



BERMUDA

BERMUDA NATIONAL LIBRARY ACT 1946

1946 : 65

TABLE OF CONTENTS

1	Interpretation
2	Library to be under general control of Minister
3	Bermuda National Library Committee to be appointed annually
4	Minister may consult Committee
5	Libraries Department established
6	Minister may make regulations
7	Minister may receive funds and gifts for the Library
8	Summary Offences Act 1926; certain sections to apply to acts done within Library premises
9	Subscriptions and fees

[preamble and words of enactment omitted]

[formerly the Bermuda Library Act 1946]

Interpretation

- 1 In this Act, unless the context otherwise requires—
- “the Bermuda National Library” means the library established and maintained in Bermuda since the year 1839 under the name “the Bermuda Library”, and any extension or branch of that library subsequently established and being maintained;
- “Bermuda National Library premises” includes any land, building or vehicle from time to time in the occupation or possession of the Minister for the purposes of the Bermuda National Library;

BERMUDA NATIONAL LIBRARY ACT 1946

“Corporation” means the Corporation of Hamilton, as provided for under section 1 of the Municipalities Act 1923;

“the Department” means the Department of Libraries and Archives established under section 5;

“Director of Libraries and Archives” means the public officer appointed under section 5(2) to be responsible for the supervision of the Department;

“the Head Librarian”*[deleted]*

“the Minister” means the Minister for the time being responsible for Libraries and Bermuda Archives.

[Section 1 amended by 1996:9 effective 1 July 2006; “Minister” substituted by BR 36/2000 effective 31 March 2000; definition “the Head Librarian” deleted and definitions “Corporation” and “Director of Libraries” inserted by 2014 : 23 s. 2 effective 29 July 2014; Section 1 definitions “the Department”, “Director of Libraries” and “the Minister” amended by 2018 : 21 s. 2 effective 28 May 2018]

Library to be under general control of Minister

2 The Bermuda National Library shall be under the general control and management of the Minister.

[Section 2 amended by 1996:9 effective 1 July 2006]

Bermuda National Library Committee to be appointed annually

3 (1) The Minister shall by notice in the Gazette appoint annually a committee to be called the Bermuda National Library Committee which shall consist of such number of persons being not less than five nor more than eight as the Minister may determine:

(1A) Two of the members of the Committee shall be persons selected by the Corporation, but so that the selection by the Corporation for that purpose of any person who is not a member of the Corporation shall be subject to the approval of that person by the Minister.

[Note: the preamble to 1988:2 reads “Whereas it is expedient to make fresh provision for the representation of the Corporation of Hamilton on the Bermuda National Library Committee:”]

(2) Any person appointed to be a member of the Bermuda National Library Committee shall hold office during the Minister’s pleasure and unless his appointment is earlier terminated it shall be deemed to terminate one year from the date upon which such appointment took effect.

(3) There shall be a Chairman and a Deputy Chairman of the Bermuda National Library Committee each of whom shall be appointed by the Minister from among the members of the Bermuda National Library Committee and each of whom shall hold office as such during the Minister’s pleasure:

Provided that the Bermuda National Library Committee shall be deemed to be properly constituted notwithstanding that there is a vacancy in the office of Chairman or Deputy Chairman or of any member.

BERMUDA NATIONAL LIBRARY ACT 1946

(3A) The functions of the Committee are to advise the Minister regarding any of the following matters—

- (a) the promotion and expansion of the Bermuda National Library;
- (b) the capacity of the Bermuda National Library to acquire documents or other materials to be held as part of the Library collection;
- (c) the state of the Bermuda National Library, including its premises and its collections;
- (d) the management, control and preservation of the Bermuda National Library premises; and
- (e) the policies related to the temporary loan or use of, or access to, documents and other library materials maintained for the purposes of public enjoyment and research.

(4) At any meeting of the Bermuda National Library Committee the Minister may preside over the meeting if, acting in his discretion, he decides to do so but unless the Minister so decides the meeting shall be presided over by—

- (a) the Chairman; or
- (b) in the absence of the Chairman, the Deputy Chairman; or
- (c) in the absence of both the Chairman and the Deputy Chairman, such member of the Bermuda National Library Committee as the members present elect to act as Chairman at that meeting.

(5) Every question or matter to be determined by the Bermuda National Library Committee at any meeting shall be decided by a majority of the votes of the members present and voting on the question or matter:

Provided that in the event of an equal division of votes the person presiding at the meeting may, if he thinks fit, give a second or casting vote.

(6) Fees shall be paid to members of the Bermuda National Library Committee in accordance with the Government Authorities (Fees) Act 1971 [*title 14 item 6*].

[Section 3 amended by 1996:9 effective 1 July 2006; Section 3 subsections (1), (2) and (3) amended and subsection (3A) inserted by 2014 : 23 s. 3 effective 29 July 2014]

Minister may consult Committee

4 In the exercise of his powers and duties under this Act and any other enactment which relates to the Bermuda National Library the Minister may consult with or take the advice of the Bermuda National Library Committee from time to time as he shall think fit, but notwithstanding that the Minister has consulted or taken the advice of the Bermuda National Library Committee on any matter, he may act in his discretion on such matter.

[Section 4 amended by 1996:9 effective 1 July 2006]

BERMUDA NATIONAL LIBRARY ACT 1946

Libraries Department established

5 (1) There shall be established a Department of Government which shall be known as the Libraries Department, which is now known as the Department of Libraries and Archives, and which shall be charged with the duty of assisting the Minister in the discharge of his responsibilities under this Act and any other enactments which relate to the Bermuda National Library and the Bermuda Archives.

