

No. 7 of 1994.

The Law Library Act, 1994.

1 ANTIGUA
AND
BARBUDA



[L.S.]

I Assent,

J.B. Carlisle,
Governor-General.

11th August, 1994.

ANTIGUA AND BARBUDA

No. 7 of 1994.

AN ACT to provide for the establishment of a Law Library and other purposes connected therewith.

[18th August, 1994]

ENACTED by the Parliament of Antigua and Barbuda as follows—

1. This Act may be cited as the Law Library Act, 1994. **Short title.**
2. In this Act, unless the context otherwise requires— **Interpretation.**

"Board" means the Board referred to in section 3 of this Act;

"Financial year" means the financial year of the Government.

"Law Library" means the Library established under section 3 of this Act;

"legal community" includes members of the judiciary, attorneys in Government Service and in private practice and students registered to pursue legal studies at recognised institutions;

"Minister" means the Minister responsible for Justice and Legal Affairs;

"publication" includes a book, periodical, pamphlet, journal and any other library material.

Establishment of Library.

3. There is hereby established for the benefit of the legal community a library to be known as the Law Library.

Board to govern Library.

4. (1) For the purpose of governing the Library established under section 3 there shall be a Board to be known as the Law Library Board.

(2) The Board shall be a corporate body with perpetual succession and a common seal; and shall be capable of holding, purchasing and otherwise acquiring and disposing of any property.

Constitution of the Board

5. (1) The Board consists of the following persons—

- (a)** the Attorney General or an attorney employed by the government and nominated by him;
- (b)** the senior Puisne Judge or a Puisne Judge nominated by the Governor-General
- (c)** the Financial Secretary or in his absence the deputy Financial Secretary;
- (d)** the Law Librarian;
- (e)** one person nominated by the ~~Bar~~ Association;
- (f)** one person nominated by the Chamber of Commerce;

(2) The Minister shall appoint a chairman, who shall serve for a period of three years and shall at the expiration of such term be eligible for re-appointment.

(3) Members, other than members specified under subsection 3 *(a)*, *(b)*, *(c)* and *(d)* shall serve for a term of three years and, at the expiration of such term, may be eligible for renomination.

6. The functions of the Board include—**Functions of the Board.**

- (a) the provision of library services in the discipline of law to the legal community;
- (b) the general administration, control and management of the Law Library; and
- (c) the appointment of the Law Librarian and the staff of the Law Library.
- (d) the raising of funds and the investment of such funds of the Board that are not immediately required for the use of the Board.

7. The property of the Board comprises —

Property of the Board

- (a) all the volumes, pamphlets, publications, documents and property of all kinds whatsoever which prior to the coming into force of this Act, is the property of the Antigua Law Library established under the Law Library Act (Cap. 178);
- (b) any publication or document which forms part of any material collected for the purposes of the Law Library;
- (c) a publication or document which is acquired, whether by donation or purchase for the purposes of the Law Library; and
- (d) any other property acquired by the Board for its purposes.

8. (1) The Funds of the Board consist of —

Funds of the Board.

- (a) monies provided by Parliament;
- (b) fees and fines paid to the Board;
- (c) donations in cash made to the Board by a person or body of persons or other benefactor;
- (d) the annual subscriptions paid by members of the Law Library;

- (e) monies collected by, or paid to, the Board in respect of the use of the facilities of the Law Library by any person; and
- (f) monies paid to the Board in respect of the sale or disposal of any material of the Board not needed for the purposes of the Law Library.

Audit and
Annual report.

9. (1) The records and books of account kept by the Law Librarian shall be audited not later than three months after the end of the financial year by the Director of Audit or an auditor appointed by him.

(2) The Board shall, at the end of every year submit annual report together with the audited accounts of the Board prepared under subsection (1) to the Minister who shall lay the report and the audited accounts before Parliament.

Meetings of the
Board.

10. (1) The Chairman shall preside at the meetings of the Board and in the absence of the Chairman at a meeting of the Board, the members present shall appoint one of their number present to preside at that meeting

(2) Subject to subsection (3), no decision on any matter which, in the opinion of the person presiding, is a matter of importance for determination by the Board shall be taken by the Board unless —

- (a) not less than three members of the Board are present at the meeting; and
- (b) the three members present vote in favour of the matter for determination.

(3) Where not less than ~~three~~ members of the Board agree in writing on a matter of importance for determination by the Board no meeting need be held in respect of that matter.

(4) At all other meetings of the Board, the person presiding and two other members of the Board form the quorum for the meeting.

(5) Where there is an equality of votes on a matter for determination before the Board at a meeting the person presiding shall have a second or casting vote.

(6) The Law Librarian shall not vote at any meeting of the Board.

(7) The Board shall, subject to this section, regulate its own procedure at its meetings.

11. (1) There shall be a Law Librarian who shall be the **Law Librarian.**
secretary of the Board.

(2) The Law Librarian shall be the professional and technical adviser to the Board and, subject to the general direction of the Board, be responsible —

- (a) for the proper administration and management of the Law Library;
- (b) for the preparation of the estimates of expenditure of the Board;
- (c) for the preparation of the annual report on the operations of the Board;
- (d) for the proper keeping of books of account and all other records of the Board;
- (e) for the acquisition, collection, purchase, organisation and maintenance of publications;
- (f) for the development of research aids and services in the law Library.

12. The Minister may, on the advice of the Board, make **Regulations.**
Regulations for —

- (a) the opening hours of the Law Library;
- (b) the admission to membership of the Law Library of a member of the Legal Community and of any other person, the subscriptions payable for membership, and the method of payment of the subscriptions;
- (c) the purchase, preservation and the loan of publications;
- (d) the maintenance of good order in the Law library;
- (e) the charging and collection of fees for the use of the facilities of the Law Library

- (f) the payment of fines in respect of —
 - (i) the late return of publication borrowed from the Law Library; or
 - (ii) the loss of, or damage to, a publication;
- (g) the use of the Law Library by the legal community and the general public use as a place for academic or professional study and for research;
- (h) sanctions for the **infringement** by any person of a provision of the Regulations; and
- (i) better and effective administration of this Act.

Repeal 13. The Law Library Act (Cap. 178) is repealed.

Commencement. 14. The Act shall come into force on such day as the Minister may, by order published in the *Gazette*, appoint.

Passed the House of Representatives
this 28th day of June, 1994.

Passed the Senate this 12th day
of July, 1994.

S. C. Benjamin,
Deputy Speaker.

M. Percival,
President.

S. Walker,
Acting Clerk to House of Representatives.

S. Walker,
Acting Clerk to the Senate.