EXTRAORDINARY

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AN ACT TO ESTABLISH A BODY CORPORATE TO BE KNOWN AS THE NATIONAL LIBRARY AND INFORMATION SERVICES AUTHORITY TO HAVE RESPONSIBILITY FOR MANAGING AND OPERATING A NATIONAL LIBRARY AND INFORMATION SERVICES SYSTEM AND FOR CONNECTED MATTERS

[Date of Assent – 10th March, 2009]

Enacted by the Parliament of The Bahamas.

PART I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be cited as the National Library and Information Services Authority Act, 2009.

(2) This Act shall come into force on such date as the Minister may appoint by notice published in the Gazette.

Interpretation.

2. In this Act -

"Board" means the National Library and Information Services Authority Board of Directors established by section 8;

"Chairman" means the Chairman of the Board;

"collection" means the collection of material and information referred to in section 7;

"Director" means the executive director of the Authority appointed in accordance with section 14;

"Deputy Director" means the Deputy Director of the Authority appointed in accordance with section 14;

"financial year" means any period of twelve months beginning on 1st July in any year;

"information" means data that are organized, recorded, classified, related or interpreted within a context, to convey a meaning or a use;

"information services" means the obtaining of, or gaining of access to, as well as assessing, listing, processing, and disseminating of information;

"library" means any branch library or service point of the system established pursuant to this Act;

"library material" means material in the collection;

"local library committee" means the committee of a branch library appointed pursuant to section 10;

"material" means any book, periodical, newspaper, pamphlet, picture, print photograph, map, chart, plan or manuscript computer software, online databases, audiovisual production, sound recording or any other formats constituting the contents of a library which may be published or unpublished as defined in section 3(1) of the Copyright Act;

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"Minister" means the Minister to whom the responsibility for libraries is assigned;

"service point" means any unit or facility, other than a branch library, which affords access to library services;

"system" means the national library and information services system, inclusive of all branch libraries and service points, centrally administered by the Authority throughout the Commonwealth of The Bahamas.

"the Authority" means the National Library and Information Services Authority.

PART II

ESTABLISHMENT OF THE NATIONAL LIBRARY AND INFORMATION SERVICES AUTHORITY

Establishment of the National Library and Information Services Authority.

3. (1) There is established a body corporate by the name of the National Library and Information Services Authority (hereafter referred to as "the Authority").

(2) The Authority is a body corporate with perpetual succession and a common seal and is capable of -

(a) in its corporate name, suing and being sued;

(b) after consultation with the Director and the Minister, taking, holding, purchasing and otherwise acquiring and disposing of any immovable property;

(c) doing or performing all such other things or acts for the performance of its functions under, and for the furtherance of the provisions of, this Act which may lawfully be done or performed by a body corporate.

Common Seal.

(3) The common seal of the Authority shall be kept in the custody of the Director and shall be used with the permission of the Board.

(4) Every instrument to which the common seal is affixed shall be authenticated by the signatures of the Chairman or any other member of the Board duly authorized by the Board in that behalf, and by the Director.

(5) The common seal of the Authority when affixed to any document and duly authenticated under this section shall be judicially and officially noticed, and, unless and until the contrary is proved, any necessary order or authorization of the Board under this section shall be presumed to have been duly given.

Functions of the Authority.

4. (1) The functions of the Authority are to -

(a) establish, maintain, equip, manage, control and operate the system with as many branch libraries and service points as may be deemed necessary and convenient;

(b) operate the system in such manner as to enable individuals wherever they may be in The Bahamas to have access to information;

(c) advise the Minister on all matters pertaining to the system;

(d) collect by legal deposit, purchase, or by any other means, a minimum of two copies of the nation's literary and cultural heritage wherever and in whatever form it exists;

(e) formulate standards and guidelines by which libraries in the system shall operate;

(f) 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;

(g) coordinate the organization of information in libraries so that it is easily accessible for purpose of consultation through any branch library of the system;

(h) act as national depository and resource for material published by the Government;

