NATIONAL LIBRARY AND INFORMATION SYSTEM ACT

CHAPTER 40:01

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18 of 1998
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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

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NATIONAL LIBRARY AND INFORMATION SYSTEM ACT

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CHAPTER 40:01

NATIONAL LIBRARY AND INFORMATION SYSTEM ACT

An Act to establish the National Library and Information System, to provide for the development and co-ordination of all library and information services in Trinidad and Tobago and related matters. 18 of 1998.

[10TH SEPTEMBER 1998] Commencement.

PART I

PRELIMINARY

1. This Act may be cited as the National Library and Information System Act. Short title.

2. In this Act— Interpretation.

"approved bank" means a bank approved by the Minister of Finance;

"Board" means the Board of NALIS established by section 9;

"Caribbean region" means all States, countries and territories washed by the Caribbean Sea;

"collection" means the collection of material and information provided for by section 8;

"data" means an interpreted statement of fact;

"employee" means a member of the staff of NALIS;

"Executive Director" means a person appointed in accordance with section 12;

"information" means data that is organised, recorded, classified, related or interpreted within a context, to convey a meaning or a use;

"information service" means the obtaining of, or gaining of access to, as well as assessing, listing, processing, and disseminating of information;

"library material" means material in the collection;

"material" means any book, periodical, newspaper, pamphlet, picture, print, photograph, map, chart, plan or manuscript, computer software, audio-visual production, sound recording, or any other article forming part of the contents of a library which may be published or unpublished as defined in section 3(1) of the Copyright Act;

Ch. 82:80.

"Minister" means the Minister to whom the responsibility for libraries is assigned;

"NALIS" means the corporate body established by section 3.

PART II

ESTABLISHMENT OF THE NATIONAL LIBRARY AND INFORMATION SYSTEM—NALIS

Establishment of NALIS and appointment of the Board.

3. There is established by this section a body corporate by the name of the National Library and Information System Authority hereafter referred to as NALIS.

Functions of NALIS.

4. The functions of NALIS are to—

(a) provide a national library and information service, easily accessible to members of the public, in order to facilitate cultural, economic, educational, political and social development of the people of Trinidad and Tobago;

(b) maintain, develop and make easily accessible to members of the public, a comprehensive collection of material and information, with particular emphasis on that produced within and about Trinidad and Tobago and the Caribbean region;

(c) advise the Minister on all matters pertaining to a national library and information service;

(d) act as the central co-ordinating agency for library and information services generally by—

(i) facilitating library and information services to schools, government ministries and agencies; and

(ii) providing the link for co-operation between public sector libraries, libraries of tertiary institutions, the private sector and the National Archives;

(e) provide consultancy and management services to the public and private sectors, in respect of matters for and in relation to the establishment and conduct of a library;

(f) provide, and arrange for the provision of educational, advisory and informational services relating to the establishment and conduct of a library;

(g) assume responsibility as a designated legal depository for the purposes of the Publications (Legal Deposit) Act; Ch. 82:74.

(h) create the national bibliographic records;

(i) provide a national referral service for information, library material and material in other libraries, public and private;

(j) act as a national depository and resource for material published by the Government;

(k) provide the focus for an international document supply service;

(l) promote literacy skills and awareness in the use of library material and information services within the community, and in particular;

(m) provide a national information service for the benefit of the physically disadvantaged and persons in institutions;

(n) provide a central co-ordinating point for research in library and information science;

(o) manage the national human resources of library and information science personnel in Public Service bodies;

(p) preserve, promote and exploit our national heritage information.

Powers of NALIS.

5. (1) Subject to this Act, NALIS has the power to do all things necessary or convenient, for or in connection with, the performance of its functions.

