

CHAPTER 511

MALTA LIBRARIES ACT

To repeal and re-enact with amendments the law relating to Public Libraries.

1st August, 2011*

ACT VII of 2011.

1. The short title of this Act is the Malta Libraries Act.

Short title.

PART I

PRELIMINARY

2. In this Act, unless the context otherwise requires -

Interpretation.

"author" means a person or a body corporate responsible for the intellectual, and or artistic content of a work and includes the person who undertakes the editing, printing or compiling of such work even when no specific author is identified;

"the Council" means the Malta Libraries Council established under article 4;

"depositor" means the person or body corporate responsible under this Act to deposit documents with the depository library;

"depository libraries" means the National Library, the Gozo Public Library, and, at its own request, the library of the University of Malta;

"document" means a published or unpublished document, record, publication, or work containing information or otherwise meant to communicate, regardless of form or medium, including ephemera of permanent value;

"electronic document" means a document, regardless of form or medium, produced using electronic means to make information available to the public and stored in computers or other storage media, and which may be displayed or accessed either on a computer monitor, on other storage media or as a print-out;

"financial year" means any period of twelve months ending on the 31st December:

Provided that the first financial year of the Malta Libraries shall begin on the coming into force of this Act and shall end on the 31st December of the next following year;

"House" means the House of Representatives;

"legal deposit" means the deposit of published documents, publications, records on works, with depository libraries, as provided for in this Act, to ensure the building and long-term preservation of a national collection for the current and future reference, study and research requirements of present and future

*See article 1 of the Act as originally enacted, and [Legal Notice 312 of 2011](#).

generation;

"libraries" means the libraries falling under the responsibility of the Malta Libraries and include the National Library, the Central Public Library, the Gozo Public Library, and the Regional and Branch public libraries;

"Malta Libraries" means the entity called Malta Libraries established under article 4;

"Malta National Bibliography" means the list, irrespective of form or medium together with a detailed bibliographical description, of each new publication received in a given year by way of legal deposit and to be compiled under article 7;

"medium" is any means of storing information or communication;

"the Minister" means the Minister responsible for the Malta Libraries and its libraries;

"National Librarian" means the head of the Malta Libraries appointed under article 5;

"National Library" means the National Library of Malta;

Cap. 497. "the Permanent Secretary" means the person appointed to supervise the Malta Libraries in terms of the [Public Administration Act](#);

"prescribed" means prescribed by regulations or orders made under this Act;

Cap. 497. "the Principal Permanent Secretary" means the person appointed in terms of article 14 of the [Public Administration Act](#);

"printer" means the person who prints, reproduces, or otherwise makes multiple copies of any publication, regardless of form or medium;

"Public Libraries" means the Central Public Library, the Gozo Public Library and the Regional and Branch Public Libraries;

"publication" means any published document, record, or work, regardless of form or medium, including printed, audio-visual, microform, electronic hand-held or online documents, records or work, made available to the public whether freely, on loan, or for sale;

"public officer" has the same meaning assigned to it by article 124 of the [Constitution](#);

"publisher" means any person or body corporate responsible for making available to the public any publication, regardless of form or medium, irrespective of whether such person is the author, printer, producer or other person or body making finished copies of such publication;

"record" includes any book, manuscript, parchment paper, photograph, or any form, schedule, questionnaire, or other such document, or any recorded or stored information, regardless of form or medium;

"Regional and, or Local Council" means a regional and, or local council established under the Local Councils Act,

Cap. 363.

"work" includes every literary, scientific or artistic book, part or division thereof, pamphlet, monograph, newspaper, periodical, sheet of music, map, plan, chart or table separately published, regardless of form or medium, but does not include any second or subsequent edition of a work unless such edition contains additions or alterations in the maps, prints or other engravings belonging thereto.

3. The provisions of this Act shall be without prejudice to the functions of the Principal Permanent Secretary under the [Public Administration Act](#) and to his powers to issue directives and guidelines with respect to government agencies.

General.
Cap. 497.

PART II

CONSTITUTION, COMPOSITION AND FUNCTIONS OF THE MALTA LIBRARIES AND THE NATIONAL LIBRARIAN

4. (1) There shall be a body, to be known as the Malta Libraries under the responsibility of the National Librarian, the functions of which are assigned by this Act or by any other law. The mission of the Malta Libraries is to ensure the collection and conservation of Malta's documentary heritage for present and future generations, to maintain and develop the libraries regulated under this Act, and to encourage reading for study, research, self-development and lifelong-learning information and leisure purposes.

Constitution of
Malta Libraries.

(2) The Malta Libraries shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any property for the purpose of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act.

(3) This Act shall apply to any library listed in the Schedule.

(4) The Malta Libraries shall assume the legal personality previously vested in the Libraries Department and, from the entry into force of this Act, shall assume responsibility for all assets, liabilities and obligations previously entered into by the said Department or by other bodies on their behalf.

5. The functions and responsibilities of the Malta Libraries shall be:

Functions of Malta
Libraries.

