

LIBRARY SERVICES BILL, 2018

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A
BILL

ENTITLED
LIBRARY SERVICES ACT, 2018

AN ACT to establish the Library Services Agency to provide, equip, manage and maintain public libraries at the national, regional and district levels and for related matters.

PASSED by Parliament and assented to by the President:

Establishment of the Library Services Agency

Establishment of the Agency

1. (1) There is established by this Act a body corporate with perpetual succession to be known as the Library Services Agency.

(2) The Agency may for the performance of the functions of the Agency, acquire and hold movable and immovable property, dispose of property and enter into any contract or any other transaction.

(3) Where there is a hindrance to the acquisition of immovable property, the property may be acquired for the Agency under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Agency.

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Object of the Agency

2. The object of the Agency is to provide, equip, manage and maintain public libraries at the national, regional and district levels.

Functions of the Agency

3. To achieve the object under section 2, the Agency shall
- (a) establish, equip, manage and maintain specialised libraries;
 - (b) operate mobile library services;
 - (c) advise and provide professional and technical assistance to school libraries;
 - (d) regulate, promote and set standards for professional library practice and training;
 - (e) promote research and development in library and information science and in particular, the promotion and application of information and communication technology in libraries; and
 - (f) perform any other functions that are ancillary to the object of the Agency.

Governance of the Agency

Governing body of the Agency

4. (1) The governing body of the Agency is a Board consisting of
- (a) a chairperson;
 - (b) a representative each of the following institutions:
 - (i) Ministry responsible for Education, not below the rank of a Director, nominated by the Minister for Education;
 - (ii) Ministry responsible for Communications, not below the rank of a Director, nominated by the Minister for Communications; and
 - (iii) Ministry responsible for Local Government, not below the rank of a Director, nominated by the Minister for Local Government and Rural Development;
 - (c) one person nominated by each of the following institutions:
 - (i) the public tertiary institutions responsible for the teaching of library studies by whichever description given, nominated by the Minister;

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- (ii) the Ghana Library Association nominated by the Association;
 - (iii) the National Teaching Council nominated by the Council;
 - (iv) the Ghana Museums and Monuments Board nominated by the Minister for Tourism, Arts and Culture;
 - (v) the Christian Council of Ghana nominated by the Christian Council;
 - (vi) the National Catholic Secretariat nominated by the Catholic Secretariat; and
 - (vii) the Federation of Ghana Muslims nominated by the Federation of Ghana Muslims;
- (a) one representative of the Public Records and Archives Administration Department;
 - (c) one representative of the Basic School Teachers Association nominated by the Ghana National Association of Teachers;
 - (d) one retired public librarian who is a woman appointed in consultation with the Minister; and
 - (g) the Executive Director.
- (2) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.
- (3) The Board shall ensure the proper and effective performance of the functions of the Agency.

Tenure of office of members

5. (1) A member of the Board shall hold office for three years and is eligible for re-appointment but a member shall not be appointed for more than two terms.
- (2) Subsection (1) does not apply to the Executive Director and a person who is a member of the Board by reason of the office of that person.
- (3) A member of the Board may at any time resign from office in writing addressed to the President through the Minister.
- (4) A member of the Board, other than the Executive Director of the Agency, who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.
- (5) The President may by letter addressed to a member revoke the appointment of that member.

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(6) Where a member of the Board is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of vacancy.

(7) Where there is a vacancy

(a) under subsection (3) or (4) or subsection (2) of section 7;

(b) as a result of a declaration under subsection (6); or

(c) by reason of the death of a member,

the Minister shall notify the President of the vacancy and the President shall appoint a person to fill the vacancy.

Meetings of the Board

6. (1) The Board shall meet at least once every quarter for the dispatch of business at the times and in the places determined by the chairperson.

(2) The chairperson shall at the request in writing of not less than one-third of the membership of the Board, convene an extraordinary meeting of the Board at the place and time determined by the chairperson.

(3) The quorum at a meeting of the Board is eight members of the Board or a greater number determined by the Board.

(4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board elected by the members present from among their number shall preside.

