

ACT 327
GHANA LIBRARY AUTHORITY ACT, 1970

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GHANA LIBRARY AUTHORITY ACT, 1970(1)

AN ACT to consolidate the law relating to public libraries and to provide for related matters.

Establishment

1. Establishment of the Library Authority

(1) There is hereby established, for the purposes of this Act an Authority to be known as the Ghana Library Authority.

(2) The Authority is a body corporate with perpetual succession and common seal, and may sue and be sued in its corporate name.

(3) The Authority may, for the performance of its functions, acquire and hold movable or immovable property, dispose of that property by lease or otherwise and enter into a contract or any other transaction.

2. The governing body

(1) The governing body of the Authority is a Board consisting of

- (a) the chairman,
- (b) one representative of the Ministry responsible for Education,
- (c) one representative of the Department of Library Studies, University of Ghana,
- (d) one representative of the Institute of Adult Education of Ghana,
- (e) one representative of the Ministry responsible for local government,
- (f) one representative of the Conference of Heads of Assisted Secondary Schools,
- (g) one representative of the National Teacher's Training Council,
- (h) one representative of the Department of Social Welfare,
- (i) one representative of the Ministry responsible for Information,
- (j) three persons representing religious bodies, appointed in consultation with the Minister responsible for Education acting on the advice of the religious bodies,
- (k) the Director of Library Services,
- (l) one representative of the Ministry responsible for Cultural Affairs,
- (m) one other person appointed in consultation with the Minister responsible for Education, and
- (n) one representative of the Elementary School Teacher's Association nominated by the Ghana National Association of Teachers.

(2) The members shall be appointed by the President in accordance with article 70 of the Constitution.

(3) A member shall hold office for two years and is eligible for re-appointment.

3. Functions of the Authority

The functions of the Authority are,

- (a) to establish, equip, manage and maintain public libraries,

- (b) to take the steps that are necessary to perform the functions specified in paragraph (a), and
- (c) to give effect to the principles and provisions of this Act.

4. Meetings of the Board

(1) The chairman shall preside at meetings of the Board, and in the absence of the chairman the members shall elect a chairman from among the number of members present at the meeting.

(2) A question before the Board at a meeting shall be decided by a majority of the votes of the members present and where there is an equality of votes, the person presiding shall have a casting vote.

(3) Eight members form a quorum.

(4) The Board shall meet at least once in every three months for the dispatch of business at the times and places appointed by the chairman.

(5) The chairman may at any time, and shall on the request in writing of three members, call a special meeting of the Board.

(6) Where the chairman is absent for a sufficient cause the director of library services shall, on being so requested in writing by three members, call a special meeting of the Board.

(7) The validity of an act of the Board shall not be affected by reason of the existence of a vacancy among its members or a defect in the appointment of a member.

5. Committees

The Board may appoint a special committee consisting of a number of persons who it considers fit

- (a) to whom it may delegate any of its administrative functions, and
- (b) to perform a function, subject to this Act, which may be referred to the committee by the Board.

Staff and Assets

6. Appointment of officers and employees

(1) Subject to subsection (3), there shall be a director, who shall be

- (a) appointed by the President in accordance with article 195 of the Constitution on the terms and conditions determined by the President,
- (b) a member of the Board and the chief executive of the Authority.

(2) In accordance with article 195 of the Constitution, the President shall appoint, on the terms and conditions determined by the President, the other officers and employees necessary for the proper and efficient performance of the functions of the Authority.

(3) The Board may, in consultation with the Public Services Commission,

- (a) grant pensions, gratuities or retiring allowances to the officers or employees and may require officers and employees to contribute to a pension or superannuation scheme, and
- (b) pay travelling and any other allowances to its members, members of regional advisory committees and of any other committee appointed under this Act in connection with

attendance at meetings of the Board or of the committees.

(4) The terms and conditions of appointment of officers, of pensions and superannuation scheme, the termination of appointment of officers including the Director and the rate of travelling and other allowances for members and of committees appointed under this Act are subject to the approval of the President.

7. Vesting of assets

Spent.2(2)

Regional Advisory Committees

8. Regional advisory committee

(1) The Board shall establish in each Region a regional advisory committee consisting of

- (a) the regional education officer or the representative of the officer as chairman,
- (b) one representative of the regional administrative committee,
- (c) one representative of the local authority in the area of authority in which the regional library is situated,
- (d) one prominent citizen normally resident in the Region appointed by the Board,
- (e) the regional librarian who shall serve as secretary,
- (f) one representative of the conference of heads of secondary schools,
- (g) one representative of the National Teacher Training Council,
- (h) one representative of the National Commission for Civic Education, and
- (i) one representative of the elementary school teachers association nominated by the Ghana National Association of Teachers.

