



BELIZE

NATIONAL LIBRARY SERVICE ACT CHAPTER 319

REVISED EDITION 2003

SHOWING THE SUBSTANTIVE LAWS AS AT 31ST MAY, 2003

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2000.

This edition contains a consolidation of the following laws-	Page
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Amendments in force as at 31st May, 2003.	



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CHAPTER 319

NATIONAL LIBRARY SERVICE

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THE SUBSTANTIVE LAWS OF BELIZE

[Printed by the Government Printer,
No. 1 Power Lane,
Belmopan, by the authority of
the Government of Belize. **]**

REVISED EDITION 2003

CHAPTER 319

NATIONAL LIBRARY SERVICE

5 of 2001.

[23rd February, 2001.]

PART I

Preliminary

1. This Act may be cited as the National Library Service Act. Short title.
2. In this Act, unless the context otherwise requires - Interpretation.

“Board” means the National Library Service Board established under section 4;

“Chief Librarian” means the Chief Librarian appointed under section 14 (2) (a);

“extension activities” include lectures, exhibitions, adult education classes, audio-visual shows and cultural, historical and educational activities conducted by the National Library Service;

“information” includes all books, pamphlets, journals, newspapers, magazines, reports, slides, phonographic records, audio visual and video tapes, CD-ROMS, theses, dissertations, plans, and any other materials, printed or otherwise, intended for public reading and available in the Library for public use;

“junior staff” means a person holding any post in the Service other than a senior post;

“Library” means the National Library Service or the headquarters or any branch of the National Library Service, or any service point established under this Act, and includes the rooms, entrances and passages of the library building and the compound in which it is situated;

“Minister” means the Minister for the time being responsible for libraries;

“National Library” means the library established in section 3;

“Public Library” means a library that serves local communities throughout Belize with free general library services and which is coordinated and supplied by the National Library Service;

“senior staff” means a person holding a post declared as a senior post under section 14 (2) (b);

“Service”, “Library Service”, “service point”, or “Book Centre” means the National Library Service and any library established under this Act.

PART II

Establishment of Service and Board

Establishment of Library Service. 3. There shall be established in and for Belize a Library Service known as the National Library Service, for the purpose of maintaining and extending the existing Library Service throughout Belize, and for sponsoring such activities as are generally conducted by libraries.

Establishment of Library Board. 4. (1) For the purpose of managing, maintaining and extending the Service, there shall be established a Board known as the National Library Service Board which shall be a body corporate with perpetual succession and a common seal, with power to enter into contracts, to sue and be sued by law in its corporate name and may for all purposes be described by such name, with power to acquire, hold, mortgage, lease and dispose of all kinds of property,

moveable or immovable, real or personal, and to do and perform all such acts and things as bodies corporate may by law do and perform, subject to the provisions of this Act.

(2) The common seal of the Board shall be in such form as the Board may approve, and until a seal is obtained, acts of the Board which require the affixing of the seal to any documents shall be authenticated by the signature of the Chairman and Secretary to the Board.

PART III

Administrative Provisions

5. (1) The Board shall consist of not more than ten members made up as follows - Membership
of the Board.

- (a) eight members appointed by the Minister, who shall be persons representative of educational, cultural, religious and business associations or bodies, or persons interested in the improvement of the Library Service;
- (b) one person appointed by the Minister in his absolute discretion; and
- (c) the Chief Librarian, who shall be an *ex officio* member.

(2) Appointments of the members referred to in subsection (1)(a) and (b) above shall be made by the Minister after every three years, by the 1st day of December.

(3) Every member of the Board shall vacate his office on the appointment of another Board but any member may be reappointed for a further

term of three years.

(4) Subject to subsection (2) above, all the members of the Board appointed under subsection (1)(a) or (b) above shall hold office at the pleasure of the Minister.

(5) The Minister, on the recommendation of the Board, may revoke the appointment of any member of the Board who is absent from three consecutive meetings of the Board without leave of the Board or without giving reasonable excuse for his absence.

Appointment of
Chairperson and
Deputy
Chairperson.

6. (1) At its first meeting, the Board shall elect from among its members a Chairperson and a Deputy Chairperson.

