

Act regarding library services



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Preface

Act regarding library services was passed by the Danish parliament, Folketinget, in the summer 2000, being the latest act in a long line of Danish public library acts since the first one appeared in 1920.

The ambition of this act is to create an adequate framework for the library in the information society, that is to say the networking hybrid library.

It aims to do so by defining the library as 'extended' in relation to media and by providing more flexible rules on the development of library infrastructure. Furthermore by establishing an Internet-based union catalogue with searching and ordering facilities, by placing all relevant academic libraries under an obligation to contribute to the interlibrary lending system and by establishing regulations between municipalities in order to support a closer inter-municipal co-operation.

The act continues the basic traditions in Danish public libraries, above all the free – and free of charge – and equal access to all library media – including Internet access. And it is still an obligation for all municipalities to run a public library.

However, it is also significant that the act gives provisions for libraries to charge users for extended services, that the libraries are even expected to establish new chargeable services and that for instance express delivery service is supposed to fall into this category, as are various learning and consultancy services.

During the preparatory legislative work we experienced a marked professional interest from many countries – and we actually promised to prepare an English version of the act once it was passed. That promise is hereby fulfilled.

Jens Thorhaug

*Director
Danish National Library Authority*



The Danish parliament, Folketinget, 4. May when the Act was passed

Act regarding library services

*WE MARGRETHE THE SECOND, by the Grace of God Queen of Denmark,
make it known:*

The Folketing has passed and We have confirmed by Royal Consent the following Act:

Part 1

Public Libraries: Objectives and services

§ 1. The objective of the public libraries is to promote information, education and cultural activity by making available books, periodicals, talking books and other suitable material, such as recorded music and electronic information resources, including Internet and multimedia.

(2) The public libraries must endeavour to make available videos.

(3) The public libraries promote municipal and government information and information about society in general.

§ 2. The objective of the public libraries shall be achieved by observing quality, comprehensiveness and topicality in the choice of materials to be made available. These criteria alone must be the decisive factors and not any religious, moral or political views which might be expressed in the material.

§ 3. The municipal council is obliged, possibly in co-operation with other municipal councils, to run a public library with departments for children and adults. The municipal council may enter into an agreement with another municipal council on complete or partial library service.

(2) The municipal council must as far as possible

- 1) establish library service for those children and adults who are unable to visit the library in person,
- 2) adapt the libraries' opening hours according to the users' needs and
- 3) establish branches or provide other service points where the size and character of the municipality make this expedient.

(3) The head of a public library must have a relevant professional background.

(4) Municipal councils may appoint a library council with a view to a co-ordination of library services between several municipalities.

§ 4. Upon consultation with the municipal parties the Minister for Culture may lay down detailed rules concerning the public libraries' materials and the use of these. The rules may i.a. concern the contents of the libraries' collections, the libraries' option - in specific cases – to request a deposit in connection with a loan and the possibilities for restricting loan of material.

§ 5. The public libraries are at the disposal of everyone for use on the premises and for the loan of materials. The obligation to lend material applies to the items mentioned in § 1 (1).

(2) Through participation in the general interlibrary loan service the public libraries must endeavour to provide the users with such material as the library itself does not possess.

§ 6. The public libraries may establish and run service points in companies and institutions or enter into agreements on provision of library service to these.

(2) Expenses in connection with library service to government, county and other non-municipal institutions must be paid by the institutions in question.

§ 7. The municipality's public libraries must co-operate with the municipal school libraries. Identical cataloguing systems etc. must be used in public libraries and school libraries.

Part 2

Government tasks within the library domain

The government's tasks

§ 8. The government encourages co-operation within the library sector and endeavours to ensure that through the public library the users have access to government and government-supported libraries' material, cf. §§ 9-18.

County libraries

§ 9. The county libraries act as main loan centre for the public libraries by endeavouring to obtain material to the extent that the public libraries do not themselves possess this material, cf. § 11.

§ 10. Upon consultation with the municipal parties the Minister for Culture decides which public libraries must also act as county libraries.

(2) When making this decision it must be taken into consideration that the library's materials, staff and premises all measure up to the standard required for the professional conduct of the special duties of a county library.

§ 11. Concerning the county library service the Minister for Culture enters into an agreement with the municipality whose public library carries out this function.

(2) The agreement must include a description of the tasks which the county library carries out on behalf of the number of public libraries which it serves. The agreement must include a description of the services which the county library

makes available free of charge. The agreement may i.a. concern the tasks aimed at a regional co-ordination within a defined geographical area and at strengthening professional skills in the libraries.