(i) provide access to technical services for the system, as necessary, by centralized purchasing and processing, cataloguing, and distributing of materials;

(j) prepare and publish essential catalogues, print and electronic databases, websites, indexes, including a national index, a national bibliography and a national union catalogue;

(k) provide reference and referral services throughout the system;

(l) coordinate resource sharing, inter-library loan and documentary delivery services, at local and international levels;

(m) promote literacy skills and awareness in the use of library material and information services within the community;

(n) provide access to the system to the physically disadvantaged and persons in institutions;

(o) provide for the training of staff in all branch libraries of the system;

(p) supervise and evaluate staff performance; and

(q) preserve, promote and exploit the national heritage information of The Bahamas.

Powers.

5. (1) Subject to this Act, the Authority shall have the power to do all things necessary or convenient for, or in connection with, the performance of its functions.

(2) Without limiting the generality of subsection (1), the powers of the Authority include the power to –

(a) enter into appropriate administrative arrangements with persons in the public and private sectors for the provision and accessing of library material and information;

(b) establish and operate service points, whether mobile or immobile, for the custody, promotion and use of library material and information;

(c) purchase, lend, lease, borrow or exchange library material;

(d) dispose of, lend, or hire, library material or information, or other property of the Authority;

(e) subject to the approval of the Minister, accept gifts, devises, bequests, or assignments of property, real or personal, whether on trust or otherwise and whether unconditionally or subject to reasonable condition;

(f) where a gift, devise, bequest, or assignment, is accepted by the Authority on trust or subject to a reasonable condition, act as trustee or comply with the condition as the case may be;

(g) purchase, or take on hire, such furnishings, equipment, vehicles, goods and other property needed for the purposes of the Authority;

(h) purchase or lease land, buildings, or structures, and to erect or modify buildings or structures for the purposes of the Authority;

(i) dispose of, or grant, leases of land or buildings vested in the Authority;

(j) enter into, or coordinate, appropriate arrangements with countries, bodies or persons, public or private, for the promotion, conservation, preservation, management, dissemination or custody of library material, and other material or information appropriate for libraries;

(k) make suitable investments in appropriate technology for the efficient promotion, use and management of material and information;

(l) raise money for its purposes with the approval of the Minister, and by appropriate means.

Authority may make management arrangements.

6. (1) The Authority may enter into arrangements with statutory bodies or corporations, or the appropriate officer of The Bahamas House of Assembly, to formulate memoranda of understanding for the management of the library for which that statutory body or corporation, or the appropriate officer of The Bahamas House of Assembly, is responsible.

(2) The Authority may make reciprocal arrangements with the National Archives, governing such matters as the exchange, deposit and accessing of records and library material.

Composition of the collection and use of library premises.

7. (1) The collection shall comprise all material and information vested in the Authority at the commencement of this Act, and such other material and information over which the Authority acquires custody or control in accordance with this Act.

(2) The Authority may use any of its premises, or allow them to be used, for the holding of meetings or exhibitions, the showing of films or still images, the giving of musical performances, and the holding of other events of an educational or culture nature.

(3) Notwithstanding section 26, the Authority may make or authorize the making of a charge for admission in connection with the use of its premises pursuant to subsection (2).

PART III

MANAGEMENT, ADMINISTRATION, STAFF AND RELATED MATTERS

Establishment of Board of Directors.

8. (1) There is established for the purposes of this Act a board of directors to be known as the National Library and Information Services Authority Board of Directors (hereafter referred to as the "Board").

First Schedule.

(2) The provisions of the First Schedule have effect with respect to the membership and proceedings of the Board and otherwise in relation to its operation.

(3) The management, control and administration of the Authority are vested in the Board.

Board to be subject to directions of the Minister.

9. (1) The Minister may give the Board such general directions as the Minister thinks fit with respect to the exercise of the Board's functions.

(2) In the exercise of its functions, the Board shall comply with any directions given by the Minister under subsection (1).

Establishment of local library committees.

10. (1) The Board shall appoint a local library committee for each branch library established locally in any part of The Bahamas.

