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Abbreviations and acronyms:

ARLS	Act Regarding Library Services of Denmark
BGB	German Civil Code (B ürgerliches G esetz b uch)
CA	Children Act 2004 of Great Britain
GmbHG	German Law on Limited Companies ("Gesetz betreffend die G esellschaften m it b eschränkter H aftung")
GO NW	Municipal Regulation of the Federal State of Northrhine-Westphalia ("Gemeindeordnung N ordrhein- W estfalen")
JFG	Youth Promotion Act of Switzerland ("Jugendförderungsgesetz")
JWG	Youth Welfare Act of Austria ("Jugendwohlfahrtsgesetz")
LBP	Public Library Act of Belgium ("Loi relative aux B ibliothèques p ubliques")
OVG	Administrative Appeals Tribunal ("Oberverwaltungsgericht")
SGB VIII	Eighth Book of the Social Security Code of the Federal Republic of Germany ("Sozialgesetzbuch A chtes B uch")
VG	Administrative Tribunal ("Verwaltungsgericht")

The Regulation of Youth Work and Public Libraries in Municipalities in Selected European States

An effective and democratic governance is one of the most challenging issues Russia is facing today. The complexity and multiplicity of the tasks a modern state has to deal with makes it impossible to provide an efficient public administration on a "centralised base" - hence it is vitally important to guarantee the existence of local self-government and to create a transparent and workable legal framework for its performance.

The rebirth of the local government in Russia and the beginning of its reform dates back to the early 1990s, when the country underwent economic and political restructuring. The Federal Law No. 131 passed in June, 2003 "On the General Organisational Principles of Local Self-Government in the Russian Federation" appeared to be the next crucial step and was expected to give more fiscal and managerial independence to municipalities.

Local self-government has formally become a very widespread phenomenon and there are 24,208 municipalities in Russia at the moment.¹ However the goals of the reforms have not been achieved – local government institutions are still very weak and their participation in social and economic developments is very limited. There is an urgent need for new opportunities to improve this situation. A workable legal framework can be a key element in the development of the efficient self-government system. Two problems of municipal importance are the realisation of education, recreation and social work with children and youth at municipality (A.) and the public library service (B.): models of legal acts from European countries shall be described in order to transfer some of the solutions found in these countries. Thus, the Russian self-government can reach European standards.

A. Models of Legal Acts on Realisation of Education, Recreation and Social Work with Children and Youth at Municipality

Models of legal acts on realisation of education, recreation and social work with children and youth at municipality shall be given for Germany (I.), Austria (II.); Switzerland (III.) and Great

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Britain (IV.).

I. Legal Acts on Realisation of Education, Recreation and Social Work with Children and Youth at Municipality in Germany

Society is only capable of noticing the importance of adequate work with children and youth when the lack of the latter becomes too obvious.² As an example he uses the experience gathered in East Germany, where due to financial and organisational reasons the social work with children and youth had lost a great part of its efficiency. The result was that the youth were strongly influenced by neo-nazi organisations and acted violently against state authorities and foreigners. The present part gives an overview of German regulation on children and youth services.

1. The Legal Base of Children and Youth Services

In Germany, the legal base for law concerning children and youth services is the Eighth Book of the Social Security Code (SGB VIII).³ The Eight Book of the Social Security Code - Children and Youth Services - is an instrument of prevention, aid and protection of children and young people. The law takes a new comprehension of children and youth services as a basis; it emphasises the promotion of the development of young people and their integration into society by the means of general offers of promotion and services in different life situations.⁴

a) The Federal Legislation on Children and Youth Services

The federal legislator only aims at establishing a general federal framework, but the details are left to be determined by the federal state legislation (§ 15 SGB VIII). The main idea is that the federal state legislators are more familiar with the specific conditions, to which the children and youth are exposed in their states. Therefore, the state legislators are in a more favourable position to

¹ "Report on the Local Government Reform and its Financial Support", held to the Federal Council on the 21.02.2007 by *Yakovlev*, Minister of Regional Development of the Russian Federation.

² *Greese*, p. 574.

³ It dates from 26th June 1990 (BGBl. I p. 1163) and came into force on 1st January 1991. Its actual version dates from 14th December 2006 (BGBl. I p. 3134) and was altered by § 2 section 23 of the act from 19th February 2007 (BGBl. I p. 122).

determine the necessary measures to be taken.⁵

b) The Federal State Legislation on Children and Youth Services

One has to take in consideration the laws by which the federal states execute the SGB VIII. These are:

- in Baden-Wuerttemberg the Children and Youth Services Act for Baden-Württemberg (Kinder- und Jugendhilfegesetz für Baden-Württemberg, LKJHG)⁶ and the Youth Education Act (Jugendbildungsgesetz, JuBilG)⁷,
- in Bavaria the Seventh Part of the Executive Act of the Social Security Acts (Gesetz zur Ausführung der Sozialgesetze, AGSG)⁸,
- in Berlin the Executive Act of the Children and Youth Services Act (Ausführungsgesetz zum Kinder- und Jugendhilfegesetz, AG KJHG)⁹,
- in Brandenburg the First Act on the Execution of the Eighth Book of the Social Security Code - Children and Youth Services (Erstes Gesetz zur Ausführung des Achten Buches Sozialgesetzbuch - Kinder- und Jugendhilfe, AGKJHG),¹⁰
- in Bremen the First Act on the Execution of the Eighth Book of the Social Security Code - Act on the Execution of the Children and Youth Services Act in the State of Bremen (Erstes Gesetz zur Ausführung des Achten Buches Sozialgesetzbuch - Gesetz zur Ausführung des Kinder- und Jugendhilfegesetzes im Lande Bremen, BremAGKJHG)¹¹ and the Bremen Children, Youth and Family Promotion Act (Bremisches Kinder-, Jugend- und Familienförderungsgesetz, BremKJFFöG)¹²,

⁴ <http://www.bmfsfj.de/Kategorien/gesetze,did=3278.html>, last access 12th June 2007.

⁵ *Münder*, SGB VIII before § 11, margin number 2; SGB VIII § 15, margin number 3.