(2) In the absence of both the Chairperson and the Deputy Chairperson, the Board shall elect from among its members present an Acting Chairperson for the purpose of that meeting:

Provided that the Chief Librarian shall not be elected as Acting Chairperson.

Quorum.

7. (1) Five members of the Board shall constitute a quorum for the transaction of business, or for voting on papers circulated to members.

(2) Subject to the existence of a quorum, the powers of the Board shall not be affected by any vacancy in the membership of the Board.

Meetings.

8. (1) The Board shall meet at such time as may be expedient or necessary for the transaction of business.

(2) Decisions of the Board may be taken by a majority of votes or, in cases in which the Chairperson may so direct, by the recording of the opinion of members on papers circulated to them.

(3) The Chairperson may at any time summon a meeting of the Board, and he shall summon a meeting of the Board at the request of any three members of the Board, who shall state in writing the purpose for which they require the meeting to be convened.

(4) Where the voting on any matter is equal, the Chairperson, the Deputy Chairperson or any member acting as Chairperson shall have a casting vote.

9. The Chief Librarian, or in his absence, the next senior member of the staff of the Library shall be Secretary to the Board and shall take minutes of meetings of the Board.

Secretary to the Board.

PART IV

Committees, Powers and duties of the Board

10. (1) The Board shall be responsible for
- (a) coordinating and fostering the development of library resources and services throughout the country by providing leadership in key areas such as -
- (i) policy and, strategic planning;
 - (ii) definition of standards and appropriate training;
 - (iii) collection, building and management;
 - (iv) user services including reference, enquiry, education and dissemination;
 - (v) technology and resource sharing; and

Specific powers and duties of the Board.

- (vi) partnership and cooperation;
- (b) promoting awareness and understanding of the nation's culture and history through efficient physical and electronic access to the information contained in the collection and through effective exhibition and dissemination activities;
- (c) recommending suitable persons to fill senior posts in the Library Service in accordance with the provisions of section 14 of this Act;
- (d) delegating any of its duties to committees of the Board;
- (e) incurring such expenditure within the limits of its funds as may be considered necessary and expedient for the efficient performance of the duties imposed by this Act;
- (f) establishing and maintaining an interlibrary loan system at the national level;
- (g) establishing, maintaining and controlling a national library for Belize which shall -
 - (i) operate a centrally administered network of Public Libraries throughout Belize so as to make information available through documents;
 - (ii) provide bibliographic and technical services to the whole library system by centralized purchasing, processing and cataloguing of

- materials;
- (iii) collect by legal deposit the nation's output of information;
 - (iv) set standards for libraries and information centres and ensure that these standards are met;
 - (v) provide for the central employment, training and supervision of library staff in all sections and branches of the Service;
 - (vi) provide appropriate extension services including services to hospitals, prisons, the housebound and the disabled and provide any other cultural and educational activities;
 - (vii) build up a comprehensive collection of the publication output of the nation, by legal deposit and collect and acquire foreign publications written by Belizean citizens or permanent residents or about Belize;
 - (viii) compile and maintain a national bibliography of all printed and other materials;
 - (ix) establish and maintain a union catalogue; and
 - (x) establish sub-committees at service points which shall make policy proposals to the Board;
- (h) advising, if called upon, small organizations such as schools in setting up libraries;

- (i) establishing an office for the purpose of assigning International Standard Book Numbers and International Standard Serial Numbers;
- (j) determining and approving activities aimed at generating income;
- (k) acting as consultant, if called upon, by organizations other than governmental;
- (l) performing such other duties as the Minister may, at the request of the Board, confer upon the Board.

(2) The Board shall submit to the Minister in December each year through the Chairperson, a report of the working of the Library Service for the previous year.

Committees of the Board.

11. (1) The Board shall establish committees of the Board.

(2) The members of a committee of the Board may include persons who are not members of the Board.

(3) The decisions of a committee of the Board shall be of no effect unless approved by the Board.

By-laws.