§ 12. The government pays the expenses in connection with the county library service.

(2) The government grant to the county libraries is stipulated in the annual government budgets.

Government libraries

§ 13. The government runs a number of libraries with a view to serving educational establishments, institutions and research.

(2) A government library is at the disposal of anyone for use on the premises and for loan of material and participates in the libraries' general interlibrary loan co-operation in so far as the task forms part of the prerequisite for the grant to the library.

(3) A library which receives subsidy from the government is at the disposal of anyone for use on the premises and for loan of material and participates in the libraries' general interlibrary loan co-operation in so far as the task forms part of the prerequisite for the subsidy to the library.

(4) Upon consultation with the appropriate ministers the Minister for Culture lays down detailed rules for the obligations of government and government-supported libraries, mentioned in (2) and (3). The rules may i.a. concern the libraries' option - in specific cases - to request a deposit in connection with a loan and their possibility for restricting the loan of material. When determining the rules specific conditions in relation to the individual libraries may be taken into consideration.

§ 14. The State and University Library acts as main loan centre for the public libraries by

- 1) making available books, periodicals and other suitable material to the public libraries,
- 2) effecting loans nationally and internationally,
- 3) providing the public libraries and other relevant institutions with material specifically intended to fulfil the needs of refugees and immigrants and
- 4) maintaining a central repository library function for the public libraries.

§ 15. The Danish National Library for the Blind acts as main loan centre for the public libraries by providing the libraries with material specifically intended for the promotion of information to the blind, visually handicapped, dyslexics and others who due to a handicap are unable to or find it difficult to read a printed text. The Danish National Library for the Blind effects loans nationally and internationally in connection with the public libraries' service to the group of users mentioned.

(2) The Danish National Library for the Blind may advise the libraries on conditions relevant to the service to the group of users mentioned in (1).

Other government tasks

§ 16. The government pays the expenses in connection with the compilation of the national bibliography which forms part of the national common library catalogue.

(2) The government strives to ensure that as far as possible the national common library catalogue is made available to everyone by access via Internet.

§ 17. The government provides subsidies for the libraries of the German minority in Southern Jutland.

(2) The government may provide subsidies for library service to other special groups.

(3) The Minister for Culture may lay down detailed rules for the submission of accounts, the auditing proficiency and the auditing process in connection with subsidies paid in accordance with (1) and (2). The Minister for Culture may request further material from the recipients of the subsidies and submit this to the National Auditors for further auditing.

§ 18. The government provides subsidies for development within the public and school libraries.

Part 3

Special provisions

The public libraries

§ 19. Loan of material from the public library and service provided in the library are free of charge for the user, cf. however §§ 20 and 29.

§ 20. The municipality may charge the user for special services associated with the public libraries' general service, but which go beyond use on the premises, loan of material and general advice. The municipality may also offer for sale knowledge accumulated in the public library in connection with solving ordinary library tasks. The municipality may process and further develop this knowledge with a view to offering it for sale. The sale of this know-

ledge must be prepared in such a way as not to impair the running of the general library services to an unreasonable extent.

(2) Services, mentioned in (1), must be expressly requested by the user.

(3) The municipal council determines the size of and the way in which the fee should be charged for the services mentioned in (1), cf. however (4).

(4) If the services mentioned in (1) are offered in competition with private parties, the prices for the services must be fixed according to market conditions to avoid unfair competition.

(5) The municipality's sale of services that are offered in competition must not over a period of three years show a total deficit.

(6) Upon consultation with the Minister for the Interior the Minister for Culture lays down detailed rules on price fixing according to (4) and submission of accounts in connection with the municipalities' sale of services mentioned in (1), cf. (4) and (5).

§ 21. Municipalities may charge for overdue material. The fee must not exceed DKK 20,- for items which a user has borrowed simultaneously, which have the same loan period and which are returned together, for children and young people under 14 the fee must not exceed DKK 10,-. If the loan period is exceeded by more than 7 days, the fee may be raised to DKK 110,- for children under 14, however, the fee must not exceed DKK 55. If the period is exceeded by more than 30 days, the fee may be raised to DKK 220,-, for children under 14 the fee must not exceed DKK 110,-.

(2) The amounts mentioned in (1) are to

be adjusted on 1. January, beginning with the 1. January 2001 on a rate adjustment percentage, rounding off to amounts divisible by 5.

§ 22. By participation in the interlibrary loan co-operation a municipality may request payment from another municipality for loans, however not for loans effected as part of the county library function. The payment cannot be levelled at the user.

