

LAWS OF DOMINICA

LAW LIBRARY ACT

CHAPTER 28:71

Act
6 of 1990
Amended by
32 of 1995

Current Authorised Pages

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CHAPTER 28:71

LAW LIBRARY ACT

6 of 1990.

AN ACT to provide for the establishment of a Law Library and other purposes connected therewith.

Commencement.

[31st May 1990]

Short title.

1. This Act may be cited as the –

LAW LIBRARY ACT.

Interpretation.

2. In this Act –

“Committee” means the Committee referred to in section 5;

“library” means the reference law library established under section 3;

“legal community” includes members of the judiciary, attorneys-at-law and students registered to read law at a recognised university or law school;

“Minister” means the Minister responsible for Legal Affairs;

“Permanent Secretary” means the Permanent Secretary in the Ministry responsible for Legal Affairs;

“publication” includes a book, pamphlet, journal, law report and any other library material.

Establishment of library.

3. There is hereby established for the benefit of the legal community a reference law library to be known as the Dominica Law Library.

Property of the library.

4. (1) The property of the library comprises –

(a) any publication or document which forms part of any material collected for the purposes of the library;

(b) any additional material which is acquired, whether by donation or purchase, for the purposes of the library; and

(c) any other property acquired by the library for its purposes.

(2) The property of the library is vested in the Government of Dominica.

5. (1) There is hereby established a Law Library Committee for the purpose of this Act. Law Library Committee.

(2) The Committee consists of –

- (a) the Senior Resident Judge or a Puisne Judge nominated by the Senior Resident Judge;
- (b) the Registrar of the High Court or a public officer nominated by the Registrar;
- (c) the President of the Bar Association or an attorney-at-law nominated by the President of the Bar Association;
- (d) the Law Librarian; and
- (e) a public officer in the Ministry of Legal Affairs nominated by the Permanent Secretary.

(3) The Chairman of the Committee shall be the Judge, and the Deputy Chairman shall be the public officer nominated by the Permanent Secretary.

6. The Committee is responsible for advising the Permanent Secretary on the general management and control of the library. Functions of the Committee.

7. (1) The Chairman shall preside at the meetings of the Committee and in the absence of the Chairman the Deputy Chairman shall preside and in the absence of both, the members present shall appoint one of their number to preside at that meeting. Meetings of the Committee.

(2) At all meetings of the Committee the person presiding and two other members shall form the quorum.

(3) Subject to subsection (4), no decision on a matter which, in the opinion of the person presiding, is a matter of importance for determination by the Committee shall be taken by the Committee unless three of the members present vote in favour of the decision.

(4) Where not less than three members of the Committee agree in writing on a decision on a matter of importance for determination by the Committee no meeting need be held in respect of that matter.

(5) Where there is an equality of votes on a matter for determination before the Committee at a meeting the person presiding shall have a second or casting vote.

(6) The casting vote of the person presiding shall not be computed when there is an equality of votes in respect of a matter referred to in subsection (3).

(7) The Law Librarian shall not vote at any meeting of the Committee.

(8) The Committee shall, subject to this section, regulate its procedure at its meetings.

Audit of account.

8. The records and books of account kept by the Librarian shall be audited by the Director of Audit.

Law Librarian.

9. There shall be a Law Librarian who, subject to the general directions of the Permanent Secretary, shall be responsible for –

- (a) the proper administration of the Law Library;
- (b) the acquisition, collection, purchase, organisation and maintenance of publications;
- (c) the development of research aids and services in the library;
- (d) the proper keeping of books of account and all other records of the library;
- (e) the preparation of the estimates of expenditure of the Law Library; and
- (f) the preparation of an annual report on the working of the library.

Regulations.

10. The Minister may, after consultation with the Committee, make Regulations providing for –

- (a) the opening hours of the library;
- (b) the admission to membership of the library, the subscriptions payable for membership, and the method of payment of the subscriptions;
- (c) the purchase, preservation and the loan of publications;

- (d) the maintenance of good order in the library;
- (e) the payment of fees for the use of the facilities of the library;
- (f) the payment of fines in respect of –
 - (i) the late return of a publication borrowed from the library; or
 - (ii) the loss of, or damage to, a publication;
- (g) the use of the library exclusively as a place for academic or professional study and for research; and
- (h) sanctions for the infringement by any person of a provision of the Regulations.