12. (1) The Board shall, subject to the approval of the Minister, have power to make By-laws for -

- (a) fixing the fees to be paid by lenders for the late return of any library information or the damage or loss of such information;
- (b) the exclusion of undesirable users from the Service;

- (c) the proper use of the Service;
- (d) maintaining good order and discipline in the Library;
- (e) protecting the property of the Board from misuse;
- (f) regulating the summoning of meetings and the procedure to be followed at meetings of the Board;
- (g) the better carrying out of the purposes and provisions of this Act.

(2) Any person who contravenes any By-law made under this section is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(3) Any fine or fee imposed and collected under this section shall be credited to the account of the National Library Service and shall be applied towards the delivery of services by the National Library Service.

(4) If a lender defaults in paying the fee imposed for the late return of any information borrowed from the Service, or for the loss or damage of any such information, such a fee shall be recoverable from the borrower as a civil debt.

PART V

*Establishment and functions of National Library
and Public Library Service*

13. (1) There shall be established two units of the Service, known as the National Library and the Public Library Service.

Establishment of
National Library
and Public
Library Service.

- (2) The functions of the National Library shall be to
- (a) provide a comprehensive reference stock with study areas for research;
 - (b) provide information services based on effective retrieval systems;
 - (c) provide a national bibliographic service by compiling and maintaining accurate catalogues;
 - (d) acquire representative collections of international publications, especially those with close ethnic, cultural, historical and regional influences;
 - (e) promote the use of current technology for information access, scholarly, professional and business communication and efficiency;
 - (f) set up professional standards and guidelines and support professional training;
 - (g) act as the national and international lending centre;
 - (h) provide international representation;
 - (i) act as a storehouse for legal deposit materials, in print or other media;
 - (j) acquire materials produced worldwide, relating to Belize and Belizeans;
 - (k) make resources available whilst taking appropriate measures to conserve such resources for posterity;

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- (l) manage an office for the purpose of assigning International Standard Book Numbers and International Standard Serial Numbers;
 - (m) be mainly responsible for the comprehensive collection of the publication output of the nation;
 - (n) collect and organise publications on an international scale;
 - (o) coordinate the work of the national public library network;
 - (p) provide library services to the Government of Belize and its agencies.
- (3) The Public Library Service shall be responsible for -
- (a) operating a national network of free community libraries containing materials for reference and education, cultural and recreational use;
 - (b) promoting literacy at all levels;
 - (c) providing democratic access to local, national and international information resources;
 - (d) providing study areas for self-learning and the acquisition of knowledge;
 - (e) supporting institutions of education and learning, particularly those without their own resources; and
 - (f) providing appropriate extension activities for

disadvantaged sectors such as the disabled and infirm, the poor or young, in homes, hospitals and prisons.

PART VI

Staff

Chief Librarian
and senior staff.

14. (1) The Chief Librarian and senior staff of the Service shall be full-time officers and in the case of the Chief Librarian, shall be a suitably qualified Belizean citizen.

(2) The Chief Librarian and senior staff shall be appointed by the Governor-General upon the recommendation of -

(a) the Prime Minister, in accordance with section 107 of the Belize Constitution, in the case of the Chief Librarian; and

(b) the Public Services Commission, after consultation with the Board, in the case of other senior staff,

at such salary and allowances as may be approved by the National Assembly.

S.I. 40 of 1997.

(3) Without prejudice to subsection (2), the provisions of the Public Service Regulations shall govern appointments, dismissals, promotions, transfers and disciplinary action in respect of the senior staff of the Service.

(4) The Chief Librarian shall -

(a) have the right to speak at the meetings of the Board, without the right to vote;

- (b) perform such duties as the Board may lawfully assign to him, and supervise the other staff in the performance of their duties;
- (c) be responsible for the safe keeping of all funds, documents and other property of the Service and for the efficient running of the Service;
- (d) coordinate the activities of committees of the Board;
- (e) be the principal administrative officer of the Service and shall have the general charge of all service points.

(5) The power to declare the posts that are to be regarded as senior posts for the purpose of this Act shall be vested in and exercisable by the Governor-General acting upon the recommendation of the Public Services Commission.

15. (1) The Board shall employ such junior staff as maybe required, on the recommendation of the Chief Librarian, and upon such conditions as the Board may think fit. Junior staff.