(2) Upon consultation with the municipal parties the Minister for Culture lays down detailed rules for the payment mentioned in (1). The rules may i.a. concern the size of the fee and the way in which it is charged, including notice of fee being charged.

§ 23. Having given reasonable notice the municipality may charge a fee if a user from another municipality borrows material from the public library. Payment is requested from the user's municipality of residence and cannot be levelled at the user.

(2) Upon consultation with the municipal parties the Minister for Culture lays down detailed rules for the payment mentioned in (1). The rules may i.a. concern the size of the fee and the way in which it is charged, including notice of fee being charged.

§ 24. The municipality may charge the user for the issuing of a replacement ticket.

Government libraries

§ 25. Government and government-supported libraries which have obligations in accordance with § 13, (2) and (3) lend material and offer service in the library free of charge to the user, cf. however § 27, (1) and § 29.

§ 26. Government and government-supported libraries which have obligations in accordance with § 13, (2) and (3) effect loans to the public libraries free of charge.

§ 27. Government and government-supported libraries which have obligations in accordance with § 13, (2) and (3) may charge the users for specific library services that are associated with the general library service, but which go beyond use on the premises, loan of material and general advice.

(2) Upon consultation with the relevant ministers the Minister for Culture lays down detailed rules on the government and government-supported libraries' services, mentioned in (1). The rules may i.a. concern which services may be chargeable, including the size of the amount.

§ 28. A government library may charge a fee for overdue material. The fee must not exceed DKK 5,- per unit. If the loan period is exceeded by more than 7 days the fee may be raised to no more than DKK 25. If the loan period is exceeded by more than 30 days, the fee may be raised to no more than DKK 50,-. The amounts are adjusted per 1. January, beginning with the 1. January 2001 on a rate adjustment percentage, rounding off to amounts divisible by 5.

(2) Government-supported libraries may charge a fee for overdue material in accordance with (1).

Common regulations

§ 29. An agreement between a library and a supplier or rights holder on delivery of material to a limited group of users may contain a provision to the effect that

delivery of material to users outside the group can be effected by payment of a special consumer determined license fee. A library may decide that such a fee be levelled at the user.

§ 30. Upon consultation with the municipal parties and relevant ministers the Minister for Culture may decide that the libraries must charge for ordering of material via Internet access to the libraries' common library catalogue.

(2) The fee is charged by the library that effects the order.

(3) Upon consultation with the municipal parties and relevant ministers the Minister for Culture lays down detailed rules on the charging of the fee mentioned in (1). The rules may i.a. concern the size of the amount, the way in which it is requested as well as exceptions from the obligation to pay.

§ 31. A library may exclude a user from borrowing at the library if the person in question has to a considerable extent violated his obligation to return borrowed material in undamaged condition.

(2) Exclusion from borrowing at the library may also occur if a user has omitted to pay the fees according to §§ 21 and 28.

(3) Upon consultation with the municipal parties and relevant ministers the Minister for Culture lays down detailed rules for exclusion. The rules may i.a. concern guidelines for exclusion, notice and exclusion period.

§ 32. A bailiff's order may be implemented regarding fees which have been determined according to §§ 21 and 28 if the amount due is DKK 200,- or above.

§ 33. Outstanding fees according to § 21 and § 28 (1) can by the collecting authority, with a surcharge for extra expenses, be collected by withholding of salary etc. according to the rules on collection of personal taxes in the act on deduction at source. Furthermore, for an amount corresponding to the unpaid fees with a surcharge for extra expenses, a municipality enters into the right to payment of overpaid tax and labour market contribution with compensation and interests as well as expedited return of tax payment according to the act on deduction at source.

(2) The Minister for Culture may lay down detailed rules on the procedure in connection with withholding of salary.

(3) The collecting authority may request such information from the taxation authorities and other public authorities as is necessary for effecting the collection of the in (1) mentioned amounts, including information on income and capital. The information can be transferred electronically.

§ 34. In the regulations for the procedure in connection with withholding of salary for unpaid fees according to § 33 (2) a penalty may be imposed for infringement of the stipulations in the regulations.

(2) Criminal liability may be imposed on companies etc. (legal persons) according to the provisions in Part 5 of the penal code.

§ 35. The libraries must provide a set of rules for their users. The rules must include conditions for borrower's identification, loan period, charge of deposit, violation of the obligation to return borrowed material in undamaged condition, charge of fines and fees and implementation of bailiff's order.

Part 4

Concluding conditions

§ 36. The Act comes into force 1. July 2000. At the same time Act No. 1100 of 22. December 1993 on Public Libraries etc. is repealed.