(2) The Board shall delegate in writing to any committee, appointed pursuant to subsection (1), the power and authority to carry out on its behalf such functions as the Board may determine.

(3) The members of a local library committee shall be local residents of the area served by the branch library.

(4) The composition of a local library committee shall be three members appointed by the Board and not more than two members elected by the patrons of the branch library concerned.

Second Schedule.

(5) Subject to subsection (2), the provisions of the Second Schedule have effect with respect to the powers and proceedings of a local library committee and otherwise in relation to its functioning.

General powers of the Board.

11. The Board shall have power to - -

(a) set up sub-committees to perform certain duties of the Board;

(b) draw, negotiate and accept bills of exchange, cheques and promissory notes;

(c) enter into contracts on behalf of the Authority as the Board may consider necessary or expedient for the due performance of the functions of the Authority, or any one of them;

(d) subject to the approval of the Minister, accept on behalf of the Authority gifts, devises, bequests or assignments of property, grants or other monies; and

(e) subject to this Act, do all acts as appear to it necessary, desirable, advantageous or convenient for or in connection with the carrying out of the functions of the Authority, or incidental or conducive to their proper discharge.

Duties of the Board.

12. The duties of the Board include but are not limited to -

(a) the formulation of guidelines and policy procedures for -

(i) the acquisition, maintenance and development of material and information required for the operation of the system;

(ii) the acquisition, maintenance and development of technologies required for the proper functioning of the system;

(iii) the management, use and disposal of material and information in the collection; and

(iv) the control of the system of accounting and the proper financial management of the Authority.

(b) supervision and monitoring of the performance of local library committees; and

(c) assessment and evaluation of the performance of the Director and the Deputy Director.

Appointment of Director, Deputy Director, and other staff.

13. (1) The Minister, in consultation with the Board, shall appoint and employ upon such terms, salary, and conditions as the Minister may determine a Director of the Authority.

(2) The Director shall be appropriately qualified in library and information science and have a minimum of five years managerial experience in library and information services.

(3) The Director shall be responsible generally for the management and administration of the Authority subject to the directions of and in accordance with the policies communicated by the Board

(4) Without prejudice to the generality of subsection (3), the Director shall manage, supervise and direct the work of the Authority, its administrative and other staff, and also perform such other functions as may from time to time be assigned to him by the Board.

(5) The Director, subject to the approval of the Board, may be removed from office by the Minister on the grounds of misconduct, inefficiency, or other good cause.

(6) The Minister, in consultation with the Board, shall appoint and employ upon such terms, salary, and conditions as the Minister may determine a Deputy Director of the Authority.

(7) The Deputy Director shall assist, and be subject to the direction of, the Director in the management and administration of the Authority, including the administration of its funds and other assets.

(8) Whenever the Director is absent from The Bahamas or is for any reason unable to perform the functions of his office, the Deputy Director shall act as Director during such absence or inability.

(9) The Authority shall appoint, after consultation with the Director, such professional, technical, administrative and other staff as appear to the Board to be necessary or expedient for the purposes of carrying out the functions of the Authority.

(10) The Authority may appoint staff on a permanent, temporary, contractual, probationary, pensionable or non-pensionable basis and on such other terms and conditions as the Board may determine.

Pensions and gratuities.

14. (1) As soon as practicable after the commencement of this Act, the Authority, in collaboration with and subject to the approval of the Minister of Finance, shall establish a contributory pension scheme in relation to the service of each pensionable employee with the Authority.

(2) The scheme established pursuant to subsection (1) shall provide, as far as practicable, pensions and benefits to pensionable employees of the Authority similar to those derived by virtue of the Pensions Act.

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(3) The Authority shall pay under the scheme such sums in respect of each pensionable employee in such manner and amounts as the Minister of Finance may from time to time direct.

