

BELIZE:

**BELIZE NATIONAL LIBRARY SERVICE AND INFORMATION
SYSTEM ACT, 2006**

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No. 7 of 2006

I assent,

(SIR COLVILLE N. YOUNG)
Governor-General

25th September, 2006

AN ACT to make new and better provisions for the establishment of a Belize National Library Service and Information System; to provide for the establishment and composition of a Belize National Library Service and Information System Board; to provide for the appointment of the Belize National Library Service and Information System staff; to repeal the National Library Service Act, Chapter 319 of the Substantive Laws of Belize, Revised Edition 2000 - 2003; and to provide for matters connected therewith or incidental thereto.

(Gazetted 30th September, 2006.)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:

PART 1
PRELIMINARY

1. This Act may be cited as the

Short title.

BELIZE NATIONAL LIBRARY SERVICE AND
INFORMATION SYSTEM ACT, 2006

Interpretation.

2. In this Act, unless the context otherwise requires:

“Board” means the Belize National Library Service and Information System Board established under section 4;

“Chief Librarian” means the Chief Librarian appointed under section 14;

“documentary heritage” means the total of published and unpublished documents emanating from Belize or relating to Belize;

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

“information” means data that is organized, recorded, classified, related or interpreted within a context, to convey a meaning or a use;

“information service” means the obtaining of, or granting of access to, as well as accessing, listening, processing, and disseminating of information;

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

“library materials” means material in the collection;

“material” means any book, periodical, newspaper, pamphlet, picture, print,

photograph, map, chart, plan or manuscript, computer software, audiovisual production, sound recording, or any other article forming part of the contents of a library which may be published or unpublished;

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

“National Library” means the library established in section 3 responsible for the comprehensive collection of the publication output of the nation; the compilation and maintenance of the national bibliography; the collection and organization of publications on an international scale; the coordination of the national public library network; and the provision of library services to government and its agencies;

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

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

PART II
ESTABLISHMENT OF BELIZE NATIONAL
LIBRARY SERVICE AND INFORMATION
SYSTEM AND BOARD

3. There shall be established in and for Belize a National Library Service and Information System, 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 which may for all purposes be described

**Establishment
of Belize
National
Library
Service and
Information
System.**

by such name, with power to acquire, hold, mortgage, lease and dispose of all kinds of property, moveable and immovable, real or personal, to borrow such sums as may be required for meeting any of its obligations or for discharging any of its functions, 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.

**Establishment
of Board.**

4. (1) For the purpose of managing, maintaining and extending the Service, there shall be established a Board known as the Belize National Library Service and Information System Board.

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

**Composition
of the Board.**

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

- (a) three members appointed by the Minister;
- (b) one member who shall be a representative of a cultural organization;
- (c) one member who shall be a representative of an educational organization;
- (d) one member who shall be a representative of the business community, nominated jointly by the Belize Chamber of Commerce and Industry and the Belize Business Bureau;
- (e) one member who shall be a representative of the religious community;

- (f) one member who shall be a representative of civil society;
- (g) one member who shall be a representative of the publishing industry; and
- (h) one member who shall be a representative of the Service.

(2) Appointments of the members referred to in subsection (1) above shall be made 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) 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.

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

Appointment of Chairperson and 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 a representative of the Service on the Board shall not be elected as Acting Chairperson.

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

Quorum.

(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 least once every quarter at such time and place as may be expedient or necessary for the transaction of business.

(2) Decisions of the Board may be taken by a majority of votes, and if an emergency decision is needed, provisions can be made for papers to be circulated to members.

(3) The Chairperson may at any time summon a meeting of the Board, and 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.

Secretary to the Board.

9. The Chief Librarian, or an officer of the Service designated by the Chief Librarian, shall be Secretary to the Board, with the right to speak at the meetings of the Board, but without the right to vote.

PART III
POWERS AND DUTIES OF THE BOARD

Specific powers and duties of the Board.

10. (1) The principal duty of the Board shall be to ensure the proper and efficient performance of the functions and key issues of the Service, such as -

(a) appointing the Chief Librarian, and acting in consultation with the Chief Librarian in appointing other staff;

(b) 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;

(c) performing such other duties as the Minister may, at the request of the Board, confer on the Board.

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

11. (1) The Board may at any time establish committees of the Board for specific purposes.

**Committees
of the Board.**

(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 establishment of libraries, resource centers, bookmobiles or any other type of library in any community by any private individual or organization for public use shall only be done with the approval of the Board.

(5) The Board may make rules for the better carrying out of the provisions of this Act.

(6) Without prejudice to the generality of subsection (5) above, such rules may provide for all or any of the following matters:

(a) the wages, salaries and other remuneration of staff of the Service;

(b) the terms and conditions of service of the staff of the Service;

(c) the appointment, dismissal and disciplinary control over staff of the Services;

(d) the fees and other charges to be paid by patrons;

(e) the manner in which any contravention of any policy made under this section may be dealt with.

PART IV
ESTABLISHMENT AND FUNCTIONS OF BELIZE
NATIONAL LIBRARY
AND PUBLIC LIBRARY SERVICE

Establishment
of Belize
National
Library and
Public
Library
Service.

