

CHAPTER 145
STATE LIBRARY LAW
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CHAPTER 145
STATE LIBRARY LAW

A Law to provide for the establishment and running of a State Library and for other related matters

[27th August 1991]

PART I—PRELIMINARY

1. This Law may be cited as state Library Law
2. In this Law—

Short title

Interpretation

“Board” means the Enugu State Library Board established by this Law;
 “Chairman” means Chairman of the Board;
 “Commissioner” means State Commissioner charged with responsibility for matters relating to the State Library,
 “Director” means Director of Library Services appointed under this Law;
 “functions” includes powers and duties
 “Government” means Government of the State
 “member” means Chairman or other members of the Board ;
 “ministry” means State ministry responsible for the State Library;
 “State” means Enugu State of Nigeria;
 “State Library” means any Library established or equipped and maintained by the Board under this Law.

PART II—ESTABLISHMENT AND CONSTITUTION OF THE BOARD

3. There is hereby established a board to be known as the Enugu State Library Board which shall be a body corporate with perpetual succession and a common seal and with power to sue or be sued in its corporate name and to hold and dispose of movable and immovable property.

4. (1) The Board shall consist of the following----

- a) a Chairman and not less than six nor than eight other members all of whom shall be appointed on part-time basis by the Governor;
- b) one officer nominated from each of the Education Department and Information Department of the Ministry of Education and Information by the Permanent Secretary' of the Ministry;
- c) the Director of Library Services.

(2) Members under paragraphs (b) and (c) of subsection (1) above are *ex officio* members.

(3) Persons who may be appointed members shall be persons who appear to the Governor to have wide knowledge or experience in any of the following interests, and who can represent those interests in the Board, namely—

- (a) university education and research;
- (b) the creative arts and book industries;
- (c) business and industry;
- (d) law or trade unions;
- (e) post-primary education other than university education.

5. Subject to the pleasure of the Governor, a member other than *ex officio* member shall hold office for such period as may be specified in the instrument by which he is appointed.

6. Notwithstanding anything contained in the instrument by which a member is appointed the Governor may revoke the appointment of the member if the Governor is satisfied that the member—

- a) has been absent from three consecutive meetings of the Board without the permission of the Chairman; or
- b) has been sentenced by a court of competent jurisdiction in Nigeria or in any other country to a term of imprisonment (by whatever name called) for any offence involving fraud or dishonesty and has not received a free pardon; or
- c) is incapacitated by physical or mental illness, or
- d) is otherwise unable or unfit to discharge the functions of a member.

Establishment
of the Board

Composition
of the Board
and
appointment
of members

Tenure of
office of
members

Determination
of membership
of the Board

Director of
Library
Services

(2) Notwithstanding anything contained in the instrument by which he is appointed, a member may, by writing under his hand addressed to the Governor, resign his appointment and upon the acceptance of that resignation by the Governor, the appointment shall forthwith determine.

7. (1) there shall be a Director of Library Services who shall be appointed by the Board with the approval of the Governor and he shall be a person appearing to the Board to possess exceptional ability in the organization and administration of libraries and services comparable to there envisaged by this Law.

(2) The Director shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

(3) The Director shall be the Chief Executive of the Board and shall be exclusively responsible for the execution of the policy decisions of the Board and for the proper co-ordination of the operations of the Board in its day-to-day business.

(4) Notwithstanding the generality of the provisions of subsection (3) of this section, the Director shall---

- a) exercise general supervision and control over the staff of the Board;
- b) organize and manage the State Library and the services provided in pursuance of this Law;
- c) direct the activities of the officers and servants of the Board.
- d) manage the Board's financial affairs;
- e) deploy the material and human resources available to the Board in such manner as to attain the objectives of this Law;

Temporary
absence of
Chairman

8. When the Chairman is temporarily absent or incapacitated from performing the functions of his office the Board shall elect from among its members a person to act as a temporary Chairman and such person shall, upon such election, perform all the functions of the Chairman during such absence or incapacity.

