

**REVIEW OF LOCAL STATUTORY PROVISIONS
LOCAL GOVERNMENT ETC (SCOTLAND) ACT 1994: SECTION 59
APPLICATION FOR EXEMPTION OR POSTPONEMENT FROM REPEAL**

1. Title of Provision

Management Rules for the Management of Public Libraries, Museums and Archival Services under the Civic Government (Scotland) Act 1982.

2. Effect and extent

The Rules are effective from 1st April, 1994 and regulate the admission of the public to Public Libraries and Museums and the conduct of the public within these premises. They also cover detailed lending terms for Libraries.

3. Has the Council reviewed this provision and concluded that it is still required beyond 31 December 1999?

The Council has reviewed these Management Rules and concludes that they are required beyond 31st December, 1999.

4. Does the Council seek (i) exemption from repeal or (ii) postponement of repeal of the provision?

The Council seeks exemption from repeal.

5. Is the content of the provision appropriate to contemporary needs?

The content of the Management Rules is up-to-date and appropriate to contemporary needs.

6. Does the provision apply to the whole of the Council's area? If not, why is it considered appropriate to continue to limit its application to the area in question?

The Rules apply to all facilities within The Moray Council area.

7. Is it confirmed that the provision does not duplicate matters in public statute?

It is confirmed that the provision does not duplicate matters in public statute.

8. If exemption is sought, why is it considered inappropriate to re-enact the provision, e.g. no changes required to existing legislation?

The Rules have been drafted recently and no change or re-enactment is appropriate.

9. If postponement is sought, when will a Provisional Order be deposited re-enacting the provision?

N/A.

10. Any other factors or information which the Council considers relevant.

N/A.

MORAY DISTRICT COUNCIL

RULES FOR THE MANAGEMENT OF PUBLIC LIBRARIES, MUSEUMS AND ARCHIVAL SERVICES

By virtue and in terms of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982 Moray District Council hereby makes the following Rules for the management of Public Libraries and Museums.

1. INTERPRETATION OF TERMS

In the construction of these Rules of Management, the following expressions shall have the meanings hereby assigned to them, that is to say:-

- (i) The "Council" means the Moray District Council as constituted by the Local Government (Scotland) Act 1973.
- (ii) "Public Library" means the premises of any Public Library administered by Moray District Council including any structure or motor vehicle used as a Public Library and "premises" shall include any entrances, exits, passages or corridors appertaining to the Public Library.
- (iii) "Museum" means the premises of any Museum or Art Gallery administered by Moray District Council and "premises" includes entrances, passages or corridors appertaining to the Museum.
- (iv) "Authorised Officer" means the Director of Leisure and Libraries or any person appointed by the Director of Leisure and Libraries as an Authorised Officer.
- (v) "Item" means any book, journal, newspaper, pamphlet, document, music score, picture print, photograph, map, film slide, cassette, compact disc, gramophone record, video tape, sculpture, exhibit or other article of the nature forming part of the contents of the Library whether the property of the Library or not, or lent therefrom to any person by or on behalf to the Council.
- (vi) "Child" means a person under the age of sixteen.

2. GENERAL

The Director shall have the general charge of the Public Library and Museum, and shall be responsible for the safe custody of the items and all other property belonging thereto, and shall be empowered to make regulations for the day-to-day administration of the Library or Museum.

3. REGULATION AND ADMISSION OF THE PUBLIC

- (a) The hours of opening and closing the premises shall be fixed by the Council who reserve the right to alter same at any time.
- (b) No person shall, without permission of an Authorised Officer, wilfully remain within the Public Library or Museum at any time when the same is closed to the public.

4. **EXCLUSION OF VEHICLES**

No member of the general public may bring any bicycle or other wheeled vehicle or conveyance into the Public Library or Museum except with the consent of the Authorised officer and in such circumstances, the member of the general public is required to carry out any instructions of the Authorised Officer as to where the bicycle, wheeled vehicle or conveyance requires to be situated and any other instructions relative thereto. In the case of an invalid wheelchair, the Authorised Officer will permit such access to the Public Library or Museum as is practical.