11. The Law Library Rules made under the Law Library Act, repealed by this Act, shall, except in so far as they are inconsistent with this Act, or revoked by Regulations made under this Act, continue to have effect, *mutatis mutandis*, as though made or issued under this Act.

Savings.
Ch. 28:71.
[32 of 1995].

SUBSIDIARY LEGISLATION

LAW LIBRARY RULES

ARRANGEMENT OF RULES

RULE

1. Short title.
 2. Interpretation.
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 4. Use of library.
 5. Loan of books.
 6. Record of books loaned.
 7. Return of books.
 8. Restriction on use of library.
 9. Disposal of obsolete books.
 10. Amounts collected.
 11. Duties of librarian.
 12. Remuneration to librarian.
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SUBSIDIARY LEGISLATION

LAW LIBRARY RULES

21/1946.
[12 of 1990].

made under section 10

[16th September 1946]

Commencement.

1. These Rules may be cited as the –

Short title.

LAW LIBRARY RULES.

2. In these Rules –

Interpretation.

“Committee” means the Committee constituted in accordance with the provisions of section 5 of the Act;

“library” means the Law Library established under section 4 of the Act;

“librarian” means the librarian of the library.

3. The Committee may, from time to time, purchase such books, periodicals and other articles as may be required for the use of the library; and may likewise pay for the binding, rebinding or repair of any such books and periodicals.

Purchase of books.

4. Any Magistrate, Justice of the Peace, barrister or solicitor, or any person authorised by the Committee in writing shall on his subscribing to the rules herein become a member of the library.

Use of library.

5. No member shall, without the written permission of the Registrar, be permitted to take on loan more than six books from the library at any one time, or to retain any books so taken for more than seven days; and no member of the Law Library shall retain a book longer than six hours after a request has been made by the librarian for the return of such book.

Loan of books.
[12 of 1990].

6. The librarian shall keep a record of all books loaned, and the member to whom such books may be loaned or someone acting on his behalf, shall sign such record in respect of the books so loaned. The librarian shall also enter in the record kept by him the date on which books are loaned and returned.

Record of books loaned.

Return of books.
[12 of 1990].

7. (1) A member failing to return a book within the time prescribed, is liable to a fine of fifty cents per book for every day during which the same is not returned to the library; and the Registrar may direct the librarian to prohibit such member from using the library or the books or periodicals thereof until such fine is paid.

(2) A member who loses or damages a book is liable to pay the cost of replacement or repair thereof, and the Registrar, may direct the librarian to prohibit such member from using the library or the books or periodicals thereof until such replacement or repair is effected by such member.

Restriction on
use of library.
[12 of 1990].

8. The Committee may, from time to time, direct that certain books shall not be loaned to members without the permission in writing of the Registrar.

Disposal of
obsolete books.

9. Any book which in the opinion of the Committee is obsolete or damaged beyond repair may be disposed of by the librarian in such a manner as the Committee may direct.

Amounts
collected.

10. All moneys collected or received by the Committee from any source whatever, on account of the library, shall be paid into the Government Savings Bank, to the credit of the Committee.

Duties of
librarian.

11. The librarian shall keep upon the library premises a list of the names and addresses of members, and a proper index and inventory of all books and furniture in the library and of any additions from time to time made thereto, and a record of all books loaned as provided in rule 6 of these Rules. He shall be responsible for the keeping of proper accounts of all moneys received or paid out on account of the Committee. He shall record the minutes of all meetings of the Committee; obey all reasonable orders as may from time to time be issued to him by the Committee; and, generally, do all such matters and things as are necessary in his capacity as librarian.

Remuneration to
librarian.

12. Unless the person appointed as librarian is in receipt of an inclusive salary for performing the duties of librarian and the duties of another public officer he shall receive from the funds of the Committee ~~such pecuniary consideration in respect of the duties to be performed by~~ him as may, from time to time, be decided upon by the Committee; but any amount paid as aforesaid shall not count for pension under the Pensions Act.