- (a) to continue to acquire, assemble, conserve for posterity, and make accessible to the public, the collection of the nation's documentary heritage and published current output, regardless of form or medium, to be found in the libraries;
- (b) to manage, administer, and develop the libraries under its control, and to provide leadership to other libraries in Malta in such areas as management and conservation of library materials, and to promote

national cooperation schemes and the professional training of librarians and information professionals;

- (c) to assist Local Councils which run a public library to ensure that the library maintains high standards;
- (d) to enhance the quality of life of the public by providing library reference and lending services and library material, in whatever form or medium, for education, self-development, lifelong learning and recreation purposes;
- (e) to foster and strengthen reading habits and support literacy and other cultural activities and programmes for all age groups;
- (f) to accept and acquire private records of significance by gift, purchase, bequest or deposit;
- (g) explore innovative services, including information, communication and technology services, that can benefit patrons in accessing and using information;
- (h) serve as the role model library system for other libraries in Malta; and
- (i) to perform such other functions as may from time to time be assigned to it by the Minister.

National Librarian
and Deputy
Librarians.

6. (1) There shall be a National Librarian and two Deputy Librarians, one for the National Library and one for the Public Libraries, who shall be persons with a relevant higher education qualification and recognised competence and reputation in the domain of libraries, and who shall be appointed by the Minister, following consultation with the Council, for a period of three years under such terms and conditions as is established in the letter of appointment. On the expiry of the term such persons may be reappointed for a further term or terms of three years:

Provided that the National Librarian shall have a higher education qualification in the domain of libraries:

Provided further that the first appointment of National Librarian and Deputy Librarians shall be made by the Minister for an initial period of three years.

(2) The legal and judicial representation of the Malta Libraries shall vest in the National Librarian provided that the National Librarian may appoint any one or more of the officers or employees of the Malta Libraries, to appear in his name and on his behalf in any judicial proceedings and on any act, contract, instrument or other document whatsoever.

National Librarian
to the Chief
Executive Officer.

7. (1) The National Librarian shall be the chief executive officer of the Malta Libraries, and he shall be the keeper of books, documents, manuscripts, publications, records, works and other materials, regardless of form or medium, conserved in the libraries. The National Librarian shall:

- (a) assume full responsibility for the administration and organization and the administrative control of the

officers and employees of the Malta Libraries and for such purpose assign to each officer or employee such duties as may be required;

- (b) develop the necessary strategies for the implementation of the objectives of the Malta Libraries;
- (c) advise the Minister and the Council on any matter they may refer to him or on any matter which he considers necessary or expedient;
- (d) regulate and generally supervise the work of the libraries and of the library services in general in accordance with international requirements and standards;
- (e) ensure that all laws related to copyright and dissemination of information are duly respected;
- (f) liaise with other public bodies concerning the supply of data and the coordination of activities with library implications;
- (g) on the advice of the Council, and with the approval of the Minister, dispose of records in his custody which do not warrant preservation by the Malta Libraries;
- (h) enter into arrangements with other institutions for the joint management or conservation or restoration of libraries or library material, and for the provision of reprographic or other technical facilities;
- (i) keep updated with international library developments through following the published literature, attendance of relevant conferences, training sessions and workshops and networking with peers to transmit such knowledge to own Malta Libraries staff and the local library community and translate such knowledge into ideas and projects that further improve the Malta Libraries; and
- (j) perform such other duties as the Minister may assign to him from time to time.

(2) Without prejudice to the foregoing, in respect of the National Library, the Deputy Librarian National Library shall:

- (a) manage and conserve its national collections for present and future generations and ensure their accessibility to researchers;
- (b) continue to acquire, assemble and conserve documents, publications, records, works, whether electronic or not, published in Malta, or by Maltese authors, or about Malta, or in the Maltese language, or about any aspect of Maltese studies by any author, wherever they are published;
- (c) acquire, assemble and conserve manuscripts and other unpublished material on any subject by Maltese authors, or on any aspect of Maltese studies by any

author;

- (d) organise the collections in such a way as to make them easily accessible to researchers and provide these with the necessary facilities within the limits of the resources available;
- (e) continue to develop, within the National Library, a National Bibliographic Centre that will maintain the Malta National Bibliography;
- (f) make its collections known by organising exhibitions and other promotional events; and
- (g) work closely with the National Archivist such that users of both institutions can easily access each other's collections for users' greater benefit.

(3) In respect of the other libraries, the Deputy Librarian Public Libraries shall:

- (a) maintain a network of the libraries listed in the Schedule;
- (b) involve and advise the Regional and Local Councils in the administration of regional and branch libraries according to the standards of best practice regulating such libraries;
- (c) provide access to all library reference and lending services to foster and strengthen the reading habits of all age groups;
- (d) support individual formal and non-formal education and literacy activities and programmes at all levels and for all age groups;
- (e) promote opportunities for personal creative development and for awareness and appreciation of cultural heritage, literature, scientific achievements and innovations;
- (f) provide information services to individuals, local enterprises, and associations;
- (g) provide professional advice, guidance and assistance on the establishment and management of libraries and on the training of library and information professionals;
- (h) inspect the libraries and establish and ensure compliance with standards for their management to actively promote the improvement of such standards;
- (i) ensure the arrangement and description of the holdings of the libraries and provide appropriate finding aids to facilitate access to them;
- (j) give advice to users on the use of the libraries; and
- (k) make the holdings and services of the Libraries known by organising exhibitions and other promotional activities and events.