(5) Matters before the Board shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a Board meeting but that person shall not vote on a matter for decision at the meeting.

(7) The validity of proceedings of the Board shall not be affected by any vacancy in the membership of the Board or by any defect in the appointment of a member.

Disclosure of interest

7. (1) A member of the Board who has an interest in a matter for consideration shall

(a) disclose the nature of the interest and the disclosure shall form part of the record of the consideration of the matter; and

(b) not participate in the deliberations of the Board in respect of the matter.

(2) A member ceases to be a member of the Board if that member has an interest in a matter before the Board and

(a) fails to disclose that interest; or

(b) participates in the deliberations of the matter.

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Committees of the Board

8. (1) The Board may establish committees consisting of members of the Board to perform a function.

(2) A committee composed of non-members only is advisory.

(3) Section 7 applies to a member of a committee of the Board.

(4) A committee of the Board may co-opt a person, approved by the Board to assist the committee in the performance of a function.

Allowances

9. Members of the Board and members of committees of the Board shall be paid allowances approved by the Minister in consultation with the Minister responsible for Finance.

Ministerial directives

10. The Minister may give directives on matters of policy to the Board and the Board shall comply.

Administration of the Agency

Executive Director of the Agency

11. (1) The Agency shall have an Executive Director.

(2) The President shall, in accordance with article 195 of the Constitution, appoint the Executive Director for the Agency.

(3) The Executive Director shall, hold office on terms and conditions specified in the letter of appointment.

Functions of the Executive Director

12. (1) The Executive Director is responsible for the day to day administration and operations of the Agency and is answerable to the Board in the performance of the functions under this Act.

(2) The Executive Director may delegate a function to an officer of the Agency but shall, not be relieved of the ultimate responsibility for the performance of the delegated function.

(3) The Executive Director is the secretary to the Board.

Appointment of other staff

13. (1) The President shall, in accordance with article 195 of the Constitution, appoint other staff of the Agency that are necessary for the proper and effective performance of the functions of the Agency.

(2) Other public officers may be transferred or seconded to the Agency.

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(3) The Agency may engage the services of advisers on the recommendation of the Board.

Finances of the Agency

Funds of the Agency

14. The funds of the Agency include
- (a) moneys approved by Parliament,
 - (b) moneys from fees charged by the Agency in the performance of the functions of the Agency under this Act,
 - (c) the return on investment of funds by the Agency,
 - (d) donations and grants, and
 - (e) any other moneys that are approved by the Minister responsible for Finance.

Bank account

15. Moneys for the Agency shall be paid into a bank account opened for the purpose by the Board with the approval of the Controller and Accountant-General.

Accounts and audit

16. (1) The Agency shall keep books of account and records in the form determined by the Auditor-General.

(2) The Board shall submit the accounts of the Agency to the Auditor-General for audit at the end of the financial year.

(3) The Auditor-General shall, within six months after the end of the immediately preceding financial year, audit the accounts and forward a copy of the audit report to the Minister.

Annual report and other reports

17. (1) The Board shall, within thirty days after receipt of the audit report, submit to the Minister, an annual report covering the activities and the operations of the Agency for the year to which the report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall within one month after the receipt of the annual report, submit the report to Parliament with a statement the Minister considers necessary.

(4) The Board shall also submit to the Minister any other report which the Minister may require in writing.

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National, Regional and District Libraries

National Library

18. (1) The Agency shall establish a National Library to be located in Accra.

(2) The National Library shall be managed by the Executive Director who shall be responsible for the performance of the functions of the Agency under subsection (3).

(3) The Agency shall ensure that the National Library

(a) is stocked with national, African and an international collection of books and other library materials;

(b) serves as a depository of publications about Ghana;

(c) serves as the focal point for the co-ordination and harmonisation of resources of libraries in Ghana for easy access and resource sharing;

(d) serves as a database of all library resources in Ghana; and

(e) serves as an interface between libraries in Ghana and foreign libraries.

Regional Library

19. (1) The Agency shall, in consultation with the Regional Co-ordinating Council, establish and equip a public library in each region.