(2) Without prejudice to subsection (1), the provisions of the Public Service Regulations shall govern appointments, dismissals, promotions, transfers and disciplinary action in respect of the junior staff of the Service. S.I. 40 of 1997.

(3) The provisions of the Government (Open Vote) Workers Regulations shall govern engagements, dismissals, transfers and disciplinary action in respect of any person holding an ancillary post of the semi-skilled or unskilled category in the Service. S.I. 145 of 1992.

16. (1) The post of Chief Librarian, and the posts of other officers and employees, appointed pursuant to sections 14 and 15 above, who are on the administrative, technical, professional, clerical and secretarial staff shall be Declaration of pensionable posts.

CAP. 22. pensionable under the Pensions Act, notwithstanding anything to the contrary in that Act or any other enactment.

CAP. 4. (2) An officer holding a post referred to in subsection (1), shall be deemed to be a public officer within the meaning assigned to the expression “public officer” in section 131 of the Belize Constitution.

S.I. 145of 1992. (3) Any person holding an ancillary post of the semiskilled or unskilled category shall be entitled to retirement of benefits under the Government (Open Vote) Workers Regulations.

CAP. 22. (4) Where an officer in the public service is transferred to an office in the Service and he retires or resigns on pension from, or dies while in the service of, the Service, his service in the public service shall rank as qualifying service or pensionable service, as the case may be, for purposes of determining eligibility for a gratuity or pension under the Pensions Act.

CAP. 22. (5) Notwithstanding any contrary provision in the Pensions Act or any other enactment amending or replacing that Act, where a person employed in a pensionable office by the Service is transferred to a pensionable post in the public service, his service in the Service, shall rank as qualifying service or pensionable service, as the case may be, for purposes of determining his eligibility for a gratuity or pension under the Pensions Act.

PART VII

Service Points

Service points. 17. (1) The Board shall establish and maintain Library service points in such towns, villages and other places in Belize as the interests of the Service may from time to time require.

(2) In establishing and maintaining any service point, the Board shall seek the cooperation and assistance of local authorities and other public

bodies within the area to be served by the service point.

(3) The responsibility for maintaining a service point shall be vested in the Board whether or not the Board receives any assistance from a local authority or other public body.

(4) The Board may -

- (a) recognise and accept the help and assistance of any existing advisory library committee;
- (b) appoint an advisory library committee to advise on the maintenance and management of any particular service point; and may determine the number of members of such committee and the conditions of appointment to such committee;
- (c) authorize an advisory library committee to engage in lawful activities to raise financial support for the development of its service point;
- (d) transfer responsibility to a local authority or community group appointed by the Minister.

18. (1) The Board may make Rules -

- (a) regulating the procedure to be observed in connection with the borrowing of books and documents from any service point;
- (b) regulating the use of the Library Service provided at any particular service point, including the days and hours during which such service point shall be open to the public.

Rules for
service
points.

(2) Rules made under this section shall, as far as is practicable, be the same for all service points, and may provide for the suspension of any person who has committed a breach of such Rules from the use of facilities of the Service.

PART VIII

Financial Provisions Accounts and Reports

Finance.

19. (1) The expense of carrying out the provisions of this shall be defrayed out of –

- (a) such monies as may be appropriated for that purpose from time to time by the National Assembly out of the Consolidated Revenue Fund;
- (b) fines and fees imposed and recovered under any By-law made under this Act;
- (c) subventions, donations, benefactions, endowments or bequests given to the Library Service by any source including regional and international organizations; and
- (d) all other sums which may in any manner become payable to the Library in respect of any matter incidental to its functions.

(2) The Board may receive gifts, grants or bequests of any property whatever and may either retain such property for the use of the Library or dispose of such property and use the proceeds for the purpose of carrying out the provisions of this Act.

(3) The Board shall before the end of November in each year prepare and submit to the Minister of Finance, through the Minister, estimates of income receivable and the expenditure to be incurred during each financial year, including any supplementary estimates, and the Minister of Finance shall present the estimates to the National Assembly with such amendments, if any, as he may consider necessary.

20. (1) The Library shall keep accounts of its transactions and all such accounts shall be audited by the Auditor General.