(2) A member of a regional advisory committee listed in subsection (1) (b), (c) and (d) shall hold office for two years and is eligible for re-appointment.

(3) A regional advisory committee shall meet at least once in every three months at the times and places appointed by the chairman of the committee.

9. Functions of regional advisory committees

The functions of a regional advisory committee are,

- (a) to advise on the development of library services at the regional level,
- (b) to encourage the use of existing library services in the Region, and
- (c) to perform any other functions that may be assigned to it by the Board.

Finance

10. Funds of the Authority

(1) The funds of the Authority include

- (a) the moneys raised by the Board for general purposes,
- (b) the moneys accruing to the Board from the Government or from a local government authority, within the meaning of the Local Government Act, 1993 (Act 462) by way of grant-in-aid or endowment or otherwise,
- (c) the charges, dues or amounts received by the Authority,
- (d) the interest on moneys invested by the Authority,
- (e) the donations accruing to the Authority for the general purposes of the Authority from any other sources, and
- (f) any other moneys accruing to the Authority in the course of the operations of the Authority.
- (g) the Board may retain 100% out of the moneys realised in the performance of its functions.2a(3)

(2) The funds of the Authority shall be applied by the Board towards the performance of the functions provided for in this Act.

11. Bank accounts

(1) The sums of money received on account of the Authority shall be paid into a bank approved by the Board for the credit of the Authority's general current or deposit account.

(2) The Board may invest as it considers fit, the moneys not required for current use.

12. Accounts and audit

The accounts of the Authority up to the 30th day of June in each year shall be audited by the Auditor-General and a copy of the accounts as audited shall, not later than the 30th day of September next following, be published in the *Gazette* and submitted to the President.

Miscellaneous

13. Annual report

(1) As soon as possible after the 30th day of June in every year, the Board shall prepare a report of the activities of the Authority during the year.

(2) The report shall be published in the manner directed by the Minister responsible for Education.

14. Rules

(1) The Board may, by legislative instrument, make Rules subject to the approval of the Minister responsible for Education, generally for the better carrying out of the purposes of this Act.

(2) In particular the Rules may provide

- (a) for regulating the use of a library under the management of the Authority;
- (b) for protecting a library and the fittings, furniture and contents of the library from injury;
- (c) for the giving of a guarantee or security by a person using the library; and
- (d) for fees and penalties to be paid by a person borrowing books from the library.

(3) A person who contravenes a rule made under this section commits an offence and is liable on summary conviction, to a fine not exceeding one penalty unit.

15. Interpretation

In this Act, unless the context otherwise requires,

“**Auditor-General**” includes an auditor appointed by the Auditor-General;

“**Authority**” means the Authority established by section 1;

“**Board**” means the governing body of the Authority;

“**director**” means the Director of Library Services;

“**member**” means a member of the Board.

16. Repeal

Spent.3(4)

Endnotes

1 (Popup - Footnote)

1. The Act was assented to on 30th April, 1970 as the Ghana Library Board Act, 1970. As a body corporate with a distinct legal personality it has a governing body, hence the change from “Board” to “Authority” in its corporate name, having been established by an Act of Parliament.

2 (Popup - Footnote)

2. The section provided that,

- “(1) All rights assets and property vested in, or in any manner held on behalf of or for the purposes of the former Library Board (hereinafter referred to as “the former Library Board”) established under the Gold Coast Library Board Ordinance, (Cap. 118) as subsequently amended, immediately before the commencement of this Act, shall, after such commencement similarly vest in or be held on behalf of or for the purposes of the Board.
- (2) All liabilities and obligations subsisting against the former Library Board immediately before the commencement of this Act, shall thereafter similarly continue to subsist against the Board.
- (3) Every contract in respect of any matter, being a contract between the former Board and any other party immediately before the commencement of this Act shall thereafter similarly continue to subsist between the Board and such other party.
- (4) Any person in the employment of the former Library Board immediately before the commencement of this Act, shall, thereafter and subject to any direction given by the Government, continue in the employment of the Board in the post and on the terms in and on which he was employed by the former Library Board and shall not be made to suffer arbitrary dismissal.”

3 (Popup - Footnote)

2a. Paragraph (g) amended by section 2 of the Ministries, Departments and Agencies (Retention of Funds) Act, 2007 (Act 735) and the First Schedule to that Act.

4 (Popup - Footnote)

3. The section which was [section 15](#) provided that

“The Gold Coast Library Board Ordinance (Cap. 118), subsequently amended is hereby repealed:
Provided that any statutory instrument made thereunder and in force immediately before the commencement of this Act shall be deemed on and after such commencement to be a statutory instrument made under this Act, unless otherwise repealed or amended under this Act.”