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OF THE REPUBLIC OF SOUTH AFRICA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1216.

30 May 1985

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 56 of 1985: National Libraries Act, 1985.

No. 1216.

30 Mei 1985

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 56 van 1985: Wet op Nasionale Biblioteke, 1985.

ACT

To provide for National Libraries and for matters connected therewith.

(English text signed by the State President.)
(Assented to 21 May 1985.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Interpretation.

1. In this Act, unless the context indicates otherwise—

- (i) "Advisory Committee" means the National Libraries Advisory Committee established by section 13; (i) 5
- (ii) "bibliographic services" includes—
 - (a) the compilation and dissemination of bibliographies;
 - (b) the compilation and dissemination of relevant statistics; 10
 - (c) the exchange, sale or making available of bibliographies and bibliographic records; (iii)
- (iii) "board" means a board intended in section 6; (ix)
- (iv) "Director of a National Library" means the chief executive officer of a National Library appointed under section 9; (iv) 15
- (v) "employee" means a person other than an officer and who is in the full-time or part-time employ of a board; (xi)
- (vi) "material" means— 20
 - (a) a printed book, newspaper, magazine, periodical, journal, pamphlet, brochure, sheet, card or portion thereof or any other similar printed matter;
 - (b) a replacement of a portion of or an addition or addendum to material referred to in paragraph (a); 25
 - (c) a microfilm, microcard, microfiche or any other micrographical reproduction of the written word or of any mark, representation or depiction having meaning to any person;
 - (d) any other reproduction of the written word, including manuscripts, letters, depictions and pictorial material; 30
 - (e) any audiovisual, machine-readable and other information material; (v)
- (vii) "Minister" means the Minister of National Education; 35 (vi)
- (viii) "National Library" means a library mentioned in section 2; (vii)
- (ix) "officer" means any person who is in the full-time employ of a board on a permanent basis; (ii) 40
- (x) "prescribed" means prescribed by regulation; (x)
- (xi) "process" means to catalogue, classify, inventory or otherwise list for retrieval. (viii)

National Libraries.

2. The National Libraries of the Republic are—

- (a) the State Library, Pretoria;
- (b) the South African Library, Cape Town. 45

WET

Om voorsiening te maak vir Nasionale Biblioteke en vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Mei 1985.)*

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

1. In hierdie Wet, tensy die samehang anders aandui, beteken— Woordbepaling.

- 5 (i) "Advieskomitee" die Advieskomitee vir Nasionale Biblioteke by artikel 13 ingestel; (i)
- (ii) "beampte" iemand wat heeltyds op 'n vaste grondslag in diens van 'n raad is; (ix)
- 10 (iii) "bibliografiese dienste" ook—
 - (a) die samestelling en verspreiding van bibliografieë;
 - (b) die samestelling en verspreiding van toepaslike statistieke;
 - (c) die uitruiling, verkoop of beskikbaarstelling van bibliografieë en bibliografiese stukke; (ii)
- 15 (iv) "Direkteur van 'n Nasionale Biblioteek" die hoof- uitvoerende beampte van 'n Nasionale Biblioteek aange- stel kragtens artikel 9; (iv)
- (v) "materiaal"—
 - 20 (a) 'n gedrukte boek, koerant, tydskrif, pamflet, bro- sjure, blad, kaart of deel daarvan of enige ander dergelike drukwerk;
 - (b) 'n vervanging van 'n gedeelte van, of 'n byvoegsel of 'n addendum by, materiaal in paragraaf (a) be- doel;
 - 25 (c) 'n mikrofilm, mikrokaart, mikrofoto of enige an- der mikrografiese reproduksie van die geskrewe woord of van enige merk, voorstelling of afbeel- ding wat vir iemand betekenis het;
 - (d) enige ander weergawe van die geskrewe woord, met inbegrip van manuskripte, briewe, afbeeldings en prentemateriaal;
 - 30 (e) enige oudiovisuele, masjienleesbare en ander inlig- tingdraende materiaal; (vi)
 - (vi) "Minister" die Minister van Nasionale Opvoeding; (vii)
 - 35 (vii) "Nasionale Biblioteek" 'n biblioteek in artikel 2 ge- noem; (viii)
 - (viii) "ontsluit" om te katalogiseer, klassifiseer, inventariseer of op enige ander wyse vir terugvinding te lys; (xi)
 - (ix) "raad" 'n raad in artikel 6 bedoel; (iii)
 - 40 (x) "voorgeskryf" by regulasie voorgeskryf; (x)
 - (xi) "werknemer" iemand anders as 'n beampte, en wat heeltyds of deelyds in diens van 'n raad is. (v)

2. Die Nasionale Biblioteke van die Republiek is—

- 45 (a) die Staatsbiblioteek, Pretoria;
- (b) die Suid-Afrikaanse Biblioteek, Kaapstad.

Nasionale Biblio-
teke.

Act No. 56, 1985

NATIONAL LIBRARIES ACT, 1985

Objects of National Libraries.

3. The objects of a National Library are to promote the rendering of information services to the population of the Republic by collecting, preserving and making accessible published and unpublished material.

Functions of National Libraries.

4. (1) The functions of a National Library are— 5
- (a) (i) to build up a complete collection of material emanating from and relating to Southern Africa; and
 - (ii) to supplement the Republic's possession of material with selected collections;
 - (b) to collate, process, preserve and make available for use 10 its collection of material;
 - (c) to facilitate access to the material in Southern African libraries by processing systems;
 - (d) to render bibliographic services on a country-wide basis; 15
 - (e) to act as national centre for the making available of material;
 - (f) to act as a national preservation library and to render a restoration service on a country-wide basis;
 - (g) to liaise with libraries and other institutions in and out- 20 side the Republic.

