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GOVERNMENT GAZETTE

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OFFICE OF THE PRESIDENT

No. 1394. 2 November 1998

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

No. 91 of 1998: The South African Library for the Blind Act, 1998.

KANTOOR VAN DIE PRESIDENT

No. 1394. 2 November 1998

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

No. 91 van 1998: Wet op die Suid-Afrikaanse Biblioteek vir Blindes, 1998.

*(English text signed by the President.)
(Assented to 20 October 1998.)*

ACT

To provide for the South African Library for the Blind; for library and information services to blind and print-handicapped readers; and for matters connected therewith.

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

*(Engelse teks deur die President geteken.)
(Goedgekeur op 20 Oktober 1998.)*

WET

Om voorsiening te maak vir die Suid-Afrikaanse Biblioteek vir Blindes; vir biblioteek- en inligtingsdienste aan blinde en leesgestremde lesers; en vir aanleenthede wat daarmee in verband staan.

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

INTRODUCTION

Definitions

1. In this Act, unless the context indicates otherwise—
- (i) “audio document” means the recording of information in a medium accessible for use by blind and print-handicapped readers; (i) 5
 - (ii) “bibliographic service” means—
 - (a) the creation of bibliographic records and the compilation of catalogues, bibliographies, indexes and other bibliographic databases;
 - (b) the compilation and dissemination of relevant statistics;
 - (c) the exchange, sale, dissemination or making available of the records and compilations referred to in paragraph (a); (ii) 10
 - (iii) “blind and print-handicapped reader” means any reader who cannot use ordinary printed material because of a visual or physical restraint; (iv)
 - (iv) “Board” means the Board of the Library for the Blind, constituted in terms of section 6; (xiii) 15
 - (v) “braille document” means a document transcribed into braille for blind readers; (v)
 - (vi) “document” means any object which is intended to store or convey information in textual, graphic, visual, auditory or other intelligible format through any medium, and any version or edition of a document which is significantly different from that document in respect of its information content, intelligibility or physical presentation, is considered to be a separate document: Provided that public records as defined in section 1 of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996), or in provincial legislation pertaining to records and archives, other than published records, are not considered to be documents for the purposes of this Act; (vi) 20 25
 - (vii) “documentary heritage” means the total of published documents emanating from South Africa or relating to South Africa; (vii)
 - (viii) “format” means the layout and rules for transcribing materials in various sound and tactile media; (viii) 30
 - (ix) “Library for the Blind” means the South African Library for the Blind, referred to in section 2; (iii)
 - (x) “medium” means any means of recording or transmitting information intended for subsequent reading, listening or viewing; (xi)
 - (xi) “Minister” means the Minister of Arts, Culture, Science and Technology; (xii) 35
 - (xii) “prescribe” means prescribe by regulation; (xv)
 - (xiii) “published” means produced to be made available in multiple copies or at various locations to—
 - (a) any member of the public, whether through purchase, hire, loan, subscription, licence or free distribution; or 40
 - (b) the members of an association or a society, whose membership is open to any qualifying member of the public; (ix)
 - (xiv) “record” means recorded information regardless of form or medium; (xiv)
 - (xv) “this Act” includes any regulation made under section 15. (x) 45

CHAPTER 1

THE SOUTH AFRICAN LIBRARY FOR THE BLIND

South African Library for the Blind

2. (1) The South African Library for the Blind, declared under section 1 of the State-aided Institutions Act, 1931 (Act No. 23 of 1931), to be subject to the provisions of that Act in Government Notice No. R. 283 of 1 March 1968, and deemed to have been declared under section 3 of the Cultural Institutions Act, 1969 (Act No. 29 of 1969), to be subject to the provisions of that Act, continues to exist as a juristic person known as the South African Library for the Blind, notwithstanding the withdrawal of the notice by this Act. 50

