

# CHAPTER K29 - KWARA STATE LIBRARY BOARD LAW

## ARRANGEMENT OF SECTIONS

### PART I

#### *Preliminary*

#### SECTION

1. Short title.
2. Interpretation.

### PART II

#### *Establishment, Composition of the Kwara State Library Board*

3. Establishment of the Board.
4. Composition of the Board.
5. Salaries and remuneration to Chairman and members.
6. Resignation and termination of members.
7. Power to co-opt.
8. Procedure at meetings.

### PART III

#### *Functions and Powers of the Board*

9. Functions and powers of the Board.

### PART IV

#### Staff

10. Directions by appropriate authority.
11. Power to engage staff.
12. Appointment of a Director.
13. Appointment of Secretary.

## PART V

### Publications

14. Publications.

## PART VI

### *Financial Provisions*

15. Financial provisions.
16. Establishment of a general reserve.
17. Power to borrow.
18. Accounts.
19. Annual reports.

## SECTION

20. Conditions.

## PART VII

### *Miscellaneous Provisions*

21. Authentication of documents.
22. Notice of suit to be given to the Board by intending plaintiff.
23. Mode of service on the Board.
24. Power to invest.

25. Standing orders.
26. Regulations.

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## KWARA STATE LIBRARY BOARD LAW

**A Law to establish a board for the administration of library services in the State.**

[KWS 5 of 1990, No. 4 of 2006.]

[Date of commencement: 18<sup>th</sup> June, 1990]

### PART I

#### Preliminary

##### 1. Short title

This Law may be cited as the Kwara State Library Board Law.

##### 2. Interpretation

In this Law unless the context otherwise requires—

**"Board"** means the Kwara State Library Board established under section 3 of this Law;

**"Chairman"** means the Chairman of the Kwara State Library Board;

**"Commissioner"** means the State Commissioner charged with responsibility for Education, Science and Technology.

[No. 4 of 2006.]

"**Director**" means the Director of State Library Service appointed under section 12 of this Law;

[No. 4 of 2006.]

"**Financial Year**" means the period beginning on the 1st day of January in any one year and ending on the 31st day of December of that year;

"**Governor**" means the Governor of the Kwara State of Nigeria;

"**member**" means a member of the Kwara State Library Board;

"**Ministry**" means the Ministry of Education, Science and Technology;

[No. 4 of 2006.]

"**State**" means the Kwara State of Nigeria;

[No. 4 of 2006.]

## PART II

### *Establishment, Composition of the Kwara State Library Board*

#### **3. Establishment of the Board**

(1) There is hereby established a Board to be known as the Kwara State Library Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall have power to sue and to be sued in its corporate

name.

[No. 4 of 2006.]

#### **4. Composition of the Board**

(1) There board shall consist of a chairman and the following other members, namely—

(*a*) one member representing the Nigerian library Association;

(*b*) one member representing the state ministry of Education;

(*c*) one member nominated by the Nigerian Bar Association;

(*d*) one member nominated by the Nigerian Bar Association;

(*e*) one member representing higher education;

(*f*) one member representing the Ministry of Education, science and technology;

(*g*) the director, with the right of vote upon any question.

(2) Members of the Board who are not public officers shall be appointed by the Governor on the advice of the Commissioner.

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

(*a*) education;

- (*b*) publishing;
- (*c*) information;
- (*d*) culture; and
- (*e*) research.

(4) The Chairman and other members of the Board who are not public officers shall, at the pleasure of the Governor, hold office for a period of three years.

#### **5. Salaries and remuneration to Chairman and members**

There shall be paid to the Chairman and members such salaries, remuneration or allowances as the Governor may from time to time determine.

#### **6. Resignation and termination of members**

(1) The Chairman or any member may resign his appointment by notice in writing addressed to the Governor and upon the acceptance of such notice by the Governor the appointment of such person shall be terminated.

[No. 4 of 2006.]

(2) The seat of the Chairman or a member shall become vacant on the occurrence of any of the following events—

#### **7. Power to co-opt**

Whenever in the opinion of the Board it is expedient or desirable to obtain the services or advice of any person upon any matter the Chairman

may co-opt such person to be a member at any such meetings of the Board as may be required and such person shall when so co-opted, have all the rights and privileges of members save that he shall not be entitled to vote upon any question.

## **8. Procedure at meetings**

(1) The Board shall hold meetings at least once in every three calendar months and at such other times as may be expedient for the transaction of its business and such meetings shall be held at such time as the Board may determine.