(2) The right to borrow recorded music and multimedia from other public libraries than the library of the municipality of residence, cf. § 5 (1) does not take effect until 1. January 2003.

(3) The public libraries' and government and government-supported libraries' charging of fees for overdue material according to the regulations in §§ 21 and 28 does not take effect until 1. January 2003.

§ 37. Until the Minister for Culture according to this Act has appointed the libraries which will act as county libraries, the present county libraries are maintained, cf. § 8 in Act No. 1100 of 22. December 1993 on Public Libraries etc. Furthermore the special grants to the metropolitan municipalities of Copenhagen and Frederiksberg for that part of the library service which corresponds to the county library service, cf. § 11 in the Act mentioned, shall be maintained.

(2) The public libraries' possibility of charging a fee for overdue material, cf. § 18 in Act No. 1100 of 22. December 1993 on Public Libraries etc., shall be maintained until 31. December 2000.

§ 38. This Act does not apply to the Faeroe Islands and Greenland.

*Given at Christiansborg Castle, 17. May 2000
Under Our Royal Hand and Seal*

MARGRETHE R.

/Elsebeth Gerner Nielsen

Ministerial Order regarding library services

Pursuant to § 4, § 13 (4), § 20 (6), § 22 (2), § 23 (2), § 27 (2), § 31 (3), § 33 (2) and § 34 in Act No. 340 of 17. May 2000 on library services the following provisions apply:

Part 1

The public libraries

The public libraries' materials etc.

§ 1. The public libraries must each year, with due regard to the character of the area served, acquire a suitable part of published Danish works.

(2) Prior to the disposal of materials, which have been de-accessioned from the collections of the public libraries and which are considered suitable for reuse, these works must be offered to the State and University Library.

§ 2. The municipality may request a deposit or demand surety from a user borrowing material from the public library, if the user is not domiciled in the municipality.

§ 3. If a public library runs a department in an institution or a company, the department's materials are to be regarded as part of the public library's collection, unless otherwise agreed.

§ 4. When cataloguing and classifying the materials the same rules should be followed as those applied for the preparation of the Danish national bibliography.

The public libraries' sale of services which are offered in competition with private parties

§ 5. Before submitting a tender and entering into an agreement about a particular task which is offered in competition with private parties, cf. § 20 (1), cf. (4) of the Act, the municipality must work out a calculation of the total costs involved in the municipality's taking on the task in question or the type of task in question.

(2) The price of a task must be determined in such a way that it will, as a minimum, cover the estimated total costs in connection with carrying out the task.

§ 6. The calculation of a municipality's total costs in connection with carrying out a task in accordance with § 20 (1), cf. (4) of the Act must include:

- 1) all direct costs associated with the carrying out of the task, for example salary incl. pension contribution etc., as well as overtime and extra work, official journeys, materials and specifically acquired apparatus, and
- 2) all indirect costs associated with the

performance of the task, for example indirect wages costs, share of joint costs for example management, administration, rent, equipment, development etc. and statutory insurance, pension obligations, interest on working capital, interest and depreciation on investment funds as well as calculated costs for any other facilities which have been provided in connection with the task.

§ 7. As regards the services offered in accordance with § 20 (1), cf. (4) of the Act, the municipality must prepare a current registration of the returns and costs in connection with the tasks, cf. § 6.

(2) Each year the municipality must include in its annual accounts a detailed report on the total costs involved in carrying out the tasks in accordance with § 20 (1) cf. (4) of the Act. The report must contain an overall status for the annual activities within the area as well as information on status for the activities during the past two accounting years.

The public libraries' interlibrary loan co-operation and loans to users domiciled in other municipalities

§ 8. Payment for loans effected as part of the public libraries' interlibrary loan co-operation, cf. § 22 (1) of the Act, is fixed at DKK 25,- per unit. Postage and packing may also be charged for.

§ 9. A lending municipality may in accordance with § 23 (1) of the Act, charge for loans to citizens from another municipality when these exceed 7% of the borrowing municipality's total loans. If the lending municipality also functions as

county library, the lower limit is fixed at 10%. A borrowing municipality can only be charged by a lending municipality, if the intermunicipal loans amount to at least 1000 units.

(2) A borrowing municipality's total number of loans include loans from own (local) library service to own (local) citizens, to citizens from other municipalities and to other libraries. When a municipality has established co-operation with other municipalities on joint administration of a public library or has entered into agreement with other municipalities on full library service, cf. § 3 of the Act, the loans from these municipalities are included in the registration of the total number of loans.

(3) A lending municipality's intermunicipal loans are counted after deduction for the borrowing municipality's intermunicipal loans to the lending municipality. The deduction is done when calculating the lower limit of 1000 units and when calculating the total number of chargeable loans.