(2) The Minister may by notice in the *Gazette* determine what functions shall be performed by each National Library.

Powers of National Libraries.

5. (1) A National Library is a juristic person, and may, subject to the provisions of subsection (2), perform any act which in the 25 opinion of its board is necessary for or incidental to the exercise of its powers and the performance of its functions.

(2) A National Library shall not without the prior approval of the Minister granted with the concurrence of the Minister of Finance— 30

- (a) let, sell, exchange or otherwise alienate its immovable or movable property;
- (b) as long as a guarantee furnished in terms of section 35 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), is in force in respect of a loan granted to the 35 National Library—
 - (i) mortgage or otherwise encumber its immovable property acquired through that loan;
 - (ii) let, sell, exchange or otherwise alienate, hypothecate or otherwise encumber its movable property 40 acquired through that loan;
- (c) borrow money.

Board of National Library.

6. (1) The affairs of a National Library are managed and controlled by a board consisting of at least seven members appointed by the Minister. 45

(2) A member of a board holds office for such period, but not exceeding three years, as the Minister may determine at the time of his appointment.

(3) A member of a board shall vacate his office if—

- (a) his estate is sequestrated or he assigns his estate for the 50 benefit of, or compounds with, his creditors;
- (b) a competent court finds that he is of unsound mind;
- (c) he is convicted of an offence and sentenced to imprisonment without the option of a fine;
- (d) he is absent from three consecutive meetings of the 55 board without leave of the board.

(4) The Minister may at any time remove a member of a board from office if in his opinion there are sound reasons for doing so.

(5) If a member of a board dies or resigns by written notice to 60 the Minister or vacates his office or is removed from office, the Minister may appoint a person in his place for the unexpired part of his term of office.

(6) A member of a board may be re-appointed on the expiry of his term of office. 65

WET OP NASIONALE BIBLIOTHEKE, 1985

Wet No. 56, 1985

3. Die oogmerke van 'n Nasionale Biblioteek is om deur die versameling, bewaring en toeganklikstelling van gepubliseerde en ongepubliseerde materiaal die lewering van inligtingsdienste aan die bevolking van die Republiek te bevorder.

Oogmerke van Nasionale Biblioteke.

5 4. (1) Die werksaamhede van 'n Nasionale Biblioteek is—

Werksaamhede van Nasionale Biblioteke.

- (a) (i) om 'n volledige versameling materiaal afkomstig van en oor Suider-Afrika op te bou; en
- (ii) om die Republiek se materiaalbesit met geselekteerde versamelings aan te vul;
- 10 (b) om sy versameling materiaal te orden, te ontsluit, te bewaar en vir gebruik beskikbaar te stel;
- (c) om deur ontsluitingsisteme toegang tot die materiaal in Suider-Afrikaanse biblioteke te vergemaklik;
- (d) om op landswye vlak bibliografiese dienste te lewer;
- 15 (e) om as 'n nasionale sentrum vir die beskikbaarstelling van materiaal op te tree;
- (f) om as 'n nasionale bewaarbiblioteek op te tree en 'n restourasiediens op landswye vlak te lewer;
- 20 (g) om met biblioteke en ander instellings binne en buite die Republiek te skakel.

(2) Die Minister kan by kennisgewing in die *Staatskoerant* bepaal welke werksaamhede deur elke Nasionale Biblioteek verrig word.

5. (1) 'n Nasionale Biblioteek is met regs persoonlikheid bekleed, en kan, behoudens die bepalings van subartikel (2), enige handeling verrig wat na die oordeel van sy raad nodig is vir of in verband staan met die verrigting van sy werksaamhede.

Bevoegdheid van Nasionale Biblioteke.

(2) 'n Nasionale Biblioteek mag nie sonder die voorafgaande goedkeuring van die Minister verleen met die instemming van die Minister van Finansies—

- (a) sy onroerende of roerende goed verhuur, verkoop, verruil of op 'n ander wyse vervreem nie;
- (b) solank 'n waarborg verstrek ingevolge artikel 35 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), van krag is ten opsigte van 'n lening wat aan die Nasionale Biblioteek toegestaan is,
- 35 (i) sy onroerende goed verkry deur daardie lening met verband of 'n ander las beswaar nie;
- (ii) sy roerende goed verkry deur daardie lening verhuur, verkoop, verruil of op 'n ander wyse vervreem, verhipotekeer of andersins beswaar nie;
- 40 (c) geld leen nie.

6. (1) Die sake van 'n Nasionale Biblioteek word bestuur en beheer deur 'n raad bestaande uit minstens sewe lede deur die Minister aangestel.

Raad van Nasionale Biblioteek.

(2) 'n Lid van 'n raad beklee sy amp vir die tydperk, maar hoogstens drie jaar, wat die Minister ten tyde van sy aanstelling bepaal.

(3) 'n Lid van 'n raad moet sy amp ontruim indien—

- 50 (a) sy boedel gesekwestreer word of hy daarvan ten voordele van sy skuldeisers afstand doen of met hulle 'n skikking aangaan;
- (b) 'n bevoegde hof bevind dat hy in sy geestesvermoëns gekrenk is;
- 55 (c) hy aan 'n misdryf skuldig bevind en tot gevangenisstraf sonder die keuse van 'n boete gevonnissen word;
- (d) hy sonder verlof van die raad van drie agtereenvolgende vergaderings van die raad afwesig is.