(2) The Chairman shall preside at every meeting of the Board at which he is present and every question at the meeting shall be determined by a simple majority of votes—

(a) the Chairman shall, if present, be Chairman of the meeting;

(b) if and so long as the Chairman is not present or if the office of Chairman is vacant, the members of the Board who are present shall choose one of their numbers to be the chairman of the meeting.

(3) Every decision or resolution taken or passed at a Board meeting shall be decided by a simple majority vote of the members present and voting and in the event of an equality of votes the Chairman or in his absence the member presiding shall have a casting vote in addition to his original vote.

(4) Four members of the Board including the Chairman or in his absence the member presiding shall form a quorum.

(5) Notwithstanding the provisions of subsection (1) of this section,

any three members of the Board may by notice in writing signed by them request the Chairman to call a meeting of the Board for such purposes as may be sent out in the notice.

(6) The validity of any proceedings of the Board shall not be affected by any vacancy in the composition of membership of the Board or by any defect or irregularity in the appointment of a Board member.

(7) Subject to the foregoing provisions of this section the Board shall have power to regulate its proceedings and may make standing orders for such purpose.

### PART III

#### *Functions and Powers of the Board*

#### **9. Functions and powers of the Board**

(1) it shall be the duty of the Board, subject to the provisions of this Law—

(a) to establish and maintain in accordance with this Law a State Library Service within the State;

(b) to provide, in accordance with this Law, such services as are in the opinion of the Board usually provided by libraries of high standing;

(c) to be responsible for all the existing State, local governments, and school libraries including those in the Ministries and quasi-Government departments, which shall be under the control of the State Library Board;



(*d*) to be responsible for and encourage the establishment of libraries in the State and to make available to the various interests and institutions in the State the widest possible range of books and other records of human intellectual endeavour in the arts, science and technology;

(*e*) to operate in particular—

(i) a central reference library with special emphasis on the needs of the State Government and its various agencies;

(ii) a school library division to be responsible for the development and promotion of library facilities in the State;

(iii) a public library division to be responsible for the provision of library services throughout the State;

(iv) a professional and technical services division to be responsible for the ordering, accession, cataloguing, binding and reproduction of documents;

(v) a bibliographical division to be responsible for union cataloguing, interlibrary lending and exchange of books;

(vi) a book depot for stocking libraries in the State.

(2) For the purpose of enabling it to carry out the functions assigned

to it under this Law, the Board is hereby empowered, as far as its resources permit—

- (a) to assemble, maintain and extend a collection of books, periodicals, pamphlets, newspapers, maps and charts, musical scores, films, sound recordings and such other materials as the Board may consider appropriate for a library of high standing;
- (b) to establish and maintain branches of the State Library at such suitable centres in the State as the Board may from time to time determine;
- (c) to make the facilities of the State Library available to members of the public on proper terms which may include—
  - (i) the imposition of scale of fees, subject to the approval of the Commissioner, for services rendered to the public;
  - (ii) the imposition of fines for damage to or loss of any property of the Board;
  - (iii) restricting the class of persons who may be admitted into the premises under the control of the Board;
- (d) to make such arrangements as the Board may consider appropriate with respect to—
  - (i) the exchange of materials included in the collection aforesaid among the various branches of the State Library;

- (ii) the preparation and publication of catalogues, indexes and similar aids;
- (iii) the rendering of assistance and advice to private individuals or institutions interested in the establishment of private libraries.
- (e) to make recommendations and give advice on library development and organisation to any department or agency of the State Government.

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

- (a) acquire, construct, maintain or repair any property required for the purposes of the State Library;
- (b) let, lease or otherwise dispose of any property which appears to the Board to be unnecessary for the time being for the purposes of the Board;
- (c) take such steps as it deems necessary for the purposes of advancing the skill of persons employed by the Board or the efficiency of the equipment of the Board or the efficiency of the manner in which that equipment is operated (including the provision by the Board of facilities for training, education and research);
- (d) provide houses, hostels and other like accommodation for persons employed by the Board for purposes specifically

approved by the Board as being likely to increase the effectiveness of those persons or for the purpose of any exercise of the functions of the Board;

- (e) give loans to any person employed by the Board for the purpose of building, or buying a house or for the purpose of purchasing motor vehicles;
- (f) in any other manner, promote the welfare of persons employed by the Board.

## PART IV

### *Staff*

#### **10. Directions by appropriate authority**

The Commissioner may as the circumstances require give to the Board directions of a general or specific character with regard to the exercise and performance of its functions and the Board shall give effect to such directions.

