

LEGAL NOTICE NO. 147

REPUBLIC OF TRINIDAD AND TOBAGO

THE NATIONAL LIBRARY AND INFORMATION SYSTEM ACT, CHAP. 40:01

REGULATIONS

MADE BY THE MINISTER ON THE ADVICE OF THE BOARD UNDER
SECTION 34(1) OF THE NATIONAL LIBRARY AND INFORMATION
SYSTEM ACT

THE NATIONAL LIBRARY AND INFORMATION SYSTEM
REGULATIONS, 2021

1. These Regulations may be cited as the National Library and Information System, (hereinafter referred to as “NALIS”), Regulations, 2021. Citation

2. In these Regulations—

Interpretation

“adult” means a person who has attained the age of eighteen years;

“agent” means a representative or employee of an entity contracted to act on behalf of NALIS;

“audiovisual equipment” means any machine that uses media other than standard print including, but not limited to, an audio cassette and tape player and recorder, 16 mm film projector, filmstrip projector, overhead projector, microfilm reader or printer, video recorder, video monitor, video playback unit, 35 mm slide projector, compact disc player, DVD player and assistive technology equipment;

“Board” means the Board of NALIS as established under section 9 of the National Library and Information System Act;

Chap. 40:01

“child” means a person under the age of thirteen years;

“citizen” has the meaning assigned to it in the Immigration Act;

Chap. 18:01

“day” means a calendar day, including a public holiday;

“director” means a member of NALIS’ executive management;

- “due date” means the date on which loaned library material is due to be returned to the library;
- “enhanced service” means any additional service provided to users at the discretion of NALIS, for which a fee may be assessed and which go beyond traditional core library services;
- “gifts” mean used or new materials donated to the library by individuals, groups or organisations;
- “guardian” means a person appointed to be the guardian of a child or young adult in accordance with the Family Law (Guardianship of Minors, Domicile and Maintenance) Act;
- “library” means any publicly accessible service point for the delivery of library and information services under the operation and control of NALIS in accordance with the Act;
- “library card” means a card, whether physical or digital with a barcode issued by NALIS to a person for the purpose of authorising that person to access materials and services;
- “library premises” includes a room, public area, office, passage, arcade, staircase, entrance and exit, occupied together as one set of premises and used for the purpose of affording library facilities to members of the public;
- “material” means, but is not limited to, any published or unpublished book, periodical, newspaper, pamphlet, picture, print, photograph, map, chart, plan, manuscript, correspondence, software, audiovisual material, sound recording, electronic resource or other article forming part of the contents of a library;
- “member” means a person who has completed NALIS’ application process for membership and has been accepted by NALIS;
- “NALIS” refers to the National Library and Information System Authority established under the National Library and Information System Act;
- “officer-in-charge” means the NALIS employee on site with responsibility for the service point;

“permitted entrant” has the same meaning assigned to it in the Immigration Act;

“public display, “public performance” and “published” shall have the meaning assigned to it in the Copyright Act; Chap. 82:80

“reference materials” refers to material which are available for use only in the library;

“resident” has the meaning assigned to it in the Immigration Act;

“service animal” means any dog that is tamed and individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability;

“social media” means forms of electronic communication (such as websites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages and other content (such as videos);

“vape” means to inhale and exhale the vapour produced by an electronic cigarette or similar device;

“young adult” means a person who has attained the age of thirteen years, but is under the age of eighteen years.

3. NALIS reserves the right to set the days and hours of operations. Hours of service

4. (1) NALIS shall, subject to—

(a) the Copyright Act;

(b) relevant individual agreements; and

(c) the guidance of the International Federation of Library Associations standards,

Access and use of material

regulate the access to and other matters for, or in relation to the display, examination transfer, disposal, use or other dealings in respect of any material.

(2) The regulation of material under subregulation (1), includes the restricting or prohibiting of the—

(a) making;

(b) using;

(c) printing;

- (d) publishing;
- (e) exhibiting;
- (f) selling or offering for sale of replicas;
- (g) photographs; or
- (h) representation,

of copies of any material in the ownership or possession of NALIS.

Publication
of
bibliographic
records

5. (1) In compliance with International Standards for Bibliographic Description, NALIS shall maintain and publish registers, catalogues and bibliographies for, or in relation, to the use of library material and the preservation of the national heritage.

(2) Registers, catalogues and bibliographies referred to under subsection (1), shall be made accessible to the public on such terms as determined by NALIS.

(3) A National Bibliography shall be published by NALIS annually.

Right to
borrow
material

6. Materials, excluding reference materials, may be borrowed by members in accordance with NALIS' lending policy.

Membership
application

7. A person who wishes to borrow from a library or to utilise services offered by a library shall apply for membership by completing the relevant application procedure.