(4) Die Minister kan te eniger tyd 'n lid van 'n raad uit sy amp ontslaan indien daar na sy oordeel gegronde rede bestaan om dit te doen.

(5) Indien 'n lid van 'n raad te sterwe kom of by skriftelike kennisgewing aan die Minister bedank of sy amp ontruim of uit sy amp ontslaan word, kan die Minister iemand in sy plek vir die onverstreke deel van sy ampstermyn aanstel.

(6) 'n Lid van 'n raad kan by die verstryking van sy ampstermyn weer aangestel word.

Act No. 56, 1985

NATIONAL LIBRARIES ACT, 1985

Allowances to
members of boards.

7. A member of a board who is not in the full-time employ of the State may be paid such allowance as the Minister with the concurrence of the Minister of Finance may determine.

Meetings of boards.

8. (1) The Minister must designate one of the members of a board as chairman.

(2) If the chairman is absent from a meeting of a board, the members present may elect one of their number to preside at that meeting.

(3) A board shall meet at the prescribed times and places.

Officers and em-
ployees of National
Libraries.

9. (1) A board may appoint such officers and employees as it may deem necessary to perform the functions of the National Library concerned.

(2) The salaries, allowances, conditions of service and other benefits of the officers and employees of a National Library are determined by its board with the approval of the Minister granted with the concurrence of the Minister of Finance.

(3) The appointment or promotion of a person to a post determined by the Minister on the establishment of a National Library shall be subject to the approval of the Minister.

(4) An officer may be discharged only in terms of a decision of the board that appointed him, and the officer concerned may in the prescribed manner and within the prescribed time appeal against his discharge to the Minister who may confirm, vary or set aside that decision, or give such other decision as the board in the opinion of the Minister should have given.

(5) (a) An officer may with his consent and on such conditions as the board may determine, be seconded, either for a particular service or for a period of time, to the service of the State, of another state or of some other person.

(b) An officer seconded in terms of subsection (5) (a) remains while he is so seconded, subject to the laws and conditions of service that apply to him while in the employ of the National Library concerned.

Transfer of certain
persons to employ
of National
Libraries.

10. (1) (a) A person who is in the full-time employ of the State or of an institution receiving financial aid from the State may, with his consent in writing and with the concurrence of the head of the department of State or the institution concerned, as the case may be, be transferred to the employ of a National Library, and is then deemed to be an officer appointed by the board concerned as from a date (in this section called the fixed date) fixed by that board after consultation with the said head, and the salary of that person shall as from the fixed date be adjusted to the salary scale applicable to his post at a notch determined by the board, but the salary or salary scale at which or in accordance with which he was remunerated immediately prior to the fixed date and any extra earnings to which he was entitled immediately prior to that date and in respect of which he was required to contribute to a pension or provident fund of which he was in terms of any law a member immediately prior to the fixed date and the monetary value of such extra earnings, shall not for the purposes of that contribution be reduced without his consent.

(b) Notwithstanding anything to the contrary in any law, any extra earnings intended in paragraph (a) are deemed to be part of the emoluments of the officer concerned for the purposes of his contribution to the pension or provident fund of which he is a member.

(2) Notwithstanding anything to the contrary in any law—

(a) any continuous full-time employment with the State or the institution concerned immediately prior to the fixed date of a person transferred in terms of subsection (1) is deemed for the purposes of leave to be employment

WET OP NASIONALE BIBLIOTHEKE, 1985

Wet No. 56, 1985

7. Daar kan aan 'n lid van 'n raad wat nie heeltyds in diens van die Staat is nie die toelaes betaal word wat die Minister met die instemming van die Minister van Finansies bepaal.

Toelaes aan lede van rade.

8. (1) Die Minister moet een van die lede van 'n raad as voor- sitter aanwys.

Vergaderings van rade.

(2) Indien die voorsitter van 'n vergadering van 'n raad afwesig is, kan die aanwesige lede een uit hul midde kies om op daardie vergadering voor te sit.

(3) 'n Raad moet op die voorgeskrewe tye en plekke vergader.

9. (1) 'n Raad kan die beamptes en werknemers aanstel wat hy nodig ag om die werksaamhede van die betrokke Nasionale Biblioteek te verrig.

Beamptes en werknemers van Nasionale Biblioteke.

(2) Die salarisse, toelaes, diensvoorwaardes en ander voordele van die beamptes en werknemers van 'n Nasionale Biblioteek word deur sy raad bepaal met die goedkeuring van die Minister verleen met die instemming van die Minister van Finansies.

(3) Die aanstelling of bevordering van iemand in of tot 'n pos deur die Minister bepaal op die diensstaat van 'n Nasionale Biblioteek is aan die Minister se goedkeuring onderworpe.

(4) 'n Beampte kan slegs ingevolge 'n besluit van die raad wat hom aangestel het, ontslaan word, en die betrokke beampte kan op die voorgeskrewe wyse en binne die voorgeskrewe tyd teen sy ontslag na die Minister appelleer wat die besluit van die raad kan bevestig, wysig of tersyde stel, of die ander besluit kan gee wat die raad na die oordeel van die Minister moes gegee het.

(5) (a) 'n Beampte kan met sy toestemming en op die voorwaardes wat die raad bepaal, tydelik afgestaan word, hetsy vir 'n besondere diens of vir 'n tydperk, aan die diens van die Staat, van 'n ander staat of van 'n ander persoon.

(b) 'n Beampte wat ingevolge subartikel (5) (a) afgestaan is, bly terwyl hy aldus afgestaan is, onderworpe aan die wette en diensvoorwaardes wat op hom van toepassing is terwyl hy by die betrokke Nasionale Biblioteek in diens is.