8. (1) No document, publication, record, work or object, preserved in the National Library or in the Gozo Public Library, may, without the written permission of the National Librarian, be taken out from the premises of the said libraries. Every permission granted by the National Librarian shall be recorded and preserved in the said libraries and shall be available for inspection.

Loan of documents, etc., from the National Library and other depository libraries.

(2) Loans of records or objects belonging to the Malta Libraries outside Malta may not be made without the written permission of the Minister given following consultation with the National Librarian and the Council.

9. (1) Without prejudice to any other provision of this Act or of any regulation issued hereunder, documents, publications, records and works in the libraries under the control of the National Librarian, shall be accessible to the public.

Public access to documents, etc.

(2) The National Librarian may, however, on the advice of the Council, limit access by the public to documents, publications, records, works and objects under his custody where:

- (a) their fragility so warrants; or
- (b) the exigencies of the libraries make it necessary.

(3) The National Librarian shall strive to make any usable exact copies available in the most appropriate format such as in digital or microfilm format.

(4) All applications for copies of or extracts from documents, publications, records or works in any of the libraries shall be made to the National Librarian, who is hereby authorised to issue, attest and authenticate all copies of, and extracts from, such documents.

(5) Without prejudice to the provisions of this Act, every copy of a record issued as a true copy duly sealed with the seal of the Malta Libraries and signed by the National Librarian shall, for the purposes of any law, be deemed an authentic copy, and for the purpose of evidence in any court or tribunal be deemed equivalent to the original.

10. (1) The publisher of every publication printed or published in Malta shall immediately before such document is made available to the public, deliver free of charge one copy of such publication to the depository libraries. In the case of the library of the University of Malta, the copy due to it shall be deposited within two weeks of the established request having reached the publisher.

Copies of work to be supplied to libraries.

(2) Each such copy shall comprise the whole work with all maps and illustrations and inclusive of any application software and the full set of user and technical documentation and any other addenda belonging thereto, finished and coloured in the same manner as the best copies of the work are published.

(3) When the copies of a publication are forwarded by post, postage shall be either free or at the expense of the National Librarian.

(4) During the first fifteen days of January, April, July and

October of every year, every printer and publisher of printed or analogue documents shall send to the National Librarian a return showing the author and title of every publication which has been printed or published by that printer or publisher during the immediately preceding three complete months or, as the case may be, a nil return in respect of that period.

(5) Any person or body corporate who fails to comply with any of the provisions of this article shall be liable to a fine as the Minister may from time to time determine in accordance with article 33:

Provided that article 31 shall not apply where any person or body corporate fails to comply with any of the provisions of this article as provided in subarticle (5).

National Librarian may authorize downloading, etc., of electronic documents.

11. The National Librarian shall have the right to authorise the downloading, copying and storing, of any electronic document published via networks or otherwise available online, falling within the jurisdiction of Malta, and to deposit it with the depository libraries, for the purpose of public access within the premises of the libraries, and for the preservation of the national published output which is deemed necessary for long-term national memory and future use.

Right of preference exercisable by Government.

12. (1) In case of the sale of any document, publication, record or work, which in the opinion of the Minister, following consultation with the Council and the National Librarian, has bibliographical or historical importance, the Government shall have the right of acquiring the same in preference to all other persons on equal conditions.

(2) Such right of preference shall be exercised by the National Librarian by means of a judicial act served on the purchaser within two months from the date on which the vendor or the purchaser gives notice to the Minister, by means of a judicial act or a registered letter, of the sale indicating the name and address of the purchaser and the conditions of the sale, or, if no such notice is given, within six months on which it shall come to the knowledge of the Minister that a sale has been effected.

(3) Any person who is responsible for any act or omission having the effect of frustrating the exercise of the right of preference appertaining to the Government under this article shall be guilty of an offence under this Act and shall be liable for the penalties contemplated in this Act.

Relationship between National Librarian and Minister.

13. (1) In the exercise of his functions under this Act, the National Librarian shall:

- (a) give effect, as soon as practicable, to any direction, not inconsistent with any provision of this Act which the Minister may give to him, in relation to the policy to be followed by him in the discharge of his functions, and in relation to any matter which appears to the Minister to affect the Malta Libraries and its libraries;

- (b) ensure that operations of the Malta Libraries shall follow a performance agreement which is to be agreed to between the Permanent Secretary and the Malta Libraries and for this purpose article 40 of the [Public Administration Act](#) shall *mutatis mutandis* apply; Cap. 497.
- (c) afford to the Minister facilities for obtaining any information with respect to the property and activities of the Malta Libraries, and for this purpose the National Librarian shall furnish the Minister with returns, accounts and other information with respect thereto, and shall afford to him facilities for the verification of any information furnished, in such manner and at such times as the Minister may reasonably require.

(2) Save as otherwise provided in this or any other Act, or regulations administered by the Malta Libraries, the Malta Libraries shall be under the general direction of the Minister and, subject to such direction, under the supervision of the Permanent Secretary responsible for the Ministry.

(3) The Minister may, in relation to matters that appear to him to affect the public interest, from time to time give to the Malta Libraries directions in writing of a general character not inconsistent with the provisions of this or any other Act, or regulations administered by the Malta Libraries, on the policy to be followed by the Malta Libraries in the carrying out of its functions, by or under this Act, and the Malta Libraries shall, as soon as possible, give effect to all such directions.