Membership
eligibility

8. The following persons are eligible for membership:
- (a) a citizen or resident of Trinidad and Tobago; or
 - (b) a permitted entrant in Trinidad and Tobago.

Requirements
for
membership

9. (1) An adult applying for membership shall provide—
- (a) proof of identification in the form of a national identification card or a valid driving permit or passport;
 - (b) proof of current address in the form of a utility bill or other document accepted by the officer-in-charge;
 - (c) e-mail address, phone numbers or other contact details; and
 - (d) a completed application form.

(2) A child or young adult applying for membership shall provide—

- (a) his birth certificate;

- (b) proof of the identity of a parent or guardian in the form of the parent's or guardian's national identification card or a valid driving permit or passport;
- (c) proof of the parent's or guardian's current address in the form of a utility bill or other document accepted by the officer-in-charge;
- (d) e-mail address, phone numbers and other contact details of himself and that of his parent or guardian; and
- (e) a completed application form signed by the parent or guardian.

(3) A permitted entrant applying for membership shall provide—

- (a) proof of identity in the form of a valid passport;
- (b) proof of address in Trinidad and Tobago in the form of a current utility bill or other document accepted by the officer-in-charge;
- (c) e-mail address, phone numbers and other contact details;
- (d) a completed application form; and
- (e) payment of the relevant fees as specified in Regulation 14 and the Schedule.

(4) A person applying for membership, unless doing so online, shall sign the application form.

(5) Where a person is unable to sign the application form because of a physical or mental incapacity, the applicant's mark shall be witnessed by another person who shall then sign as a witness.

10. A member shall be issued a library card and shall be responsible for the card and material borrowed on the card.

Responsibility
for library
card and
material

11. Library membership is not transferable.

Library
membership
not
transferable

12. (1) A member shall immediately notify the officer-in-charge if his library card is lost or stolen.

Failure to
report lost or
stolen
library card

(2) A member who fails to comply with subregulation (1) will be held responsible for any material borrowed on a lost or stolen library card.

(3) A member whose library card is lost, stolen or damaged may apply to the officer-in-charge for a replacement copy of his library card.

Replacement of a library card 13. The member shall be responsible for the cost of replacement of the lost, damaged or stolen library card, in addition to the payment of a twenty-five per cent administrative fee.

Deposit fee for membership of permitted entrants 14. A membership fee as specified in the Schedule shall be charged for membership of a permitted entrant and the library membership shall expire one year after the date of issue.

Expiration and renewal of library membership 15. Library membership, other than for permitted entrant as referred to in Regulation 14, shall expire three years after the date of issue and is renewable.

Fees for renewal of library membership 16. (1) Where library membership expires, membership may be renewed—
 (a) without charge to a resident; or
 (b) upon payment of the fees specified in Regulation 14 and the Schedule by a permitted entrant.

(2) A member shall renew his library membership in person by presenting the expired library card, a valid form of identification, proof of his current address and verification of contact information.

Loan periods 17. (1) Materials shall be loaned for such periods as NALIS may determine.

(2) Loan periods shall be specified and advertised by the library.

(3) Members shall be advised of any changes in the loan periods of specified materials.

Overdue notice 18. (1) An authorised officer of NALIS shall issue overdue notices for materials not returned by the due date.

(2) Where the due date falls on a day when the library is closed, the new due date shall be the next opening day.

Fines on overdue material 19. A person who returns material after the due date shall pay the scheduled fine for the use of the material during the overdue period, unless otherwise determined by NALIS.

Reservation of material 20. (1) A member of a library may request particular library materials.

(2) A request under subregulation (1) may be made in person, by telephone or electronically and is subject to the availability of the requested material.

21. A member shall be charged the cost of processing and—

Charges for
lost or
damaged
material

(a) the full cost of replacement of any material which is reported lost or stolen, or is returned damaged beyond repair; and

(b) the cost of repairing any material returned partially damaged, as NALIS may determine.

22. Upon the return of library material referred to in Regulation 21, NALIS shall refund to a member the amount paid less the non-refundable processing charge where the—

Refund for
return of
material
reported lost

(a) library material is returned in good condition within three (3) months of its original due date; and

(b) original receipt issued by the library at the time the payment was made, is presented.

23. (1) The officer-in-charge is responsible and accountable for all monies collected from registered members and users of the library.

Collection of
fees, fines
and charges
and issuing of
receipts

(2) An official receipt shall be issued by NALIS for all monies received.

(3) Failure to pay any fines, fees and charges may result in the suspension of that person's membership and legal action being taken by NALIS.

(4) All monies received shall be deposited into NALIS' account.

