

*These notes refer to the Libraries Act 2008 (c.8)
which received Royal Assent on 18 June 2008*

Libraries Act 2008

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes relate to the Libraries Act (Northern Ireland) 2008 which received Royal Assent on 18 June 2008. They have been prepared by the Department of Culture, Arts and Leisure to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by the Assembly.
2. These notes need to be read in conjunction with the Act. They do not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section or Schedule does not seem to require any explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. The Act provides for the establishment of a Library Authority (“the Authority”) to deliver a public library service for Northern Ireland. This decision was part of the Review of Public Administration, and it streamlines the delivery of the library service by combining the separate library services delivered by the five Education and Library Boards. It provides for a unified library service which will deliver equity of provision, improved transmission of best practice, and will develop the service to meet the modern day needs of its wide range of customers.
4. The policy context is provided by ‘Delivering Tomorrow’s Libraries’ published by the Department of Culture, Arts and Leisure in July 2006. It sets out the framework for the direction of the library service, identifying the core business of libraries, and the public value derived from the way they are delivered - a universal service, free at point of use. To make the most of their contribution and enhance their public value, it sets out a vision for the service, specifies types of targeted action which increase the focus on the customer, and develops a series of standards against which to measure the performance of libraries.
5. The Act sets out the statutory duties and primary functions of the new Authority, and provides for the transfer of functions (as regards the public library service) and designated property, rights, liabilities and staff from the five regional Education and Library Boards (which, under the Act, cease to be responsible for libraries) to the new Authority.

6. The Act also defines the relationship between the Authority and the Department.

CONSULTATION

7. Public consultation took place between 22 January and 20 April 2007 on a draft Order in Council prepared during the suspension of the Assembly. It included meetings with a range of key stakeholders, in particular from the education and library boards. Twenty four written responses were received. Following the ending of the consultation process on 20 April, two changes were made to the text in line with comments received. The main change related to making clearer the government commitment to a continuing free service while allowing libraries, as at present, to charge for certain aspects of the service. The other change was to increase the maximum permitted size of the Library Authority Board in response to concerns about the difficulties of achieving a quorum.

OPTIONS CONSIDERED

8. Following the proposal in the Review of Public Administration that a new education support body will replace the five Education and Library Boards, three options were considered for the future delivery of the library service: that they should remain institutionally linked with education delivery; be delivered via a free-standing regional Library Authority; or be part of local government on the basis of no more than seven local authorities.
9. The local government option was inappropriate because it would fragment the service through increasing from 5 bodies to 7 and would break up an increasingly unified system where joint working at regional level has brought benefits. Retaining the link with education was also less attractive because libraries have cultural, recreational and community roles, as well as educational, and because the library service would benefit from a separate dedicated managing body. A single library service will also provide for efficiencies in the longer term.
10. A non-departmental public body requires to be incorporated by statute or Royal Charter.

COMMENTARY ON SECTIONS

Comments are Not Given Where the Wording is Self-Explanatory.

11. [Section 1](#) and Schedule 1 (The Northern Ireland Library Authority) provide for the Library Authority to assume responsibility for the public library service in Northern Ireland. Consequently, the section removes the responsibility for this service from the Education and Library Boards. The section and Schedule 2 also provide for the creation of schemes to enable the transfer of assets, property, rights, liabilities and staff contracts of employment within the library sector from the Education and Library Boards to the Authority.

Section 2 (Duty of Authority to provide library service) requires the Authority to provide a comprehensive and efficient public library service for persons living, working or studying in Northern Ireland, lists the specific functions and objectives of the Authority and enables the Authority to work with other bodies in carrying out its duty. The Section contains a new provision to enable the Library Authority to maintain a collection of materials relevant to the cultural heritage of Northern Ireland. The Section also enables the Authority to provide a library service to visitors to Northern Ireland.

Section 3 (Ancillary powers of Authority) specifies in more detail the additional powers that the Authority is enabled to discharge in exercise of its functions as described in Section 2. These powers are standard for non-departmental public bodies.

Section 4 (Commercial activity) enables the Authority to undertake commercial activity that would not ordinarily be covered by Section 3. Commercial activity can include carrying out work for any other body or person, supplying goods and services and developing and exploiting ideas, and exploiting intellectual property. In order to ensure that such activity is not detrimental to the provision of the public library service, Departmental approval will be required.