Meeting of
the Board

9. The Board shall meet at least once in every three months meetings of the Board shall be summoned at the direction of the Chairman.

(2) Without prejudice to the provisions of subsection (1) of this section, any three members of the Board, may by notice in writing signed by them request the Chairman to summon a special meeting of the Board for the purpose set out in such notice and the Chairman shall upon receipt of any such notice summon a special meeting of the Board for such purpose at the earliest convenient date.

Quorum

10. (1) At any meeting of the Board the Chairman and three other members shall form a quorum; but in the absence of the Chairman, any four members shall form a quorum,

(2) At any meeting of the Board every matter shall be decided by a majority of votes of the members present and voting.

(3) Where the votes are equally divided, the person presiding at such meeting shall have a second or casting vote.

Power to
co-opt

11. When the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt such person to be a member for such meeting or meetings as it may think fit, and such person shall while so co-opted have all the rights and privileges of a member save that he shall not be entitled to vote upon any question and shall not count for purpose of forming a quorum.

12. The validity of any proceeding of the Board or of any committee of the Board shall not be affected by any vacancy in the membership of the Board or any defect in the appointment or

nomination of a member, or by reason that a person not entitled to do so took part in the proceedings.

13. (1) There shall be a Secretary to the Board who shall be appointed by the Board.

(2) The Secretary shall —

- a) conduct the correspondence of the Board and keep the records thereof;
- b) summon, when so directed by the Chairman, any meeting of the Board.
- c) take and keep the records of the meetings of the Board;
- d) perform such other duties as the Board or Director may from time to time assign to him.

(3) The Secretary shall be an officer but not a member of the Board and shall be paid such salary as the Board may determine.

14. (1) The Director of Library Services shall set up a Management Committee which shall consist of the Board's Heads of Divisions or Departments which shall advise him in the discharge of his duties

Management
committee

(2) The Director of Library Services shall be the Chairman of the Management Committee.

PART III—OBJECTS AND FUNCTIONS OF THE BOARD

15. (1) The functions of the Board shall be—

- a) to establish, and where already established, equip and maintain in accordance with this Law the State Library”,
- b) to establish, equip and maintain in accordance with this Law— branches of the State Library in any part of the State; and
- c) to provide in accordance with this Edict, such services as in the opinion of the Board are necessary to be provided in connection with the establishment, equipment and maintenance of the State Library.

Functions

(2) In pursuance of its functions under subsection (1) of this section the Board, so far as its resources permit, shall—

- a) assemble, maintain and extend the collection of books, periodicals, pamphlets, newspapers, maps, musical scores, films and recordings and such other matters as the Board considers appropriate for a Library of the highest standing;
- b) make the facilities of the State Library available to members of the public and others on reasonable terms, which may include—
 - (i) provision for the imposition of fees for services rendered to the public;
 - (ii) provision for presenting the property of the Board;
 - (iii) the imposition of conditions for admitting members of the public to premises under the control of the Board;
- c) make such arrangement as the Board considers appropriate with respect to—
 - (i) the exchange of matter included in the collection afore-said;
 - (ii) the preparation and publication of catalogues indexes and similar aids; and
 - (iii) the provision of assistance to other persons in the organization of libraries and with respect to the manner of using facilities under the control of libraries;
- d) make recommendations and give advice on library development or organization to any department or school or agency of the Government of the State or to a local government authority; and
- e) undertake bibliographical services in the State.

(3) The Board shall have such powers as may be necessary or desirable for the efficient exercise of its functions including in particular the power—

- a) to construct, maintain or repair any property required for the purposes of the State Library;
- b) to lease any property which appears to the Board to be unnecessary for the time being for the purposes of the Board;
- c) to take such steps as it deems necessary for the purposes of advancing the skill of persons employed by the Board including the provision by the Board of facilities for training, education and research;
- d) to promote the efficiency of the equipment of the Board or the manner in which that equipment is operated;
- e) to provide houses, hostels or other residential quarters for persons employed by the Board for purposes specifically approved by the Board as being likely to increase the effectiveness of those persons or for the purpose of any exercise of the functions of the Board;
 - (vi) make loans to any person employed by the Board for the purpose of building a residential house, or obtaining grant of right of occupancy of land for building such house, or purchasing such house, for such person or members of his family;
- f) to set up in any place in the State which the Board considers appropriate a store house, and bookshop for storage, exhibition and sale of school textbooks, exercise books and other educational materials.