24. Fees for enhanced services may be temporarily discounted at the discretion of the Executive Director.

Discounting
of fees for
enhanced
services

25. Waiver of any fee, fine or charges is at the discretion of the Executive Director or the Deputy Executive Director.

Waiving of
fees, fines
and charges

26. The fees and fines, as specified in the Schedule, shall be made publicly available and posted at all NALIS libraries and on the NALIS website.

Fees and
fines to be
made public

Persons
prohibited
from entry

27. (1) NALIS may refuse entry to library premises to—
- (a) any person committing or attempting to commit any activity that constitutes a violation of the laws of Trinidad and Tobago;
 - (b) any person who is inappropriately dressed; or
 - (c) students dressed in school uniform during school hours unless accompanied by a parent, guardian or teacher or unless they produce an authorisation letter from a parent, guardian, teacher or school principal.

(2) NALIS reserves the right to deny access to library premises to any person it has reason to believe would pose a nuisance or threat to its staff or patrons.

Search and
retention of
bags upon
entry

28. A person entering library premises shall—
- (a) be subject to search upon entry or departure from the library premises; and
 - (b) at the request of an agent or employee of NALIS, leave bags and articles in his possession at a designated place within the library premises.

Offences

29. A person who—
- (a) engages in audible conversation which may be disturbing to other library users in any part of a library, after having been requested not to do so by an agent or employee of NALIS;
 - (b) wilfully obstructs any agent or employee of NALIS in the execution of his duty;
 - (c) engages in the use of insulting, obscene, annoying, abusive or violent language, which disturbs or interrupts other library users and staff in any part of a library, after having been requested not to do so by an agent or employee of NALIS;
 - (d) makes any record or produces any publication of NALIS staff, users, library premises, activities, proceedings, public displays or performances and shares it on any social media site or on any other free or fee-based service, unless so authorised by NALIS;

- (e) wilfully disturbs any person in the proper use of a library by playing loud music, videos or other audio without the use of head phones, after having been requested by an agent or employee of NALIS to either use said headphones or desist from such activity altogether;
- (f) canvasses, solicits funds or offers services or goods for sale on the premises of a library;
- (g) in any way, misuses the internet facilities of a library including viewing, downloading, uploading or transmitting obscene and pornographic sites or tampering with, altering or adding unauthorised computer hardware or software;
- (h) engages in lewd or suggestive sexual acts or sexually explicit acts of intimacy;
- (i) leaves a child unattended;
- (j) causes or allows any animal except service animals, belonging to him or under his control, to enter or remain on any library premises;
- (k) brings into a part of a library, a bicycle or other wheeled vehicle or conveyance except a wheelchair or appliance to aid the mobility of a differently-abled person or an infant;
- (l) enters or remains in a non-public area of the library, unless he has the permission of the officer-in-charge to do so;
- (m) smokes, vapes or ignites a fire or flame in any part of a library premises;
- (n) litters on library premises;
- (o) affixes or posts a handbill, placard or notice to or upon any part of library premises;
- (p) enters the library with a weapon, unless authorised by law;
- (q) steals, damages, abuses or vandalises materials, furnishings, furniture or equipment;
- (r) is offensively unclean in person or dress, or suffering from a contagious or infectious disease;
- (s) brings any food or drink, with the exception of water, into the library, or consumes any refreshments on the library premises except in areas specially designated for this purpose;

- (t) gives a false name or address for the purpose of entering a part of the library premises or obtaining any privilege to which a member of the library is entitled;
 - (u) removes an item of library material from any library without authorisation; or
 - (v) uses another person's library membership to gain access to computers or services for his own benefit,
- commits an offence and is liable to a penalty under Regulation 30 or 31.

Penalties for
Offences

30. A person who commits an offence may—

- (a) be excluded or removed from the library premises;
- (b) be debarred for a stipulated period of time from the library premises;
- (c) have his library privileges and membership restricted by the relevant director; or
- (d) have his library privileges and membership terminated.

Prosecution
under the
Laws of
Trinidad and
Tobago

31. A person who commits an offence under these Regulations may, in addition to any action being taken by NALIS with respect to the penalties under Regulation 30, be liable upon summary conviction to a fine of five thousand dollars.

SCHEDULE

FINES AND FEES

A. OVERDUE FINES

\$1.00 per item per day past due date for printed material.

\$5.00 per item per day past due date for multimedia.

B. FEES

Printing, Photocopying and Scanning Services—calculated at the actual cost plus 25%.

Deposit fee for Membership of Permitted Entrants

\$350.00 for Membership (per year from date of issue)

Made this 6th day of May, 2021.

K. ROWLEY
Prime Minister