

Cheshire Libraries' Byelaws

July 2001

On 1st April 2009, Cheshire West and Chester Borough Council became the Library Authority for the Cheshire West and Chester area following the abolition of Cheshire County Council. These byelaws remain in effect under the continuity provisions in the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008.



**Cheshire West
and Chester**

DEPARTMENT FOR CULTURE MEDIA AND SPORT

Cheshire Libraries' Byelaws

made under Section 19 of the
Public Libraries and Museums Act 1964
by the Cheshire County Council

- 1 In these byelaws, unless the context otherwise requires:
- (a) "the Act" means the Public Libraries and Museums Act 1964;
 - (b) "charge" means any charge imposed in accordance with the Regulations;
 - (c) "child" means a person under the age of 16 years;
 - (d) "emergency situation" includes situations where a library or part of a library is required to be evacuated for security reasons or because of threat from fire or other hazard and practices and false alarms in relation thereto;
 - (e) "last known address" means the last address held on the library authority's records;
 - (f) "the library authority" means the Cheshire County Council;
 - (g) "library" means:
 - i) any premises which are occupied by a library authority and are premises where library facilities are made available by the authority, in the course of their provision of a public library service, to members of the public;
 - (ii) any vehicle which is used by the library authority for the purposes of providing a public library service to members of the public and is a vehicle in which facilities are made available;and includes any part of such premises or vehicle;
 - (h) "the library officer" means any officer employed by the library authority in connection with its functions under the Act;
 - (i) "library property" includes property owned by or provided for the use of the library authority whether or not it is made available by the library authority for use by the public and property obtained by the library authority for the loan to or use of the public;

- (j) "the Regulations" means The Library Charges (England and Wales) Regulations 1991 S.I.1991/2712;
 - (k) words importing the masculine gender include the feminine, words in the singular include the plural and words in the plural include the singular;
 - (l) expressions used, unless the contrary intention appears, have meaning which they bear in the Act and Regulations.
- 2 An act performed in connection with the proper execution of his duty by a library officer shall not be a contravention of these byelaws.
 - 3 No person shall give a false name or address for the purpose of entering the library or for the purpose of using any library facility.
 - 4 No person who in the reasonable opinion of a library officer is offensively unclean in person or clothing or both shall remain in the library after having been asked by a library officer to leave the library.
 - 5 Except with the consent of a library officer, no person shall:
 - a) cause or allow any dog (other than a working dog accompanying a disabled person) or other animal belonging to him or under his control to enter or remain in the library;
 - b) bring into any part of the library a wheeled vehicle or conveyance (other than a wheelchair, pram, pushchair or shopping trolley);
 - c) enter or remain in any part of the library which a reasonable person would or should know is prohibited to the public, or
 - d) remain in the library after the time fixed for its closing.
 - 6 No person shall remain in the library after an emergency situation has been made known to him.
 - 7 No person shall, unless specifically permitted by a library officer, take or attempt to take any library property from the library or past a check out or security point.
 - 8 No person shall, without lawful excuse, destroy or damage any library property intending to destroy or damage such property or being reckless as to whether such property should be destroyed or damaged.
 - 9 No person shall behave in a disorderly manner in the library, use violent, abusive or obscene language therein, or intentionally or recklessly cause or do anything likely to cause injury to any other person or property.

- 10 No person shall sleep in the library after having been requested not to do so by a library officer.
- 11 No person shall remain in a library without making proper use of the library's facilities after having been requested by a library officer to make such proper use of the facilities.
- 12 No person shall engage in audible conversation in any part of the library where such conversation is prohibited by notice or after having been requested not to do so by a library officer.
- 13 No person shall intentionally or recklessly obstruct any library officer in the execution of his duty or intentionally or recklessly disturb, obstruct, interrupt, abuse or annoy any other person properly using the library.
- 14 No person shall, without the consent of a library officer, intentionally display, distribute or leave any bill, placard, notice or other document in the library.
- 15 No person shall, without the consent of a library officer, offer anything for sale in the library or canvass or seek signatures for petitions.
- 16 No person having charge of a child shall without the consent of a library officer leave him unsupervised in the library.
- 17 No person shall smoke, light a match or use a cigarette lighter in the library.
- 18 No person in any part of the library shall inhale any toxic substance for the purpose of causing intoxication or take any controlled drug as defined by Schedule 2 of the Misuse of Drugs Act 1971 other than drugs dispensed for and pursuant to prescription issued for him by a doctor under and in accordance with the aforesaid Act.
- 19 No person shall, except with the consent of a library officer, partake of refreshment in the library.
- 20 No person shall, except with the consent of a library officer, cause or allow any mobile telephone, portable computer, or other electrical equipment, or apparatus for the reception of sound broadcasting or for the reproduction of sound, to be operated in any part of the library to which the public has access.
- 21 No person who
 - a) borrows library property which is returned late or if returned would be returned late, or
 - b) fails to pay any charge shall, unless with the specific consent of a library officer, borrow any other library property.

- 22 a) Any person who has borrowed library property which if returned would be returned late and who has been served with a notice by the library authority demanding return of the library property shall return the library property to any Cheshire County Council library within 14 days from the date the notice was served.
- b) For the purposes of this byelaw, a notice may be served upon any person by delivering it to him, or by leaving it at his last known address or by sending it by post addressed to him at that address.
- 23 Except as regards byelaws 8 and 18 in respect of which a prosecution may be brought under the Criminal Damage Act 1971 or the Misuse of Drugs Act 1971 respectively any person who contravenes any of the foregoing byelaws shall be liable to prosecution for contravention of the byelaws by the library authority and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale in respect of each offence.
- 24 A library officer may exclude any person who contravenes any of the foregoing byelaws from any library maintained by the library authority under the Act.
- 25 On the coming into operation of these byelaws, the byelaws relating to libraries which were made by the Cheshire County Council on the eleventh day of June 1975 and were confirmed by Secretary of State for Education and Science on the 18th day of December 1975 shall be revoked.

THE COMMON SEAL OF CHESHIRE COUNTY COUNCIL
was herewith affixed in the presence of:

Nicholas McGinn, Group Solicitor
Authorised Signatory

The foregoing byelaws are confirmed on behalf of the Secretary of State for Culture, Media and Sport by the Head of Museums, Libraries and Archives Division, Department for Culture, Media and Sport and shall come into force on 30th July 2001.

Janet Evans
Head of Museums, Libraries and Archives Division,
Department for Culture, Media and Sport
28th June 2001

(This note is not part of the byelaws.

Users of the library and library facilities are reminded that the provisions of the general law apply at all times. In particular as regards the activities referred to in byelaws 8 and 18 the library authority draws attention to the existence of the Criminal Damage Act 1971 and the Misuse of Drugs Act 1971.

People who intend to make copies of works are advised that they may only do so in accordance with the provisions of the Copyright Designs and Patents Act 1988 and are liable to prosecution under that Act if they fail to observe its provisions).

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