10. (1) (a) Iemand wat heeltyds in diens is van die Staat of van

Oorplasing van sekere persone na diens van Nasionale Biblioteke.

'n inrigting wat finansiële steun van die Staat ontvang, kan met sy skriftelike instemming en met die instemming van die hoof van die betrokke Staatsdepartement of inrigting, na gelang van die geval, na die diens van 'n Nasionale Biblioteek oorgeplaas word, en word dan geag 'n beampte deur die betrokke raad aangestel te wees vanaf 'n datum wat die raad na oorleg met genoemde hoof vasstel (in hierdie artikel die vasgestelde datum genoem), en die salaris van die persoon moet vanaf die vasgestelde datum aangepas word by die salarisskaal wat op sy pos van toepassing is op 'n kerf deur die raad bepaal, maar die salaris of salarisskaal waarteen of waarvolgens hy onmiddellik voor die vasgestelde datum besoldig was en enige byverdienste waarop hy onmiddellik voor daardie datum geregtig was en ten opsigte waarvan hy verplig was om by te dra tot 'n pensioen- of voorsorgfonds waarvan hy ingevolge die een of ander wet onmiddellik voor die vasgestelde datum 'n lid was en die geldwaarde van die byverdienste, mag nie vir doeleindes van die bydrae sonder sy toestemming verminder word nie.

(b) Ondanks andersluidende bepalings van die een of ander wet word 'n byverdienste bedoel in paragraaf (a) geag deel te wees van die betrokke beampte se emolumente vir doeleindes van sy bydrae tot die pensioen- of voorsorgfonds waarvan hy lid is.

(2) Ondanks andersluidende bepalings van die een of ander wet—

(a) word ononderbroke heeltydse diens by die Staat of die betrokke inrigting onmiddellik voor die vasgestelde datum van iemand oorgeplaas ingevolge subartikel (1), vir verlofdoeleindes geag diens by die betrokke Nasionale

Act No. 56, 1985

NATIONAL LIBRARIES ACT, 1985

with the National Library concerned, and any sick or vacation leave which has on that date accrued in his favour is deemed, subject to such conditions as the board with the approval of the Minister may determine, to be leave which has accrued in his favour in terms of his conditions of service in the employ of that National Library; 5

(b) a person transferred in terms of subsection (1) retains all the rights and privileges and remains subject to all the obligations acquired or incurred by him for pension purposes in terms of any law administered by the State which applied to him immediately prior to the fixed date; and 10

(c) any contribution which in terms of any law intended in paragraph (b) would have been payable by the State or by the institution concerned in respect of such a person to the pension fund concerned if he had not become an officer of the National Library concerned, shall be paid by that National Library to the said pension fund. 15

(3) A person transferred in terms of subsection (1) may, on such conditions as the Director-General: Health and Welfare may determine, elect to be released from and to renounce all obligations, rights and privileges in respect of the pension fund intended in that subsection and to become a member of the pension fund established in terms of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), and from a date fixed by the said Director-General the provisions of that Act then apply to him. 25

(4) If a guarantee given under section 25 of the Finance and Financial Adjustments Acts Consolidation Act, 1977 (Act No. 11 of 1977), relates to a person who in terms of subsection (1) of this section becomes an officer of a National Library and he— 30

(a) continues to be a contributor to a pension fund intended in section 3 of the Government Service Pension Act, 1973 (Act No. 57 of 1973); or 35

(b) becomes a contributor to the pension fund intended in section 2 (1) of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963),

that guarantee is deemed to have been given by the National Library concerned and, notwithstanding anything to the contrary in any provision thereof, continues *mutatis mutandis* to be in force. 40

(5) Any power or duty conferred or imposed upon the Minister of Finance under section 25 of the Finance and Financial Adjustments Acts Consolidation Act, 1977 (Act No. 11 of 1977), may or shall, in so far as it relates to a guarantee deemed to have been given by a National Library, be exercised or performed by that National Library, and any loss which may be incurred by a National Library in consequence of the exercise or performance of that power or duty shall be defrayed from the funds of that National Library. 50

(6) Notwithstanding anything to the contrary in any law, any amount which is payable to a National Library by any person transferred in terms of subsection (1) on the date of his retirement or discharge or which a National Library is then liable to pay in respect of him, may be deducted from any benefit which is payable to him out of the pension fund concerned in a lump sum or in such instalments as the Director-General: Health and Welfare may determine, for payment to the National Library. 55

Transfer of certain assets and liabilities to National Libraries.

11. (1) Subject to the provisions of section 2 of the State Land Disposal Act, 1961 (Act No. 48 of 1961), the Minister may, with the concurrence of the Minister of Communications and of Public Works and of the Minister of Finance, and on such conditions as he may determine, transfer to a National Library any immovable property belonging to the State in order to enable that National Library to perform its functions. 60 65