⁶ The new version dates from 14th April 2005 (GBl. for Baden-Württemberg, p. 376).

⁷ It dates from 8th July 1996 (GBl. for Baden-Württemberg, p.502).

⁸ It dates from 8th December 2006 (GVBl. 26/2006, p. 942). It replaced the Bavarian children and youth services act of 18th June 1993 (Bayerisches Kinder- und Jugendhilfegesetz, BayKJHG) whereas the material regulations have been taken over in general, <http://www.blja.bayern.de/Textoffice/Gesetze/TextOfficeBayKJHG.htm>, last access 12th June 2007.

⁹ It dates from 9th May 1995 (GVBl., p. 300), its actual version dates from 27th April 2001 (GVBl., p. 134).

¹⁰ It dates from 26th June 1997 (GVBl. I/97, p. 87), its actual version dates from 24th May 2004 (GVBl. I/04, p. 186, 194).

¹¹ It dates from 1991 (GBl., p. 318) and was lastly amended in 2000 (GBl., p. 496).

¹² It dates from 1998 (GBl., p. 351).

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- in Hamburg the Hamburg Act on the Execution of the Eighth Book of the Social Security Code - Children and Youth Services (Hamburgisches Gesetz zur Ausführung des Achten Buches Sozialgesetzbuch - Kinder- und Jugendhilfe, AG SGB VIII)¹³,
- in Hesse the Hessian Children and Youth Services Code (Hessisches Kinder- und Jugendhilfegesetzbuch, HKJGB)¹⁴,
- in Mecklenburg-Western Pomerania the Act on the Execution of the Eighth Book of the Social Security Code - Children and Youth services – State Youth Services Organisation Act (Gesetz zur Ausführung des Achten Buches des Sozialgesetzbuches - Kinder- und Jugendhilfe -, Landesjugendhilfeorganisationsgesetz - KJHG-Org M-V)¹⁵ and the Act on the Promotion and Development of Children and Youth Work, Youth Social Work and Educational Children and Youth Protection, Release of Honorary Collaborators and Training of Full-time Professionals and Collaborators – Children and Youth Promotion Act (Gesetz zur Förderung und Entwicklung der Kinder- und Jugendarbeit, der Jugendsozialarbeit, des erzieherischen Kinder- und Jugendschutzes, der Freistellung ehrenamtlicher Mitarbeiter und der Fortbildung hauptberuflicher Fachkräfte und Mitarbeiter – Kinder- und Jugendförderungsgesetz, KJfG M-V)¹⁶
- in Lower Saxony the Executive Act of the Children and Youth Services Act (Gesetz zur Ausführung zum Kinder- und Jugendhilfegesetzes, AG KJHG)¹⁷ and the Act on the Promotion of Youth Work (Gesetz zur Förderung der Jugendarbeit)¹⁸,
- in North Rhine-Westphalia the Executive Act of the Children and Youth Services Act (Ausführungsgesetz zum Kinder- und Jugendhilfegesetz, AGKJHG)¹⁹,

¹³ It dates from 25th June 1996 (HmbGVBl. 1997, p. 273) and was lastly amended on 6th February 2007 (HmbGVBl. 2007, p. 35).

¹⁴ It dates from 18th December 2006 (GVBl. I S. 698).

¹⁵ It dates from 23th February 1993 (GVOBl. M-V 1993, p. 158) and was lastly amended on 23th May 2006 (GVOBl. M-V 2006, p. 194).

¹⁶ It dates from 7th July 1997 (GVOBl. M-V 1997, p. 287) and was lastly amended on 19th December 2005 (GVOBl. M-V 2005, p. 640).

¹⁷ It dates from 5th February 1993 (Nds. GVBl., p. 45) and was lastly amended on 15th December 2006 (Nds. GVBl. S. 597).

¹⁸ It dates from 15th July 1981 (Nds. GVBl., p. 199) and was lastly amended on 15th December 2006 (Nds. GVBl. p. 597).

¹⁹ It dates from 12th December 1990 (GV. NW. 1990, p. 664) and was lastly amended on 3rd May 2005 (GV. NRW., p. 498).

- in Rhineland-Palatinate the State Act on the Execution of the Children and Youth Services Act (Landesgesetz zur Ausführung des Kinder- und Jugendhilfegesetz, AGKJHG)²⁰ and the State Act on the Promotion of Youth Work and Youth Social Work (Landesgesetz zur Förderung der Jugendarbeit und Jugendsozialarbeit - Jugendförderungsgesetz)²¹,
- in the Saarland the Act on the Execution of the Children and Youth Services Act (Gesetz zur Ausführung des Kinder- und Jugendhilfegesetzes, AG KJHG)²² and the Act on the Promotion and Development of Children and Youth Work, Youth Social Work and Educational Children and Youth Protection (Gesetz zur Förderung der Kinder- und Jugendarbeit, der Jugendsozialarbeit und des erzieherischen Kinder- und Jugendschutzes - Kinder- und Jugendförderungsgesetz, 2. AG KJHG)²³,
- in Saxony the State Youth Services Act (Landesjugendhilfegesetz, LJHG)²⁴,
- in Saxony-Anhalt the Children and Youth Services Act of the State of Saxony-Anhalt (Kinder- und Jugendhilfegesetz des Landes Sachsen-Anhalt, KJHG-LSA)²⁵,
- in Schleswig-Holstein the First Act on the Execution of the Children and Youth Services Act – Youth Promotion Act (Erstes Gesetz zur Ausführung des Kinder- und Jugendhilfegesetzes – Jugendförderungsgesetz, JuFöG)²⁶,
- in Thuringia the Children and Youth Services Executive Act (Kinder- und Jugendhilfeausführungsgesetz, KJHAG).

2. The Aim of Youth Services

According to § 1 section 1 of SGB VIII, each young person has the right on the promotion of its development and education in order to become a responsible and associable person. Section 3 states that the aim of youth services is to realise the right in section 1. Especially, youth services

²⁰ It dates from 21st December 1993 (GVBl 1993, p. 632) and was lastly amended on 10th April 2003 (GVBl. 2003, p. 55).