(4) Save as otherwise provided in this Act, or any other Act or regulations administered by the Malta Libraries, article 38 of the [Public Administration Act](#) shall *mutatis mutandis* apply. Cap. 497.

14. The Minister may establish an Advisory Board to assist the National Librarian in the manner provided under article 42 of the [Public Administration Act](#). Advisory Board.

15. (1) There shall be the Malta Libraries Council, appointed by the Minister, which shall be composed as follows: Cap. 497.
Composition of the Council.

- (a) a Chairperson;
- (b) the National Archivist *ex officio*;
- (c) the Head Division of Library, Information and Archives Studies at the University of Malta *ex officio*;
- (d) the Director of the Local Councils Department;
- (e) not more than three other persons chosen from amongst persons active in the library, records management and information professions, or working in non-governmental organisations dedicated to library and information services, one of whom shall be appointed following consultation with the Minister responsible for Gozo;

Cap. 492.

Provided that one of these persons shall be chosen from among nominations made by associations of librarians which are voluntary organisations registered in accordance with the [Voluntary Organisations Act](#).

(2) The National Librarian shall attend all the meetings of the Council but shall not vote at such meetings:

Provided that the Council may, if it deems so fit, require the National Librarian not to attend any of the meetings or any part of a meeting.

(3) The members of the Council shall be appointed for a term of three years, but the members so appointed shall be eligible for re-appointment on the expiration of their term of office.

(4) The meetings of the Council shall be called by the Chairperson as often as may be necessary but at least once every two months either on his own initiative or at the request of any two of the other members.

(5) Half the number of members for the time being constituting the Council shall form a quorum. Decisions shall be adopted by a simple majority of the votes of the members present and voting. The Chairperson shall have an initial vote and in the event of an equality of votes, a casting vote.

(6) Any member who has a direct or indirect interest in any contract or other action made or proposed to be made by the Council in connection with the Malta Libraries and its libraries, shall disclose the nature of his interest at the first meeting of the Council after the relevant facts have come to his knowledge. Such disclosure shall be recorded in the minutes of the meeting, and such member shall withdraw from any meeting while such matter is discussed or decided upon by the Council.

(7) Subject to the provisions of this Act and to such procedures as may be prescribed, the Council shall regulate its own proceedings.

Functions of the Council.

16. Without prejudice to the provisions of this Act, the Council shall:

- (a) promote the Malta Libraries, its libraries and objectives;
- (b) ensure and facilitate collaboration between different stakeholders with direct or indirect responsibility for the promotion and management of the libraries sector;
- (c) advise the Minister and the National Librarian on the management of libraries in Malta;
- (d) draw the attention of the Minister and of the National Librarian or of any organisation or person responsible for libraries to any urgent action that may be considered necessary for the better management of libraries;
- (e) meet and consult, at least once a year, with keepers of non-Governmental libraries and with organisations

working in the field of libraries;

- (f) advise the Minister on any matter arising from the provisions of this Act and on any other matter referred to it by the Minister.

PART III

ADMINISTRATIVE AND PERSONNEL PROVISIONS

17. (1) The appointment of officers and other employees of the Malta Libraries shall be made in accordance with the Public Administration Act and shall be subject to the provisions of the [Constitution](#) and of any other law including this Act.

Appointment of officers, etc.
Cap. 497.

(2) The members of the Council, all officers and employees of the Malta Libraries shall be deemed to be public officers within the meaning of the [Criminal Code](#), the [Civil Code](#) and the [Public Administration Act](#) and shall have the rights and duties applicable to public officers under such laws.

Cap. 9.
Cap. 16.
Cap. 497.

18. (1) The Principal Permanent Secretary, following the direction of the Prime Minister may, from time to time, direct that any public officer shall be detailed for duty with the Malta Libraries and its libraries in such capacity and under such conditions and with effect from such date as he may prescribe.

Detailing for duties of public officers.

(2) The Principal Permanent Secretary, following the direction of the Prime Minister, may at any time revoke any such direction given under subarticle (1).

(3) The period during which a direction under subarticle (1) shall apply to any officer specified therein shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, be such as may be specified in the direction, unless the direction is revoked earlier in accordance with subarticle (2).

(4) Where any officer is detailed for duty with the Malta Libraries in accordance with this article, such officer shall during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Malta Libraries but he shall for other intents and purposes remain and be considered and treated as a public officer.

(5) Without prejudice to the generality of the foregoing, a public officer detailed for duty as aforesaid -

- (a) shall not during the time in respect of which he is so detailed -
- (i) be precluded from applying for a transfer to a Government department in accordance with the terms and conditions of service attached to the appointment under the Government held by that public officer at a date on which he is detailed for duty; or
 - (ii) be so employed that his remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by that public officer

at the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Malta Libraries; and

Cap. 93.
Cap. 58.

- (b) shall be entitled to have the service with the Malta Libraries considered as service with the Government for the purpose of any pension, gratuity or benefit under the [Pensions Ordinance](#), and the [Widows' and Orphans' Pensions Act](#), and of any other right or privilege to which that public officer would be entitled, and shall be liable to any liability to which he would be liable, but for the fact that he is detailed for duty with the Malta Libraries:

Cap. 93.
Cap. 58.