(4) For the purpose of subsection (1), reference to the service of a pensionable employee with the Authority includes -

(a) any continuous period of service of that employee with an approved authority immediately prior to his service with the Authority;

(b) any continuous period of service of that employee as a public officer holding a pensionable office under the Government immediately prior to his service with the Authority;

(c) any continuous period of service of that employee with a library established under the Nassau Library Act and the Out Islands Public Libraries Act immediately prior to his service with the Authority.

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(5) In this section the expression "approved authority" has the meaning assigned to it in the Pensions Act.

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Abolition of offices and transfer of employees.

15. (1) Immediately upon the coming into effect of this Act, all offices in public libraries are abolished.

(2) All persons holding offices in public libraries immediately prior to the coming into effect of this Act shall be deemed to be transferred to the service of the Authority for a period of twelve months commencing from the date this Act comes into effect.

(3) Persons transferred to the service of the Authority pursuant to subsection (2) shall be employed upon terms and conditions no less favourable than those which were attached to their service immediately prior to the coming into effect of this Act.

(4) This section applies to public libraries established under the Nassau Library Act, the Out Island Public Libraries Act, or in any other manner.

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(5) Upon the coming into effect of this Act, any public officer who immediately prior to its coming into effect was employed in a public library under the administration and control of the Ministry or Department of Education shall within twelve months of its coming into effect exercise one or more of the following options:

(a) request a transfer to the Authority upon terms and conditions that are no less favourable to him than if he had remained employed in the public service;

(b) request a secondment to the Authority for a period not exceeding two years upon terms and conditions that are no less favourable to him than if he were not so seconded; or

(c) request employment in the public service in an office at remuneration commensurate with that of the office held by him immediately prior to the commencement of this Act.

(6) The grant of any request made under subsection (5) shall take effect upon the expiry of the twelve month period referred to in subsection (2).

(7) Where a request is granted to an officer pursuant to paragraph (b) of subsection (5), the officer shall, immediately at the end of the period of secondment, either:-

(a) accept an offer by the Authority to transfer to the Authority on terms and conditions no less favourable than he was receiving while in the public service immediately prior to his secondment; or

(b) accept an offer by the Authority to return to the public service in an office at a remuneration commensurate with that of the office held by him in the public service immediately prior to his secondment to the Authority.

(8) Where requests made by an officer under subsection (5) are denied, or no offer is made to him or accepted by him under subsection (7), then he shall become eligible with respect to the provisions of section 15 of the Pensions Act.

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(9) Upon the coming into effect of this Act, any person not a public officer who immediately before its coming into effect held an office in a library established under the Nassau Library Act, the Out Islands Public Libraries Act, or in any other manner, shall, within twelve months of its coming into effect, either -

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(a) accept an offer of employment with the Authority, on terms no less favourable than those attached to his service prior to the coming into effect of this Act, to take effect upon the expiry of his twelve month period of employment pursuant to subsection (2); or

(b) if no offer from the Authority is made to him or accepted by him, become eligible under the provisions of section 15 of the Pension Act.

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(10) Within the period of twelve months referred to in subsection (2), the Board shall determine in respect of each person transferred to the service of the Authority whether to grant a request made by that person under subsection (5), or to offer employment with the Authority to a person pursuant to subsection (7) and subsection (9), and shall forthwith give notice of its determination to each such person.

(11) The Board's offer of employment in every case shall be based on the Board's assessment of the suitability of each person to play a meaningful role in fulfilling the functions of the Authority.

(12) Where no request has been made by an officer pursuant to subsection (5) within the prescribed twelve month period, the provisions of section 15 of the Pensions Act shall apply.

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PART IV

FINANCIAL PROVISIONS AND VESTING OF PROPERTY

Funds and resources of the Authority.

16. The funds, revenues and resources of the Authority shall consist of -

(a) such sums as may be provided by Parliament from time to time for the purposes of the Authority;

(b) such funds as may from time to time be accrued to the Authority through its own operations;

(c) such monies as may from time to time be advanced to the Authority pursuant to section 19;

(d) such sums as are provided to the Authority or the Government of The Bahamas by foreign States, international organizations, multi-lending agencies, corporations, foundations or private individuals, for the performance of the functions of the Authority;

(e) sums arising from grants, convenants, donations and other receipts from persons, including national and international bodies; and

(f) such other sums as may become lawfully payable to or vested in the Authority whether or not in respect of any matter incidental to its functions.

