

## CHAPTER 136

### THE PUBLIC LIBRARIES ACT.

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## CHAPTER 136

### THE PUBLIC LIBRARIES ACT.

*Commencement:* 25 September, 1964.

#### **An Act to provide for the establishment of a Public Libraries Board and for other purposes connected therewith.**

*Interpretation.*

#### **1. Interpretation.**

In this Act, unless the context otherwise requires—

- (a) “board” means the board established under section 2;
- (b) “director” means the director of library services appointed under section 6;
- (c) “existing library service” includes any library established in Uganda by the organisation known as the East African Literature Bureau and any other library taken over, with effect from the 1st day of April, 1964, by the Ministry responsible for library services;
- (d) “urban authority” means an urban authority within the meaning of the Local Governments Act.

*Establishment.*

#### **2. Establishment of the board.**

(1) There shall be established a body corporate which shall be known as the Public Libraries Board.

(2) The board shall have perpetual succession and a common seal, and may sue and be sued in its corporate name.

(3) The affixing of the common seal of the board shall be authenticated by the signature of the chairperson and two other members of the board.

(4) In the absence of the chairperson of the board, such person as may be nominated by the chairperson for that purpose, shall, in addition to the

other two members of the board, authenticate the affixing of the common seal.

(5) The signature of the chairperson of the board or of the person nominated for that purpose under subsection (4), and of the two other members, shall be independent of the signing of any other person who may sign any such document as a witness.

(6) The board may, for and in connection with its functions under this Act, purchase, hold, manage and dispose of any property and may enter into such contracts and other transactions as may be expedient.

### **3. Composition of the board.**

(1) The board shall consist of—

- (a) a chairperson;
- (b) four regional representatives;
- (c) a representative of the City Council of Kampala nominated by that council; and
- (d) three other members,

all of whom shall be appointed by the Minister.

(2) All members of the board shall hold office for a term of three years.

(3) A member of the board may at any time resign his or her office by writing under his or her hand addressed to the Minister, or may be removed from office at any time for inability to perform the functions of the office, or for any other sufficient cause.

(4) The chairperson of the board shall be directly responsible to the Minister in the performance of his or her functions under this Act.

(5) A member of the board ceasing to hold office shall be eligible for reappointment.

(6) The members of the board shall be paid out of the funds of the board travelling and other allowances for attending meetings of the board at such rates as may be approved by the Minister.

#### **4. Functions of the board.**

(1) The board shall establish, equip, manage and maintain libraries in Uganda and take all such steps as may be necessary to carry out its functions under this Act.

(2) The board may, in the discharge of its functions under this Act, act in association with any other person, including the Government, the council of a district, or an urban authority.

(3) Subject to the general or specific directions of the Minister, the board shall have the sole management of the property, income and funds of the board and of all its affairs and concerns.

#### **5. Meetings of the board.**

(1) The board shall meet for the discharge of business at such time and place as the chairperson may appoint, and shall meet at least once in every three months.

(2) If the chairperson is absent from any meeting of the board, a member nominated by the chairperson, or if no member is nominated, a member appointed by the members of the board at the meeting, shall preside.

(3) The quorum at any meeting of the board shall be five.

(4) Questions proposed at a meeting of the board shall be determined by a simple majority of the members present and voting; and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote.

(5) Subject to this section and to any directions given by the Minister, the board may regulate its own procedure.

(6) The proceedings of any meeting of the board shall be valid notwithstanding any vacancy among its members, or by reason of a defect in the appointment of any of them.

*Staff.*

**6. Director of library services.**

(1) The board may, with the approval of the Minister, appoint a director of library services for such period and on such terms and conditions as the Minister may think fit.

(2) The director shall be required to devote his or her full time to the affairs of the board.

(3) The director shall attend the meetings of the board as secretary and otherwise give advice to it, but shall not be entitled to vote on any question proposed for determination by the board.

(4) Subject to this Act and to the general control of the board on matters of policy, the director shall be charged with the management of the business of the board and of its organisation and administration.

**7. Other staff.**

(1) The board may, from time to time, and upon such terms as it thinks fit, appoint such number of employees as may be expedient for the proper and efficient conduct of the functions of the board.

(2) Public officers may be transferred or seconded to the board or otherwise give assistance to it.

(3) The board may grant pensions, gratuities or retiring allowances to employees of the board, and require them to contribute to any pension, provident fund or superannuation scheme.

(4) If an officer receiving pensionable emoluments in the public service is transferred or seconded to the board, the period during which he or she serves with the board shall, for the purposes of computation of time and amount of pension payable to the officer in respect of his or her service as a public officer, be deemed to be service in a pensionable office.

*Finance.*

**8. Funds of the board.**

- (1) The funds of the board shall consist of—
  - (a) such amounts as may be granted by Parliament;
  - (b) any loan granted to the board by the Government or any other person;
  - (c) any monies accruing to the board in the course of the discharge of its functions under this Act, or any other enactment; and
  - (d) any monies donated to the board by any person and the proceeds of any endowment bequeathed or otherwise given to the board.

(2) Any endowment or donation bequeathed or otherwise given to the board under subsection (1)(d) shall be accepted only on terms favourable to the board.

(3) All monies received by the board shall be deposited to the credit of the board in a bank approved by the Minister.

**9. Investment by the board.**

(1) The board may, with the approval of the Minister, invest such part of its funds as is not immediately required for the discharge of its functions under this Act.

(2) The powers of the Minister under this section shall be exercised with the concurrence of the Minister responsible for finance and shall extend—

- (a) to the amount which may be invested;
- (b) the nature of the investment; and
- (c) the terms and conditions of the investment, and the Minister's approval may be either general or limited to a particular investment.

**10. Accounts and audit.**

(1) The board shall cause to be kept proper accounts and other records in relation to them.

(2) The books of account kept under subsection (1) shall be balanced

on the 30th day of June and shall be audited by the Auditor General or an auditor appointed by the Auditor General.

(3) The annual statement of accounts as audited shall be signed by the chairperson, two members of the board and by the director, and shall be sent to the Minister not later than the 31st day of December each year.

(4) The annual statement of accounts shall, as soon as practicable, be laid by the Minister before Parliament and shall be published in the Gazette.

*Miscellaneous.*

**11. Transfer of assets, etc.**

All assets, liabilities and property vested in the management of an existing library service immediately before the commencement of this Act shall, subject to any directions given by the Minister, be transferred to and vest in the board.

**12. Existing contracts.**

Every contract in respect of any matter being a contract subsisting between the management of an existing library service and any other party, shall, with effect from the commencement of this Act and subject to any directions given by the Minister, be deemed to subsist between the board and such other party.

**13. Directions by Minister.**

The Minister may give directions of a general or specific nature to the board, and the board shall be bound to comply with any such direction.

**14. Annual report.**

The board shall, not later than three months after each financial year, submit to the Minister an annual report on the activities of the board, which shall be laid before Parliament.

**15. Regulations.**

The Minister may, in consultation with the board, by statutory instrument,

make regulations—

- (a) regulating the use of any library under the management of the board;
- (b) for the protection from damage of any public library, and the fittings, furniture, books or any property in the library;
- (c) for fees and penalties to be paid by any person borrowing books from any public library; and
- (d) generally for better carrying out the purposes of the Act.

**History:** Cap. 121; S.I. 135/1968, s. 2.

#### **Cross Reference**

Local Governments Act, Cap. 243.