Section 5 (Powers of Authority in relation to land) enables the Authority, with the approval of the Department to acquire, hold and dispose of land for the purpose of carrying out its functions.

Section 6 (Charges for library services) retains the principle of a free public lending library and free access to information whilst enabling the Authority to make charges for some of its services or the use of its premises. Charges for services will be specified in a scheme that will require Departmental approval. This retains the approach of the Education and Libraries Order but simplifies the provisions.

Section 7 (Byelaws in respect of use of library facilities) enables the Authority to introduce byelaws in respect of conduct in and use of library facilities and enables officers of the Authority to remove from library premises anyone who contravenes the byelaws. Contravention of the byelaws creates an offence, summary conviction for which attracts a fine.

Section 8 (Grants for and in connection with library services) enables the Department to pay grants to persons or bodies (currently the Linen Hall Library and the Library and Information Services Council) other than the Authority for the provision of certain library services. The Department will attach terms and conditions to the grant and is empowered to retrieve or withhold funding in the event of default of grant conditions.

Section 9 (Power of direction) enables the Department to give general or specific directions to the Library Authority as to the exercise of its functions.

Schedule 1 describes the status of the Authority, makes provision for the appointment of board members, the employment of staff, the need for

committees and the proceedings of committees. It also makes provision for the payment of grant by the Department of Culture, Arts and Leisure and sets out the responsibility of the Authority to produce accounts and an annual report.

[Schedule 2](#) provides for a scheme for the transfer of property, rights and liabilities from the Education and Library Boards to the Library Authority. It makes provision for all staff who transfer to have the statutory protections of the Transfer of Undertakings (Protection of Employment) Regulations 2006 and for the protection of pensions. Provision is also made for independent third party dispute resolution and compensation.

HANSARD REPORTS

12. The following table sets out the dates of the Hansard reports for each stage of the Act's passage through the Assembly.

<i>STAGE</i>	<i>DATE</i>
Introduction to the Culture, Arts and Leisure Committee	24 May 2007
Introduction to the Assembly	11 June 2007
Second Stage debate	19 June 2007
Committee Stage - evidence from the Minister of Culture, Arts and Leisure and Departmental officials	4 September 2007
Committee Stage – evidence from the Association of Chief Librarians, the Chartered Institute of Library and Information Professionals Ireland, the Library and Information Services Council (Northern Ireland).	13 September 2007
Committee Stage - evidence from the South Eastern Education and Library Board, the Western Education and Library Board, the Belfast Education and Library Board and the Southern Education and Library Board.	20 September 2007
Committee Stage - evidence from the North Eastern Education and Library Board, UNISON, Northern Ireland Public Service Alliance	27 September 2007
Committee Stage - evidence from officials of the Department of Culture, Arts and Leisure and the Departmental Solicitors' Office.	4 October 2007

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STAGE	DATE
Committee Stage - Review of evidence	11 October 2007
Committee Stage - Review of evidence and evidence from the Minister of Culture, Arts and Leisure.	18 October 2007
Committee Stage - consideration of sections 2 and 6; Schedule 2 paragraphs 1 and 3	25 October 2007
Committee Stage - consideration of financial and administration issues	8 November 2007
Committee Stage - consideration of sections 2 and 6; Schedule 2; Schedule 1 paragraph 3;	22 November 2007
Committee Stage - Scrutiny of sections 2 – 13; Schedules 1, 3 and 4	29 November 2007
Committee Stage - Scrutiny of sections 2; Schedules 1 and 3	6 December 2007
Committee Stage - Correspondence between Committee and the Department	18 December 2007
Committee Stage - Scrutiny of Schedules 1 and 2	10 January 2008
Committee Stage – Scrutiny of section 2; Schedules 1, 2 and 4. and Presentation by Chief Executive (Designate) about Organisational Design	17 January 2008
Committee Stage – Sign off	24 January 2008
Committee's report on the Act - Report number 19/07/08R	7 February 2008
Consideration Stage in the Assembly	6 May 2008

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<i>STAGE</i>	<i>DATE</i>
Further Consideration Stage	19 May 2008
Final Stage	27 May 2008