WET OP NASIONALE BIBLIOTHEKE, 1985

Wet No. 56, 1985

- 5 Biblioteek te wees, en word, behoudens die voorwaardes wat die raad met die goedkeuring van die Minister bepaal, siekte- of vakansieverlof wat op daardie datum ten gunste van hom opgeloopt het, geag verlof te wees wat ingevolge sy diensvoorwaardes in diens van die Nasionale Biblioteek ten gunste van hom opgeloopt het;
- 10 (b) behou iemand oorgeplaas ingevolge subartikel (1) al die regte en voorregte en bly hy onderworpe aan al die verpligtinge wat hy vir pensioendoelindes verkry of opgeloopt het ingevolge die een of ander wet wat deur die Staat geadministreer word en wat onmiddellik voor die vasgestelde datum op hom van toepassing was; en
- 15 (c) moet 'n bydrae wat ingevolge 'n wet in paragraaf (b) bedoel deur die Staat of die betrokke inrigting aan die betrokke pensioenfonds ten opsigte van so iemand betaalbaar sou gewees het indien hy nie 'n beampte van die betrokke Nasionale Biblioteek geword het nie, deur die Nasionale Biblioteek aan genoemde pensioenfonds
- 20 betaal word.
- (3) Iemand oorgeplaas ingevolge subartikel (1) kan op die voorwaardes wat die Direkteur-generaal: Gesondheid en Welsyn bepaal, kies om van alle verpligtinge, regte en voorregte ten opsigte van die pensioenfonds bedoel in daardie subartikel onthef te word en afstand te doen en om lid te word van die pensioenfonds ingestel ingevolge die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), en vanaf 'n datum deur genoemde Direkteur-generaal bepaal, is die bepalinge van daardie Wet dan op hom van toepassing.
- 30 (4) Indien 'n waarborg verstrek kragtens artikel 25 van die Konsolidasiewet op Finansie- en Finansiële Reëlinswette, 1977 (Wet No. 11 van 1977), betrekking het op iemand wat ingevolge subartikel (1) van hierdie artikel 'n beampte van 'n Nasionale Biblioteek word en hy—
- 35 (a) aanhou om 'n bydraer te wees tot 'n pensioenfonds bedoel in artikel 3 van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973); of
- (b) 'n bydraer word tot die pensioenfonds bedoel in artikel 2 (1) van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963),
- 40 word daardie waarborg geag deur die betrokke Nasionale Biblioteek verstrek te wees, en bly dit, ondanks andersluidende bepalinge daarvan, *mutatis mutandis* van krag.
- (5) 'n Bevoegdheid of plig kragtens artikel 25 van die Konsolidasiewet op Finansie- en Finansiële Reëlinswette, 1977 (Wet No. 11 van 1977), aan die Minister van Finansies verleen of hom opgelê, kan of moet vir sover dit betrekking het op 'n waarborg wat geag word deur 'n Nasionale Biblioteek verstrek te wees, deur daardie Nasionale Biblioteek uitgeoefen of verrig word, en
- 50 'n verlies wat deur 'n Nasionale Biblioteek ten gevolge van die uitoefening of verrigting van die bevoegdheid of plig gelyk word, moet uit die fondse van daardie Nasionale Biblioteek bestry word.
- (6) Ondanks andersluidende bepalinge van die een of ander
- 55 wet kan 'n bedrag wat op die datum van die uitdienstreding of ontslag van iemand oorgeplaas ingevolge subartikel (1), aan 'n Nasionale Biblioteek deur hom betaalbaar is of wat 'n Nasionale Biblioteek dan ten opsigte van hom moet betaal, in 'n enkele bedrag of dié paaielemente wat die Direkteur-generaal: Gesondheid en Welsyn bepaal, afgetrek word van 'n voordeel wat uit die betrokke pensioenfonds aan hom betaalbaar is, vir oorbetalings aan die Nasionale Biblioteek.

11. (1) Behoudens die bepalinge van artikel 2 van die Wet op die Beskikking oor Staatsgrond, 1961 (Wet No. 48 van 1961), kan die Minister met die instemming van die Minister van Kominikasie en van Openbare Werke en die Minister van Finansies en op die voorwaardes wat hy bepaal, aan 'n Nasionale Biblioteek enige onroerende goed wat aan die Staat behoort, oordra ten einde daardie Nasionale Biblioteek in staat te stel om sy werksaamhede te verrig.

Oordrag van sekere bates en laste aan Nasionale Biblioteke.

Act No. 56, 1985

NATIONAL LIBRARIES ACT, 1985

(2) At the commencement of this Act any movable property which was in the possession or under the control of a library which then becomes a National Library vests in that National Library, including—

- (a) money standing to its credit in the account of the library or held by the State for the purposes of that library;
- (b) claims of the State in connection with that library;
- (c) rights and privileges of the State in connection with that library in terms of an agreement entered into by or on behalf of the State or the Library.

(3) At the commencement of this Act the liabilities and obligations of the State in connection with a library which then becomes a National Library are transferred to that National Library.

Minister may entrust certain property to care of National Libraries.

12. The Minister may in such manner and on such conditions as he thinks fit entrust any movable property or part thereof which has been given or bequeathed to the Republic or its inhabitants or any section of them or which has been given or bequeathed for the use or benefit of the Republic or its inhabitants or any section of them, to the care of a National Library, unless the donor or testator has made other provision for the care thereof.

Advisory Committee.

13. (1) There is hereby established a committee called the National Libraries Advisory Committee consisting of—

- (a) a chairman appointed by the Minister;
- (b) the chairman and one member of the board of each of the National Libraries;
- (c) the Directors of the National Libraries.

(2) The object of the Advisory Committee is to co-ordinate and promote the functions of National Libraries.

(3) The Advisory Committee may—

- (a) advise the Minister on the development of National Libraries and the co-ordination of their activities, as well as on any other matter that the Minister may refer to the Advisory Committee;
- (b) make recommendations to National Libraries so as to co-ordinate their functions;
- (c) advise a National Library regarding any matter referred to it by the National Library;
- (d) at the request of other bodies, designate any of its members to serve on committees together with members of those bodies in connection with any library matter;
- (e) invite any library in the Republic to attend its meetings.

Members of Advisory Committee.

