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## National Library Service Act, 2002

Act 4 of 2002

Legislation as at 18 October 2002

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## National Library Service Act, 2002

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## eSwatini

# National Library Service Act, 2002

## Act 4 of 2002

*Published in Government Gazette 871 on 18 October 2002*

**Assented to on 24 September 2002**

**Commenced**

*[This is the version of this document from 18 October 2002.]*

### **An Act to establish the National Library Service.**

ENACTED by the King and the Parliament.

#### **1. Short title and commencement**

This Act may be cited as the National Library Service Act, 2002, and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

#### **2. Interpretation**

In this Act, unless the context otherwise requires—

“**affiliate library**” means a library operated in partnership with other authorities;

“**author**” means the person or persons chiefly responsible for the intellectual or artistic content of a work;

“**Board**” means the Library Service Board established in terms of [section 6](#);

“**book**” includes any part or division of a book, pamphlet, newspaper, periodical, magazine, review, cassette, tape, video cassette, electronic media, sheet of letterpress, sheet of music, map plan, chart or table separately printed, but does not include forms, industrial advertisements, advertisers, handbills, price lists or stationery;

“**constituent library**” means a library fully funded and controlled by the national library service;

“**Director**” means the Director of the National Library Service established under [section 11](#);

“**Minister**” means the Minister responsible for the National Library Service;

“**National Library**” means a library maintained out of Government funds, serving the nation as a whole and are usually copyright libraries which collect and preserve for posterity the books, periodicals and newspapers published in the country, which by law requires publishers to deposit with it copies of all publications issued by them;

“**printed**” means produced by any process of reproduction;

“**published**” means issue for distribution, by sale or otherwise;

“**Service**” means the Swaziland National Library Service established under [section 3](#).

#### **3. Establishment of a National Library Service**

There is hereby established the National Library Service and such other library facilities as the Minister may, on the advice of the Board, establish in order to facilitate the provision of an efficient library, documentation and information service throughout Swaziland.

#### 4. Functions of the Service

- (a) The functions of the Service shall be—
  - (i) to promote the widespread enjoyment in Swaziland of publications of an educational, scientific, cultural, recreational or sporting value;
  - (ii) to ensure, maintain and develop a high standard of library loan facility;
  - (iii) to operate a documentation facility and an inter-library loan facility;
  - (iv) to train librarians and to ensure, maintain, co-ordinate and develop a high standard of librarianship;
  - (v) to promote literacy and lifelong learning;
  - (vi) to play an advisory role to schools concerning school libraries;
- (b) in relation to constituent libraries, to provide, maintain, co-ordinate and develop facilities for the consultation by and the free lending to the public of publications for reading research, recreation and study.

#### 5. Powers of Service

For the better exercise of its functions, the Service shall, subject to the provisions of this Act, have power to do all or any of the things specified in the First Schedule.

#### 6. Establishment and composition of the Board

- (1) There shall be established a Library Service Board for the purpose of this Act.
- (2) The Board shall consist of the following members—
  - (a) A chairman appointed by the Minister who shall have such qualifications and experience as may be necessary for the purpose of this Act and who shall not be a public officer;
  - (b) a suitable representative of the Ministry of Education;
  - (c) a suitable representative of the Ministry responsible for Libraries if such Ministry is not the Ministry of Education;
  - (d) a suitable representative of the University of Swaziland;
  - (e) a suitable representative of the National Archives;
  - (f) a suitable representative of the Book Trade within Swaziland;
  - (g) the Director, who shall be an *ex officio* member;
  - (h) a suitable representative of the Ministry responsible for Information; and
  - (i) not more than two other members appointed by the Ministry who have shown an active interest and concern for the development of libraries and who shall represent the interest of library users and the general public.

#### 7. Objects and functions

The Board shall—

- (a) in liaison with all libraries and other documentation or information centres, formulate a National Library Documentation and Information Policy and monitor its implementation;
- (b) where required to do so, advise the Minister on matters relating to the Service;

- (c) upon being requested to do so by any person, advise such person on Library, Information or Documentation Centre Development;
- (d) by such means as it may consider appropriate, stimulate, encourage, maintain public interest in the use of library facilities; and
- (e) perform all other acts or things as are conducive or incidental to the attainment of its objects under this Act.

## 8. Tenure of office

A member of the Board appointed under [section 6](#) shall hold office for a period not exceeding three years and on such other terms and conditions as may be specified in his instrument of appointment.

## 9. Vacation of the office by member of the Board

A member of the Board appointed under [section 6\(2\)\(i\)](#) may—

- (a) resign his office by giving to the Minister thirty days notice in writing;
- (b) be removed from office by the Minister in writing if—
  - (i) he is absent for three consecutive meetings of the Board without the permission of the Chairman;
  - (ii) he is incapacitated by prolonged physical or mental illness; or
  - (iii) he is otherwise unable or unfit to discharge his functions under this Act.

## 10. Meetings of the Board

- (1) The meetings of the Board and other matters relating thereto shall be as set out in the Second Schedule.
- (2) The Minister may, by notice in the *Gazette*, amend the Schedule.

## 11. The Director

There shall be appointed to the National Library Service a Director of the Service and such other officers as may be necessary to assist the Board and shall be responsible for the day to day operation and management of the Service.