(4) The payment is fixed at DKK 10,- per unit lent. The payment is worked out on the basis of the volume of loans over a period from 1. January to 31. December in a year and can not be requested before the end of the period. Notice must be given at least 18 months prior to the time of request for payment. For the period 1. January to 31. December 2002, request for payment can not take place before 1. January 2003.

(5) In connection with serving notice a lending municipality must offer a borrowing municipality the possibility to negotiate the establishment of co-operation as an alternative to intermunicipal payment.

Part 2

Government and government-supported libraries

§ 10. Government and government-supported libraries which have obligations in accordance with § 13 (2) and (3) of the Act, can in consideration of the library's objectives in special cases prioritise the servicing of the library's primary users. By primary users is meant researchers, students, staff and others attached to the institutions which the library serves.

(2) The libraries may in specific cases request a deposit or surety from users who are not included in the library's primary user group.

§ 11. The Danish National Library Authority annually announces which government and government-supported libraries have obligations in accordance with § 13 (2) and (3) of the Act.

§ 12. A special service, cf. § 27 (1) of the Act, is constituted by a particularly resource-demanding task.

(2) A special service must be expressly requested by the user.

Part 3

Common regulations

Restrictions in access to borrowing material from the library and exclusion of borrowers

§ 13. If a library holds material of particular value, of which only a few copies exist or which for other reasons is less suitable for lending, the library is entitled to decide on certain restrictions in access to borrowing the material.

§ 14. Exclusion in accordance with § 31 of the Act, can be enforced if a user repeatedly has failed to return materials or returns borrowed material in damaged condition.

(2) Exclusion in accordance with § 31 of the Act, can further occur if a user has omitted to pay the fees stipulated in §§ 21 and 28 of the Act, if the amount due is DKK 200 or more.

(3) Exclusion of a user according to (1) and (2) must be pre-empted by 7 days written notice. If exclusion according to (1) is due to the in § 13 mentioned material, exclusion may be effected without notice being given.

(4) If the user settles the matter with the library, for example by returning the material, by replacing damaged material or by paying the fees due, the exclusion must be withdrawn.

Withholding of salary in connection with outstanding fees for exceeding the loan period

§ 15. The collecting authority makes the decision as to withholding of salary etc. according to § 33 of the Act on outstanding fees which are requested in accordance with § 21 and § 28, (1) of the Act, with added costs.

(2) The decision is made following an assessment of debtor's personal and financial conditions, cf. Act on tax deduction at source, § 73 (3).

(3) Debtor is obliged to provide the collecting authority with all the necessary information about personal or financial conditions which is important in relation to the withholding of salary and to the question as to whether the withholding can be effected.

§ 16. The collecting authority informs the debtor at once about the decision. This must be done in writing and must state the kind of debt involved and the amount, including costs. The message must furthermore quote the content of § 33 of the Act, as well as that of §§ 17-19 of this ministerial order.

§ 17. A decision on withholding of salary is effected by reporting to the Common Register for Withholding of Salary, cf. § 3 in Act on the Common Register for Withholding of Salary.

§ 18. The person in charge of the withholding of salary pays the appropriate amount to the Common Register for Withholding of Salary. Payment is effected at the same intervals as the withholding of salary. The amounts fall due on the 1. of the calendar month following the withholding of salary with deadline on the 15. in the settling-month. If the last day for payment falls on a Saturday, Sunday or a holiday, the deadline is extended to the first ordinary weekday.

(2) Upon payment the person in charge of the withholding of salary must provide written information about debtor's personal registration number, name and address, the size of the amount withheld and the

size of the amount of income which is the basis for the calculation of the withholding.

§ 19. The person in charge of the withholding of salary must, if the debtor is not or has ceased to be employed at the same place, or he is no longer on the payroll, within 5 days inform the Common Register for Withholding of Salary in writing about this.

(2) Upon request the person in charge of the withholding of salary must provide the Common Register for Withholding of Salary with information about the debtor's conditions of work and financial conditions relevant to the withholding. Answer must be provided within 14 days after the receipt of the request.

§ 20. Anyone violating § 15 (3) and §§ 18 and 19 will be fined.

(2) Companies etc. (legal persons) may be enjoined criminal liability according to the regulation in part 5 of the penal code.

Part 4

The coming into force of the regulations etc.

§ 21. The Ministerial Order comes into force on 15. November 2000.

The Ministry of Culture, 24. October 2000

ELSEBETH GERNER NIELSEN

/ Claus Hjorth