INLEIDING**Woordomskrywing**

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) “audiiodokument” die opneem van inligting in ’n medium toeganklik vir gebruik deur blinde en leesgestremde lesers; (i)
- (ii) “bibliografiese diens”—
 - (a) die skep van bibliografiese rekords en die samestelling van katalogusse, bibliografieë, indekse en ander bibliografiese databasisse;
 - (b) die samestelling en verspreiding van toepaslike statistieke;
 - (c) die uitruiling, verkoop, verspreiding of beskikbaarstelling van die rekords en samestellings bedoel in paragraaf (a); (ii)
- (iii) “Biblioteek vir Blindes” die Suid-Afrikaanse Biblioteek vir Blindes, bedoel in artikel 2; (ix)
- (iv) “blinde en leesgestremde leser” enige leser wat nie gewone gedrukte materiaal kan gebruik nie as gevolg van ’n gesigs- of liggaamlike beperking; (iii)
- (v) “brailledokument” ’n dokument getranskribeer in braille vir blinde lesers; (v)
- (vi) “dokument” enige voorwerp wat bedoel is om inligting in tekstuele, grafiese, visuele, ouditiewe of ander verstaanbare formaat deur middel van enige medium te bewaar of oor te dra, en enige weergawe of uitgawe van ’n dokument wat aanmerklik verskillend is van daardie dokument ten opsigte van sy inhoudelike inligting, verstaanbaarheid of fisiese aanbieding, word geag ’n afsonderlike dokument te wees: Met dien verstande dat openbare rekords soos omskryf in artikel 1 van die Wet op die Nasionale Argiewe van Suid-Afrika, 1996 (Wet No. 43 van 1996), of in provinsiale wetgewing met betrekking tot rekords of argiewe, behalwe gepubliseerde rekords, nie geag word dokumente vir die doeleindes van hierdie Wet te wees nie; (vi)
- (vii) “dokumentêre erfenis” die totale gepubliseerde dokumente wat van Suid-Afrika afkomstig is of verband hou met Suid-Afrika; (vii)
- (viii) “formaat” die uitleg en reëls vir die transkribering van materiaal in verskillende klank- en tasmedia; (viii)
- (ix) “gepubliseer” geproduseer om in veelvuldige eksemplare of op verskillende plekke beskikbaar gestel te word aan —
 - (a) enige lid van die publiek, hetsy deur aankoop, huur, leen, intekening, lisensie of gratis verspreiding; of
 - (b) die lede van ’n vereniging of ’n genootskap, waarvan die lidmaatskap oop is vir enige lid van die publiek wat daarvoor kwalifiseer; (xiii)
- (x) “hierdie Wet” ook enige regulasie uitgevaardig kragtens artikel 15; (xv)
- (xi) “medium” enige middel aangewend vir die bewaring of transmissie van inligting bedoel vir latere lees, luister of kyk; (x)
- (xii) “Minister” die Minister van Kuns, Kultuur, Wetenskap en Tegnologie; (xi)
- (xiii) “Raad” die Raad van die Biblioteek vir Blindes, saamgestel ingevolge artikel 6; (iv)
- (xiv) “rekord” vasgelegde inligting ongeag die vorm of medium; (xiv)
- (xv) “voorskryf” voorskryf by regulasie. (xii)

HOOFSTUK 1**DIE SUID-AFRIKAANSE BIBLIOTEEK VIR BLINDES****Suid-Afrikaanse Biblioteek vir Blindes**

2. (1) Die Suid-Afrikaanse Biblioteek vir Blindes, kragtens artikel 1 van die Wet op Staatsondersteunde Inrigtings, 1931 (Wet No. 23 van 1931), verklaar onderworpe aan die bepalings van daardie Wet te wees in Goewermentskennisgewing No. R. 283 van 1 Maart 1968, en geag kragtens artikel 3 van die Wet op Kulturele Inrigtings, 1969 (Wet No. 29 van 1969), verklaar te gewees het onderworpe aan die bepalings van daardie Wet te wees, bly voortbestaan as ’n regs persoon bekend as die Suid-Afrikaanse Biblioteek vir Blindes, ondanks die intrekking van die kennisgewing deur hierdie Wet.

(2) The head office of the Library for the Blind is in Grahamstown and its branches in institutions and libraries throughout South Africa, as prescribed.

Object of Library for the Blind

3. The object of the Library for the Blind is to provide a national library and information service to serve blind and print-handicapped readers in South Africa. 5

Functions of Library for the Blind

4. (1) The functions of the Library for the Blind are—
- (a) to build up a balanced and appropriate collection of South African and other documents for the use of blind and print-handicapped readers;
 - (b) (i) to record its collections appropriately; 10
(ii) to provide a bibliographic service to those readers;
 - (c) to provide access to documents nationally and internationally to those readers;
 - (d) to provide library and information services on a national basis to those readers;
 - (e) to co-ordinate and preserve the national audio and braille literary heritage; 15
 - (f) to produce documents in special mediums such as braille and audio in the formats required by those readers;
 - (g) to develop standards for the production of those documents;
 - (h) to research production methods and technology in the appropriate fields; and
 - (i) to acquire, manufacture and disseminate the necessary technology required to 20
read, replay or reproduce the media referred to in paragraph (f).
- (2) The functions must be performed solely in respect of documents for the use of or relating to blind and print-handicapped readers.