Monies deposited to General Account.

17. (1) All monies received by the Authority pursuant to section 16 shall be deposited into an account (hereafter referred to as the "General Account") to be maintained by the Authority with such bank or banks as the Board may determine.

(2) The Authority shall keep in respect of the General Account, two separate accounts -

(a) an account to be known as "the General Current Account" in which shall be recorded all deposits into and withdrawals from the General Account for applications towards defraying current expenditure; and

(b) an account to be known as "the General Capital Account" in which shall be recorded all deposits into and withdrawals from the General Account for applications towards defraying capital expenditure.

Control of expenditure of gifts and grants.

18. (1) Subject to subsection (2), where offers of any gifts, donations, grants or other monies, are made to the Authority, the Board shall inform the Minister of the offer and, subject to the Minister's approval, the same shall be accepted and expended in such manner as the Board may determine.

(2) Where a donor or grantor, as the case may be, has attached any reasonable stipulation to any such gift, donation, grant or other monies, the Board shall give effect to such stipulation.

Borrowings and advances to the Authority.

19. (1) Subject to subsection (4) for the purpose of enabling the Authority to defray expenses properly chargeable to its capital account, including provision of working capital, the Minister of Finance, at the request of the Board, may make advances to the Authority.

(2) The Authority may, with the prior approval of the Minister and the Minister of Finance, borrow or raise capital required by it for meeting any of its obligations or discharging any of its functions.

(3) Subject to subsection (4) the Minister of Finance may guarantee in such manner and on such conditions as he may think fit repayment of the principal of and the payment of interest and other charges on any approved borrowings of the Authority

made otherwise than by way of advance under subsection (1).

(4) No advance shall be made and no guarantee shall be given under this section unless prior approval of the advance or the guarantee, as the case may be, has been signified by the House of Assembly in accordance with the Financial Administration and Audit Act.

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(5) Where a sum is paid pursuant to a guarantee given under this section, the Minister of Finance shall, as soon as possible after the end of each financial year beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before the House of Assembly a statement relating to that sum.

(6) A sum required by the Minister of Finance for making an advance and discharging a guarantee under this section shall be charged on and issued out of the Consolidated Fund.

(7) The Authority shall pay to the Minister of Finance, at such times and in such manner as he may direct, such amounts as he may direct in or towards repayment of -

(a) advances made to the Authority under subsection (1);

(b) sums issued in fulfillment of any guarantees given under subsection (3);

(c) interest sums due on the amounts outstanding for the time being in respect of any advance made or sum issued in fulfillment of any guarantee.

(8) The Minister of Finance may apply different rates of interest with respect to advances made or sums issued pursuant to subsection (7) and may apply different rates of interest with respect to interest for different periods.

(9) The Minister of Finance shall lay before each House of Parliament a statement of any payments due from the Authority which are not duly paid to him by the Authority as directed pursuant to subsection (7).

Surplus monies.

20. At the end of each financial year any surplus monies standing to the credit of the Authority and not required for any current purposes shall be carried to the reserve fund.

Reserve fund.

21. (1) The Authority shall establish a reserve fund.

(2) The management of the reserve fund, the sums to be carried from time to time to its credit, and the application of the reserve fund, shall be as the Board may determine, but, the reserve fund shall not be applied otherwise than for the purposes of the Authority.

Authority to balance revenue account and surplus revenue.

22. (1) The Authority shall exercise and perform its functions so as to ensure that its revenue is not less than sufficient to meet all sums properly chargeable to its revenue account taking one year with another.

(2) Revenue account includes provisions in respect of the Authority's obligations under section 17 and under this section.

(3) The Authority shall apply for such purposes as the Board may determine any excess in its revenue account for any financial year.

