

A. R. Hewitt

BIBLIOTHEQUE DU CERIST

# Public Library Law

FIFTH EDITION

# PUBLIC LIBRARY LAW

and the law as to Museums and Art Galleries  
in  
England & Wales  
Scotland  
and  
Northern Ireland

*By*  
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## *Preface*

Since the last edition of this work was published in 1965 local government in the United Kingdom and Northern Ireland has undergone extensive reorganization, one important result being a considerable reduction in the number of local authorities. Probably the most far reaching changes affecting libraries have occurred in Scotland and Northern Ireland, authorities in both countries now possessing similar powers to those enjoyed in England since the passing of the Public Libraries and Museums Act in 1964, itself effecting extensive changes in the law applicable to England and Wales and which has now been amended.

The 'adoption' of Acts in both Scotland and Northern Ireland has been swept away and all library authorities throughout the Kingdom now have a *duty* to provide a comprehensive library service. In Northern Ireland no fewer than seven statutes, the earliest enacted 120 years ago, have been repealed in so far as they relate to libraries but have been left, unfortunately, still in operation in their application to museums and art galleries. Functions as to museums and art galleries in Scotland have been severed from library functions, provision having been made for separate museum and art gallery authorities.

These somewhat dramatic but much needed changes in the law as to libraries, museums and art galleries have necessitated a completely revised edition of this work.

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*June 1975*

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## *Local Government Reorganization*

Reorganization of local government in Greater London in 1963 was followed by reorganization in England and Wales in 1972, which came into full operation on 1 April 1974, and in Scotland in 1973 with effect from 16 May 1975. Reorganization in Northern Ireland commenced in 1971, continued in 1972 when part of the Local Government Act of that year became operative, and completed in 1973 when the remainder of that Act came fully into operation on 1 April.

As a result, the number and variety of local authorities (and, in consequence, the number of library authorities) were reduced and the distribution of their functions rationalized.

The new system in England and Wales provides for two tiers of operational authorities — counties and districts, designated metropolitan counties and metropolitan districts and non-metropolitan counties and non-metropolitan districts.<sup>1</sup> The Public Libraries and Museums Act is administered outside London, by district councils in metropolitan districts and by county councils of non-metropolitan counties. For Greater London the library authorities are the London boroughs formed under the London Government Act of 1963 which also established the Greater London Council but which is not, however, a library authority under the Act of 1964. In the City of London the Common Council is the library authority. In Wales the responsible authorities are county councils and such district councils as have been (or, after a 'review date', may be) constituted library authorities by order of the Secretary of State. Basic information on the system is to be found in *Local Government in England and Wales: a guide to the new system* (H.M.S.O., 1974) which includes comprehensive tables showing new authorities, former authorities, parishes and Welsh communities. Part Two of the *guide* lists the main functions of the principal authorities in England and shows which type of authority may provide libraries and which may provide museums and art galleries. In Wales similar functions are exercised by county councils and such district councils as may be designated library authorities.<sup>2</sup> Parish councils and Welsh communities do not possess powers under the 1964 Act. The provision and maintenance of public libraries, museums and art galleries in Eng-

land and Wales is governed by the Public Libraries and Museums Act 1964, the London Government Act 1963, and the Local Government Act 1972, together with certain miscellaneous provisions in other statutes.

On the 16 May 1975 Scotland (other than Orkney, Shetland and the Western Isles) was divided into local government areas known as regions, each region containing local government areas known as districts. Orkney, Shetland and the Western Isles were designated islands areas. On the coming into effect of this reorganization the former areas, known as counties, counties of cities, large burghs, small burghs and districts, and their councils, ceased to exist.<sup>3</sup> Library functions are now performed by island councils and district councils (except in the Highland, Borders and Dumfries and Galloway regions where the regional councils are the library authorities). Functions relating to museums and art galleries are exercised by regional, islands and district councils. Powers as to libraries, museums and art galleries are now derived from the Public Libraries Consolidation (Scotland) Act 1887, the Public Libraries (Scotland) Act 1955, and the Local Government (Scotland) Act 1973 as well as under some miscellaneous provisions in other statutes.

Under the provisions of the Local Government (Boundaries) Act (Northern Ireland) 1971, Northern Ireland was, for the purpose of local government, divided into 26 districts to be known as local government districts. Reorganization was continued by the Local Government Act (Northern Ireland) 1972 but, in the matter of libraries, the most fundamental change was effected by the Education and Libraries (Northern Ireland) Order 1972 under which five area Education and Library Boards were established<sup>4</sup> each of which became the local education authority and library authority for its area. The order repealed the Public Libraries Acts (Northern Ireland) *in so far as they relate to libraries* thereby sweeping away the former complex system of law. Those Acts and the Museums and Gymnasiums Act 1891 are still in force, however, in their application to museums and art galleries.

As the result of the reorganization of local government outlined above, library authorities throughout the United Kingdom and Northern Ireland now have a *duty* to provide a comprehensive and efficient library service.



<sup>1</sup> 'The former 308 independent library authorities in England (excluding London) became 75 new authorities — 39 non-metropolitan counties and 36 metropolitan districts. In Wales the former 36 independent authorities became 8 new county authorities'. (*Library Association Annual Report*, 1974, pp. 17 and 18.)

<sup>2</sup> Councils of districts in Wales which have been constituted separate library authorities number four.

<sup>3</sup> The new Scottish authorities and local government areas are listed in Schedule I to the Local Government (Scotland) Act 1973.

<sup>4</sup> Belfast; South-Eastern (five districts); Southern (six districts); Western (five districts); North-Eastern (nine districts).