(2) Without limiting the generality of subsection (1), the powers of NALIS include the power to—

(a) enter into appropriate administrative arrangements with persons in the public and private sectors for the provision and accessing of library material and information;

(b) establish and operate service points whether mobile or immobile, for the custody, promotion and use of library material and information;

(c) purchase, lend, lease, borrow or exchange library material;

(d) dispose of, lend or hire library material or information, or other property of NALIS;

(e) accept gifts, devises, bequests or assignments of property, real or personal, made to NALIS, whether on trust or otherwise and whether unconditionally or subject to condition and if a gift, devise, bequest or assignment is accepted by NALIS on trust, subject to a condition, to act as trustee or to comply with the condition as the case may be;

(f) purchase or take on hire such furnishings, equipment, vehicles, goods and other property needed for the purposes of NALIS;

(g) purchase, or lease, land, buildings or structures and to erect or modify buildings or structures for the purposes of NALIS;

(h) dispose of, or grant, leases of land or buildings vested in NALIS;

(i) enter into, or co-ordinate, appropriate arrangements with countries, bodies or persons, public or private, for the promotion, conservation, preservation, management, dissemination or custody of library material, and other material or information appropriate for libraries;

(j) make suitable investments in appropriate technology for the efficient promotion, use and management of material and information;

(k) raise money for its purposes with the approval of the Minister, and by appropriate means.

NALIS to enter management arrangements.

6. (1) NALIS may enter into arrangements with a Permanent Secretary or other Head of Department, or Head of a Statutory Authority or the appropriate Officer of the Tobago House of Assembly, to formulate Memoranda of Understanding for the management of the library for which that Permanent Secretary or Head of Department or Head of a Statutory Authority or the appropriate Officer of the Tobago House of Assembly is the accounting officer.

(2) NALIS may enter into arrangements with other organisations for the provision of consultancy and other management services.

(3) NALIS may make reciprocal arrangements with the management of the National Archives, governing such matters as the exchange, deposit and accessing of records and library material.

Seal of NALIS.

7. (1) NALIS shall have an official seal that shall be kept in the custody of the Executive Director.

(2) The seal shall be used with the permission of the Board and every instrument to which the seal is affixed shall be signed by the Chairman and the Executive Director.

Collection, acquisition and maintenance of material and information.

8. (1) The collection shall comprise all material and information vested in NALIS at the commencement of this Act, and of such other material and information over which NALIS acquires custody or control in accordance with this Act.

(2) The Board shall formulate guidelines and procedures for—

(a) the acquisition of material and information; and

(b) the acquisition of information required for the information service.

(3) The management, use and disposal of that material and information in subsection (1) shall be subject to approval by the Board.

Establishment and functions of Board.

9. (1) There is established by this section a Board by the name of the "Board of NALIS".

Schedule.

(2) The Board shall be constituted in accordance with the Schedule and shall conduct its business in accordance with the procedure specified in the Schedule.

(3) The principal duty of the Board is to ensure the proper and efficient performance of the functions of NALIS.

Directions by Minister.

10. The Board shall perform its functions and exercise its powers in accordance with such directions as may be given to it in writing, by the Minister.

Committees.

11. (1) The Board may establish such committees as it thinks necessary for the purposes of the Act.

(2) A committee referred to in subsection (1), may be constituted wholly of members of the Board or partly of members of the Board and partly of other persons.

PART III

EXECUTIVE DIRECTOR, STAFF AND RELATED MATTERS

Executive Director.

12. (1) There shall be an Executive Director of NALIS who shall be appointed by the President on such salary and other terms and conditions as may be prescribed.

(2) The Executive Director shall be appropriately qualified in library and information science and have a minimum of five years managerial experience in library and information services.

(3) The Executive Director shall hold office for such period, not exceeding five years, as is specified in the instrument of appointment, and shall be eligible for reappointment.

Duties of Executive Director.

13. (1) The Executive Director shall manage the affairs of NALIS subject to the directions of and in accordance with policies determined by the Board.

(2) The Executive Director shall not be held personally liable for acts and things done in the name, or, on behalf of, NALIS.

Resignation of Executive Director.

14. The Executive Director may resign the office by giving three months notice in writing to the President through the Chairman of the Board.

Publication.

15. The appointment of the Executive Director and the termination of the appointment whether by death, resignation, dismissal or otherwise shall be published in the *Trinidad and Tobago Gazette.*

Disclosure of interests.

16. The Executive Director shall give a written notice to the Board of all direct or indirect pecuniary interests that the Executive Director has or acquires in any business or in any body corporate carrying on any business with NALIS.