(2) A public library established under subsection (1) shall serve as the Regional Library in that region.

(3) The Head of the Local Government Service shall in consultation with the Board designate a person appointed under section 13 as the Regional Librarian.

(4) The Regional Library shall be managed by the Regional Librarian.

(5) The Regional Co-ordinating Council shall designate a public library established in a region as the Regional Library in that region.

Regional Library Advisory Committee

20. (1) The Board shall establish in each region a Regional Library Advisory Committee.

(2) A Regional Library Advisory Committee shall comprise of

(a) the Regional Director of Education or a representative of the Regional Director;

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- (*l*) one representative of the Regional Co-ordinating Council nominated by the Regional Co-ordinating Council;
- (*c*) one representative of the District Assembly of the district in which the Regional Library is located, nominated by the District Assembly of the district;
- (*a*) one representative of the Conference of Heads of Assisted Senior High Schools nominated by the Conference of Heads of Assisted Senior High Schools;
- (*ε*) one representative of the National Teaching Council nominated by the National Teaching Council;
- (*ι*) the Regional Director of the National Commission for Civic Education or a representative of the Regional Director of the National Commission for Civic Education;
- (*g*) one representative of the Basic School Teachers Association nominated by the Ghana National Association of Teachers;
- (*h*) one person nominated by the Board; and
- (*i*) the Regional Librarian.

(3) The members of the Regional Library Advisory Committee shall be appointed by the Minister.

(4) A member of the Regional Library Advisory Committee shall hold office for three years and is eligible for re-appointment but a member shall not be appointed for more than two terms.

(5) The chairperson of the Committee shall be elected by the members of the Committee from among their number.

(6) The Regional Library Advisory Committee shall meet at least once every three months for the dispatch of business at the times and in the places determined by the chairperson.

(7) The Regional Librarian is the secretary to the Regional Library Advisory Committee.

Functions of the Regional Library Advisory Committee

21. The Regional Library Advisory Committee shall

- (*a*) advise the Board on the development of public library services in the region;
- (*b*) undertake activities for the purpose of encouraging the use of public library services in the region; and
- (*c*) perform any other function assigned by the Board.

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District Library

22. (1) Each District Assembly shall, in consultation with the Agency, establish and equip a public library in the district.

(2) A public library established under subsection (1), shall serve as the District Library in that district.

(3) The District Library shall be managed by the District Librarian.

(4) The Head of the Local Government Service shall, in consultation with the Board, designate a person appointed under section 13 as the District Librarian.

(5) The District Assembly shall designate a public library established in a district as the District Library in that district.

District Library Advisory Committee

23. (1) The District Assembly of each district shall, in consultation with the Board, establish a District Library Advisory Committee in the district.

(2) The District Library Advisory Committee shall comprise of

(a) one representative of the Social Services Sub-Committee of the Executive Committee of the District Assembly, who shall be the chairperson;

(b) the District Director of Education;

(c) the District Librarian;

(d) the District Director of the National Commission for Civic Education or the representative of the District Director;

(e) one representative of the Ghana National Association of Teachers in the district nominated by the district branch of the Ghana National Association of Teachers;

(f) one representative of the Unit Committee nominated by the Unit Committee in whose Unit the District Library is situated;

(g) one person nominated by the Traditional Councils for the area in which the District Library is located; and

(h) two persons who are resident in the district, nominated by the District Assembly at least one of whom is a woman.

(3) The District Chief Executive shall, in consultation with the Board, appoint the members of the District Library Advisory Committee.

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(4) A member of the District Library Advisory Committee shall hold office for three years and is eligible for re-appointment but a member shall not be appointed for more than two terms.

(5) The District Library Advisory Committee shall meet at least once every three months for the dispatch of business at the times and in the places determined by the chairperson.

(6) The District Librarian is the secretary to the District Library Advisory Committee.

Functions of the District Library Advisory Committee

24. The District Library Advisory Committee shall

- (a) advise the District Assembly and the District Librarian on the development of public library services in the district;
- (b) undertake advocacy and sensitisation of activities aimed at promoting the use of public libraries; and
- (c) perform any other function assigned by the District Assembly.