14. (1) (a) A member of the Advisory Committee holds office for such period, but not exceeding three years, as the Minister may determine at the time of his appointment.

(b) A member of the Advisory Committee may be re-appointed at the expiry of his term of office.

(2) The Minister may at any time remove the chairman of the Advisory Committee if in his opinion there are sound reasons for doing so.

(3) If the chairman of the Advisory Committee is absent from a meeting thereof, the members present may elect one of their number to preside at that meeting.

(4) A member of the Advisory Committee who is not in the full-time employ of the State may be paid from moneys appropriated for that purpose by Parliament—

- (a) such subsistence and travelling expenses; and
- (b) in the case of the chairman, in addition such allowance, as the Minister with the concurrence of the Minister of Finance may determine.

Meetings of Advisory Committee.

15. Meetings of the Advisory Committee shall be held at such times and places as the chairman after consultation with the members may determine.

WET OP NASIONALE BIBLIOTHEKE, 1985

Wet No. 56, 1985

(2) By die inwerkingtreding van hierdie Wet gaan die roerende goed wat onmiddellik voor die inwerkingtreding in besit of onder beheer was van 'n biblioteek wat dan 'n Nasionale Biblioteek word op daardie Nasionale Biblioteek oor, met inbegrip 5 van—

- (a) geld tot sy krediet in die rekening van die biblioteek of deur die Staat vir doeleindes van die biblioteek gehou;
- (b) vorderings van die Staat in verband met die biblioteek;
- (c) regte en voorregte van die Staat in verband met die biblioteek ingevolge 'n ooreenkoms deur of ten be- 10 hoewe van die Staat of die biblioteek aangegaan.

(3) By die inwerkingtreding van hierdie Wet gaan die laste en verpligtinge van die Staat in verband met 'n biblioteek wat dan 'n Nasionale Biblioteek word op daardie Nasionale Biblioteek 15 oor.

12. Die Minister kan op die wyse en voorwaardes wat hy goedvind roerende goed of 'n deel daarvan wat aan die Republiek of die inwoners of deel van die inwoners van die Republiek geskenk of bemaak is of wat geskenk of bemaak is vir die ge- 20 bruik of tot voordeel van die Republiek of sy inwoners of 'n deel van sy inwoners, aan die sorg van 'n Nasionale Biblioteek toevertrou, tensy die skenker of erflater ander voorsiening vir die bewaring daarvan gemaak het.

Minister kan sekere goed aan sorg van Nasionale Biblioteke toevertrou.

13. (1) Daar word hierby 'n komitee ingestel wat die Advies- 25 komitee vir Nasionale Biblioteke heet en wat bestaan uit—

- (a) 'n voorsitter deur die Minister aangestel;
- (b) die voorsitter en 'n lid van die raad van elk van die Nasionale Biblioteke;
- (c) die Direkteure van die Nasionale Biblioteke.

30 (2) Die oogmerk van die Advieskomitee is om die werksaamhede van Nasionale Biblioteke te koördineer en te bevorder.

(3) Die Advieskomitee kan—

- (a) die Minister adviseer oor die ontwikkeling van Nasio- 35 nale Biblioteke en die koördinerings van hul werksaamhede, asook oor enige ander aangeleentheid wat die Minister aan die Advieskomitee mag opdra;
- (b) aanbevelings aan Nasionale Biblioteke doen ten einde hul werksaamhede te koördineer;
- (c) 'n Nasionale Biblioteek adviseer oor enige aangeleent- 40 heid wat die Nasionale Biblioteek na hom verwys;
- (d) op versoek van ander liggame, enige van sy lede aanwys om in komitees te dien saam met lede van daardie liggame in verband met enige biblioteekaangeleentheid;
- (e) enige biblioteek in die Republiek uitnooi om sy verga- 45 derings by te woon.

14. (1) (a) 'n Lid van die Advieskomitee beklee sy amp vir die tydperk, maar hoogstens drie jaar, wat die Minister ten tyde van sy aanstelling bepaal.

Lede van Advieskomitee.

50 (b) 'n Lid van die Advieskomitee kan by die verstryking van sy ampstermyn weer aangestel word.

(2) Die Minister kan te eniger tyd die voorsitter van die Advieskomitee uit sy amp ontslaan indien daar na sy oordeel ge- 55 gronde rede bestaan om dit te doen.

(3) Indien die voorsitter van die Advieskomitee van 'n vergadering daarvan afwesig is, kan die aanwesige lede een uit hul 60 midde kies om op daardie vergadering voor te sit.

(4) Daar kan aan 'n lid van die Advieskomitee wat nie heeltyds in diens van die Staat is nie, uit geld deur die Parlement vir 60 dié doel bewillig—

- (a) dié reis- en verblyfkoste; en
- (b) in die geval van die voorsitter, ook dié toelae, betaal word wat die Minister met die instemming van die Minis- 65 ter van Finansies bepaal.

15. Vergaderings van die Advieskomitee moet gehou word op 65 die tye en plekke wat die voorsitter na oorleg met die lede bepaal.

Vergaderings van Advieskomitee.

Act No. 56, 1985

NATIONAL LIBRARIES ACT, 1985

Financing of National Libraries.