Provided that in assessing the pensionable emoluments of such officer for the purposes of any pension entitlement under the [Pensions Ordinance](#) and the [Widows' and Orphans' Pensions Act](#), no account shall be taken of any allowances, bonuses or gratuities paid to such officer by the Malta Libraries in excess of what he is entitled to as a public officer:

Provided further that during the time in respect of which he is so detailed to perform duties with the Malta Libraries his terms and conditions of service shall not be less favourable than those which are attached to his appointment with the Government during the period aforesaid. Such terms and conditions shall not be deemed to be less favourable because they are not in all respects identical or superior to those enjoyed by the officer concerned at the date of such detailing, if in the opinion of the Prime Minister such terms and conditions, taken as a whole, offer substantially equivalent or greater benefits.

(6) Where an application is made as provided in subarticle (5)(a)(i), the same consideration shall be given thereto as if the applicant had not been detailed for duty with the Malta Libraries.

(7) The Malta Libraries shall pay to the Government, where applicable, such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Malta Libraries as aforesaid during the period in which such officer is so detailed.

Employment
conditions.

19. (1) The Malta Libraries may, with the approval of the Prime Minister, offer to any officer detailed for duty with it under any of the provisions of article 18 permanent employment at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

(2) The terms and conditions comprised in any offer made as aforesaid shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister offer substantially equivalent or greater benefits.

(3) Every officer who accepts permanent employment with the Malta Libraries, under the provisions of subarticle (1), shall for all purposes other than those of the [Pensions Ordinance](#), and of the [Widows' and Orphans' Pensions Act](#), be deemed to have ceased to be in service with the Government and to have entered into service with the Malta Libraries on the date of such acceptance and for the purposes of the said Ordinance and of the said Act, so far as applicable to that officer, service with the Malta Libraries shall be deemed to be service with the Government within the meanings thereof respectively.

Cap. 93.

Cap. 58.

(4) Every such officer as aforesaid who immediately before accepting permanent employment with the Malta Libraries was entitled to benefit under the [Widows' and Orphans' Pensions Act](#), shall continue to be so entitled to benefit thereunder to all intents as if service with the Malta Libraries was service with the Government.

Cap. 58.

(5) The Malta Libraries shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted permanent employment with it as aforesaid during the period commencing on the date of such officer's acceptance.

(6) (a) For the purposes of this article the posts and salary grades with the Malta Libraries shall be classified in the most nearly corresponding grades and incremental levels in the service under the Government of Malta by reference to job description, skills, responsibilities and other analogous factors.

(b) The classification referred to in paragraph (a) shall be carried out by a board composed of a chairperson appointed by the Minister responsible for finance and two other members, one appointed by the Ministry responsible centrally for personnel policies in the public service and one appointed by the National Librarian. The classification shall be subject to the final approval of the Minister responsible for finance.

(c) Such classification shall take place within three months of any adjustment of salaries of employees in the Government service or of employees of the Malta Libraries.

(d) No post shall be classified in a grade higher than that of grade 3 in the service of the Government or such other grade that the Minister responsible for finance may from time to time by notice in the Gazette determine.

(e) Without prejudice to the provisions of article 113 of the [Constitution](#), no person may, following a classification as aforesaid, be entitled to rights under the said [Pensions Ordinance](#) less favourable than those to which that person would have been entitled prior to such classification.

Cap. 93.

PART IV

FINANCIAL PROVISIONS

Revenues and
financing.

20. (1) Without prejudice to the following provisions of this article, the Malta Libraries shall so conduct its affairs that every effort shall be made to meet as much as possible of the expenditure required for the proper performance of its functions out of its revenues.

(2) For such purpose the National Librarian shall levy such fees, rates and other payments prescribed or deemed to be prescribed by or under this Act or any other law.

(3) The Malta Libraries shall be paid by Government out of the Consolidated Fund such sums as the House may from time to time authorise to be appropriated to meet the costs of specified works to be continued or otherwise carried out by the Malta Libraries, being works of infrastructure or a similar capital nature, or to meet any of its expenditure which it cannot meet out of its own revenue.

(4) Any revenue shall, subject to such directives as the Minister, after consultation with the Minister responsible for finance, may from time to time give, be applied to the Malta Libraries for its purposes, and without prejudice to the generality of the powers given by the Minister by this subarticle, any direction given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of the fees rates and other payments levied in accordance with subarticle (2).

Cap. 174.

(5) The Malta Libraries shall be governed by the provisions of the [Financial Administration and Audit Act](#), unless otherwise stated in the Malta Libraries performance agreement entered into by the Permanent Secretary and the Malta Libraries in terms of article 13(1)(b), in which case the provisions of the said performance agreement shall prevail.

Capital
requirements.

21. (1) For the purposes of any requirements of a capital nature, the Malta Libraries may, with the approval in writing of the Minister in consultation with the Minister responsible for finance, borrow or raise money in such manner, from such person, body or authority, and under such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve.

(2) The Malta Libraries may also, with the approval in writing of the Minister in consultation with the Minister responsible for finance, from time to time borrow, by way of overdraft or otherwise, such sums as it may require for carrying out its functions under this Act.

Advances.