## 12. Power of the Minister

The Minister may issue directives of a general nature to the Service under this Act, in respect of, but without derogating the generality of the foregoing, the desirability of—

- (a) providing a comprehensive and efficient library service for all persons desiring to make the use thereof;
- (b) ensuring, by the keeping of adequate stocks, and by other appropriate means, that facilities are available for the borrowing of, or reference to, books sufficient in number, range and quality to meet the general requirements of both adults and children;
- (c) encouraging the fullest use of library facilities, providing advice as to their use, and making available such bibliographical and other information as may be required;
- (d) ensuring compliance with the provisions of [section 11](#), organising the material thus received, and ensuring its dissemination through the publication of a National Bibliography, and the Director shall comply therewith.

### 13. Deposit and preservation of books

- (1) The publisher of every book published or printed in Swaziland shall, within one month of its delivery out of the press and notwithstanding any agreement to the contrary with any person, deliver at his own expense one copy of the book to—
  - (a) the Director;
  - (b) the Librarian of the University of Swaziland; and
  - (c) the Director of the Swaziland National Archives.
- (2) Every copy delivered under the provisions of this section shall be a copy of the whole book, with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best standard copies of the same are produced and shall be bound, sewed or stitched together, and on the best standard paper on which the book is printed.
- (3) In the case of an encyclopaedia, newspaper, review, magazine, or any publication in series or in number or parts, the delivery prescribed in this section includes all numbers or parts of the work which may be subsequently published.
- (4) The Minister may, by order published in the *Gazette*, exempt from the provisions of this section any book or any class or description of books specified in the order either absolutely or subject to such conditions as may be specified in the order.
- (5) Any publisher who fails to comply with the provisions of subsections (1) and (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three hundred Emalangeni. A conviction, in terms of this subsection, shall not discharge a publisher from his obligation to comply with the provisions of this section.
- (6) The provision of this section shall bind the Government and any publisher.
- (7) The printer of any book printed in Swaziland shall, at such intervals and in such form as the Director may decide, make return of all printing done by him during the period stipulated.
- (8) In the case of a book published or printed outside Swaziland, but when the author is a Swazi National or was resident in Swaziland at the time of writing, it shall be the duty of the author of such book to ensure that the provision of section 13(1) are complied with.

### 14. Regulations

The Minister may make Regulations either generally or in relation to any particular library facilities—

- (a) for the control and management of any library administered by the National Library Service and the use of its facilities, including the payment of charges and fees in respect thereof;
- (b) for the imposition and levying of fines where articles borrowed from any library administered by the National Library Service have not been returned within such time as may be presumed, or have been lost or damaged;
- (c) for the payment of deposits as security for the return, in good condition, of articles borrowed from any library administered by the National Library Service and the circumstances in which such deposits may be forfeited;
- (d) for the establishment, functions and duties of library committees;
- (e) generally for the better carrying out of the provisions of this Act.

## 15. Recovery of fees, charges, etc

- (1) Any fees, charge or fine made or imposed under any Regulation made under [section 12](#) shall be recovered from any money held as deposit as security for articles borrowed from a library administered by the service or by proceedings brought in any court.
- (2) In any proceedings under this section, a document signed by the Director purporting to be proof of any fee, charge or fine shall be received as *prima facie* evidence without proof being given that the signature is that of the Director.

## 16. Funds of the Service

The funds of the Service shall consist of—

- (a) money appropriated by Parliament for the purpose of the service;
- (b) donations, grants and bequests to the service which may have been accepted by the service with the approval of the Minister responsible for finance;
- (c) any fees, fines or other moneys paid in terms of regulations made in terms of [section 14](#); or
- (d) any other moneys that vest in or accrue to the service, whether in terms of this Act or otherwise.

## 17. Amendments of the Copyright Act, 1912

The Copyright Act, 1912, is amended—

- (a) in section 2 by deleting the definition “National Library” or “National Library Service”; and
- (b) by repealing section 26bis.

## First Schedule

### Powers of the Service

1. To appoint persons as friends or as patrons of the Service.
2. To acquire, by purchase or otherwise, publications, furniture, library equipment or material and vehicles for library purposes.
3. To house collections of books belonging to any person who desires to make them accessible to the readership of the service generally, or to sections of such readership, on such terms as may be agreed in writing with such society of persons.
4. To allow the use of buildings or equipment of the service for the purpose of meetings, lectures, exhibitions, displays or demonstrations associated with books, literature, the arts or music or with educational or scientific activities.
5. To publish catalogues, bibliographies, serials, monographs and other informative matter relating to books and libraries.
6. To establish new libraries at local and district level.
7. Subject to approval in writing of the Minister, to accept donations, grants and bequests for the furtherance of the objects of the service.

## **Second Schedule**

### **Rules of procedure of the Board**

1. The Board shall meet at least four times every year.
2. The Chairman shall convene and preside at all meetings of the Board.
3. In the absence of the Chairman, but subject to the quorum, the Board shall appoint an Acting Chairman from among the members present to preside at the meeting. The quorum for a meeting of the Board shall be six.
4. The decision of the Board shall be made by a majority of the votes of members present and where there is an equality of votes, the Chairman, or in his absence, the Acting Chairman, shall have a casting vote in addition to his deliberate vote.
5. Subject to the Act and this Schedule, the Board may regulate its own proceedings.