Deputy Executive Director.

17. (1) There shall be a Deputy Executive Director of NALIS who shall be appointed by the President on such salary and other terms and conditions as may be prescribed.

(2) The Deputy Executive Director shall be appropriately qualified in library and information science and have a minimum of five years managerial experience in library and information services.

(3) The Deputy Executive Director shall act as Executive Director—

(a) during a vacancy in the office of Executive Director;

(b) during any period, when the Executive Director is absent from duty or from Trinidad and Tobago or is, for any other reason, unable to perform the duties of the office of Executive Director.

(4) While the Deputy Executive Director is acting in accordance with this section, he has and may exercise all the powers, shall perform all the functions of and shall receive the same remuneration as the Executive Director.

Power of NALIS to appoint and deal with staff.

18. (1) Subject to this Part, NALIS may—

(a) appoint such employees as it considers necessary for the performance of its functions;

(b) fix qualifications and terms and conditions of service for employees, save that salaries in excess of ninety-six thousand dollars per annum, shall be subject to the Minister's approval; or

(c) engage persons having suitable qualifications and experience as consultants on such terms and conditions as are approved by the Minister.

(2) The Minister may, by Order, alter the limit specified in subsection (1)*(b)*.

Employment by NALIS of non-public officers in libraries at commencement of Act.

19. (1) Upon the coming into effect of this Act, a person employed in a library established under the laws referred to in section 37*(b)* and *(c)* immediately prior to the coming into effect of this Act, shall be an employee of NALIS on such terms and conditions as were applicable to him immediately prior to the coming into effect of this Act.

(2) Any pension or other benefits of employment that may have accrued to that person while employed in that library, shall be preserved and shall continue to be calculated and to accrue under the Pensions Extension Act, as though the person had continued his employment with the library to which subsection (1) refers.

Ch. 23:53.

Employment of public officers employed in libraries at commencement of Act. [11 of 2007].

20. (1) An officer in the public service, hereafter called an officer who, immediately prior to the coming into effect of this Act, was employed in a library, in a Ministry or Department or the Central Library of Trinidad and Tobago established by the Act

referred to in section 37*(a)* shall by 31st December, 2007, exercise the option—

(a) with the approval of the appropriate Service Commission, to be appointed on transfer to NALIS, upon such terms and conditions as are acceptable to him, NALIS and the Commission;

(b) with the approval of the appropriate Ministry and Service Commission to be seconded to NALIS;

(c) to take up employment in the Public Service in an office at remuneration commensurate with that of the office held immediately prior to the commencement of this Act.

(2) Where no office is available, an officer shall become eligible for the terms provided at section 15(4) of the Pensions Act. Ch. 23:52.

(3) Where an officer opts to be appointed on transfer to the service of NALIS under this section, all his pension and superannuation benefits are preserved to him, and shall continue to be calculated and to accrue under the Pensions Extension Act, Ch. 23:53. as though the officer had continued his employment with the library to which subsection (1) refers.

(4) An officer who opts for secondment under subsection (1)*(b)* shall, in relation to terms and conditions be treated no less favourably than if he were not so seconded.

(5) A period of secondment shall not exceed three years.

(6) An officer shall, immediately at the end of the period of secondment, exercise one of the following options:

(a) to transfer to NALIS on terms and conditions of service no less favourable than he was receiving while in the public service, immediately before his transfer;

(b) to return to the public service in an office at remuneration commensurate with that of the office held by him in the public service, immediately prior to his secondment to NALIS;

(c) where no such office is available, to become eligible for the terms provided at section 15(4) of the Pensions Act.

Ch. 23:52.

(7) Where an officer fails to exercise any of the options under subsection (1) or subsection (6)*(a)* or *(b)*, the officer shall become eligible for the terms provided at section 15(4) of the Pensions Act.

Transfer or secondment of public officers to and from NALIS otherwise than under section 20. [11 of 2007].

21. (1) An officer in the public service, other than an officer to whom section 20 applies, or an officer of another public authority or organisation or an employee of NALIS, may, with the consent of NALIS and with the approval of the appropriate Ministry, Commission or other related authority agree to be—

(a) transferred; or

(b) seconded,

to or from NALIS.