16. (1) The funds of a National Library consist of—
- (a) money appropriated by Parliament;
 - (b) money borrowed by the National Library;
 - (c) revenue obtained by virtue of the provisions of subsection (4); 5
 - (d) fees or royalties paid to the National Library;
 - (e) donations or contributions received by the National Library;
 - (f) money accruing to the National Library from any other source. 10
- (2) (a) Subject to the provisions of this section, a National Library shall use its funds to defray expenditure in connection with the performance of its functions.
- (b) A National Library shall use money intended in subsection (1) (a) in accordance with the statement of its estimated revenue and expenditure contemplated in subsection (3), but may with the approval of the Minister use any amount or part of any amount required to be used for a particular purpose in connection with a specific matter for any other purpose in connection with that matter, and any balance of such money remaining at the end of its financial year for any expenditure in connection with the performance of its functions. 20
- (3) A board shall in every financial year before a date determined by the Minister submit a statement of its estimated revenue and expenditure during its next financial year for the approval of the Minister granted with the concurrence of the Minister of Finance. 25
- (4) A board may invest any money not required for immediate use or as a reasonable operating balance with the Public Investment Commissioners or in such other manner as the Minister with the concurrence of the Minister of Finance may determine. 30
- (5) A board may establish and operate a reserve fund and may deposit therein such amounts as the Minister may approve. 35

Auditing and annual report.

17. (1) The financial year of a National Library ends on 31 March.
- (2) A National Library shall keep a proper record of its assets and financial transactions.
- (3) The accounts of a National Library shall be audited annually by the Auditor-General. 40
- (4) (a) A National Library shall furnish to the Minister such information in connection with the functions and financial position of the National Library as he may require, and shall as soon as practicable after the end of every calendar year submit to the Minister an annual report, including a balance sheet and a statement of revenue and expenditure in respect of the financial year ending in the calendar year concerned, certified by the Auditor-General, as well as such other particulars as the Minister may require. 50
- (b) The Minister must lay the report upon the Table in Parliament within 14 days after receipt thereof if Parliament is in ordinary session or, if Parliament is not in ordinary session, within 14 days after the commencement of its next ordinary session. 55

Pension scheme and fund.

18. A National Library is deemed to have been declared in terms of section 4 of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), to be an associated institution from the commencement of this Act. 60

Regulations.

19. (1) The Minister may make regulations regarding—
- (a) matters which shall or may be prescribed in terms of this Act;

WET OP NASIONALE BIBLIOTHEKE, 1985

Wet No. 56, 1985

16. (1) Die fondse van 'n Nasionale Biblioteek bestaan uit— Finansiering van
Nasionale Biblio-
teke.
- (a) geld deur die Parlement bewillig;
 - (b) geld deur die Nasionale Biblioteek geleen;
 - (c) inkomste verkry uit hoofde van die bepalings van sub-
artikel (4);
 - (d) gelde of tantièmes wat aan die Nasionale Biblioteek
betaal word;
 - (e) skenkings of bydraes deur die Nasionale Biblioteek
ontvang;
 - (f) geld wat die Nasionale Biblioteek uit 'n ander bron toe-
val.
- (2) (a) Behoudens die bepalings van hierdie artikel moet 'n
Nasionale Biblioteek sy fondse aanwend om uitgawes
in verband met die verrigting van sy werksaamhede te
bestry.
- (b) 'n Nasionale Biblioteek moet geld bedoel in subartikel
(1) (a) aanwend ooreenkomstig die staat van sy ge-
raamde inkomste en uitgawes beoog in subartikel (3),
maar kan met die goedkeuring van die Minister 'n be-
drag of gedeelte van 'n bedrag wat vir 'n besondere
doel in verband met 'n bepaalde aangeleentheid aange-
wend moet word, vir 'n ander doel in verband met
daardie aangeleentheid aanwend, en enige saldo van
sodanige geld wat aan die einde van sy boekjaar oor-
bly, vir enige uitgawe in verband met die verrigting van
sy werksaamhede aanwend.
- (3) 'n Raad moet in elke boekjaar voor 'n datum deur die
Minister bepaal 'n staat van sy geraamde inkomste en uitgawe
gedurende sy volgende boekjaar voorlê vir die goedkeuring van
die Minister verleen met die instemming van die Minister van Fi-
nansies.
- (4) 'n Raad kan geld wat nie vir onmiddellike gebruik of as 'n
redelike bedryfsaldo nodig is nie by die Openbare Beleggings-
kommissaris belê of op die ander wyse wat die Minister met
die instemming van die Minister van Finansies bepaal.
- (5) 'n Raad kan 'n reserwefonds instel en administreer en
daarin die bedrae stort wat die Minister goedkeur.
17. (1) Die boekjaar van 'n Nasionale Biblioteek eindig op 31 Oudit en
jaarverslag.
Maart.
- (2) 'n Nasionale Biblioteek moet aantekening laat hou van sy
bates en finansiële transaksies.
- (3) Die rekenings van 'n Nasionale Biblioteek moet jaarliks
deur die Ouditeur-generaal geouditeer word.
- (4) (a) 'n Nasionale Biblioteek moet aan die Minister die inlig-
ting verstrek wat hy verlang in verband met die werk-
saamhede en geldelike toestand van die Nasionale Bib-
lioteek, en moet so spoedig doenlik na die einde van elke
kalenderjaar aan die Minister 'n jaarverslag voorlê,
met inbegrip van 'n balansstaat en 'n staat van inkom-
ste en uitgawe ten opsigte van die boekjaar wat in die
betrokke kalenderjaar eindig, deur die Ouditeur-gene-
raal gesertifiseer, asook die ander besonderhede wat
die Minister verlang.
- (b) Die Minister moet die verslag in die Parlement ter
Tafel lê binne 14 dae na ontvangs daarvan indien die
Parlement in gewone sessie is of, indien die Parlement
nie in gewone sessie is nie, binne 14 dae na die aanvang
van sy volgende gewone sessie.
18. 'n Nasionale Biblioteek word geag ingevolge artikel 4 van Pensioenskema en
-fonds.
60 die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963
(Wet No. 41 van 1963), tot 'n geassosieerde inrigting verklaar te
wees vanaf die inwerkingtreding van hierdie Wet.
19. (1) Die Minister kan regulasies uitvaardig aangaande— Regulasies.
- (a) aangeleenthede wat ingevolge hierdie Wet voorgeskryf
moet of kan word;