Miscellaneous Provisions

Guidelines

25. (1) The Agency shall issue guidelines to a District Assembly for the establishment, management, equipment and maintenance of a public library established in a district.

(2) The Agency shall publish the guidelines in the *Gazette* or in at least one daily newspaper of national circulation.

Regulations

26. (1) The Minister may, by legislative instrument, make Regulations

- (a) to provide for the organisation and management of a public library, mobile library and specialised library;
- (b) to prescribe for fees chargeable under this Act;
- (c) to prescribe the standards for quality public library services;
- (d) to prescribe the form of security to be given by a person using a library; and
- (e) for the effective implementation of this Act.

(2) A person who contravenes a provision of Regulations made under this Act, commits an offence and is liable on summary conviction to a fine of not less than twenty penalty units and not more than one hundred penalty units or to a term of imprisonment of not less than one month and not more than six months or to both.

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Interpretation

27. In this Act, unless the context otherwise requires,
- “Agency” means the Library Services Agency established under section 1;
 - “Board” means the governing body of the Agency established under section 4;
 - “district” includes the area of agency of a District Assembly, and a municipality and a metropolis;
 - “District Assembly” includes Metropolitan and Municipal Assemblies;
 - “Executive Director” means the person appointed under section 11;
 - “information science” means the body of knowledge concerned with the scientific study of the provision, management and dissemination of information through a properly established library or academic institution;
 - “library” means a well organised, professionally managed information resource agency or centre that provides print and non-print information materials such as books, periodicals, journals, newspapers, government publications and electronic information resources to meet the information needs of users;
 - “Minister” means Minister responsible for Education;
 - “National Teaching Council” means the National Teaching Council established under section 9 of the Education Act, 2008 (Act 778);
 - “school library” means a library established for, by or in a pre-tertiary school, institute of learning or training centre to facilitate effective teaching, learning and independent study; and
 - “specialised library” means a library that provides specialised services or is dedicated to a specific subject.

Repeal and savings

28. (1) The Ghana Library Authority Act, 1970 (Act 327) is repealed.
- (2) Despite the repeal of Act 327, Regulations, bye-laws, notices, orders, directions, appointments or any other act lawfully made or done

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under the repealed enactment and in force immediately before the commencement of this Act shall be considered to have been made or done under this Act and shall continue to have effect until reviewed, cancelled or terminated.

Transitional provisions

29. (1) The assets, rights, obligations and liabilities of the Ghana Library Authority established under the Ghana Library Authority Act, 1970 (Act 327) and in force immediately before the commencement of this Act, are transferred to the Agency.

(2) A person in the employment of the Ghana Library Authority immediately before the coming into force of this Act shall, on the coming into force of this Act, be deemed to have been duly employed by the Agency established by this Act on terms and conditions which are not less in aggregate to terms and conditions attached to the post held by that person before the coming into force of this Act.

Date of *Gazette* notification: 13th November, 2018.

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MEMORANDUM

The object of the Bill is to revise the law relating to public library services and to establish the Library Services Agency to provide, equip, manage and maintain public libraries at the national, regional and district levels.

Following the enactment of the Local Government (Departments of District Assemblies) (Commencement) Instrument, 2009 (L.I. 1961) and in accordance with regulation 1 (*b*) of L.I. 1961, every branch, division or unit of the departments listed in the Second Schedule to the Instrument have ceased to exist. It has become necessary to amend the legislation which established those departments to enable the branches, divisions or units to function as integral departments of the District Assemblies. The Ghana Library Authority Act, 1970 (Act 327) is therefore being revised for this purpose.

Clauses 1 to 3 provide for the establishment of the Library Services Agency. The Agency is established as a body corporate with perpetual succession. The object of the Agency is to provide, equip, manage and maintain public libraries at the national, regional and district levels, *clause* 2. The functions of the Agency are listed under *clause* 3 of the Bill. These include the establishment, equipment, management and maintenance of specialised libraries; the operation of mobile library services; the regulation, promotion and setting of standards for professional library practice; and the provision of professional and technical assistance to school libraries.