#### **11. Power to engage staff**

The Board may subject to the approval of the Commissioner from time to time appoint, upon such salaries, terms and conditions of service as it may think fit, such officers and employees as may be necessary for the proper and efficient conduct of the operation of the Board.

#### **12. Appointment of a Director**

- (1) There shall be a Director of Library Services who shall be

appointed by the Board with the approval of the Governor.

(2) A person shall not be eligible for appointment as the Director unless the Board is satisfied that—

(a) he is professionally qualified and experienced in the organisation and administration of libraries and library services;

(b) he has acquired at least ten years post-qualification experience in library organisation and administration.

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

[No. 4 of 2006.]

(4) Subject to the general policy of the Board, it shall be the duty of the Director to—

(a) organise and manage the State Library and the services provided by it in accordance with this Law;

(b) direct the activities of the officers and employees of the Board; and

(c) subject to the provisions of subsection (2) of section 16 of this Law, manage the financial affairs of the Board.

### **13. Appointment of Secretary**

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

(2) The Secretary shall—

(a) conduct the correspondence of the Board and keep the records thereof;

(b) summon, when so directed, any meeting of the Board;

(c) attend all meetings of the Board so far as that is practicable;  
and

(d) perform such other duties as the Board or the Director may determine.

## PART V

### *Publications*

#### 14. Publications

(1) In addition to the obligation imposed on him by section 4 of the National Library Act, a publisher of every book published in the State shall within one month of such publication deliver at his own expense to the State Library two copies of the book which shall be kept in the State Library.

[No. 4 of 2006.]

(2) The copies of the book delivered to the State Library under subsection (1) above shall—

(a) be perfect copies of the whole book with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the book;

(*b*) be bound, sewn or stitched together and on the best paper on which the book is printed.

(3) Where any printed matter (other than matter of such description as the Director may specify from time to time) is published by or on behalf of any Ministry or department of Government or a Government agency or institution, the Ministry or department shall deliver forthwith to the Director for the purpose of the State Library—

(*a*) twenty copies of the publication, if it is published by or on behalf of the Government;

(*b*) ten copies of the publication, if it is published by or on behalf of a Government agency or institution;

(*c*) or such smaller number of copies as the Director may determine in any particular case.

(4) If a Publisher fails to comply with any provision of subsection (1) or subsection (2) above, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two thousand naira and the Court before which he is convicted shall in addition order him to deliver copies of the book in accordance with the provisions of this section or pay the value of those copies to the Director.

[No. 4 of 2006.]

(5) The Governor may, by order published in the *Gazette*, exclude any publisher or book or any class of publishers or books from the operation of subsections (1) and (2) of this section.

## PART VI

## *Financial Provisions*

### **15. Financial provisions**

(1) The funds and resources of the Board shall consist of—

(a) such sums as may be provided by the State Government;  
[No. 4 of 2006.]

(b) such sums as may be borrowed by the Board in accordance with the provisions of section 18 of this Law;

(c) all sums collected or received by the Board in the execution of this Law; and

(d) all donations accruing to the Board for the general purposes of the Board;

(e) all other sums or property of whatever kind which may in any manner become payable to or vested in the Board.

(2) The Board shall prepare and submit to the Commissioner not later than 31st day of August in each year an estimate of its income and expenditure during the next financial year, such estimate to be prepared in the first instance by the Director and submitted to the Board for prior approval.

(3) The receipts of the Board on Revenue Account in any financial year shall be applied in payment of the following charges—

(a) the salaries, remuneration and other allowances payable to members of the Board;



- (*b*) the salaries, remuneration, pensions, superannuation and other allowances and gratuities payable to the Director and the other officers and employees of the Board;
- (*c*) expenditure on the acquisition, maintenance and replacement of any property vested in the Board;
- (*d*) interests due on any monies borrowed by the Board under section 18 of this Law;
- (*e*) such sums as may be required by the Board to be transferred to a sinking fund;
- (*f*) such sums as may be allocated to the general reserve established in accordance with section 17 of this Law;
- (*g*) grants for purposes conducive to the welfare of the officers and employees of the Board;
- (*h*) contributions to such charitable objects as the Board may with the approval of the Commissioner determine;
- (*i*) the purchase of books, equipment and other related materials for use by the Board;
- (*j*) such other charges as may be reasonably incurred by the Board in the performance of its duties under this Law.

(4) Subject to the foregoing provisions of this section, the Commissioner may, with the approval of the Governor, issue to the Board directive as to the purposes for which surplus funds may be applied.