5. **EXCLUSION OF ANIMALS**

With the exception of guide dogs for the blind under the control of their owners no member of the general public shall cause or allow any dog, or other animal belonging to him or under his control to enter or remain in the Public Library or Museum, unless otherwise permitted to do so by the Authorised Officer and in such circumstances the member of the general public must carry out any instructions of the Authorised Officer as to where the dog or other animal may be situated and the means by which it must be kept in that situation.

6. **PROVISION AS TO DRESS**

No person shall enter or remain in the Public Library or Museum unless he/she is properly attired to the satisfaction of the Authorised Officer. In particular, no person who, in the opinion of an Authorised Officer, is offensively unclean in person or in dress shall enter or remain in the Public Library or Museum.

7. **PROTECTION OF PRIVACY ETC.**

- (a) No person shall, at any time, by any disorderly or improper conduct, disturb, interrupt or wilfully intrude upon or interfere with the privacy of any other person in the proper use of the Public Library or Museum.
- (b) No male, unless under six years of age, and accompanied by a responsible adult female shall enter or use any toilet reserved or appropriated by the Council for the use of any female.
- (c) No female, unless under six years of age, and accompanied by a responsible adult male shall enter or use any toilet reserved or appropriated by the Council for the use of any male.

- (d) No person shall enter or remain in any part of the Public Library or Museum identified for the use of staff or private or in any other respects set apart from the use of the general public in respect of the use made by the general public of the facilities provided in the Public Library or Museum.
- (e) No photographs may be taken in any Library or Museum without the consent of the Authorised Officer.

8. **PREVENTION OF DAMAGE**

No person shall

- (a) wilfully or carelessly break or damage or tamper with any furniture or fittings or damage, deface, disfigure or improperly soil any part of the premises or the ground thereof.
- (b) wilfully, or carelessly damage, destroy or improperly soil any material, book, publication, exhibit or any other object forming the contents of the Public Library or Museum.
- (c) unless duly authorised by an Authorised Officer, remove any material provided in any section of the Public Library or Museum from the Public Library or Museum.
- (d) In the event of any item being damaged or lost the person responsible shall pay a sum sufficient for the repair or replacement of the said item, as may be determined by the Council. An item shall be regarded as being lost when a statement to that effect has been made by the borrower or by its not being returned in response to a final demand notice issued by the Director.

9. **PREVENTION OF NUISANCE**

- (a) No person shall, at any time, anywhere within a Public Library or Museum, use obscene, indecent or offensive language or behave in an obscene, offensive or disorderly manner.
- (b) No person shall bring, or cause to be brought, into any Public Library or Museum, any spirituous or intoxicating liquor and no person who is in a state of intoxication due to alcohol, drugs or solvent shall enter or remain in a Public Library or Museum.
- (c) No person shall display, distribute, affix or post any bill, placard or notice in, to or upon any part of the Museum or Library except with the consent of an Authorised Officer.
- (d) The public use of radios, compact disc or cassette players is forbidden, unless permitted by an Authorised Officer.

- (e) No person shall offer anything for sale in any part of any Museum or Library except with the consent of an Authorised Officer.
- (f) No person shall wilfully obstruct any Authorised Officer in carrying out his or her duties or wilfully disturb, interrupt or annoy any other member of the general public in the proper use of the Public Library or Museum.
- (g) No person shall cause any disturbance within the premises of the Public Library or Museum.
- (h) No person shall spit or smoke or cause a flame to be lit in any part of the Public Library or Museum.
- (i) No person shall consume food or drink while in the Public Library or Museum unless in an area designated by the Authorised Officer for that purpose.
- (j) Any person who is in the Public Library or Museum but, in the opinion of an Authorised Officer, is there for a purpose other than the purpose for which the Library or Museum facilities are provided, is required to leave the Public Library or Museum if called to do so by an Authorised Officer.
- (k) Other than with the express permission of the Authorised Officer the public use of radios, compact disc or cassette players and other such sound emitting equipment is forbidden unless used with a personal headset.

10. INFECTIOUS DISEASES

Any person in possession of any item who has reason to believe that he/she is suffering from an infectious disease as defined in The Public Health (Infectious Diseases) (Scotland) Regulations, 1975, shall as soon as possible notify the Director, who shall take such steps as may be appropriate for the recovery of any such items.