16. Subject to this Law, the Commissioner may give the Board Directions by directions of a general or specific character as to the exercise or performance by the Board of any of the Board's functions under this Law, and the Board shall give effect to such directions.

Directions by the Commissioner

PART IV—STAFF

17. (1) The Board may—

(a) from time to time appoint such officers and employees as may be necessary for the proper and efficient conduct of the operations of the Board upon such salaries, terms and conditions as it may determine;

Power to engage staff etc.

(b) grant loans to officers or employees for such purposes as the Board may approve.

(2) Service under the Board shall be public service for the purposes of the Pensions Law.

(3) The Board may make regulations generally relating to the conditions of service of the officers and employees of the Board and, in particular, without prejudice to the generality of the foregoing, may make regulation relating to—

(a) the appointment, dismissal, discipline, pay and leave of, and the security to be giving by, such officers and employees; and

(b) appeals by such officers and employees against dismissal or other disciplinary measure,

18. There shall be paid to the Chairman and other members (not being *ex officio* members), out of moneys at the disposal of the Board, such remunerations and such allowances (including travelling and subsistence allowances) as the Governor may from time to time prescribe.

Allowances of members.

PART IV—FINANCIAL PROVISIONS

19. (1) The funds of the Board shall include –

- a) all moneys raised for the general purposes of the Board,
- b) all moneys accruing to the Board from the State Government or from any statutory corporation either by way of grant-in-aid. endowment or otherwise;
- c) all charges, dues or amount received by the Board;
- d) all interests on moneys invested by the Board;

Funds of the board

- e) all donations accruing to the Board for the general purposes of the Board; and
- f) any other moneys lawfully derived by the Board from any other source whatsoever.

(2)The funds of the Board shall be applied by the Board towards the furtherance of the purposes of the Board under this Law, and in accordance with any terms and conditions upon which those funds may have been obtained.

Borrowing
powers

20. (1) Subject to the provisions of this section, the Board may borrow money required for meeting its obligations or discharging its functions.

(2) Except with the prior approval of the Governor as to—

- (a) the amount of money sought;
- (b) the source of the borrowing; and
- (c) the terms on which the borrowing may be effected;

the Board shall not borrow money so that as a result of the borrowing, the aggregate amount outstanding, at any One time, exceeds Seven hundred thousand naira.

Account and
audit

21. (1) The Board shall keep proper book of accounts and other records relating thereto and shall prepare in respect of each financial year a statement of account in such form as the Commissioner may direct.

(2)The Board may with the approval of the Governor write off bad debts.

(3) The accounts of the Board shall be audited by the State Auditor General.

(4) As soon as the accounts of the Board have been audicted, the Board shall submit to the Governor a copy of the statement of accounts together with a copy of any report made thereon by the Auditor-General.

22. (1) As soon as may be after the end of each financial year but not later than the 30th day of September next following, the Board shall forward to the Governor a full report on the exercise and performance by the Board of its functions during the year together with a certified copy of the audited accounts of the Board.

Annual
and
audit

(2) The Governor shall cause a copy of any report made to him under this section to be laid before the Executive Council of the State.

(3) The financial year of the Board shall be as laid down by the State Government.

PART VI—MISCELLANEOUS PROVISIONS.

23. (1) The fixing of the common seal of the Board shall be authenticated by the signature of the Chairman and the Secretary to the Board, or any other persons authorized by the Board in their stead.

Authentication
of document

(2) Any contract or instrument which if made or executed by a person not being a body corporate may not require to be under seal, may be made and executed on behalf of the Board by any person generally or specifically authorized in that behalf by the Board.