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

(2) The key mission of the National Library shall be to -

- (a) contribute to socio-economic development by collecting, recording, preserving and making available the national documentary heritage, and by facilitating access to information resources;
- (b) act as the legal depository body that collects the nation's output of information;
- (c) provide a comprehensive reference stock with study areas for research;
- (d) provide information services based on effective retrieval systems;
- (e) provide and maintain a national bibliographic service by compiling accurate catalogs and the production of a national bibliography;

- (f)* acquire representative collections of international publications, especially those with close ethnic, cultural, historical and regional influences;
- (g)* promote and maintain the use of current technology for information access, scholarly, professional and business communication and efficiency;
- (h)* provide reference and information services nationally and internationally;
- (i)* make resources available whilst taking appropriate measures to conserve such resources for posterity;
- (j)* be the central depository of the documentary resources, bibliographical and non-bibliographical, of Belize and about Belize, as a paramount repository of information for research on Belize;
- (k)* provide library services to the Government of Belize and its agencies;
- (l)* establish an office for the purpose of assigning International Standard Book Numbers and International Standard Serial Numbers.

(3) The Public Library Service shall be responsible for

- (a)* operating a national network of free community libraries containing materials for reference and educational, 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;
- (f) providing appropriate extension activities for disadvantaged sectors such as the infirm, persons with disabilities, the poor or young, or persons in hospitals and prisons;
- (g) establishing and maintaining a union catalog; and
- (h) advising, if called upon, small organizations such as schools in setting up libraries.

Library Service to be free.

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

PART V **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 and experienced citizen of a country which is a party to the Caribbean Community Treaty, including the Caricom Single Market and Economy.

(2) The Board, after consultation with the Minister, shall appoint as the Chief Librarian of the Service a suitably qualified and experienced person with appropriate qualifications in library and information science.

(3) The Chief Librarian shall-

(a) coordinate and foster the development of library resources and services throughout the country of Belize 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

(vi) partnership and cooperation;

(b) provide consultancy and management services to the public and private sectors in respect of matters for and in relation to the establishment and conduct of a library;

(c) promote 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;

(d) establish and maintain an interlibrary loan system at the national level;

(e) establish, maintain and control a national library for Belize;

(f) operate a centrally administered network of Public Libraries throughout Belize so as to make information available through all formats of materials;

(g) provide for the central employment, training and supervision of library staff in all sections and branches of the Service;

(h) establish sub-committees at service-points which shall make policy proposals to the Board;

(i) determine and approve activities aimed at generating income;

(j) perform such duties as the Board may lawfully assign, and supervise the other staff in the performance of their duties;

(k) be responsible for the safe keeping of all funds, documents and other property of the Service and for the efficient running of the Service;

(l) ensure that staff responsible for the safe keeping of library materials be held accountable and made to pay for any material missing while in their custody; and

(m) be the principal administrative officer of the Service and have the general charge of all service points.

**Declaration
of pension-
able posts.
CAP. 30.**

15. (1) The post of the Chief Librarian, and the posts of other officers and employees who are on the administrative, technical, professional, clerical and secretarial staff shall be pensionable under the Pensions Act, notwithstanding anything to the contrary in that Act or any other enactment.

(2) 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. 30

(3) 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 eligibility for a gratuity or pension under the Pensions Act. CAP.30

(4) Staff members of the Service holding pensionable posts shall retire on attaining the compulsory retirement age of fifty-five years.

(5) The Public Service Regulations in force shall apply, with the necessary modifications and adaptations, to staff of the Service, until such time the Board makes Regulations governing the employment conditions of staff of the Service.

PART VI
FINANCIAL PROVISIONS, ACCOUNTS AND
REPORTS

16. (1) The expense of carrying out the provisions of this Act shall be defrayed out of - **Finance.**

- (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-laws 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 and 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.

Audit and accounts.

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

(2) The members, agents and staff of the Service shall grant the Auditor General access to all books, documents, cash and securities of the Service 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 Service and the Board.

Annual report.

18. (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.

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

PART VII **LEGAL AND GENERAL**

Exemption from taxation and stamp duty.

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

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

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

20. (1) The Service shall be allowed free inland postage facilities throughout Belize, free telephone, facsimile and internet services for the purpose of enquiry, interlending and bibliography work.

Free postage,
telephone,
etc.

(2) The Library shall be entitled to receive free of charge within thirty days of release two copies of any book, pamphlet, journal, newspaper, magazine, report, slide, phonographic record, audio tape, audio-visual tape, CD-ROM, DVD, thesis, dissertation, plan and any information constituting Belize's cultural and historical heritage, published or produced in Belize and intended for public distribution.

(3) 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.

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

(5) 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 as a civil debt.

(6) The Service shall collaborate with any organization in Belize granting permission to foreigners conducting research, to ensure that copies of the completed research be deposited with the Service.

(7) The Service shall be a perpetual body with a mandate to preserve its entire holdings notwithstanding claims by any other national entity with a similar purpose.

Vesting of property.

21. (1) The following properties are hereby vested in the Board for the purposes of this Act -

First Schedule. (a) the plot of land and buildings described in the First Schedule;

Second Schedule. (b) the plot of land and buildings described in the Second Schedule;

Third Schedule. (c) the plot of land and buildings described in the Third Schedule.

(2) The Service shall, on application to the Minister responsible for lands, be granted a plot of land in any community for the purpose of building a library.

Repeals, savings and commencement.
CAP. 319

22. (1) The National Library Service Act shall stand repealed at the commencement of this Act.

CAP. 319.

(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.

(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 21]

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 the use as a public library, by deed dated 25th day of June, 1935, and recorded in the Registry of Deeds Book No. 32 at 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 21]

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 21]

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