²¹ It dates from 21st December 1993 (GVBl 1993, p. 629).

²² It dates from 9th July 1993, its actual version dates from 27th March 1996.

²³ It dates from 1st June 1994 (ABl. Saar 1994, p. 1258), its actual version dates from 7th December 2001.

²⁴ It dates from 29th September 1998 (SächsGVBl. 1998, p. 506).

²⁵ It dates from 5th February 2000 (GVBl. LSA 2000, p. 236) and was lastly amended on 18th November 2005 (GVBl. LSA 2005, p. 698, 710).

are to promote the individual and social development of young persons and are to contribute to avoiding or diminishing discriminations. Furthermore, youth services are to advise and to support parents and those having parental power how to educate. Youth services are also to protect children and young people from dangers for their well-being. And youth services are to contribute to preserving or creating positive life conditions for young persons and their families as well as a children and family friendly environment. In general, offers of children and youth services take place in the local environment of children and young persons.²⁷

3. Responsible Bodies of Youth Services

According to § 3 section 1 SGB VIII, youth services are characterised by the variety of responsible body with different orientations of values and the variety of contents, methods and working forms. Services of youth services are provided by responsible body of free youth services and responsible body of public youth services (section 2). The law offers a graded system of aids in fair cooperation between public and free local responsible bodies of children and youth services.²⁸ § 4 SGB VIII describes the cooperation of public youth services and free youth services: while both youth services shall collaborate in a partnership, the public youth services shall respect the independence of the free youth services concerning the aims and the accomplishment of its tasks as well as its structure of organisation. Section 2 states the subsidiarity of public youth services: as long as accepted responsible bodies of free youth services operate or are able to create adapted institutions, services and activities, the public youth services shall desist from own measures. That means that services of the youth services are offered by responsible bodies of free youth services.²⁹ Section 3 states the obligation of the public youth services to promote free youth services and to strengthen different forms of self-aid.

4. Youth Work

²⁶ It dates from 5th February 1992 (GVOBl. 1992, p. 158) and was lastly amended on 15th December 2006 (GVOBl. 2006, p. 346).

²⁷ <http://www.kinder-jugendhilfe.info/cgi-bin/showcontent.asp?ThemaID=4517>, last access 12th June 2007.

²⁸ <http://www.kinder-jugendhilfe.info/cgi-bin/showcontent.asp?ThemaID=4517>, last access 12th June 2007.

²⁹ <http://www.kinder-jugendhilfe.info/cgi-bin/showcontent.asp?ThemaID=4517>, last access 12 June 2007.

Preventive youth work is of great importance as one faces the following developments:

- brutality and aggression in football stadiums, schools and on the street which culminate in acts of violence against asylum seekers, but also against alien persons who have already been living in Germany for a long time, against disabled persons, homeless people and other groups at the margin;
- violence and sexual abuse in families, too;
- medias which show brutality, sexism, child pornography;
- danger of addiction by alcohol, illegal drugs, medical drugs;
- totalitarian youth sects and destructive cults.³⁰

According to § 2 section 2 no. 1 SGB VIII, the services of youth services consist inter alia of offers of youth work. § 11 SGB VIII precises the notion of youth work. Section 1 phrase 1 states that offers which are necessary for the promotion of young persons are to be placed at their disposal. These offers shall refer to the interests of young persons and shall be characterised by co-decision and co-construction. They shall enable young persons to self-determination and encourage and lead to social co-responsibility and engagement. Section 2 names the responsible bodies of youth work: associations, groups and initiatives of youth, other responsible bodies of youth work and responsible bodies of public youth services. Youth work consists of offers for members, open youth work and community-oriented offers.

a) Main Points of Youth Work

Main points of youth work are, according to section 3: extracurricular youth education with general, political, social, hygienic, cultural, technical education and education in natural sciences; youth work in sports, games and sociability; working world-, school- and family-related youth work; international youth work; children and youth recreation; youth consultation. This is an open catalogue; the multitude of contents of youth work makes it impossible to define it legally.³¹ Therefore, this paragraph has just declaratorial character.³² In some federal states executive laws,

³⁰ *Kunkel*, margin number 127.

³¹ *Wiesner/Struck*, SGB VIII § 11, margin number 17.

³² *Wiesner/Struck*, SGB VIII § 11, margin number 18.

there are more detailed definitions concerning § 11 section 3 number 1 SGB VIII.³³

b) Playgrounds for Children and Young Persons, Holiday Camps

§ 11 section 3 number 2 names youth work in sports, game and sociability. It is the only hint on in federal law that youth work also consists of installing playing spaces for children and young persons; this paragraph adds to the federal states building law which contains regulations about the installation of playgrounds and the providing of green space for playing space.³⁴ Children and youth recreation according to § 11 section 3 number 5 SGB VIII means stays of children and young persons in holiday camps.³⁵

c) The Personal Scope of Youth Work, Contribution

While youth work can be offered for those over 27 years, it must be offered for those under 27 years. The content of the offer is an undetermined legal term without scope of estimation, that means that there is no discretion of the authority; but there is no legal claim.³⁶

According to § 90 section 1 number 1 SGB VIII, it is possible to raise a participation or expense contribution. This contribution may be absolved if asked (§ 90 section 2 SGB VIII).

5. Youth Associations and Youth Groups

§ 12 SGB VIII refers to the promotion of youth associations and youth groups. Their self-responsible activity is to be promoted while assuring their statutory independent existence. The promotion takes place in accordance with § 74 SGB VIII. According to this paragraph, the responsible body of youth work must meet the professional requirements for the planned measure, guarantee the appropriate and efficient application of funds as well as a work which promotes the aims of the German Constitution, have non-profit aims and a appropriate personal contribution. Permanent promotion requires regularly that the responsible body is accepted as a responsible

³³ *Wiesner/Struck*, SGB VIII § 11, margin number 19.

³⁴ *Wiesner/Struck*, SGB VIII § 11, margin number 21.

³⁵ *Wiesner/Struck*, SGB VIII § 11, margin number 24.

