

Gibraltar Garrison Library Trust Act 2011

Principal Act

Act. No. 2011-17

Commencement (LN.2011/133)
Assent

19.9.2011

13.7.2011

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AN ACT TO MAKE PROVISION FOR THE ESTABLISHMENT AND TERMS OF A GIBRALTAR GARRISON LIBRARY TRUST; TO VEST IN THE CROWN IN RIGHT OF THE GOVERNMENT OF GIBRALTAR CERTAIN BUILDINGS NOW OCCUPIED BY THE PRESIDENT AND COMMITTEE OF THE GIBRALTAR GARRISON LIBRARY; TO VEST OWNERSHIP OF THE BOOKS AND OTHER CHATTELS NOW FORMING PART OF THE GIBRALTAR GARRISON LIBRARY IN THE TRUST ESTABLISHED BY THIS ACT; AND FOR RELATED PURPOSES.

Title and commencement.

1.(1) This Act may be cited as the Gibraltar Garrison Library Trust Act 2011.

(2) The provisions of this Act shall come into operation on such day as the Government may appoint by Legal Notice and different days may be so appointed for different purposes.

Interpretation.

2. In this Act, unless the context otherwise requires—

“the Collections” means the collection of books, journals and other paper things described in Part 2 the of the Schedule;

“the Garrison Library Building” means the building in which the Collections are housed and any related buildings, gardens and other grounds that the Government may make available to the Trust for its use;

“Gibraltar Garrison Library Committee” means the Committee established under the Gibraltar Garrison Library Act;

“the Minister” means the Minister charged with responsibility for Culture and Heritage;

“Officers of the Garrison” means any officer in one of Her Majesty’s Armed Services including the Royal Gibraltar Regiment stationed and resident in Gibraltar;

“the Trust” means the Gibraltar Garrison Library Trust established under section 3;

“Trust Property” means the property of the Trust under section 7;

“Trustees” means the persons appointed to be Trustees of the Trust under Section 5.

Establishment of Gibraltar Garrison Library Trust.

3.(1) There is hereby established a Trust to hold property for the benefit of the people of Gibraltar for the objects and purposes provided in this Act.

(2) The trust established by this Section shall be known as the Gibraltar Garrison Library Trust.

Trust to be body corporate.

4.(1) The Trust shall be a body corporate with perpetual succession and shall have a common seal which shall be officially and judicially noted.

(2) The Common seal of the Trust may only be affixed to an instrument in the presence of the Chairman or other person authorised by the Chairman for that purpose and one other member of the Trust.

(3) The Trust may sue and be sued in its corporate name. Service of any process or notice on the Trust may be effected by leaving it at, or sending it by registered post to, the principal office of the Trust.

Board of Trustees.

5.(1) There shall be a board of Trustees of the Trust who shall be responsible for carrying on the business and affairs, exercising the powers and implementing the objects and purposes of the Trust.

(2) There shall be a minimum of three and a maximum of eight Trustees.

(3) The following shall be Trustees—

- (i) The Minister;
- (ii) The Commanding Officer for the time being of the Royal Gibraltar Regiment;
- (iii) Such other persons as may be appointed by the Chief Minister.

(4) The Minister shall be the Chairman of the Trustees.

(5) Subject to sub section (6) below, persons appointed Trustees by the Chief Minister shall hold office for a three year period.

(6) If the Chief Minister is satisfied that any Trustee appointed by him under Section 5(3)(iii)—

- (a) has been absent from three consecutive meetings of the Trust without reasonable excuse;
- (b) has become bankrupt;

- (c) has been convicted of a criminal offence involving dishonesty or has been convicted of any criminal offence and has been sentenced to a term of imprisonment;
- (d) is incapacitated by physical or mental illness; or
- (e) is otherwise unable or unfit to discharge the functions of Trustee,

the Chief Minister may, by notice in the Gazette, declare his office as a Trustee to be vacant and thereupon his office shall become vacant and he shall cease to be a Trustee.

(7) A Trustee who wishes to resign his office shall do so in writing addressed to the Chairman and he may give up to three months prior written notice of such resignation.

(8) Any Trustee other than a Trustee to whom subsection (3)(b) to (e) applies who ceases to be a Trustee shall be eligible for re-appointment.

(9) The Minister shall appoint a person to be the Secretary of the Trust.

Meetings and proceedings of the Trust.

6.(1) The quorum at all meetings of the Trust shall if there be five or less Trustees be three and if there be more than five Trustees shall be four.

