

STATES OF JERSEY

r

DRAFT PUBLIC LIBRARY (JERSEY) REGULATIONS 200-

**Lodged au Greffe on 3rd October 2007
by the Minister for Education, Sport and Culture**

STATES GREFFE



Jersey

DRAFT PUBLIC LIBRARY (JERSEY) REGULATIONS 200-

REPORT

The Regulations and Rules which govern the work of the Jersey Library Service were last updated in 2003. Under the existing Regulations, the Regulations need States approval for any change. The Rules need to be laid before the States and are subject to disallowance.

As part of the process of updating the Regulations, in the light of changes to Ministerial Government, it is recommended that amendments should be made to the current Regulations to reduce the workload for Ministers, States Members and Law Draftsmen.

Under the new Regulations the Minister has a crucial overseeing role in the running of the Library, set out in proposed Regulations 2 and 3. The proposed new Regulations allow the Minister to set the opening hours.

The proposed new Regulations allow the Chief Librarian to create a Library Code of Practice. This will make it easier for the Chief Librarian to make amendments to Library Service operational procedures, including fees and charges.

Financial/manpower implications

There are no financial or manpower implications arising from these Regulations.

Explanatory Note

These Regulations set out principles concerning the Jersey Library and replace the Public Library (Jersey) Regulations 2003.

Regulation 1 sets out definitions of certain terms used in the Regulations.

Regulation 2 charges the Minister with general responsibility for providing a library service for people who live, work or study in Jersey, and *Regulation 3* sets out some considerations the Minister should bear in mind in doing so.

The Chief Librarian is the administrative head of the Library (*Regulation 4*) and may be assisted by other employees (*Regulation 5*).

The Chief Librarian may delegate any of his or her functions (*Regulation 6*).

Regulation 7 refers to the Minister's responsibilities in spending on the Library.

Under *Regulation 8*, the Library is to offer free access to its public premises and basic services (including the lending of books and other printed matter), but may charge for access to meeting rooms, special events and computers and other facilities, as well as for other services. It may also require users to give undertakings as to their use of the Library's facilities.

The Library may offer material on loan (*Regulation 9*).

The Chief Librarian may adopt a Library Code containing rules about the running of the Library, the conduct of the public on Library premises, loans, and fees and charges (*Regulation 10*).

A Library user who does not comply with a Library Code or with an undertaking he or she has given to the Library may be asked to leave (*Regulation 11*).

Regulation 12 repeals the Public Library (Jersey) Regulations 2003 (and consequently the Public Library (Jersey) Rules 2003, made under Regulation 8 of those Regulations).

Regulation 13 provides for the present Chief Librarian and the present Library staff to continue in their jobs and on their present terms and conditions.

Regulation 14 sets out the short title of the Regulations and provides for them to start 7 days after they are made.



Jersey

DRAFT PUBLIC LIBRARY (JERSEY) REGULATIONS 200-

Arrangement

Regulation

<u>1</u>	<u>Interpretation</u>
<u>2</u>	<u>Public library service</u>
<u>3</u>	<u>Considerations to which Minister must have regard</u>
<u>4</u>	<u>Chief Librarian</u>
<u>5</u>	<u>Other staff</u>
<u>6</u>	<u>Delegation of functions and powers</u>
<u>7</u>	<u>Application of funds</u>
<u>8</u>	<u>Library open to public, but fees and undertakings may be required for certain matters</u>
<u>9</u>	<u>Lending</u>
<u>10</u>	<u>Library Code</u>
<u>11</u>	<u>Exclusion of persons from Library premises</u>
<u>12</u>	<u>Repeal</u>
<u>13</u>	<u>Savings</u>
<u>14</u>	<u>Citation and commencement</u>



Jersey

DRAFT PUBLIC LIBRARY (JERSEY) REGULATIONS 200-

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of the Loi (1836) sur la bibliotheque publique^[1], have made the following Regulations –

1 Interpretation

(1) In these Regulations –

“function” includes power, authority and duty;

“Jersey Library” and “Library” mean the public library service of Jersey;

“Library Code” means a code adopted by the Chief Librarian under Regulation 10;

“library materials” includes books, periodicals, other printed matter, sheets of music, maps, plans, charts, pictures, audiotapes, compact discs, videotapes, other recordings, films and electronic publications and any other things that in accordance with contemporary library practice (as practised from time to time) are lent or provided by a library service to members of the public;

“Minister” means the Minister for Education, Sport and Culture;

“premises” includes mobile facilities;

“staff” means the Chief Librarian appointed under Regulation 4 and the other staff appointed under Regulation 5;

“States’ employee” has the same meaning as in the Employment of States of Jersey Employees (Jersey) Law 2005^[2];

“States Employment Board” means the States Employment Board to which Article 4 of the Employment of States of Jersey Employees (Jersey) Law 2005 refers.

(2) In these Regulations, a reference to the Library’s doing anything shall be a reference to the doing of that thing by the Chief Librarian or by a member of the Library’s staff.

2 Public library service

(1) There shall continue to be a public library service of Jersey called the Jersey Library.

(2) It shall be the duty of the Minister –

(a) to provide, by means of the Jersey Library, a comprehensive and efficient facility for persons who live, work or study in Jersey; and

(b) to promote the improvement of the Library.

(3) The Minister shall be responsible for the safe keeping of the library materials of the Jersey Library,

and the other records and property that are owned or held by the Library or are otherwise in its possession or control.

- (4) The Minister shall have the general charge of the Jersey Library.