³⁶ *Kunkel*, margin number 139.

body of free youth services according to § 75 section 1 SGB VIII.

a) Responsible Bodies of Free Youth Services

According to this paragraph, legal persons and associations of individuals can be accepted as responsible bodies of free youth services under the following conditions: their activity must be in the field of youth services according to § 1 SGB VIII, they must have non-profit aims and guarantee a work which promotes the aims of the German Constitution. Furthermore, one must be able to expect that they are able to contribute in a non unsubstantial manner to the fulfilment of the tasks of the youth services because they dispose of professional and personnel requirements. They are to be accepted if they fulfil the requirements of section 1 and have been active in the field of youth services for at least three years. Section 3 states some special entities which are per se accepted responsible bodies of free youth services: the churches, religious communities of public law and the federal union of associations of free social welfare.

b) The Scope of Work of Youth Associations and Youth Groups

§ 12 section 2 SGB VIII describes the scope of work of youth associations and youth groups. In these entities, young persons organise youth work themselves. They form youth work together and in co-responsibility. The work of youth associations and youth groups aim at a permanent work. The work is regularly addressed to the own members, but not exclusively. Youth associations and their unions shall express and represent the concerns and interests of young persons.

6. Public Youth Services

After having described the free youth services, the focus is now on the public youth services. § 69 section 1 SGB VIII defines the responsible body of the public youth services. These are local responsible bodies and superlocal responsible bodies. The law of each German federal state regulates the superlocal responsible bodies (phrase 3). Local responsible bodies of youth services are according to phrase 2 the counties and the county boroughs. In order to fulfil the tasks of SGB VIII, each local responsible body has to establish a youth welfare office and each superlocal

responsible body has to establish a state youth welfare office. Section 4 offers to several responsible bodies on local and super-local level the opportunity to establish joint institutions and services. According to section 6, county towns and municipalities associations who are not local responsible bodies can fulfil the tasks of youth services in the local area.

a) The Youth Welfare Office

The organisational unit of public children and youth services on local level is the youth welfare office. From a planning, assuring and financing point of view, the local youth welfare office is the central institution of children and youth services.³⁷ § 70 section 1 SGB VIII states that the tasks of the youth welfare office are fulfilled by the board of youth services and the administration of the youth welfare office.

b) The Organisation of the Youth Welfare Office

§ 70 section 3 SGB VIII describes the organisation of the state youth welfare office similarly: the state youth welfare office consists of the state board of youth services and the administration of the state youth welfare office. § 71 SGB VIII gives the composition of the board of youth services and the state board of youth services. Section 3 confers upon the board of youth services the right to decide on matters of youth services. On the matter of employees, § 72 SGB VIII states that the responsible body of public youth services shall only employ professionals. These are persons who are qualified for the respective task in personality and training. The responsible bodies of public youth services have to assure further training and practical advice of their employees (section 3).

7. Youth Houses

According to § 74 section 6 SGB VIII, the promotion includes in the area of youth work the construction and maintenance of youth leisure and education centres. By naming explicitly the construction and maintenance of youth leisure and education centres, the legislator wanted to underline that costs in the area of youth work do not only include costs for projects, personnel or

³⁷ <http://www.kinder-jugendhilfe.info/cgi-bin/showcontent.asp?ThemaID=4517>, last access 12th June 2007.

material costs.³⁸ The paragraph is important for all levels including the local level.³⁹ A youth house which is constructed by a municipality is a public institution in the sense of § 8 GO NW if all young persons are allowed to use it.⁴⁰

II. Models of Legal Acts on Realisation of Education, Recreation and Social Work with Children and Youth at Municipality in Austria

In Austria, youth services are regulated by the "Jugendwohlfahrtsgesetz" (JWG, the youth welfare act).⁴¹ According to § 1 section 1 number 2 JWG, public youth welfare has to promote the development of non-adult persons by offers of care and education and has to secure this development by measures of education. § 2 section 1 JWG states that the task of public youth welfare is to advise and to support families in fulfilling their task of care and education of non-adults. Section 2 shows that youth welfare is subordinated to the principle of subsidiarity: youth welfare is only admissible if those having parental power do not assure the well-being of the non-adult. Section 3 states the principle of necessity in youth welfare: youth welfare is only to interfere in the area of the family if it is necessary for the well-being of the non-adult.

1. Public Youth Welfare

Public youth welfare is available to all persons who stay in the mainland (§ 3 JWG). Responsible body for the public youth welfare is the federal state (§ 4 section 1 JWG). The law of the federal state points out the organisational unit which shall fulfil the tasks of public youth welfare (section 2). The local competence depends on the usual residence (§ 5 section 1 JWG). In principle, public youth welfare is to be carried out by professionals who are specially formed and are appropriate (§ 6 section 1 JWG). Appropriate non-professionals are allowed to carry out tasks which do not require a professional formation (section 2).

³⁸ *Wiesner/Struck*, SGB VIII § 74, margin number 53.

³⁹ *Wiesner/Struck*, SGB VIII § 4, margin number 53.

⁴⁰ *Rehn/Cronauge*, § 8 GO NW, I.1; OVG Rheinland-Pfalz, decision of 13th December 1965, *Die Öffentliche Verwaltung* 1967, p. 169.

⁴¹ It dates from 15th March 1989 (BGBl.Nr. 161/1989) and came into force on 1st July 1989.

2. Free Youth Welfare

§ 8 section 1 JWG allows institutions of free youth welfare to carry out tasks of the public youth welfare which are not sovereign. The condition is that their goal and their equipment are appropriate. § 8 section 1 phrase 3 JWG states the principle of subsidiarity: if a free responsible body of youth welfare works better and more economical than the public responsible body of youth welfare, it shall be chosen instead of the public responsible body. Whether a free responsible body of youth welfare is appropriate or not, is the decision of the public responsible body of youth welfare (section 2). If a free responsible body of youth welfare is appropriate, then its institutions are controlled by the public responsible body.

3. The Task of Youth Welfare

§ 10 JWG describes the task of all responsible bodies of youth welfare. They shall advise minors, those having parental powers and those who represent legally in all matters which concern the position of the minor and the task of those having parental powers. In addition to that, advice shall also be given on disputes on care and education.