(4) The Authority shall prepare for each new financial year an annual budget of revenue and expenditure and shall submit same to the Minister at least four months prior to the commencement of the financial year.

Annual report.

23. The Board shall submit to the Minister within four months or such longer period as the Minister may allow after the expiration of each financial year a report on the activities of the Authority during that financial year.

Accounts and audit.

24. (1) The Authority shall keep proper accounts and other records and shall prepare in respect of each financial year a statement of accounts in such form as the Minister of Finance may direct, such form being in accordance with accepted accounting procedures.

(2) The accounts of the Authority for each financial year shall in the financial year following be audited by a public accountant licensed under the Public Accountants Act and appointed by the Board.

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(3) Four months after the end of each financial year, the Authority shall submit a copy of the audited accounts to the Minister together with a copy of any report made by the auditor.

(4) The Minister shall lay before each House of Parliament a copy of every such audited accounts made in accordance with this section together with a copy of any report made by the auditor on the accounts.

Exemptions.

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25. The Authority is exempt from the payment of all customs duties under the Tariff Act, all stamp duties under the Stamp Act and all taxes under the Real Property Tax Act.

Free admission for Bahamian citizens and permanent residents.

26. No charge shall be made to citizens or permanent residents of The Bahamas for membership in a public library.

Transfer and vesting of assets.

27. (1) By virtue of this Act, and without further assurance, there is transferred to and vested in the Authority all movable and immovable property and fixtures situated thereon which immediately before the commencement of this Act vested in the Treasurer in trust for Her Majesty in right of Her Government of The Bahamas for use as public libraries.

(2) The transfer and vesting shall extend to the whole of such movable and immovable property, fixtures and undertakings, and shall include assets, powers, rights and privileges, and all things necessary and ancillary, which are held or enjoyed in connection with or appertaining to said property, as well as all obligations affecting or relating to any of the said property, fixtures or undertakings.

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(3) Upon the repeal of the Nassau Library Act and the Out Islands Public Libraries Act, respectively, all property, movable or immovable, including material and information, that was vested or deemed to have been vested in any library established by those Acts shall be transferred to and vested in the Authority.

(4) Upon the repeal of the Acts referred to in subsection (3), all assets, rights, debts, liabilities, privileges, legal obligations, actions or proceedings, incurred or instituted by or against a library established by an Act referred to in that subsection, or arrangement entered into by that library, shall continue as if the Act establishing that library had not been repealed and shall be deemed to have been entered into or incurred by, owed to or pending with, the Authority as if Authority had been the library established by that Act.

Compulsory acquisition of land.

28. (1) The Minister may authorize the Authority to purchase compulsorily any land or property which it requires for the purposes of its functions and the Acquisition of Land Act shall apply as if this Act had been in force immediately before the commencement of the Acquisition of Land Act.

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(2) For the purposes of subsection (1), "land" includes any interest in or right over land.

Notice of purchase and transfer of land required.

29. (1) Where the Authority acquires any interest in land or immoveable property other than that described in sections 27 and 28, the Minister shall publish by notice in the Gazette the description of the land or immoveable property and of the interest acquired by the Authority.

(2) Where the Authority divests itself of any interests in land or immovable property, however acquired, the Minister shall publish by notice in the Gazette the description of the land or immovable property and of the interest divested by the Authority.

PART V

MISCELLANEOUS

Regulations.

30. The Minister may make regulations for the carrying out of the objects of this Act and, without limiting the generality of the foregoing, may make regulations -

(a) prescribing the hours during which and the conditions under which members of the public may be admitted to a library;

(b) prescribing the procedures for obtaining resources from a library and the manner in which such resources may be issued to members of the public;

(c) prescribing the fees or charges payable by any person borrowing or using resources from or in a library;

(d) establishing policies and procedures for ensuring good order and discipline amongst members of the public at any time when upon any premises occupied by the Authority;

(e) establishing policies to protect any library, and its fittings, furniture and contents, from damage; and for the maintenance of library buildings;

(f) prescribing offences and penalties up to a maximum of one thousand dollars for contravention of any regulation made pursuant to this section;