(3) Any document purporting to be a document duly executed under the common seal of the Board shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

24. Where any printed matter (other than matter of such description as the Director may from time to time, by notice in the State Gazette specify is published –

- a) by or on behalf of any Department of Government; or
- b) by any publisher.

it is the duty of the Head of that Department or the Publisher at his expense to deliver further it to the Director for the purposes of the State Library two copies of that publication.

(2) The obligation imposed by this section shall be additional to, and shall not be in derogation of, any similar obligations which may be imposed by any other enactment.

(3) In this section and in section 25 -

- (a) "publisher" means any person or body of persons (whether incorporated or not), not being the Government of the Federation or of a State, who authorizes or causes a printed matter to be printed and distributed in the State
- (b) "Printed matter" includes the following, that is to say— books of all descriptions which are in print including school textbooks, encyclopedias, dictionaries and year books, pamphlets, maps, charts, statistical tables and compilations relating to any matter of public interest, dramatic and musical works in printed form, newspapers, magazines and other periodicals, and sound recordings of literary works”;

25. A publisher who fails to deliver to the Director any printed matter before the expiration of thirty days beginning with the day after the date of publication thereof shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred naira or to imprisonment for a term not exceeding six months or to both such fine and imprisonment and the court before which he is convicted shall, in addition, order him to deliver or cause to be delivered to the Director such number of copies of the printed matter as is specified in section 24.

26. (1) No suit against the Board or against any member, officer or employee of the Board respecting any act, neglect or default done or committed in his capacity as such member, officer or employee shall lie or be instituted in any court unless it is commenced within twelve months from the occurrence of the act, neglect or default or in the case of a continuance of damage or injury, within twelve months immediately after the cessation thereof.

(2) No suit shall be commenced against the Board or against any member, officer or employee of the Board respecting any act, neglect or default done or committed by him as such member, officer or employee, until at least one month after the service on the Board, member officer or

Deposit of
publication

Penalty

Legal
proceedings

employee, as the case may be. of it written notice by or on behalf of the intending plaintiff of intention to commence the suit stating –

- a) the cause of action:
- b) the particulars of the claim:
- c) the name and place Of abode of the intending plaintiff; and
- d) the relief claimed.

(3) The notice referred to in subsection (2) of this section and any summons, notice or the document required or authorized to be served on the Board or on the member, officer or employee of the Board may. except where there is express provision to the contrary, be served—

- a) on the Board-
 - (i) by delivering it to the Chairman or the Director; or
 - (ii) by sending it by registered post addressed to the Chairman or Director at the principal office of the Board
- b) On the member, officer or employee –
 - (i) by delivering it to the member, officer or employee; or
 - (ii) by sending it by registered post to the member, officer or employee at his last known place of abode oral his place of work.

(4) In any suit by or against the Board, the Board may without prejudice to any other form of representation be represented at any stage of the proceedings by any member, officer or employee of the Board duly authorized in writing by the Board in that behalf.

(5) In any suit against the Board no execution, attachment or process shall be issued against the Board. but any sum of money which may be awarded against the Board by any court shall, subject to any order made by the court where notice of appeal has been given by the Board to respect of any judgment, decision or order of the court, he paid by the Board from the funds of the Board.

Power to invest	27. The Board may invest all or any of its funds in such manner as may be approved by the Governor.
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Standing orders	28. Subject to the provisions of this law, the Board may with the approval of the Commissioner from time to lime make standing orders providing for the proper conduct of its business and for (he meeting of the Board
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Regulations	29. The Board may, with the approval of the Commissioner, make regulations— (a) for regulating the use of the Stale Library. (b) for protecting the State Library and the books, fittings furniture and contents thereof; (c) for the giving of guarantee or security fry any person using the State Library. (d) for the imposition of any fine or penalty upon any person who refuses or neglects 10 return or who loses or damages any book which he may have borrowed from the State Library, and (e) generally for the better carrying out of the provisions of this Law.
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