4. Special Services of Youth Welfare

§ 12 section 1 JWG lists some social services which are to be offered to parents-to-be, parents and those having parental powers: education in order to strengthen the ability of care and education and in order to prevent development disturbances and educational problems. The prevention aims also at all kinds of violence: physical, psychic and sexual. Furthermore, the social services consists of general and special advice services which shall specially give advice on violence-free education. Number 3 names preventive and therapeutic aids for minors and their families, number 4 names specially institutions for detection and treatment of devious behaviour. Minors shall also benefit, e.g., from street work (number 6). According to § 23 JWG, youth holidays must be notified. Detailed rules must be edicted by the federal states. They are allowed to put exceptions.

III. Models of Legal Acts on Realisation of Education, Recreation and Social Work with Children and Youth at Municipality in Switzerland

In Switzerland, extra-curricular youth work is legally based on the Federal Act on the Promotion of the Extra-curricular Youth Work - Youth promotion law (Bundesgesetz über die Förderung der außerschulischen Jugendarbeit - **Jugendförderungsgesetz, JFG**) from 6th October 1989.⁴² Its object is to regulate the promotion of extra-curricular youth work by the Federation if the regulation is of all-Swiss interest (article 1 JFG). According to article 2 section 3 JFG, the regulation is of all-Swiss interest if the activity of a responsible body or a project extends at least to several cantons or to a language region.

1. The Aims of Extra-curricular Youth Work

Article 2 section 1 JFG names the aims of extra-curricular youth work: extra-curricular youth work shall give children and young people the opportunity to develop their personality as well as to accept political and social responsibility. This shall happen by active co-operation in youth organisations, for example by assuming leading, caring or advisory functions.

2. The Areas of Extra-curricular Youth Work

Article 2 section 2 JFG gives a non-exhaustive overview of the areas of extra-curricular youth work. These are in particular:

- game and sports;
- health, nature and environment;
- education, culture and society.

3. Responsible Bodies of Extra-curricular Youth Work

According to article 3 JFG, responsible bodies of extra-curricular youth work can be federations, organisations and groups which are mainly active in the extra-curricular youth work and which do not strive for profit.

⁴² BRB of 10th December 1990 (AS 1990 2011).

4. Forms of the Promotion of Extra-curricular Youth Work

Article 5 section 1 JFG enables responsible bodies of extra-curricular youth work to ask the Federation for yearly financial grants and project-related financial assistances. The financial grants are given for:

- the training and the further training of young people who are in leading and care functions,
- the organisation of meetings in the area of the extra-curricular youth work and youth exchange,
- the efforts of co-ordination in favour of youth organisations,
- the international co-operation of youth organisations,
- the information and documentation of youth problems.

The Federation is not restricted to financial grants, but may also perform other services: for example, the Federation may loan army and sports material, give transportation privileges or deliver Federal print products for free (article 5 section 2 JFG).

a) The Amount of Financial Grants

Article 6 section 1 JFG restricts the amount of financial grants to at the most 50 per cent of the expenditures. Section 2 gives the assessment bases:

- the structure and the size of the responsible body,
- the kind and the importance of the activity or the project,
- the own contributions and contributions of third parties.

b) A Definition of Yearly Financial Grants and Project-Related Financial Grants

Articles 7 and 8 JFG define the yearly financial grants and the project-related financial grants. Yearly financial grants are intended for the preparation and execution of the regular activities of the responsible body according to article 5 section 1 JFG. Project-related financial grants are for the promotion of independent projects which are accomplished in place of or in addition to the regular activities.

c) The Refusal and the Reclaim of Financial Grants

Article 9 JFG lays down the rules when financial grants are to be refused or reclaimed. According to section 1, financial grants are refused or reclaimed in three cases:

- the financial grant was obtained by untrue or misleading data,
- the responsible body does not fulfil conditions or requirements,
- the financial grants were not used for activities of extra-curricular youth work

Article 9 section 2 JFG prescribes the sanction for the fallible responsible body: the fallible responsible body can be excluded from the further promotion according to this law.

Article 9 section 3 JFG regulates a special case of reclaim. Yearly financial grants in the sense of article 7 JFG are to be proportionately reclaimed if the responsible body dissolves in the course of a year.

IV. Models of Legal Acts on Realisation of Education, Recreation and Social Work with Children and Youth at Municipality in Great Britain

In recent years, Great Britain was struck by tragic deaths of children and young persons. The reason was seen in an insufficient communication of the concerned services. This led to the Children Act 2004 which forms a base for a restructuration of youth services.⁴³ Youth work is currently offered by approximately 150 municipalities. In general, youth work takes place in co-operation with free responsible bodies of youth services or youth organisations.

1. The Children's Services Authority

According to section 10 subsection 1 CA, each children's services authority in England must make arrangements to promote co-operation between the authority on one hand and its partners and persons or bodies of any nature who exercise functions or are engaged in activities in relation to children in the authority's area on the other hand. The partners of the authority are, according to subsection 4, different security and health institutions. Subsection 5 imposes an obligation to co-

⁴³ <http://www.dija.de/wai1/showcontent.asp?ThemaID=807>, last access 12th June 2007.

operate on the children's services authority and its partners. Subsection 2 states that the arrangements by the authority are to be made with a view to improving the well-being of children. This includes physical and mental health and emotional well-being, protection from harm and neglect, education, training and recreation, the contribution made by them to society and the social and economic well-being.

2. Financing Arrangements of the Children's Services Authority

According to subsection 6, the arrangements are financed by the children's services authority and its partners who provide staff, goods, services, accommodation or other resources and establish and maintain a pooled fund. A pooled fund is a fund which is made up of contributions by the authority and its partners and out of which payments may be made towards expenditure incurred in the discharge of functions of the authority and functions of the relevant partner or partners.