11. MEMBERSHIP OF THE LIBRARY

- (a) The Council shall have powers to determine which items may be borrowed and the persons to whom and the conditions under which a borrower's ticket shall be issued and used. Any person desiring to borrow items shall complete and sign the appropriate application form, and thereupon shall receive the appropriate ticket or tickets.
- (b) Such signature shall be taken as an undertaking to conform to the terms and conditions as laid out in these Management Rules.

12. **TEMPORARY MEMBERSHIP OF THE LIBRARY**

Any person temporarily resident within the District of Moray may use the facilities of any public library on presenting a current reader's ticket issued by any public library authority in Great Britain and Northern Ireland. Any person so resident but not able to present such a ticket may use the said facilities at the discretion of the Authorised Officer. The Authorised Officer shall have the authority to charge a deposit for an appropriate sum in the case of those people who are unable to present such a ticket.

13. **CHILDREN**

Children may borrow items from any Library subject to their application forms being signed by their parent or guardian, who shall thereby undertake to ensure the timeous return in good condition of any items borrowed.

14. **PERIOD OF BORROWING**

- (a) Items borrowed from the Library or Museum shall be returned within such a period as the Council may from time to time determine.
- (b) The period of loan of any item may be extended at the discretion of the Officer.

15. **RESERVATION OF ITEMS**

Items may be reserved, subject to conditions which shall be determined by the Council from time to time.

16. **CHARGES**

- (a) If a borrower fails to return an item within the period determined or extended as aforesaid, he or she shall be charged an overdue charge on a scale which shall be determined by the Council from time to time.
- (b) The Authorised Officer shall be entitled at any time to request the immediate return of any item to the Library or Museum. If such a request is not complied with the Officer may take such steps as may be appropriate for the recovery of the item and the cost of such shall be payable by the borrower.
- (c) The Director of Leisure and Libraries shall be empowered to make charges in respect of any research undertaken e.g. genealogical enquiries, business information.

17. **REFERENCE LIBRARY**

No item may be borrowed from the Reference Section of any Library, except at the discretion of the Authorised Officer on special cause shown.

18. PHOTOCOPIES

- (a) Any portion of any book, magazine, newspaper, map or such material may be reproduced or photocopied at the discretion of the Director, provided that such reproductions shall be in accordance with the requirement of the Copyright Acts and that the user of the book, magazine, newspaper, map or such material shall sign a guarantee that such a reproduction shall not be used in contravention with the aforesaid Acts.
- (b) The Director shall be authorised to make an appropriate charge for this service.

19. FALSE NAME AND/OR ADDRESS

No person shall give a false name and/or address for the purpose of using any facilities offered by the Library or Museum.

20. CONTROL AND REMOVAL OF OFFENDERS

- (a) Where an Authorised Officer of the Council has reasonable grounds for believing a person has contravened, is contravening or is about to contravene a management rule he/she may expel that person from the Public Library or Museum. A person may be served an exclusion order by the Council and may be liable, on summary conviction, to a fine if that order is contravened.
- (b) A person failing to leave the Public Library or Museum when requested to do so by an Authorised Officer will be committing a criminal offence and may be fined upon summary conviction.

21. RIGHT OF APPEAL

Any person wishing to appeal against a decision taken in terms of paras. 20(a) & (b) above must do so in writing to the Director of Administration and Law within 14 days of that decision.

22. RULES NOT TO AFFECT EMPLOYEES IN THE PERFORMANCE OF THEIR DUTIES

The foregoing regulations shall not apply to an officer or servant of the Council while acting within the scope of his employment in or about any work in connection with any Libraries or Museums.

NOTES

Copies of these rules can be inspected free at the Council's Department of Administration and Law, District Headquarters, Elgin, any Area Office or Council owned Library or Museum.

Any person contravening any of these Management Rules shall be subject to the penalties imposed by Sections 116, 117 and 118 of the Civic Government (Scotland) Act 1982 exigible from time to time in terms of the relevant Sections of the aforementioned Act.

Certified that these Management Rules are a true copy of those made by Moray District Council and are effective from 1st April, 1994.

Director of Administration and Law
Moray District Council