(2) The Trustees shall meet at least once every six months and meetings may be convened by the Chairman or by three Trustees through the Secretary.

(3) At all meetings of the Trust the Chairman or, in his absence, such Trustee as the Chairman may designate for that purpose, or failing such designation such other Trustee as the Trustees present may select, shall preside.

(4) Any matters arising at a meeting of the Trust shall be decided by a majority of the Trustees present and, in the case of an equality of votes, the Chairman (but not any substitute presiding Trustee) shall have a second or casting vote.

(5) All orders and directions of the Trust shall be given under the hand of the Chairman or the Secretary.

Property of the Trust.

7.(1) The property of the Trust shall comprise the following—

- (i) the Collections and other chattels and things vested in the Trust by this Act or subsequently acquired by the Trust;

- (ii) the monies vested in the Trust under section 14;
- (iii) any monies provided to the Trust by the Government for the purposes, objects or other affairs of the Trust;
- (iv) any monies or other property of whatever kind gifted or bequeathed to the Trust by any person;
- (v) any monies of the Trust derived from the income or activities of the Trust.

(2) Unless the Government shall agree otherwise the Collections shall at all times be housed in the Garrison Library Building.

Objects and purposes of the Trust.

8.(1) The objects and purposes of the Trust shall be, for the benefit, use and enjoyment of the people of Gibraltar and insofar as the Trust's own financial resources and financial resources provided to it by the Government permit—

- (i) to preserve, maintain, restore and expand the Collections and other Trust Property;
- (ii) to preserve, manage and maintain the Garrison Library Building;
- (iii) subject to such terms, condition and rules as the Trustees may determine and impose in that respect, to make the Garrison Library Building and the Collections accessible and available to the general public as a reading and reference library, and for such other purposes (not inconsistent or incompatible therewith or any other object or purpose of the Trust) as the Trustees may decide to permit;
- (iv) to encourage, promote and advance the written culture, history and literary heritage of Gibraltar, and to promote reading, research and all forms of literary activity and culture;

(2) In its implementation of the objects and purposes of the Trust, and in the exercise of its powers the trustees shall be bound by the following specific provisions—

- (i) Officers of the Garrison shall not be required to pay any membership fee or other fee which the Trustees may impose for access to the Collections or the Garrison Library Building (save fees for use of the premises for social or other events);
- (ii) The Trustees shall not permit the Garrison Library Building to be used for any purpose (other than as a Library) which the Government prohibits and if the Government allows use for a purpose subject to specified terms and conditions the Trustees shall not permit that use save in compliance with those terms and conditions.

Powers of the Trust.

9.(1) Subject to the provisions of this Act, the Trust shall have power to do all things necessary for carrying out its objects and purposes.

- (2) Without prejudice to the generality of the provision of subsection (1), the Trust may—
- (a) acquire and hold such interest in the Garrison Library Building as the Crown may grant it;
 - (b) purchase books, journals, maps, plans, prints and any other paper or printed matter to enhance or expand the Collections;
 - (c) employ persons;
 - (d) contract with any person for the supply to, or by, the Trust of any goods, services or personnel;
 - (e) maintain and equip the Garrison Library Building;
 - (f) compile, prepare, print, publish, issue, circulate and distribute, whether for payment or otherwise, such papers, leaflets, magazines, periodicals, books and other literary matter as may be conducive to the attainment of the objects and purposes of the Trust;
 - (g) establish such terms, conditions (including but not limited to the payment of fees and charges) and rules for access to the Collections and access to and use of the Garrison Library Building;
 - (h) establish and operate bank accounts;
 - (i) engage in activities (approved by the Minister) intended to stimulate the giving (whether on trust or otherwise) of money or other property to assist the Trust in advancing the purposes or objects of the Trust or in providing or improving any services or facilities or accommodation which is, or are, or is or are to be, provided by the Trust in connection with the objects and purposes of the Trust.

Boards, Committees and Procedures.

10.(1) The Trust may establish Boards or Committees for the purposes of conducting its affairs, including (but without prejudice to the generality of the foregoing) a management board to oversee its day to day business.

(2) Any Board or Committee established under subsection (1) shall be responsible and accountable to the Trustees and shall carry out their business in such manner as the Trustees shall direct.

(3) Persons shall be appointed to and be removed from Boards and Committees by the Trustees at will, and persons may be appointed whether or not they are Trustees, provided that a majority of the members of every Board and Committee shall be either Trustees or employees of the Trust.