22. The Minister responsible for finance may, after consultation with the Minister, make advances to the Malta Libraries of such sums as the Minister responsible for finance may agree to be required for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as the Minister responsible for finance may, after consultation as aforesaid, deem appropriate. Any such advance may be made by

the Minister responsible for finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant, authorising the Accountant General to make such advance.

23. (1) The National Librarian shall prepare in every financial year, and shall not later than eight weeks before the end of each financial year adopt, estimates of the income and expenditure for the following financial year:

Estimates of
income and
expenditure.

Provided that the estimates of the Malta Libraries for its first financial year shall be prepared and adopted within such time as the Minister may by notice in writing specify to the Malta Libraries.

(2) The estimates shall be made in such forms and shall contain such information and such comparisons with previous estimates as the Minister responsible for finance may direct.

(3) A copy of the estimates shall, upon their adoption by the National Librarian, be sent forthwith to the Minister and to the Minister responsible for finance.

24. (1) No expenditure shall be made or incurred by the Malta Libraries unless it has been approved by the House.

Expenditure.

(2) Notwithstanding the provisions of subarticle (1) -

- (a) until the expiration of six months from the beginning of a financial year, or until the approval of the estimates for that year by the House, whichever is the earlier date, the Malta Libraries may make or incur expenditure for carrying out its functions under this Act not exceeding in the aggregate one-half of the amount approved for the preceding financial year;
- (b) expenditure approved in respect of a head or subhead of the estimates may, with the approval of the Minister, be incurred in respect of another head or subhead of the estimates;
- (c) in respect of the first financial year, the Malta Libraries may make or incur expenditure until the approval of the estimates for that year by the House not exceeding in the aggregate such amounts as the Minister responsible for finance may, after consultation with the Minister, allow;
- (d) if in respect of any financial year it is found that the amount approved by the House is not sufficient, or if a need has arisen for expenditure for a purpose not provided for in the estimates, the Malta Libraries may adopt supplementary estimates for approval by the House and pending such approval, the Malta Libraries may in special circumstances and with the approval of the Minister, acting in consultation with the Minister responsible for finance, incur the relative expenditure or part thereof as the said Minister may so approve, and in any such case the provisions of this Act applicable to the estimates shall, as near as

practicable, apply to the supplementary estimates.

Books and
statements of
account.

25. (1) The National Librarian shall cause to be kept proper books of account and other records in respect of the operations of the Malta Libraries and shall cause to be prepared a statement of accounts in respect of each financial year.

(2) The accounts of the Malta Libraries shall be audited by an auditor or auditors to be appointed by it and approved by the Minister:

Provided that the Minister responsible for finance may require the books and other records of the Malta Libraries to be audited or examined by the Auditor General who shall for this purpose have power to carry out such physical checking and other verification, and may require such information, as the Auditor General may deem necessary.

(3) After the end of each financial year, at the same time as a copy of the estimates of the Malta Libraries is forwarded to the Minister under article 23, the National Librarian shall cause a copy of the statement of accounts duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditor or auditors on that statement or on the accounts of the Malta Libraries.

(4) The Minister shall cause a copy of every such statement and report to be laid before the House.

Money payments,
petty cash, etc.

26. (1) All monies accruing to the Malta Libraries shall be paid into a bank or banks appointed as bankers by it. Such moneys shall, as far as practicable, be paid into the banks from day to day, except for such sum as the Malta Libraries may require to retain to meet petty disbursements and immediate payments.

(2) All payments out of the funds of the Malta Libraries, except petty disbursements not exceeding such sum as may be fixed by the National Librarian with the approval of the Minister, shall be made by such officer or officers of the Malta Libraries as shall be appointed or designated for the purpose.

(3) Cheques against and withdrawals from any bank account of the Malta Libraries shall be signed by such officer of the Malta Libraries as may be appointed or designated by the National Librarian for that purpose and shall be countersigned by the authorised member or officer of the Malta Libraries as may be authorised by the National Librarian for that purpose.

(4) The National Librarian shall also make provision with respect to -

- (a) the manner in which, and the officer or officers by whom, payments are to be authorised or approved;
- (b) the title of any account held with the bank or banks into which its monies are to be paid, and the transfer of funds from one account into another;
- (c) the method to be adopted in making payments out of its fund; and

- (d) generally with respect to any matter which is relevant to the proper keeping and control of the accounts, books and other records and the control of its finances.

27. The Malta Libraries shall not, except with the approval of the Minister granted after consultation with the Minister responsible for finance, award or enter into any contract for the supply of goods or materials or for the execution of work or for the rendering of services, to or for the benefit of the Malta Libraries, which is estimated by the National Librarian to involve an expenditure exceeding seven thousand euro (€7,000) or such other amount as the Minister responsible for Finance may authorise, except after notice of its intention to enter into such contract has been published and competitive tenders have been issued:

Awarding of contracts.

Provided that the Malta Libraries shall adhere to procurement regulations as issued by Government.

28. The National Librarian shall, after the end of each financial year, within such time as established by article 41 of the [Public Administration Act](#), draw up and transmit to the Minister and to the Minister responsible for finance, a report dealing generally with the activities of the Malta Libraries during that financial year, and containing such information relating to its proceedings and policy as either of the said Ministers may from time to time require. The Minister shall, with such time as established by article 41 of the [Public Administration Act](#), cause a copy of every such report to be laid on the Table of the House.