(2) A period of secondment shall not exceed three years in the first instance and may be extended for further periods as agreed between NALIS and the appropriate Ministry, Commission, or other concerned authority or organisation, as the case may be and the officer.

Pension Scheme.

22. (1) Subject to subsection (2), NALIS shall provide for the establishment and maintenance of a pension scheme or arrange for membership in a scheme for such of its employees as are recruited by NALIS in accordance with section 18.

(2) Until such time as NALIS establishes a pension scheme, NALIS shall make such arrangements as may be agreed upon between it and the employee concerning pension entitlement.

(3) Where an officer dies or retires before a pension scheme is established NALIS shall make such arrangements for superannuation or death benefits as may be appropriate.

(4) Without prejudice to the generality of subsection (1), NALIS may, under the pension scheme—

(a) establish contributory superannuation schemes and establish and contribute to superannuation funds for the benefit of the employees;

(b) grant gratuities, pensions or superannuation allowances to the widows, families or dependents of its employees;

(c) enter into and carry into effect arrangements with any insurance company or other association or company for securing for any of its employees or their widows, families or dependents, such gratuities, pensions or allowances and benefits as are authorised by this section.

PART IV

FINANCE

National Library and Information System Fund.

23. (1) There is established by this section a fund by the name of the NALIS Fund.

(2) The assets of the NALIS Fund shall comprise—

(a) such sums as at the commencement of this Act stand to the credit of a library established by an Act referred to in section 37;

(b) such funds as are appropriated to NALIS by Parliament;

(c) such amounts as are provided to NALIS or the Government of Trinidad and Tobago by foreign States, international organisations, multi-lateral lending agencies, corporations, foundations or private individuals, for the performance of the functions of NALIS;

(d) sums arising from grants, covenants, donations and other receipts from persons including national and international bodies;

(e) such sums or fees as are received by, or owed to, NALIS in respect of its operations or services provided by it;

(f) such monies as may be borrowed from time to time for the purpose of meeting any of its obligations or discharging any of its functions;

(g) all other sums of money that may be paid to NALIS in respect of the performance of its functions or the exercise of its powers.

Application of Fund.

24. (1) The money in the Fund shall be applied in defraying the following expenditure:

(a) acquisition of material or other property, real and personal, in accordance with its functions;

(b) the remuneration and honoraria of members of the Board or of members of any committee;

(c) the salaries, fees, remuneration and gratuities (including payments for the maintenance of the Pension Scheme authorised by this Act) of the officers, employees and servants of NALIS;

(d) fees for consultants;

(e) the capital and operating expenses, including maintenance and insurance, of the property of NALIS;

(f) the making and maintenance of investments and loans in the discharge of its functions;

(g) any other expenditure authorised by the Board for the discharge of its functions.

(2) The balance of the revenue of NALIS in a financial year shall be applied to the creation of reserve funds to finance future expansion and the provision of services to NALIS.

Power to borrow. Ch. 69:01.

25. (1) NALIS may, subject to the Exchequer and Audit Act—

(a) borrow money it requires for the efficient discharge of its functions or for the meeting of its obligations;

(b) pledge, mortgage or charge its assets as security for any loan.

(2) NALIS is a Statutory Authority for the purposes of the Guarantee of Loans (Statutory Authorities) Act. Ch. 71:81.

Power to invest.

26. Notwithstanding section 37 of the Exchequer and Audit Act, funds of NALIS not immediately required for the meeting of its obligations or the discharge of its functions may be invested from time to time by NALIS in securities approved by the Minister of Finance.

Exemption from taxation and duty.

27. (1) NALIS is exempt from all taxes, duties, fees, charges, assessments, levies and imposts on assets which it acquires for its own use.

(2) Where—

(a) goods are imported by NALIS or on behalf of NALIS; and

(b) the commercial supply of goods or services to NALIS is in the opinion of the Board of Inland Revenue required for the purposes of NALIS,

those goods and services shall not be subject to the Value Added Tax Act. Ch. 75:06.

Exemption from Central Tenders Board Act. Ch. 71:91.

