

# Public libraries are protected by law

by Francis Bennion

I read Caitlin Moran's account of the debt she owes her threatened public library as the only alma mater she has ever had (*The Times Magazine*, 13 August 2011) with particular sympathy. Nearly half a century ago I was struggling to draft appropriately the Bill that became the Public Libraries and Museums Act 1964. I was instructed to draw a reasonable line between the requirements of the public and the limited resources of local authorities. The Act is still operative. Various attempts to enforce it by judicial review are pending.

The Act says a local authority which is a library authority must "provide a comprehensive and efficient library service for all persons . . . whose residence or place of work is within the library area of the authority or who are undergoing full-time education within that area". Its stock of "books and other printed matter, and pictures, gramophone records, films and other materials", must be "sufficient in number, range and quality to meet the general requirements and any special requirements both of adults and children".

[Under this provision a severe reduction now in the public library facilities which were being provided by a particular library authority two or three years ago is likely to be unlawful. This is because there is a presumption that the earlier provision did not exceed what was required under the Act.]

The Act also says that the Government must "superintend, and promote the improvement of, the public library service provided by local authorities in England and Wales, and . . . secure the proper discharge by local authorities of the functions in relation to libraries conferred on them as library authorities".

It does not appear that the statutory duties I have mentioned are being adequately fulfilled at present. The Act does not contain any provision for reduction of the duties because of a need for "cuts".<sup>1</sup>

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Website: [www.francisbennion.com](http://www.francisbennion.com)  
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<sup>1</sup> Published in *The Times* 16 August 2011. The important passage in square brackets was omitted.