(g) relating to the appointment of employees of the Authority and their tenure and conditions of service;

(h) prescribing procedures for the execution of instruments and the mode of entering into contracts by or on behalf of the Authority;

(i) providing for the authentication of documents executed, issued or signed by or on behalf of the Authority;

(j) prescribing guidelines and procedures for the operation of local library committees;

(k) prescribing rules for the election of local library committee members;

(l) prescribing the forms or contents of applications, registers, notices or any other documents required for the purposes of this Act;

(m) prescribing guidelines for the recognition and approval of "Friends of the Library" associations by local library committees; and

(n) generally for the better carrying out of the purposes of this Act.

Offences.

31. If any person fails without reasonable excuse to comply with a request of the auditor appointed under section 24 for access to any books, documents, cash or securities of the Authority and fails to give to him on request all such information that may be within their knowledge in relation to the operation of the Authority, that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding six months, or to both fine and imprisonment.

Protection against certain actions.

32. Where access to library material and information is given to a person by the Authority, no action for defamation or breach of copyright lies against the Authority or any employee concerned in the authorizing or giving of that access.

Ch. 370.

33. The Stamp Duty Act, or any charge imposed by a written law with respect to the conveying or transfer of property, shall not apply to the transfer and vesting of that type of property in the Authority under this Act.

Repeal of Ch. 49 and Ch. 50.

34. The Nassau Library Act and the Out Islands Public Libraries Act are hereby repealed.

FIRST SCHEDULE (Section 8 (2))

Composition of the Board.

1. (1) The Authority's Board of Directors shall consist of a Chairman and such number of other members, not being less than six nor more than nine, as the Minister may from time to time determine.

(2) The Chairman shall be appointed by the Minister.

(3) The other members of the Board shall be appointed by the Minister after consultation with the Chairman, and shall include -

(i) a representative of The Bahamas Library Service Association;

(ii) a representative of the Minister responsible for Education;

(iii) the Director of the Authority who shall be a member of the Board *ex officio;*

(iv) a representative of the office of the Attorney General;

(v) a representative of the Minister responsible for Culture;

(vi) a representative of the Department of Archives;

(vii) three other persons who have special qualifications in, and practical experience of, matters relating to one or more of the disciplines of information technology, science and technology, financial management, human resource management or any other area which the Chairman considers will advance the interests of the Authority.

(4) Notwithstanding subsection (1), the Board shall have powers to co-opt not more than two other persons to serve as members.

Tenure of the Board.

2. A member of the Board other than an *ex officio* member shall, subject to the provisions of this Schedule, hold office for a period not exceeding three years, and shall be eligible for reappointment.

Secretary to the Board.

3. The Director of the Authority shall be the Secretary to the Board.

Resignation.

4. (1) Any member of the Board, other than the Chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman, and from the date of receipt by the Minister of such instrument such member shall cease to be a member of the Board.

(2) The Chairman may at any time resign his office by instrument in writing addressed to the Minister, and such resignation shall take effect as from the date of receipt by the Minister of such instrument.

Revocation of appointments.

5. The Minister may at any time revoke the appointment of a member of the Board if the Minister thinks it expedient so to do.

Vacancies and acting appointments.

6. (1) If any vacancy occurs in the membership of the Board such vacancy shall be filled by the appointment of another member, who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.

(2) If the Minister is satisfied that the Chairman or any member of the Board is unable to act, the Minister may appoint any fit and proper person to act in place of that member.

(3) A member of the Board shall be deemed to have vacated his seat on the Board -

(a) if he becomes bankrupt, or is convicted of a criminal offence;

(b) if the Board passes a resolution declaring that he has become incapable by reason of mental or bodily infirmity of discharging his duties;

(c) if the Board passes a resolution declaring that he has been absent from not less than four of six consecutive meetings of the Board without leave of the Board first had and obtained; or

(d) if he is an *ex officio* member of the Board and he ceases to hold the office by reason of the holding of which he was an *ex officio* member of the Board.