Audit and accounts.

(2) The members, agents and employees of the Library shall grant the Auditor-General access to all books, documents, cash and securities of the Library and shall give to the Auditor-General on request all such information as may be within their knowledge in relation to the operations of the Library and the Board.

21. (1) The Board shall, on or before the 30th April in each year, submit to the Minister a report, for the twelve months ending on the preceding 31st March, containing a statement of accounts and the report of the Auditor-General.

Annual reports.

(2) The report referred to in subsection (1), shall be laid before the National Assembly.

PART IX

General

22. Subject to the provisions of any subsidiary legislation made under this Act, the use of the Library Service shall be free to the public.

Free Service.

23. (1) The Board may permit any service point or other premises under its control to be used for such purposes as it may think fit and upon such conditions as it may think necessary, with or without charging a fee for the

Use of service points.

use of such service point or other premises.

(2) The use of any premises as permitted by the Board under subsection (1), shall not interfere with the normal use of the service point.

Exemption from
taxation and
stamp duties.

24. (1) All property vested in the Board whether real or personal shall be exempted from taxation.

(2) Any document, instrument or certificate executed by or on behalf of the National Library Service shall be exempted from stamp duty.

(3) Notwithstanding anything contained in any Act, all materials, apparatus or equipment of any kind imported into Belize by the Board for the purpose of carrying on its undertakings shall be free from all customs duty and any other tax.

Free postage,
telephone, etc.

25. The Service shall be allowed free inland postage facilities throughout Belize, free telephone, facsimile and internet services for the purpose of enquiry, inter-lending and bibliography work, and free printing services from the Government Printer.

Board to receive
local publications
intended for
public
distribution.

26. (1) The Board shall be entitled to receive free of charge two copies of any book, pamphlet, journal, newspaper, magazine, report, slides, phonographic records, audio tapes, audio-visual tapes, CD-ROMS, theses, dissertations, plans and any other information constituting Belize's cultural and historical heritage, published or produced in Belize and intended for public distribution.

(2) Any person who, on demand, fails to comply with this section is guilty of an offence and is liable on summary conviction to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

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27. The following properties are hereby vested in the Board for the purposes of this Act -
- | | | |
|-----|------------------------------------------------------------------|------------------|
| (a) | the plot of land and buildings described in the First Schedule; | First Schedule. |
| (b) | the plot of land and buildings described in the Second Schedule. | Second Schedule. |
| (c) | the plot of land and buildings described in the Third Schedule | Third Schedule. |
28. (1) The National Library Service Act shall stand repealed at the commencement of this Act. Repeal, savings and commencement.
- (2) All subsidiary legislation made under the National Library Service Act shall continue in force after the commencement of this Act to such an extent that they are not inconsistent with this Act, until repealed or revoked by subsidiary legislation made under this Act. CAP. 252.
- (3) This Act shall come into force on a date to be appointed by the Minister by Order published in the *Gazette*.

FIRST SCHEDULE**(Section 27 (a))**

The plot of land situate on North Front Street in Belize City and marked as Lot No. 924 on the Official Plan of Belize City, conveyed by Robert Sydney Turton to Sir Alan Cuthbert Maxwell Burns, former Governor of Belize and to Charles Wilton Wood Greenridge, former Chief Justice of Belize, as Trustees, for use as a public library, by deed dated 25th day of June, 1935, and recorded in the Registry of Deeds Book No. 32 of Folios 548 - 9, together with all buildings erected on the land, subject to the reversionary interest of Robert Sydney Turton, his heirs and assigns reserved by the Deed.

SECOND SCHEDULE**(Section 27 (b))**

The plot of land situate on Front Street in Dangriga Town and marked as Lot 9 on the Official Plan of Dangriga Town and conveyed to the National Library Board, for use as a public library, by deed dated 20th day of December, 1995, and recorded in the Registry of Deeds Book Volume 2 of 1996 at Folios 333 - 346, together with all buildings erected on the land.

THIRD SCHEDULE**(Section 27 (c))**

The plot of land situate on Princess Margaret Drive in Belize City now and formerly used by the Leo Bradley Library.