Financial year report.
Cap. 497.

PART V

TRANSFER OF CERTAIN ASSETS TO THE NATIONAL LIBRARY

29. (1) The property and undertakings owned by the Government and used by it immediately before the date of the coming into force of this Part, where used by it for the operation of any of the functions which by this Act are being transferred to or vested in the Malta Libraries shall, on the date aforesaid, by virtue of this Act and without further assurance, be transferred to and be vested in the Malta Libraries under the same title by which they were held by the Government immediately before the said date. The provisions of this subarticle shall not apply to immovable property.

Transfer of property.

(2) The use and administration of the immovable assets from time to time specified in an order made by the President of Malta and published in the Gazette (hereinafter referred to as "the immovable assets") being immovable assets which, immediately before the coming into force of this Part, were owned by the Government and used by it for the exercise of any of the functions which by this Act are being transferred to or vested in the Malta Libraries, shall, with effect from such day as may be specified in any such Order and by virtue of this Act and without any further assurance, be transferred to and vested in the Malta Libraries under the same title by which they were held by the Government before such day.

(3) The transfer and vesting aforesaid shall extend to the whole of such property and undertakings and, without prejudice to the generality aforesaid, shall include all plant, equipment, apparatus, instruments, vehicles, craft, buildings, structures, installations, land, roads, works, stocks and other property movable or immovable, assets, powers, rights and privileges and all things necessary or ancillary thereto which are held or enjoyed in connection therewith or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid property or undertakings or other thing included therein as aforesaid.

(4) Any transfer of property, whether moveable or immovable, shall be subject to all those terms and conditions that the Minister may deem necessary to ensure that such property is exclusively used for the purposes of the functions of the Malta Libraries or purposes ancillary thereto.

Vesting of rights in
Malta Libraries.

30. Subject to the provisions of this Act, all laws, rules, regulations, orders, judgements, decrees, awards, deeds, bonds, contracts, agreements, instruments, documents, warrants and other arrangements, subsisting immediately before the date of the coming into force of this Part of this Act affecting or relating to any of the properties or undertakings transferred to the Malta Libraries by or under this Act shall have full force and effect against or in favour of the Malta Libraries, and shall be enforceable freely and effectually, as if instead of the Government or governmental authority the Malta Libraries had been named therein or had been a party thereto, and otherwise in substitution of the Government or governmental authority.

PART VI

OFFENCES

Offences and
penalties.

31. (1) Any person who -

- (a) removes any record from the legal and physical possession and custody of the National Librarian or assists others to do so, or wilfully or through negligence, unskillfulness or non-observance of the regulations causes damage to or destroys, mutilates, alters any record; or
- (b) contravenes or fails to comply with the provisions of this Act or of any schedules thereto or of any regulations made thereunder;

shall be guilty of an offence under this Act and shall be liable, on conviction, to a fine (*multa*) not exceeding two thousand and five hundred euro (€2,500) or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment, and in the case of a continuing offence to a further fine (*multa*) not exceeding twenty-five euro (€25) for every day during which the offence continues:

Provided that, subject to the above maximum, the minimum fine (*multa*) to which an offender shall become liable under this article shall not be less than the value of any work that might be

required to remedy the effects of the offence:

Provided further that where a provision of a Schedule to this Act or of a regulation made under this Act specifically provides for a lesser penalty in respect of a particular offence, such lesser penalty as provided shall apply.

(2) The liability of an offender under subarticle (1) shall be without prejudice to the liability of the offender to pay to the National Librarian any cost incurred in the reintegration, or restoration of the library property caused by the offence, or to pay to the National Librarian the value of the property destroyed or damaged when the same cannot be reintegrated or restored. Such payment may be recovered by civil suit by the National Librarian against the offender or his heirs.

(3) Any record which has been or which may be removed without proper authorisation under this Act may be reclaimed by the National Librarian.

PART VII

MISCELLANEOUS

32. (1) In making available for inspection or providing copies of records in his custody the National Librarian shall not be in breach of the copyright of such records.

Copyright.

(2) The provision of copies of records by the National Librarian does not imply the transfer of any copyrights therein to the recipients.

(3) The publication of facsimile copies of records in the custody of the National Librarian in which copyright of the Government of Malta subsists is prohibited except with the consent of the National Librarian and subject to such conditions as he may require and to the payment of such fees as may be prescribed under this Act.

33. The Minister may make regulations to give effect to any of the foregoing provisions of this Act, or to regulate or otherwise provide for any matter relating to the Malta Libraries and its libraries, and may in particular, but without prejudice to the generalities of the foregoing and the provisions of this Act, make regulations for any of the following purposes:

Power to make regulations.