Gazetting of appointments.

7. The names of all members of the Board as first constituted and every subsequent change in the membership of the Board shall be published in the Gazette.

Proceedings and meetings of the board.

8. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business, and no fewer than four meetings shall be held for the year. Such meetings shall be held at least once every three months on such days as the Board may determine.

(2) The Chairman may at anytime call a special meeting of the Board and shall call a special meeting within seven days of the receipt of a written requisition for that purpose addressed to him by any two members of the Board.

(3) The Chairman shall preside at all meetings of the Board at which he is present and, in the case of the Chairman's absence from any meeting, the members present and constituting a quorum shall elect a Chairman from among their number to preside at that meeting.

(4) A quorum of the Board shall be the minimum number constituting a majority of the total number of the Board.

(5) The decisions of the Board shall be by a majority of votes and, in addition to an original vote, the Chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes in proper form of each meeting of the Board shall be kept.

(7) Subject to the provisions of this Schedule the Board may regulate its own proceedings.

Protection of members.

9. (1) No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operation of the Board.

(2) Where any member of the Board is exempt from liability by reason of the provisions of this section the Board shall be liable to the extent that it would be if the member was a servant or agent of the Board.

(3) There shall be paid to the Chairman and other members of the Board such remuneration, if any, whether by way of honorarium, salary, fees and allowances, as the Minister may determine.

SECOND SCHEDULE (Section 10 (5))

Composition and meetings of local library committees.

1. (1) Each local library committee as constituted under section 10 of this Act, shall consist of five members.

(2) Each committee shall meet at least once per quarter, on such days as the committee may determine, for carrying out its functions as delegated by the Board.

(3) A quorum of a local library committee shall be the minimum number constituting a majority of the total numbers on the committee.

(4) Subject to subsection (2) and paragraph (i) of section 2, each local library committee shall follow guidelines as laid down in section 8 of the First Schedule.

First Schedule.

Duties of a local library committee.

2. The powers and duties of a local library committee are to -

(a) open and maintain a bank account in the name of the local library committee to receive such gifts, grants or other monies as may be approved by the Minister;

(b) receive financial contributions and resources from the central government;

(c) draw, negotiate and accept bills of exchange, cheques and promissory notes;

(d) maintain, manage and operate the branch library in accordance with the powers delegated to it by the Board and subject to the prescribed regulations;

(e) appoint on probation for a maximum period of three months, subject to confirmation by the Board, all permanent support staff;

(f) appoint, discipline or dismiss all temporary or contract support staff;

(g) prepare and submit to the Board on or before the 31st day of March a report of its activities during the twelve months ending on the 31st day of December in the preceding year, including a statement of its accounts;

(h) encourage, recognize and approve the establishment of "Friends of the Library" associations; and

(i) make rules for the conduct of meetings of the committee.

Tenure of local library committee.

3. A member of the local library committee shall, subject to the provisions of this Schedule, hold office for a period not exceeding three years, and shall be eligible for reappointment.

Chairman.

4. (1) Each local library committee, duly constituted, shall appoint one of the members of the committee to be the chairman.

(2) Each local library committee shall appoint a member of the committee to act as chairman at any time when the office of chairman is vacant, or the chairman is incapable of acting, or has been granted leave.

Vacancies and acting appointments.

5. (1) If any vacancy occurs in the membership of the committee, such vacancy shall be filled by the appointment of another member, who shall, subject to the provisions of the schedule, hold office for the remainder of the period for which the previous member was appointed, so, however, that such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.

(2) A member of the committee shall be deemed to have vacated his seat on the committee if -

(a) he dies or becomes bankrupt;

(b) the committee passes a resolution declaring that he has become incapable by reason of mental or bodily infirmity or discharging his duties;

(c) the committee passes a resolution declaring that he has been absent from not less than four of six consecutive meetings of the committee without leave of the committee first had and obtained;

(d) he tenders his resignation in writing to the committee; or

(e) he ceases to be resident in the local area served by the branch library administered by the committee.