3. The Local Safeguarding Children Board

According to section 13 subsection 1 CA, each children's services authority in England must establish a Local Safeguarding Children Board for their area. The objective of such a Local Safeguarding Children Board is, according to section 14 subsection 1 CA, to co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area of the authority by which it is established; and to ensure the effectiveness of what is done by each such person or body for those purposes. According to section 13 subsection 2 CA, the Local Safeguarding Children Board must include such representative or representatives of the authority by which it is established and the Board partners of that authority.

a) The Board Partners of the Children's Services Authority

The board partners of the children's service authority include a wide circle of local security and health institutions. They are listed in section 13 subsection 3 CA. Among the security institutions figure the chief officer of police, the local probation board, the youth offending team and the

governor of any prison in the area of the authority which ordinarily detains children. Among the health institutions figure the Strategic Health Authority and a Primary Care Trust, the NHS trust and NHS foundation trust. Another Board member is the Children and Family Court Advisory and Support Service. The circle of Board partners is not exclusive: according to subsection 5, a Local Safeguarding Children Board may also include representatives of such other relevant persons or bodies as the authority by which it is established consider, after consulting their Board partners, should be represented on it. Such relevant persons and bodies are persons and bodies of any nature exercising functions or engaged in activities relating to children in the area of the authority in question.

b) The Co-operation within the Local Safeguarding Children Board

Section 13 subsection 7 CA imposes co-operation upon the local children's services authority and its Board partners in the establishment and operation of the Local Safeguarding Children Board. Section 13 subsection 8 CA offers the opportunity to two or more children's services authorities to establish a Local Safeguarding Children Board for their combined area.

c) The Funding of the Local Safeguarding Children Board

Section 15 CA regulates the funding of the Local Safeguarding Children Board. Its subsection 1 states that the children's services authorities and their Board partners may make payments towards expenditure incurred by, or for purposes connected with, a Local Safeguarding Children Board. This can be made by direct payments or by contributing to a fund out of which the payments may be made. Furthermore, provisions on staff, goods, services, accommodation or other resources for purposes connected with a Local Safeguarding Children Board are also possible.

B. Models of Legal Acts on Public Library Service

I. Models of Legal Acts on Public Library Service in Germany

Although one might think that there is no law of libraries,⁴⁴ no library does exist in a law-free environment, au contraire: there are legal frameworks, recommendations, treaties and laws which are more and more important for the daily work of libraries.⁴⁵ Therefore law of libraries can be defined as the sum of all rules which regulate or concern the law of public libraries.⁴⁶

1. A Definition of Public Libraries in Germany

Article II section 3 lit. f of a recommendation of the UNESCO gives a definition of the public library: these are libraries which are open to the people of a municipality or a region for free or for a nominal fee.⁴⁷ They can be open to the general public or to special categories of users. Furthermore, public library services are public institutions.⁴⁸ Public institutions are defined as firms, enterprises institutions which are very different in structure and aim, which only have the same function in common: to create the conditions which assure the existence of the people ("Daseinsvorsorge" and "Daseinsfürsorge").⁴⁹

2. The Creation of Public Libraries in Germany

As the municipal law is object of federal state law, the legal basis referred to shall be the one of the biggest federal state, Nordrhein-Westfalen. Other federal states have similar regulations. According to § 8 section 1 of the municipal regulation of North Rhine-Westphalia (Gemeindeordnung Nordrhein-Westfalen, GO NW), the municipalities create inter alia the public institutions which are necessary for the cultural welfare of their citizens. Municipalities are competent for the construction and the preservation of the former "Volksbüchereien", the municipal public libraries of today.⁵⁰

⁴⁴ Joost, Vernachlässigte Grundsätze und Erfahrungen in der Ausbildung des gehobenen Dienstes an wissenschaftlichen Allgemeinbibliotheken", *Bibliothek und Wissenschaft* 1 (1964), 61, cited in: *Kirchner*.

⁴⁵ *Rechtskommission des Deutschen Bibliotheksinstituts* (ed.), *Rechtsvorschriften für die Bibliotheksarbeit*, 3. ed. 1998, Foreword.

⁴⁶ *Heinrich Kaspers*, Die Rechtsstellung der öffentlichen Bibliotheken und das für sie anzuwendende Recht, *Börsenblatt für den deutschen Buchhandel*, Frankfurter Ausgabe, 1964, p. 1165, cited in: *Kirchner*.

⁴⁷ International Unification of library statistics 13.11.1970.

⁴⁸ *Schmidt-Aßmann* in: *Schmidt-Aßmann*, 1st section, margin number 106; *Rehn/Cronauge*, § 8 GO NW, I.1.

⁴⁹ *Ossenbühl*, DVBl. 1973, 289.

⁵⁰ *Kirchner*, p. 65.

3. The Legal Act of the Creation of Public Libraries in Germany

As sometimes some municipalities are not financially capable to maintain a public library, this task falls upon the "Kreise" (superlocal entity) which are called to look after those super-local matters in their area (e.g. Kreisordnung NRW).⁵¹ The creation of these public institutions is subordinated to the solvency of the municipalities. The creation takes place through the so called "Widmung". By this legal act, it constitutes the use of the institution by the municipal public.⁵² It is an act of sovereignty and can be a law, a statute or an administrative act. On the municipal level, the "Widmung" is a municipal statute. As the establishment of a public library does not constitute a compulsory task, the municipality is not obliged to establish or keep a public library open.

4. The Organisation of Public Libraries in Germany

In cities, the public library often is an own agency because of their budget and the number of their personnel.⁵³ A municipal agency is described as an organisational unit which executes the task asked for and acts independently.⁵⁴ The public library may also be organized as an agency which belongs to the cultural agency. In this case, the cultural agency deals with the budget. It is not necessary that the public library is part of the municipal administration, the public library may also be organised as a private entity.⁵⁵ While cities municipalities once had differently organised libraries – a scientific library on one hand and a popular library on the other hand –, this distinction is not any longer maintained.⁵⁶ The union of both library types follows different organisational patterns: only a personal union in the person of the director while having different

⁵¹ *Kirchner*, p. 65.

⁵² *Schmidt-Aßmann* in: *Schmidt-Aßmann*, 1st section, margin number 107.

⁵³ Öffentliche Bibliothek. Gutachten der kommunalen Gemeinschaftsstelle für Verwaltungsvereinfachung. Berlin 1973, p. 18 et seq.

⁵⁴ *Kirchner*, p. 65 et seq.