28. (1) NALIS in pursuance of its functions shall not be subject to the provisions of, nor the procedures presented under, the Central Tenders Board Act.

(2) The Board of NALIS shall design rules and procedures for purposes of tendering for goods and services and these shall be subject to the approval of the Minister.

Rules for accounting and audit.

29. (1) The Board shall make rules for the proper control of the system of accounting and the financial management of NALIS including provision for an adequate system of internal auditing.

(2) Until such time as rules are made under subsection (1), the Financial Regulations made under the Exchequer and Audit Act shall apply. Ch. 69:01.

(3) The accounts of NALIS shall be audited annually by the Auditor General or by an auditor appointed by the Auditor General.

Annual Report.

30. (1) The Board shall, within three months of the end of each year submit to the Minister an annual report dealing with the activities of NALIS during the previous year, together with financial statements and such other information relating to operations and policies of NALIS as the Minister may require.

(2) The Minister shall cause a copy of the report submitted under subsection (1) to be laid before Parliament, within twenty-

eight days of its receipt by him, or if Parliament is not then sitting, within twenty-eight days after the commencement of its next sitting.

PART V

MISCELLANEOUS

Existing collective agreements.

31. (1) Upon the coming into effect of this Act and subject to any written law, a collective agreement or other agreement that immediately prior to the commencement of this Act affected employees of NALIS referred to in section 20(1) or established by an Act referred to in section 37 shall continue to have effect in relation to those employees as if it had been entered into by NALIS.

Ch. 88:01.

(2) Subject to Part III of the Industrial Relations Act, the Union which represented employees of NALIS on the coming into effect to this Act may continue to do so.

Protection against certain actions.

32. Where access to library material is given to a person by NALIS, no action for defamation or breach of copyright lies against NALIS or any employee concerned in the authorising or giving of that access.

Delegation.

33. (1) The Board may on such terms and conditions as it sees fit, delegate in writing any of its functions or powers under this Act, other than the power of delegation, to—

(a) the Executive Director or Deputy Executive Director of NALIS;

(b) a Permanent Secretary of a Ministry, Head of a Department of Government, or the appropriate Officer of the Tobago House of Assembly;

(c) the Chief Executive Officer of any State institution or statutory body.

(2) For the purposes of this section "Chief Executive Officer" means the person charged with the responsibility of managing a State institution or statutory body.

Regulations.

34. (1) The Minister, on the advice of the Board, may make Regulations, prescribing matters required or permitted by this Act

to be prescribed, or necessary or convenient for carrying out or giving effect to this Act, and in particular for or in relation to—

(a) regulating, restricting or prohibiting the entry of persons; regulating the conduct of persons and providing for the removal of persons from any relevant place;

(b) fixing of fees and charges for entry to premises and for the use of services and material;

(c) regulating the access and other matters for, or in relation to the examination, transfer, disposal, use or other dealings in respect of library material, including the restricting or prohibiting of the making, using, printing, publishing, exhibiting, selling or offering for sale, replicas, photographs, representation of copies of library material in the ownership or possession of NALIS;

(d) establishing and maintaining registers, catalogues and bibliographies, for or in relation to the use of library material;

(e) prescribing penalties not exceeding a fine of five thousand dollars for offences against the regulations.

(2) In subsection (1)—

"relevant place" means an area of land or a building, structure or vehicle, or part thereof, that is owned by, or is under the control of, NALIS.

Vesting of property.

35. (1) All property, real or personal including material and information, that was vested or deemed to have been vested in the libraries established by the repealed Acts shall vest in NALIS.

Ch. 76:01.

(2) The Stamp Duty Act, or any charge imposed by a written law with respect to the conveying of property, shall not apply to the transfer and vesting of that type of property in NALIS under this Act.

Transitional and savings.

36. All assets, rights, debts, liabilities, privileges, legal obligations, actions or proceedings incurred or instituted by or against a library established by a repealed Act or arrangement

entered into by that library, shall continue as if the repealed Act establishing that library had not been repealed and shall be deemed to have been entered into or incurred by, owed to or pending with, NALIS as if NALIS had been the library established by that repealed Act.

Repeal of library Acts.

