

MEMORANDUM FOR THE CABINET  
BY THE HON MINISTER OF EDUCATION AND TOURISM (AD INT.)

Amendments to the Public Notaries  
Ordinance (Cap. 142)

Under the Public Libraries Ordinance the general management and control of the public libraries is vested in the Library Committees. The Chairman of the Royal Malta Library Committee is the Minister of Education who is also responsible for public libraries in his capacity as Minister.

It is felt that this state of affairs should be changed and it is proposed to vest the direction of all public libraries in the Librarian and to endow the Committee with advisory instead of executive functions. This arrangement would bring public libraries into line with the general administrative set-up of other Departments.

It is therefore proposed to amend the Public Libraries Ordinance accordingly, and to transfer the power to make regulations from the Committee to the Minister. If these amendments are effected, it will be necessary to recast and republish, with amendments the rules and regulations governing public libraries in Malta and Gozo; and the new regulations are being prepared.

The amendments to the Ordinance have been drafted and are attached to this memorandum.

The draft Bill includes a further amendment and the insertion of a new section.

The additional amendment is intended to remove the requirement imposed on authors of delivering free of charge to the Librarian, in addition to the two copies intended for the two local libraries, a third copy of their work in order that the Librarian may then transmit it to the British Museum. It appears that this requirement was imposed by the British Government in 1937 for no reason

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other than that of providing the British Museum with free copies of works printed and published in Malta. It is a burden which cannot be justified and the relative provision should therefore be repealed.

It has been considered opportune to introduce, in respect of printed works, maps, prints, manuscripts and other documents having a bibliographical or historical importance, the same right of preference granted to the Government under the Antiquities (Protection) Act (Cap. 90).

Hon. Ministers are requested to state whether they agree with the above amendments.

14th September, 1966.

A B I L L  
entitled

AN ACT further to amend the Public Libraries Ordinance, Cap.142.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the House of Representatives of Malta, in this present Parliament assembled, and by authority of the same as follows:-

Short title.

1. This Act may be cited as the Public Libraries (Amendment) Act, 1966, and shall be read and construed as one with the Public Libraries Ordinance, hereinafter referred to as "the principal law".

Amendment of section 2 of the principal law.

2. For the words "Minister responsible for education" in section 2 of the principal law there shall be substituted the word "Minister".

Substitution of section 3 of the principal law.

3. For section 3 of the principal law there shall be substituted the following section:-

"3. (1) All libraries to which this Ordinance applies shall be under the direction of an officer to be styled Librarian, who shall also be the keeper of manuscripts and public records conserved in such libraries.

(2) The Minister may appoint annually for each of the libraries aforesaid an advisory committee for the purpose of tendering advice on the acquisition of printed works and manuscripts and on other matters generally concerning the library service."

Substitution of section 4 of the principal law.

4. For section 4 of the principal law there shall be substituted the following section:-

"4. (1) All applications for copies of or extracts from manuscripts in any library to which this Ordinance applies shall be made to the Librarian, who is hereby authorised to issue, attest and authenticate all copies of and extracts from such manuscripts.

(2) The Librarian shall levy such fees as the Minister may by notice prescribe:

Provided that until fees are prescribed under this section, the Librarian shall levy the fees prescribed by Government Notice No.81 of 1938 published in the Government Gazette of the 15th February, 1938."

Amendment of section 5 of the principal law.

5. Section 5 of the principal law shall be amended as follows:-

(a) by the deletion of subsection (2) thereof;

(b) by the substitution for the words "Librarians in charge of the Royal Malta Library and the Gozo Public Library respectively a return" in subsection (6) thereof of the words "Royal Malta Library and the Gozo Public Library a return showing the author and title";

(c) by the insertion immediately after the definition of "author" in subsection (7) thereof, of the following definition:-

"Minister". means the Minister responsible for public libraries;"

(d) by the substitution for the word "monography" in the english text of the definition of "work" in subsection (7) thereof, of the word "monograph";

(e) by re-numbering subsections (3), (4), (5), (6) and (7) as subsections (2), (3), (4), (5) and (6) respectively.

Substitution of section 6 of the principal law.

6. For section 6 of the principal law there shall be substituted the following section:-

"6. The Minister may make regulations for the admission of the public to and for the safety and use of any library to which this Ordinance applies."

Insertion of new section 8 in the principal law.

7. Immediately after section 7 of the principal law there shall be inserted the following new section:-

"8. (1) In case of sale of any printed work, map, print, manuscript or other document which, in the opinion of the Minister, has a 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 Minister 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 section shall be liable to a fine (multa) not exceeding two hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment."

#### Objects and Reasons

The object of this Bill is to transfer the direction of public libraries from the Library Committee to the Librarian and to make consequential amendments to the Public Libraries Ordinance. The Bill also proposes to introduce a right of preference in respect of printed works and other documents having a bibliographical or historical importance similar to the right of preference enjoyed by the Government under the Antiquities (Protection) Act.