⁵⁵ *Kirchner*, p. 66.

⁵⁶ *Klaus Bock*, Wissenschaftliche Stadtbibliothek und Öffentliche Bücherei, Plädoyer für den Zusammenschluß kommunaler Bibliotheken, in: *Forum Bibliothek und Information* 25 (1973), p. 3-9, cited in: *Kirchner*.

organisational units; a distinctive scientific stock; a total fusion.⁵⁷

There is a free choice of the legal form for the public library.⁵⁸

a) The Public Library organised according to Public Law in Germany

The public legal form is the institution "Regiebetrieb" which is no legal person. "Regiebetriebe" are often institutions which dispose of a simple structure.⁵⁹ These are usually libraries.⁶⁰ If libraries reach a certain size, they may become independent in their organisation and then become a public-law institutions.⁶¹ There are two types of public-law institutions: dependent and independent ones. Only the latter are legal persons.

b) The Public Library organised according to Private Law in Germany

Libraries can also be organised according to private law. Possible forms are the association (§ 21 BGB), foundation (§§ 80 ff. BGB) and the limited company (§ 1 GmbHG).⁶²

5. The Access to the Public Libraries in Germany

As public institutions are always used in a special way ("Sondernutzung"), it is necessary to have a permission in order to be able to use it.⁶³ Inhabitants are privileged towards non-inhabitants.⁶⁴ The "Widmung" defines the object of the public institution and the modus of its use. In the case of public libraries, the statute regulates the object and the modes of use of the library. § 8 Section 2 GO NW gives every citizen the right to use the public institution, that applies equally to public libraries. There is no subjective-public right to inauguration or continuation of a public institution.⁶⁵ The form of the public use of a library is regulated by the rule of the institution.⁶⁶

⁵⁷ Alois Klotzbücher, *Formen der Integration und Zentralisation der wissenschaftlichen Stadtbibliothek und der Öffentlichen Bücherei*, Köln 1969, cited in: *Kirchner*.

⁵⁸ *Papier* in: *Erichsen*, § 41, margin number 33.

⁵⁹ *Schmidt-Aßmann* in: *Schmidt-Aßmann*, 1st section, margin number 124.

⁶⁰ *Waechter*, margin number 539.

⁶¹ *Kirchner*, p. 80.

⁶² *Kirchner*, p. 85.

⁶³ *Waechter*, margin number 533.

⁶⁴ VG Gelsenkirchen, *Verwaltungsblätter Nordrhein-Westfalen* 1994, p. 71; *Waechter*, margin number 563.

⁶⁵ *Waechter*, margin number 566.

6. The Fees of Public Libraries in Germany

User fees must be paid for the use of public institutions. In order to raise user fees, it is necessary to have a rule.⁶⁷

II. Models of Legal Acts on Public Library Service in Belgium

Since 1921, Belgium has a fine working⁶⁸ Public Library Act⁶⁹ (LBP, "Loi relative aux Bibliothèques publiques") which prescribes the municipalities to have at least one public library. The Public Library Act of 17th October 1921⁷⁰ has been since completed by two decrees of 28th February 1978⁷¹ and 5th August 1995⁷² for the French community in Belgium. These decrees base on article 8 LBP. According to this article, royal decrees regulate the application of the act, especially the composition and the attributions of the state library inspection, the situation of the librarians and the state aid and subsidies.

Meanwhile, it is a highly developed library act which specifies the goals of a library very exactly.⁷³ This is very helpful in developing a uniform, well structured and efficient public library service. The public library act regulates the situation of public libraries which, by submission to this act, profit of the benefits of this legal frame (article 1 LBP).

1. A Definition of Public Libraries in Belgium

Article 1 LBP states that the public library can be either municipal ("communale"), adopted by the municipality ("adoptée par la commune") or free ("libre"). Thus a church library can e.g. be considered as a public library.⁷⁴

⁶⁶ *Rehn/Cronauge*, § 8 GO NW, II.1.

⁶⁷ *Kirchner*, p. 159.

⁶⁸ *Reding*, Ein luxemburgisches Bibliotheksgesetz?.

⁶⁹ The library act is called "loi Destrée" because of its initiator Jules Destrée.

⁷⁰ *Journal officiel / Staatsblad*, 91st year, no. 323, 19th November 1921.

⁷¹ *Moniteur belge*, 21st April 1978.

⁷² *Moniteur belge*, 5th August 1995, p. 22801-22815.

⁷³ *Reding*, Ein luxemburgisches Bibliotheksgesetz?.

2. The Creation of Public Libraries in Belgium

According to article 2 phrase 1 LBP, municipalities can create municipal libraries or adopt libraries as needed. Article 3 LBP allows two or more municipalities to co-ordinate the creation of a intermunicipal library or the adoption of a intermunicipal library. Municipalities which do not possess a library in the sens of article 6 LBP are obliged to establish one if one fifth of its voters solicit a library (article 2 phrase 2 LBP). Article 5 LBP forbids to close a municipal library or to withdraw the adoption of library without a decision of the municipal council.

3. The Organisation of Public Libraries in Belgium

The public library must be led by a technically qualified person.⁷⁵ According to article 6 g) LBP, the direction of the public library must be led by a Belgian national who possesses a certificate of aptitude for librarians. The certificate of aptitude for librarians can be substituted by various diplomas of higher education.

4. The Funding of Public Libraries in Belgium

Public libraries can be officially acknowledged ("reconnue par l'État") for state subsidies.⁷⁶ In order to receive state aid and subsidies, a library must fulfil the following conditions according to article 6 LBP:

- the library must be established in an appropriate building;
- the library must possess a minimum of books and it must execute a minimum of book loan outs;
- the library must be accessible to all;
- the library must be free, except a small fee for the loan outs;
- the library must be open for loan out on at least one day in municipalities with less than 3.000 inhabitants, on at least two days in municipalities with 3.000 to 20.000 inhabitants and on at least three days in others;

⁷⁴ Reding, Ein luxemburgisches Bibliotheksgesetz?.

⁷⁵ Reding, Ein luxemburgisches Bibliotheksgesetz?.