(2) The Department shall, subject to the general direction and control of the Minister, be under the supervision of a public officer who shall be known as the Director of Libraries and Archives and shall consist of such other public officers as may from time to time be authorized by the Minister.

[Section 5 amended by 1996:9 effective 1 July 2006; by 1998:20 effective 18 June 1998; subsection (2) amended by 2014 : 23 s. 4 effective 29 July 2014; Section 5 amended by 2018 : 21 s. 2 effective 28 May 2018]

Minister may make regulations

6 (1) Without prejudice to the generality of section 2, the Minister shall have the following powers:

- (a) *[deleted by 1974:40]*
- (b) to make, amend and revoke from time to time regulations—
 - (i) for the good government, management, arrangement and preservation of the Bermuda National Library;
 - (ii) for the temporary loan or use of books, periodicals, films, photographs and sound recordings;
 - (iii) *[deleted by 1990:38 effective 15 June 1990]*
 - (iv) for the management, control and preservation of the Bermuda National Library premises;
 - (v) for prohibiting or regulating the use or parking of vehicles within the said premises;
 - (vi) for imposing restrictions on the entry of persons into the said premises, and for securing the removal of persons who have not complied with any such restriction;
 - (vii) for regulating the conduct of persons who are within the said premises;
 - (viii) for prescribing fines and penalties not exceeding \$100 for a single breach of any regulation or \$5.00 a day for any continuing breach of any regulation.
 - (ix) *[deleted by 1974:40]*

(2) Any proceedings under any such regulations shall be taken before a court of summary jurisdiction.

BERMUDA NATIONAL LIBRARY ACT 1946

(3) The negative resolution procedure shall apply to regulations made under this section.

[Section 6 amended by 1990:38 effective 15 June 1990; by 1996:9 effective 1 July 2006; subsection (3) amended by 2014 : 23 s. 5 effective 29 July 2014;]

Minister may receive funds and gifts for the Library

7 (1) The Minister shall have power to receive all funds or gifts in kind given or bequeathed to him or to the Bermuda National Library, or to the Government of Bermuda for the purposes of the Bermuda National Library, or given or bequeathed by words showing an intention that the funds or gifts should enure to or for the benefit of the Bermuda National Library; and, subject to this section, the Minister shall apply all such funds or gifts or if (as hereinafter mentioned) such funds are invested the income derived therefrom, to furthering the purposes of the Bermuda National Library in such manner as he may think fit:

Provided that the power conferred by this subsection shall not be exercised in any manner inconsistent with any condition or direction imposed or given by the donor or testator with respect to any such fund or gift.

(2) The Minister may, with respect to funds received under subsection (1), by way of gift or bequest for the purposes of the Bermuda National Library—

- (a) invest liquid funds in any investment from time to time approved by the Minister of Finance for the purpose, and shall so invest any such funds that are given or bequeathed for the endowment of the Bermuda National Library;
- (b) realize any funds that are in a state of investment:

Provided that any funds so realized that are funds given or bequeathed for the endowment of the Bermuda National Library shall, as soon as may be practicable or expedient, be reinvested by the Minister; and

- (c) retain in any investment funds which, when received by him, are in that investment.

[Section 7 amended by 1996:9 effective 1 July 2006; subsections (1) and (2) amended by 2014 : 23 s. 6 effective 29 July 2014]

Summary Offences Act 1926; certain sections to apply to acts done within Library premises

8 (1) The provisions of the Summary Offences Act 1926 [*title 8 item 33*], specified in subsection (2), shall have effect in relation to acts done by any person within the Bermuda National Library premises as though such acts were done by a person in a public place within the meaning of the Summary Offences Act 1926 or, as the case may be, in a highway within the meaning of that Act.

(2) For the purposes of subsection (1) the following provisions of the Summary Offences Act 1926 [*title 8 item 33*], are hereby specified—

- (a) paragraph (g) and paragraph (k) of section 2 ;

BERMUDA NATIONAL LIBRARY ACT 1946

- (b) section 8;
- (c) section 9;
- (d) section 11;
- (e) section 13;
- (f) section 17; and
- (g) section 18.

[Section 8 amended by 1996:9 effective 1 July 2006]

Subscriptions and fees

9 Subscriptions and fees to be paid for or in connection with the use of the Bermuda National Library shall be such as may be prescribed by regulations under the Government Fees Act 1965 .

[Section 9 added by 1990:38 effective 15 June 1990; and amended by 1996:9 effective 1 July 2006]

[Assent Date: 4 November 1946]

[Section 3(2) of the Legal Deposit Act 2008 provides as follows:

"3 (2) Subject to subsection (5) [which contains exceptions], every person who publishes a publication shall within seven days after the date of publishing it deliver a copy of the publication, at their own expense, to the Head Librarian for deposit in the Bermuda National Library."

[This Act was formerly known as "The Bermuda Library Act 1946", but by virtue of 1996:9 may now be cited as "The Bermuda National Library Act 1946"]

[Amended by:

1951 : 78
1952 : 8
1952 : 11
1953 : 21
1970 : 31
1971 : 43
1974 : 40
1977 : 35
BR 5 / 1984
1986 : 2
1990 : 38
1996 : 9
1998 : 20

BERMUDA NATIONAL LIBRARY ACT 1946

BR 36 / 2000

BR 55 / 2006

2014 : 23

2018 : 21]