## **16. Establishment of a general reserve**

(1) The Board is hereby authorised to establish and maintain a general reserve into which shall be paid such sums of money as the Board may wish to allocate from time to time.

(2) The management of the general reserve shall be as the Board may, with the approval of the Commissioner determine.

## **17. Power to borrow**

(1) The Board may with the consent of the Governor borrow by way of overdraft or otherwise such sums as the Board may require for meeting its obligations and discharging its functions under this Law and the sums aforesaid may be borrowed from the State Government or from such other persons and upon such terms and conditions as the Governor may approve.

[No. 4 of 2006.]

(2) The Board may invest all or any portions of its funds in such manner as the Governor may approve.

[No. 4 of 2006.]

## **18. Accounts**

(1) The Board shall keep proper accounts of its transactions and other records relating thereto and shall prepare in respect of every financial year a statement of account in such form as the Commissioner may determine.

(2) The accounts of the Board shall be audited by Auditors appointed annually by the Board with the approval of the Commissioner.

(3) The Board shall soon after its accounts shall have been audited

furnish the Commissioner with the copy of the statement of account together with a copy of the Auditors' report.

## **19. Annual report**

(1) The Board shall prepare and submit to the Commissioner not later than the 31st day of March in every financial year an annual report in such form as the Commissioner may direct on the activities of the Board during the last preceding financial year and every such annual report shall have annexed thereto a copy of the Auditors' Report for the last preceding financial year.

(2) The Commissioner shall cause to be laid before the Governor as soon as may be a copy of every annual report submitted to him in accordance with this section.

(3) Notwithstanding any information which may be contained in the annual report, the Commissioner may by notice in writing served on the Director require the Board to furnish the Commissioner with any information relating to such matters within the competence of the Board as may be specified in the notice.

## **20. Conditions of service**

The Board may with the approval of the Commissioner make rules prescribing the conditions of service of the officers and employees of the Board and in particular, providing for—

- (a) the appointment, dismissal and discipline of its officers and employees;
- (b) payment of salaries remuneration and other allowances to its officers and employees;

- (c) training facilities for its employees;
- (d) appeals by its officers and employees against dismissal and disciplinary measures;
- (e) the granting of pensions, gratuities and other retiring benefits to its officers and employees and their dependants;
- (f) the establishment and maintenance of medical benefits funds, superannuation and provident funds and the contributions payable thereto or receivable therefrom.

## PART VII

### *Miscellaneous Provisions*

#### **21. Authentication of documents**

(1) Any contract or instrument which is entered into or executed by a person not being a body corporate which could not be required to be under seal may be made on behalf of the Board by any person generally or specifically authorised to act for the purpose by the Board.

(2) Any document purporting to be a document duly executed or issued under the seal of the Board shall unless the contrary is proved be deemed to be a document so executed or issued as the case may be.

(3) The seal of the Board shall be authenticated by the signature of the Chairman (or any member authorised by the Board) and the Secretary of the Board.

#### **22. Notice of suit to be given to the Board by intending plaintiff**

(1) No suit shall be commenced against the Board until one month at least after written notice of intention to commence the same has been served upon the Board by the intending plaintiff or his agent.

(2) Such notice shall state the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims.

### **23. Mode of service on the Board**

The notice referred to in subsection (1) of section 22 and any summons, notice or other document required or authorised to be served on the Board in connection with any suit by or against the Board shall be served by delivering the same to, or by sending it by registered post addressed to, the Director of Library Services at the principal office of the Board.

Provided that the court may, with regard to any particular suit or document, order service to be effected in accordance with the terms of such order.

### **24. Power to invest**

The Board may invest all or any of its funds in such manner as may be approved by the Governor.

### **25. Standing orders**

Subject to the provisions of this Law, the Board may with the approval of the Commissioner from time to time make standing orders providing for the proper conduct of its business and for meetings of the Board.

### **26. Regulations**

The Commissioner may with the approval of the Governor make regulations—

- (a) for regulating the use of the State Library;
- (b) for protecting the State Library and the books; fittings; furniture and contents thereof;
- (c) for the giving of guarantee or security by any person using the State library;
- (d) for the imposition of any fine or penalty upon any person who refuses or neglects to return any book which he may have borrowed from the State Library; and
- (e) for carrying into effect generally the purposes and provisions of this Law.

## CHAPTER K29

### KWARA STATE LIBRARY BOARD LAW

#### SUBSIDIARY LEGISLATION

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No Subsidiary Legislation

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