⁷⁶ Reding, Ein luxemburgisches Bibliotheksgesetz?.

- the library must be subjected to state inspection;
- the library must be managed by a librarian of Belgian nationality, without gender-discrimination, who possesses a certificate of aptitude.

These are strict professional criteria, which guarantee a high measure of standardisation and efficiency.⁷⁷ The disadvantage is that with such rigid conditions for receiving national subsidies, it is almost impossible for municipalities to act flexibly.⁷⁸

According to article 4 LBP, each municipality which has established or adopted a library must spend at least 25 cents (Belgian currency in 1921) per capita of its inhabitants for fitting-out, maintenance and development of the library.

5. The Control of Public Libraries in Belgium

In order to avoid abuse, the public libraries are subject to control by state inspection.⁷⁹ This is an obligation stated by article 6 et seq.) LBP. It is also a condition in order to receive state aid and subsidies.

6. The Fees of Public Libraries in Belgium

As article 6 d) LBP states that the library is free, except for a small fee for loan outs, there is no fee-free use of the public library service.⁸⁰

III. Models of Legal Acts on Public Library Service in Denmark

The first public library act appeared in Denmark in 1920. Since, there has been a long line of Danish public library acts. In the summer of 2000, the Folketinget, the Danish parliament passed the latest public library act, the Act Regarding Library Services (ARLS). Its ambition is to create an adequate framework for the library in the information society, that is to say the networking hybrid library.⁸¹

⁷⁷ *Reding*, Ein luxemburgisches Bibliotheksgesetz?.

⁷⁸ *Reding*, Ein luxemburgisches Bibliotheksgesetz?.

⁷⁹ *Reding*, Ein luxemburgisches Bibliotheksgesetz?.

⁸⁰ *Reding*, Ein luxemburgisches Bibliotheksgesetz?.

⁸¹ <http://www.bs.dk/publikationer/english/act/index.htm>, last access 12th June 2007.

1. The Objective of Public Libraries in Denmark

§ 1 ARLS states that 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. Section 2 and 3 add that public libraries must endeavour to make available videos and promote municipal and government information and information about society in general. § 2 ARLS describes how this objective 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.

2. The Obligation to Establish a Public Library in Denmark

§ 3 section 1 ARLS obliges the municipal council to run a public library with departments for children and adults. For this purpose, the municipal council can co-operate with other municipal councils. The municipal council may also enter into an agreement with another municipal council on complete or partial library service.

§ 3 Section 2 ARLS gives further details on the manner how the municipal council must fulfil the obligation to establish a public library: 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 Organisation of the Public Library in Denmark

According to § 3 section 3 ARLS, the head of a public library must have a relevant professional background. § 3 section 4 ARLS entitles municipal councils to appoint a library council with a view to a co-ordination of library services between several municipalities. Furthermore, the libraries must provide a set of rules for their users according to § 35 ARLS. 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.

4. The Access to the Public Library in Denmark

As § 5 section 1 ARLS rules, 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 section 1 ARLS. 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 (§ 5 section 2 ARLS).

5. The Co-operation Partners of the Public Library in Denmark

§§ 6 and 7 ARLS name possible co-operation partners of the public library: companies and institutions on one hand and municipal school libraries on the other hand.

a) Companies and Institutions as Co-operation Partners of the Danish Public Library

According to § 6 section 1 ARLS, the public libraries may establish and run service points in companies and institutions or enter into agreements on provision of library service to these. However, expenses in connection with library service to government, county and other non-municipal institutions must be paid by the institutions in question (§ 6 section 2 ARLS).

b) Municipal School Libraries as Co-operation Partners of the Danish Public Library

According to § 7 ARLS, 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.

6. Danish County Libraries

It is of interest to note that the actual Danish public library act contains regulations concerning county libraries. According to § 9 ARLS, 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 ARLS. County libraries are public libraries which must also act as county libraries (§ 10 section 1 ARLS). This is the decision of the Minister for Culture upon consultation with the municipal parties. § 12 ARLS states therefore that the government pays the expenses in connection with the county library service.

7. The Funding of the Public Library in Denmark

According to § 18 ARLS, the government provides subsidies for development within the public libraries.

8. The Fees of the Public Library in Denmark

In general, the loan of material from the public library and service provided in the library are free of charge for the user (§ 19 ARLS). §§ 20 and 29 ARLS contain two exceptions.

a) The Fees for Special Services

According to § 20 section 1 phrase 1 ARLS, 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. Services, mentioned in section 1, must be expressly requested by the user (section 2). The municipal council determines the size of and the way in which the fee should be charged for the services mentioned in section 1. But if the services mentioned in section 1 are offered in competition with private parties, the prices for the services must be fixed according to market conditions to avoid unfair competition (section 4). However, section 5 forbids the municipality to accumulate a total deficit over a period of three years if the sale of services are offered in competition.

b) The Sale of Special Knowledge

According to § 20 section 1 phrase 2 ARLS, 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 knowledge must be prepared in such a way as not to impair the running of the general library services to an unreasonable extent.

c) The Fees for Overdue Material

§ 21 section 1 phrase 1 ARLS entitles municipalities to charge for overdue material. However, the following phrases of § 21 section 1 phrase 1 ARLS limit the amount of the fees: 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,-.

d) The Fees for User from another Municipality

According to § 23 section 1 ARLS, the municipality may charge a fee if a user from another municipality borrows material from the public library if the municipality has given reasonable notice. In this case, payment is requested from the user's municipality of residence and cannot be levelled at the user.

e) The Fees for a Replacement Ticket

According to § 24 ARLS, the municipality may charge the user for the issuing of a replacement ticket.

9. The Collection of Fees of the Public Library in Denmark

According to § 32 ARLS, a bailiff's order may be implemented regarding fees which have been determined according to § 21 ARLS if the amount due is DKK 200,- or above. Besides, outstanding fees according to § 21 ARLS 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.

10. The Exclusion from Borrowing at the Public Library in Denmark

According to § 31 section 1 ARLS, 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. Section 2 extends the exclusion from borrowing at the library to those users who have omitted to pay the fees according to § 21 ARLS.