

LIBRARY SERVICES BILL, 2018

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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;
- (d) one representative of the Public Records and Archives Administration Department;
 - (e) one representative of the Basic School Teachers Association nominated by the Ghana National Association of Teachers;
 - (f) 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.