  - (a) make different provision for different cases including different provision in relation to different persons, circumstances or localities; and
  - (b) make charges in respect of each use of the library facilities made available by it, or charge an annual subscription or a deposit in respect of all or some of such facilities.

#### **Display of charges**

- 5. A relevant authority which makes a charge in accordance with regulation 3 shall display in a conspicuous place within each library premises occupied by the relevant authority a notice which is easily readable specifying the library facilities made available by the authority for which it makes a charge and, in the case of each such facility, the amount of the charge or the basis on which the charge will be calculated.

*John MacGregor*  
Lord President of the Council

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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3rd December 1991

*David Hunt*  
Secretary of State for Wales

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 8(1) of the Public Libraries and Museums Act 1964 prohibits a library authority whose area is in England or Wales from charging anyone other than another library authority for library facilities made available by the authority except as provided by the section. Section 8(2) of that Act, as substituted by section 154 of the Local Government and Housing Act 1989, empowers the Lord President of the Council, who acts in relation to library authorities whose areas are in England, and the Secretary of State, who acts in relation to library authorities whose areas are in Wales, to make regulations authorising those library authorities to make charges for such library facilities made available by them as may be specified in the regulations and to make provision as regards charges by library authorities for library facilities, other than provision requiring the making of charges, as they think fit.

These Regulations, made in pursuance of section 8(2), empower English and Welsh library authorities to make charges for the provision of the library facilities specified in regulation 3(2). The library authorities are, however, prohibited from charging in two respects in accordance with the requirements of section 8(4) and (5) of the 1964 Act. These prohibitions are in respect of the lending of written material in certain circumstances and in respect of the making available of facilities for any person to read written materials held in a form in which they are readable without the use of any electronic or other apparatus or in microform or to consult to catalogues, indexes, or similar articles maintained, in any form whatever, exclusively for the purposes of the authority's public library service (regulation 3(3) and (4)). The amount and incidence of any charge for library facilities is at the discretion of the library authority (regulation 4). Library authorities are required to display in a conspicuous place within each library premises occupied by them an easily readable notice specifying the library facilities for which a charge is made, the amount of the charge or the basis on which it will be calculated.