37. The following Acts are the repealed Acts referred to in sections 35 and 36:

Ch. 40:01. *(a)* Central Library of Trinidad and Tobago Act;

Ch. 40:02. *(b)* Public Library Act;

Ch. 40:03. *(c)* Carnegie Free Library Act.

Section 9(2).

SCHEDULE

CONSTITUTION AND PROCEDURES OF THE BOARD OF NALIS

Membership and appointment of Board.

1. (1) The Board shall consist of—

(a) eight members appointed by the President; and

(b) the Executive Director who is an *ex officio* member.

(2) The members appointed by the President shall be from amongst persons who have special qualifications in, and practical experience of, matters relating to one or more of the following disciplines:

(a) library services (to be nominated by the Library Association of Trinidad and Tobago);

(b) information technology;

(c) education;

(d) law;

(e) science and technology;

(f) corporate business;

(g) financial management;

(h) human resource management;

(i) culture;

(j) public administration or any other area of endeavour which the President considers will advance the interests of NALIS,

with no such area of discipline being represented by more than two persons.

Tenure of Office.

2. (1) A member, other than the Executive Director, shall hold office for a term not exceeding three years and is eligible for reappointment.

(2) The performance of the functions, or the exercise of the powers of the Board shall not be affected by reason only of there being a vacancy in the membership of the Board.

(3) The appointment of a person is not invalidated, and shall not be called into question, by reason of a defect or irregularity in, or in connection with, his appointment.

(4) A member who is absent without leave for three consecutive meetings of the Board is deemed to have vacated his seat.

(5) The appointment of a member and termination of that appointment whether by death, resignation, revocation or otherwise, shall be notified in the *Trinidad and Tobago Gazette.*

(6) A member may resign at any time, by writing to the President through the Chairman.

Remuneration of members of Board.

3. The Board shall pay its members such remuneration as it recommends and is approved by the Minister.

Appointment of Chairman and Deputy Chairman.

4. The President shall appoint a Chairman and Deputy Chairman from among the members of the Board.

Leave of absence.

5. The Chairman may grant to a member leave of absence from a meeting of the Board upon such terms and conditions as he determines.

Disclosure of interest.

6. (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board shall disclose the nature of his interest before or during the Board's deliberation of the matter.

(2) A disclosure under subsection (1), shall be recorded in the minutes of the meeting of the Board and the member shall not—

(a) be present during any deliberation of the Board with respect to that matter; or

(b) take part in any decision of the Board with respect to that matter.

Meetings of Board.

7. (1) The Chairman or, when necessary, the Deputy Chairman—

(a) shall, not less than once every two months convene such meetings of the Board as are necessary for the efficient conduct of its functions; and

(b) shall, on receipt of a written request signed by no fewer than four (4) members, convene a subject meeting of the Board.

(2) The Minister may at any time convene a meeting of the Board.

(3) At a meeting of the Board, a quorum is constituted by five members.

(4) The Chairman shall preside at all meetings of the Board at which he is present.

(5) In the event of the absence of the Chairman from a meeting of the Board, the Deputy Chairman shall preside at that meeting.

(6) In the event of the absence of both the Chairman and the Deputy Chairman from a meeting of the Board, the members present shall elect one of their number to preside at that meeting.

(7) All questions arising at a meeting of the Board shall be decided by a majority of the votes of the members present and voting, including the member presiding.

(8) In the event of an equality of votes on a resolution proposed at a meeting of the Board, the resolution shall be taken not to be passed but, if the same resolution is proposed at the first meeting of the Board held after the date of that first-mentioned meeting and there is again an equality of votes, the member presiding has a casting vote on the resolution.

(9) The Board may determine the conduct of proceedings at any meeting.

Minutes.

8. (1) The Board shall cause minutes of its meetings to be kept and shall forward a copy of those minutes to the Minister within one month of each meeting being held.

(2) All decisions, resolutions and rules made by the Board with respect to the operation of NALIS shall be recorded in the minutes.

(3) The minutes shall be confirmed by the Board at the next meeting.

Acting members.

9. (1) The President may appoint a person other than the Executive Director to act as a member during a temporary vacancy on the Board.

(2) An appointment of that person may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.