(4) Save as may be provided in this Act the Trust may regulate its own procedures and those of any Board or Committee established under this Section.

Financial duty of the Trust.

11. The Trust shall so manage its affairs as to ensure that, taking one year with another, its outgoings are not greater than its revenues from—

- (a) all funds which may from time to time be voted by Parliament for the purposes and objects of the Trust;
- (b) all fees due to the Trust for the provision of services and facilities in the implementation of the purposes and objects of the Trust;
- (c) all monies properly accruing to the Trust from any other source.

Accounting and auditing.

12.(1) The Trust shall keep proper books of account of its operations during each financial year, and shall also cause a statement of its accounts for each financial year to be prepared within six months after the end of each financial year.

(2) The accounts of the Trust for each financial year shall be audited by the principal Auditor as soon as practicable after the end of that year and shall be submitted to him for that purpose within seven months after the end of the financial year to be audited.

(3) The Principal Auditor shall, with reference to the accounts of the Trust, report—

- (a) whether he has obtained all the explanations and information which to the best of his knowledge and belief were necessary for the purposes of the audit; and
- (b) whether, in his opinion, proper books of account have been kept by the Trust, so far as appears from his examination of those books; and
- (c) whether the Trust has discharged its financial duties and obligations under the provisions of this Act.

(4) Within one month after the end of the audit of its accounts for any financial year, the Trust shall prepare and submit to the Minister a written report of its operations for that year together with a copy of the audited accounts for that year.

(5) The Minister shall lay one copy of the annual report and of the audited accounts on the table of the Parliament as soon as practicable after they have been received by him.

(6) The Trust shall furnish to the Government—

- (a) a copy of its estimates of income and expenditure, including capital expenditure, no later than the 31 January in each year for the next financial year of the Trust; and
- (b) Such financial, statistical and other information about the affairs of the Trust as it may from time to time require.

Financial Year.

13. The financial year of the Trust shall be the twelve month period ending on the 31st March in each year provided that the first financial year of the Trust shall be the period commencing on the commencement date of this Act and ending on the 31st March next thereafter.

Vesting of Property.

14.(1) The premises described in Part 1 of the Schedule shall be vested in the Crown in fee simple to be held by it pursuant to and in accordance with the provisions of section 75(1) of the Constitution and it shall be the duty of the Government to keep or cause to be kept the premises in a state of good repair.

(2) The Collections and other personal property and chattels described in Part 2 of the Schedule and monies of the Garrison Library Committee shall vest in the Trust and shall constitute Trust Property.

No personal liability to attach to Trustees.

15. No personal liability shall attach to any Trustee in respect of anything done or omitted to be done in good faith under the provisions of this Act.

No personal liability to attach to members of Garrison Library Committee.

16. No personal liability shall attach to any member of the Garrison Library Committee in respect of anything done or omitted to be done prior to the commencement of this Act, including but not limited to agreeing to the vesting of the property vested in the Crown and in the Trustees respectively under section 14.

Regulations.

17. The Minister may make Regulations to regulate the affairs of the Trust, including but without prejudice to the generality of the foregoing to increase or modify the powers of the Trustees and generally for carrying out the purposes of this Act.

Repeals.

18. The Gibraltar Garrison Library Act is repealed.

SCHEDULE**PART 1. - The Premises vested in the Crown**

ALL THAT piece or parcel of land and the buildings erected thereon, being Freehold Property No 605 in the General Plan of the City of Gibraltar and recorded in R No 138, containing in the whole 69,454 square feet or thereabouts, including the Garrison Library and Library Gardens, ex printing works and editorial offices, various residential properties and all other associated or ancillary structures and buildings, but subject to the existing leasehold interests, all of which piece and parcel of land is bounded to the North by Library Ramp, to the West partly by Governor's Street and partly by Freehold Property No 607, Freehold Property No 614 and Crown Property No 620F, to the South by Crown Property No 620F, Crown Property No 620/620B, Crown Property No 613/615/616 and Freehold Property No 612 and to the East partly by Prince Edwards Road and partly by Crown Property No 603 and Freehold Property No 604/606.

AND ALL other real estate property or any interest therein whatsoever vested in the Garrison Library Committee at the time of commencement of this Act.

PART 2. - The Collections and other chattels vested in the Trustees

All books, journals, prints, plans, maps and other written materials and papers of whatever kind, and all furniture, fixtures, fittings, equipment, artefacts and things in the possession, ownership or control of the Garrison Library Committee at the time of commencement of this Act.