Act No. 56, 1985

NATIONAL LIBRARIES ACT, 1985

- (b) the calling and constitution of, and the procedure and quorum at, meetings of a board, including the manner of voting and the number of votes required for a decision of the board;
 - (c) the investigation of a charge of misconduct or inefficiency against a person in the employ of a National Library, or of any alleged irregularity in connection with the affairs of a National Library, conduct constituting misconduct, the procedure to be followed at such an investigation, the summoning and attendance of witnesses, and the penalty that may be imposed upon or other steps that may be taken against such a person;
 - (d) the keeping of records and the times when, the form in which and the persons to whom financial statements and reports in respect of National Libraries shall be submitted;
 - (e) research at National Libraries;
 - (f) the establishment of professional advisory committees; and
 - (g) generally, any matter in respect of which he deems it necessary or expedient to make regulations in order to achieve the objects of this Act.
- (2) Different regulations may be made in respect of different National Libraries.
- (3) Regulations under this section may prescribe penalties not exceeding a fine of R100 for a contravention thereof or a failure to comply therewith.

Savings.

20. (1) The board of a library intended in section 6 of the Cultural Institutions Act, 1969 (Act No. 29 of 1969), which becomes a National Library at the commencement of this Act, is deemed to be the board of that National Library, but ceases to exist at the commencement of the term of office of the members of a board appointed under section 6 of this Act.

- (2) (a) A person who immediately before the commencement of this Act was in the employ of a library which becomes a National Library at that commencement, is transferred to the employ of that National Library at the said commencement with the retention of the salary, allowances and other benefits which then applied in respect of him.
- (b) Such a person is deemed to have been appointed under section 9, his salary, allowances, conditions of service and other benefits are deemed to have been determined under that section, and any leave, pension or other benefits which have accrued in his favour by virtue of his service with the said library are deemed to have accrued in his favour by virtue of service with the National Library.

Short title and commencement.

21. This Act is called the National Libraries Act, 1985, and comes into operation on a date fixed by the State President by proclamation in the *Gazette*.

WET OP NASIONALE BIBLIOTEKE, 1985

Wet No. 56, 1985

- (b) die belê en konstituering van, en die prosedure en kworum by, vergaderings van 'n raad, met inbegrip van die wyse waarop gestem word en die getal stemme vereis vir 'n beslissing van die raad;
- 5 (c) die ondersoek van 'n aanklag van wangedrag of onbekwaamheid teen iemand in diens van 'n Nasionale Biblioteek, of van enige beweerde onreëlmatigheid in verband met die aangeleenthede van 'n Nasionale Biblioteek, gedrag wat wangedrag uitmaak, die prosedure wat by so 'n ondersoek gevolg moet word, die dagvaarding en bywoning van getuies, en die straf wat opgelê kan word op of ander stappe wat gedoen kan word teen so 'n persoon;
- 10 (d) die hou van aantekeninge en die tye wanneer, die vorm waarin en die persone aan wie finansiële state en verslae ten opsigte van Nasionale Biblioteke verstrek moet word;
- 15 (e) navorsing aan Nasionale Biblioteke;
- (f) die instelling van professionele advieskomitees; en
- 20 (g) in die algemeen, enige aangeleentheid ten opsigte waarvan hy dit nodig of dienstig ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te verwesenlik.
- (2) Verskillende regulasies kan ten opsigte van verskillende Nasionale Biblioteke uitgevaardig word.
- (3) Regulasies kragtens hierdie artikel kan strawwe wat 'n boete van R100 nie te bowe gaan nie voorskryf vir 'n oortreding daarvan of 'n versuim om daaraan te voldoen.

20. (1) Die raad van 'n biblioteek bedoel in artikel 6 van die Wet op Kulturele Inrigtings, 1969 (Wet No. 29 van 1969), wat by die inwerkingtreding van hierdie Wet 'n Nasionale Biblioteek word, word geag die raad van daardie Nasionale Biblioteek te wees, maar hou op om te bestaan by die aanvang van die ampstermyn van die lede van 'n raad wat kragtens artikel 6 van hierdie Wet aangestel word. Voorbehoude.

(2) (a) Iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet in diens was van 'n biblioteek wat by daardie inwerkingtreding 'n Nasionale Biblioteek word, word by genoemde inwerkingtreding na die diens van daardie Nasionale Biblioteek oorgeplaas met behoud van die salaris, toelaes en ander voordele wat toe ten opsigte van hom gegeld het.

(b) So 'n persoon word geag kragtens artikel 9 aangestel te wees, sy salaris, toelaes, diensvoorwaardes en ander voordele word geag kragtens daardie artikel bepaal te wees, en enige verlof-, pensioen- of ander voordele wat ten gunste van hom op grond van sy diens by genoemde biblioteek opgeloop het, word geag ten gunste van hom op grond van diens by die Nasionale Biblioteek opgeloop te wees.

21. Hierdie Wet heet die Wet op Nasionale Biblioteke, 1985, Kort titel en en tree in werking op 'n datum wat die Staatspresident by proklamasië in die *Staatskoerant* bepaal. inwerkingtreding.