- (a) to provide for the contents, compilation and publication of the Malta National Bibliography;
- (b) to establish the scope, definitions, procedures, conditions, duties and penalties for the effective implementation of the obligation of the legal deposit, and to provide for the proper safeguarding, of published documents and online electronic documents, whether they have or not a physical form;
- (c) to provide for the procedures and conditions for the downloading, copying, storage and the legal deposit of electronic hand-held and on line published documents, including those with access conditional to payment;

- (d) to provide for the procedures and conditions for the exercise of the right of preference by the National Librarian in respect of any work, map, print, manuscript, record or any other document;
- (e) the involvement of local councils in the promotion and management of libraries;
- (f) the proper management and preservation of records and the manner in which the public may have access to the documents, records and objects in the libraries;
- (g) the standards and the manner in which copies, photocopies, and other reproductions of manuscripts, documents or other record in the libraries may be issued;
- (h) to establish the fees and dues which may be payable by or under, or for services rendered pursuant to the provisions of this Act;
- (i) to establish the conditions and procedures for the admission, access, safety, and use by the public of any library to which this Act applies and for the loan of any library material, and for the powers necessary by the National Librarian to enforce such conditions and procedures;
- (j) to ensure the better fulfilment of the functions of the Malta Libraries, the National Librarian, and the Council;
- (k) to regulate the appointment of officers and employees with the Malta Libraries;
- (l) to regulate movement of documents, publications and records, and to establish guidelines for best preservation practice;
- (m) to provide for any forms or procedures which may be necessary or expedient and for which no express procedure is contained in this Act;
- (n) to add, substitute or amend any Schedule annexed to this Act;
- (o) to establish penalties not exceeding a fine (*multa*) of five hundred euro (€500) to which a person contravening the provisions of any Schedules to this Act or of any regulations made under this Act shall become liable;
- (p) to provide for the imposition of administrative fines or sanctions, and for their enforcement, upon any person acting in contravention of the provisions of this Act or of any Schedule thereto or of any regulations made thereunder, including the provision that any such administrative fine shall when it becomes final constitute an executive title for the effects and purposes of Title VII of Part I of Book Second of the [Code of Organization and Civil Procedure](#):

Provided that any administrative fine provided for by regulations made under this article shall not exceed the sum of two hundred and fifty euro (€250); and

- (q) to prescribe anything else which may or is to be prescribed under this Act for the better carrying out of any of the provisions of this Act.

34. Documents, publications, records, works and other materials in the custody of the Librarian on the day before the coming into operation of this Act are hereby transferred to the custody of the National Librarian subject to any terms and conditions that were applicable to those records and other materials on that day.

Transfer of custody of documents, etc.

35. (1) When anything has been commenced by or under the authority of the Government prior to the date of the coming into force of Part V of this Act, and such thing relates to any of the properties or undertakings or any right or liability transferred to the Malta Libraries by or under this Act, such thing may be carried on and completed by or as authorised by the Malta Libraries.

Transitory provisions.

(2) Where, immediately before the coming into force of Part V of this Act, any legal proceedings are pending to which the Government is or is entitled to be a party, and such proceedings are related to any of the properties or undertakings, or any right or liability transferred by or under this Act, the Malta Libraries shall, as from the date aforesaid, be substituted in such proceedings for the Government, or shall be made a party thereto in like manner as the Government could have become substituted, and such proceedings shall not abate by reason of such substitution.

(3) The Minister may, by order, make such incidental, consequential and supplemental provisions as he may deem necessary or expedient for the purpose of determining, as appropriate, the assets transferred to the Malta Libraries by this Act and securing and giving full effect to the transfer of any property or undertaking or any right or liability to the Malta Libraries by this Act and make such orders as may be necessary to make any powers and duties exercisable by the Government in relation to any of the transferred property or undertakings exercisable by or on behalf of the Malta Libraries.

36. (1) Any subsidiary legislation made under any of the provisions of the Public Libraries Ordinance* shall, until other provision is made under or by virtue of this Act, continue in force and have effect as if made under this Act.

Saving.

(2) Any authority or order granted or made under any of the provisions of the Public Libraries Ordinance in force immediately before the coming into force of this Act, shall continue in force thereafter as if it were an authority or order granted or made under a corresponding provision of this Act, and any such authority or order as aforesaid shall be treated and dealt with accordingly.

(3) All references in other Acts and regulations to the Public

*Repealed by this Act.

Libraries of Malta, or to the Librarian, shall be construed as applying to the Malta Libraries and its libraries, or to the National Librarian thereof and all references to the Public Libraries Ordinance, shall be construed as referring to this Act.

SCHEDULE

[Article 4(3)]

Libraries in respect of which the Malta Libraries Act applies

The National Library

The Central Public Library

The Regional Libraries:

Birkirkara

Luqa

Mosta

Paola

Qormi

Rabat

Vittoriosa

The Branch Libraries:

Attard

Birżebbuġa

Cospicua

Dingli

Fgura

Gharghur

Għaxaq

Gudja

Gżira

Hamrun

Kalkara

Kirkop

Lija

Marsa

Marsascala

Marsaxlokk

Mellieħa

Mġarr

Mqabba

Msida

Naxxar
Pembroke
Qormi (San Ġorġ)
Qrendi
Safi
San Ġiljan
San Ġwann
San Pawl il-Baħar
Santa Venera
Senglea
Siġġiewi
Sliema
St. Andrews
Ta' Paris
Tarxien
Valletta
Żabbar
Żebbuġ
Żejtun
Żurrieq

The Gozo Public Library

The Gozo Lending Library

The Gozo Branch Libraries:

Għajnsielem
Għarb
Għasri
Kerċem
Nadur
Qala
San Lawrenz
Sannat
Xagħra
Xewkija
Żebbuġ