3 Considerations to which Minister must have regard

- (1) In discharging his or her duties under Regulation 2, the Minister shall have regard to the desirability of securing –
 - (a) by the keeping of adequate stocks;
 - (b) by arrangements with other library services; and
 - (c) by any other appropriate means,that facilities are available for the purposes specified in paragraph (2).
- (2) Those purposes are the borrowing of or reference to library materials that are sufficient in number, range and quality to meet the general requirements, and any reasonable special requirements, of adults and children.
- (3) In discharging his or her duties under Regulation 2, the Minister shall also have regard to the desirability of the following –
 - (a) encouraging both adults and children to make full use of the Jersey Library;
 - (b) providing advice as to the use of the Library;
 - (c) making bibliographical and other information available to users of the Library.

4 Chief Librarian

- (1) The States Employment Board shall appoint a person under the Employment of States of Jersey Employees (Jersey) Law 2005 as the Chief Librarian.
- (2) The Chief Librarian shall be the administrative head of the Jersey Library, and is responsible to the Minister for its proper management.

5 Other staff

- (1) The States Employment Board may appoint States' employees, and other employees, to assist the Chief Librarian.
- (2) The employees so appointed shall perform such duties as the Chief Librarian may direct.

6 Delegation of functions and powers

- (1) The Chief Librarian may delegate any of his or her functions under these Regulations, or under any other enactment, to any States' employee.
- (2) Such a delegation of a function does not prevent the Chief Librarian from discharging the function.
- (3) The Chief Librarian may at any time revoke such a delegation.

7 Application of funds

- (1) The Minister may apply any funds at his or her disposal (whether derived from the States or otherwise) to the purposes and expenses of the Jersey Library.
- (2) In particular, the Minister may apply the funds to –
 - (a) the purchase of library materials;

- (b) the payment of any fees for the Library's membership of, or affiliation to, any other organizations; and
 - (c) the payment of other expenses in connection with the administration of the Jersey Library.
- (3) Paragraph (2) shall not limit the operation of paragraph (1).

8 Library open to public, but fees and undertakings may be required for certain matters

- (1) The members of the public shall be admitted to the Jersey Library's premises free of charge during the hours of opening fixed by the Minister.
- (2) The Jersey Library may make reasonable charges –
 - (a) for the reservation or use of meeting rooms on the Library's premises;
 - (b) for admission to a spectacle, lecture, or other event, held on those premises;
 - (c) for the use of computers or other electronic equipment, or for the use of any equipment or material provided by the Library for use for copying or reproducing anything;
 - (d) as deposits for the borrowing by visitors to Jersey of library materials;
 - (e) for the reservation of library materials;
 - (f) for the cost of replacing or (where appropriate) reinstating library materials that are lost or damaged when on loan;
 - (g) for library materials on loan that are overdue for return;
 - (h) for the replacement of lost library cards;
 - (i) for any other services or facilities provided by the Library.
- (3) This Regulation does not authorize a charge for –
 - (a) access, on any of the Library's premises, to library materials; or
 - (b) the borrowing of library materials that consist of books, or other printed matter, belonging to the Library,by persons who live, work or study in Jersey.
- (4) The Library may require a person who uses equipment, material, services or facilities referred to in this Regulation to give an undertaking as to the person's use of those things or an undertaking that the person shall adhere to conditions of use set out in the undertaking.
- (5) Paragraph (1) shall not affect the operation of Regulation 11.
- (6) Paragraph (2) shall not limit the operation of paragraph (1).

9 Lending

The Jersey Library may lend library materials to be taken away from the Library's premises.

10 Library Code

- (1) The Chief Librarian may from time to time adopt as a Library Code a set of rules for the guidance of people who use the Library or work there.
- (2) A Library Code may make provision for any of the following –
 - (a) the registration of persons who wish to borrow library materials;
 - (b) the issue of library cards to those persons;
 - (c) the conditions on which library materials may be used on the Library's premises;
 - (d) the conditions on which library materials may be borrowed and removed from the Library's

premises;

- (e) one or more of the charges referred to in Regulation 8(2);
 - (f) any other procedure adopted by the Library in relation to the use of its resources or materials;
 - (g) any other matter relating to reasonable use or reasonable enjoyment of the Library or to reasonable conduct on the Library's premises.
- (3) A copy of any current Library Code shall be kept at each of the Jersey Library's premises to which the public has access, and shall be available (without charge) for inspection there on request by any person present on the premises.

11 Exclusion of persons from Library premises

- (1) If a person contravenes a provision of a Library Code or a provision of an undertaking given under Regulation 8(4), any member of the Jersey Library's staff may, despite Regulation 8(1), require the person to leave the Library or refuse the person admission to the Library or access to any part of the Library or to any of its resources or materials.
- (2) A person so required to leave shall do so immediately.
- (3) A failure to do so shall itself be a contravention of the relevant provision.
- (4) Paragraph (3) shall not limit the consequences of failing to comply with such a requirement.

12 Repeal

The Public Library (Jersey) Regulations 2003^[3] are repealed.

13 Savings

A person who, immediately before the commencement of these Regulations, is employed as the Chief Librarian or as another member of staff of the Jersey Library shall from the commencement of these Regulations continue to be so employed, and on the same terms and conditions of employment as applied to the person immediately before the commencement.

14 Citation and commencement

- (1) These Regulations may be cited as the Public Library (Jersey) Regulations 200.
- (2) These Regulations shall come into force 7 days after they are made.

[1]

chapter 10.200

[2]

chapter 16.325

[3]

chapter 10.200.30 (R&O.87/2003)