The members of the governing body are fifteen, comprising a chairperson, the Executive Director and one representative each of the Ministries of Education, Communications and Local Government, among others, *clause* 4.

The tenure of office of members of the Board, meetings of the Board and disclosure of interest by members of the Board are provided under *clauses* 5, 6 and 7. The Board is empowered under *clause* 8 to establish committees consisting of members of the Board or non-members or both. *Clause* 9 is on allowances and *clause* 10 empowers the Minister to give directives to the Board on matters of policy.

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Clauses 11 to 13 is on administration of the Agency. The President is mandated to appoint an Executive Director for the Agency in accordance with article 195 of the Constitution, *clause 11*. The Executive Director is responsible for the day to day administration and operations of the Agency and is answerable to the Board in the performance of the functions, *clause 12*. The President is also mandated under *clause 13* to appoint other staff that are necessary for the proper and effective performance of the functions of the Agency.

Clauses 14 to 17 deal with the finances of the Agency. *Clause 14* is on the sources of funds for the Agency. The Agency is obliged under *clause 15* to open a bank account, with the prior approval of the Controller and Accountant-General. Moneys received by the Agency are to be paid into the bank account. *Clauses 16 and 17* are standard provisions on the accounts and audit, and duty of the Board to submit to the Minister an annual report covering the activities and operations of the Agency.

Clauses 18 to 24 provide for the National, Regional and District Libraries. *Clause 18* requires the Agency to establish a National Library, to be managed by an Executive Director. The responsibilities of the Agency with regards to the National Library are listed in subclause (3) of *clause 18*. The Agency has the responsibility, among others, to ensure that the National Library is stocked with national, African and an international collection of books and other library materials. The Agency also has a duty to ensure that the National Library serves as a depository of publications about Ghana.

The Agency is to establish a Regional Library in each region in the country which is to be managed by the Regional Librarian, *clause 19*. Under *clause 20*, the Board is to establish a Regional Library Advisory Committee in each region. The members of the Committee are to be appointed by the Minister. *Clause 21* sets out the functions of the Regional Library Advisory Committee which is to advise the Board on the development of public library services in the region; undertake activities for the purpose of encouraging the use of public library services in the region; and perform any other function assigned by the Board.

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Clause 22 mandates each District Assembly, in consultation with the Agency, to provide and equip a public library in the district. The District Librarian for a district is responsible for the management of a public library in that district. Each District Assembly, in consultation with the Board, is enjoined under *clause 23* to establish a District Library Advisory Committee in the district. The members of the District Library Advisory Committee are nine in number including the District Director of Education, the District Librarian, and a representative of the Social Services Sub-Committee of the Executive Committee of the District Assembly, who is the chairperson. *Clause 24* provides for the functions of the District Library Advisory Committee. The Committee has the duty of advising the District Assembly and the District Librarian on the development of public library services in the district; undertaking advocacy and sensitisation of activities aimed at promoting the use of public libraries; and performing any other function assigned by the District Assembly.

Clauses 25 to 29 provide for miscellaneous matters. The Agency is mandated to issue guidelines to a District Assembly for the establishment, management, equipping and maintenance of a public library in a district, *clause 25*. The Minister is empowered under *clause 26* to make Regulations to provide for the organisation and management of a public library, mobile library and specialised library; to prescribe for fees chargeable under the Bill; to prescribe the standards for quality public library services; to prescribe the form of security to be given by a person using a library; and for the effective implementation of the Bill. *Clause 27* is on interpretation. *Clause 28* repeals the Ghana Library Authority Act, 1970 (Act 327). However, Regulations, bye-laws, notices, orders, directions, appointments or any other act lawfully made or done under the repealed enactment and in force immediately before the coming into force of the Bill, are saved. *Clause 29* is on transitional provisions.

DR. MATTHEW OPOKU PREMPEH
Minister responsible for Education

Date: 25th September, 2018.