CHAPTER 2

ADMINISTRATIVE PROVISIONS 25

Powers of Library for the Blind

5. (1) The Library for the Blind is a juristic person, and may, subject to subsection (2), perform any act which in the opinion of the Board is necessary for or incidental to the performance of its functions.
- (2) The Library for the Blind may not without the prior approval of the Minister 30
granted with the concurrence of the Minister of Finance—
- (a) lease or sell, exchange or otherwise alienate its movable or immovable property: Provided that the Minister may prescribe categories of movable property which may be alienated by the Library for the Blind at the sole discretion of the Board; 35
 - (b) as long as a guarantee furnished in terms of section 35 of the Exchequer Act, 1975 (Act No. 66 of 1975), is in force in respect of a loan granted to the Library for the Blind—
 - (i) mortgage or otherwise encumber its immovable property acquired through that loan; 40
 - (ii) lease or sell, exchange or otherwise alienate, or hypothecate or otherwise encumber its movable property acquired through that loan;
 - (c) borrow money.

Board of Library for the Blind

6. (1) The affairs of the Library for the Blind are controlled by a Board consisting 45
of—
- (a) at least seven but not more than nine members appointed by the Minister in the prescribed manner: Provided that the regulations prescribing the manner of

(2) Die hoofkantoor van die Biblioteek vir Blindes is in Grahamstad en sy takke in instellings en biblioteke regoor Suid-Afrika, soos voorgeskryf.

Oogmerk van Biblioteek vir Blindes

3. Die oogmerk van die Biblioteek vir Blindes is om 'n nasionale biblioteek- en inligtingsdiens te voorsien om blinde en leesgestremde lesers in Suid-Afrika te bedien.

Werksaamhede van Biblioteek vir Blindes

4. (1) Die werksaamhede van die Biblioteek vir Blindes is—
- (a) om 'n gebalanseerde en toepaslike versameling van Suid-Afrikaanse en ander dokumente vir die gebruik van blinde en leesgestremde lesers op te bou;
 - 10 (b) (i) om op gepaste wyse rekord van sy versamelings te hou;
 - (ii) om 'n bibliografiese diens aan daardie lesers te lewer;
 - (c) om nasionaal en internasionaal toegang tot dokumente aan daardie lesers te voorsien;
 - 15 (d) om biblioteek- en inligtingsdienste op nasionale grondslag aan daardie lesers te voorsien;
 - (e) om die nasionale oudio- en braille- letterkundige erfenis te koördineer en te bewaar;
 - (f) om dokumente in spesiale media, soos braille en oudio, te vervaardig in die formate vereis deur daardie lesers;
 - 20 (g) om standaarde vir die vervaardiging van daardie dokumente te ontwikkel;
 - (h) om vervaardigingsmetodes en -tegnologie in die toepaslike velde na te vors; en
 - (i) om die nodige tegnologie aan te skaf, te vervaardig en te versprei wat vereis word om die media bedoel in paragraaf (f) te lees, terug te speel of te
 - 25 reproduseer.
- (2) Die werksaamhede word slegs uitgevoer ten opsigte van dokumente vir gebruik deur of met betrekking tot blinde en leesgestremde lesers.

HOOFSTUK 2

ADMINISTRATIEWE BEPALINGS

30 Bevoegdhede van Biblioteek vir Blindes

5. (1) Die Biblioteek vir Blindes is met regspersoonlikheid bekleed en kan, behoudens subartikel (2), enige handeling verrig wat na die oordeel van die Raad nodig is vir of in verband staan met die verrigting van sy werksaamhede.
- (2) Die Biblioteek vir Blindes mag nie sonder die voorafgaande goedkeuring van die
- 35 Minister verleen met die instemming van die Minister van Finansies—
- (a) sy roerende of onroerende goed verhuur, verkoop, verruil of op 'n ander wyse vervoer: Met dien verstande dat die Minister kategorieë roerende goed kan voorskryf wat deur die Biblioteek geheel na goedgekenke van die Raad vervoer kan word;
 - 40 (b) solank 'n waarborg verstrek ingevolge artikel 35 van die Skatkiswet, 1975 (Wet No. 66 van 1975), van krag is ten opsigte van 'n lening wat aan die Biblioteek vir Blindes toegestaan is—
 - (i) sy onroerende goed verkry deur daardie lening met 'n verband of ander
 - 45 las beswaar nie;
 - (ii) sy roerende goed verkry deur daardie lening, verhuur, verkoop, verruil of op 'n ander wyse vervoer, verhipotekeer of andersins beswaar nie;
 - (c) geld leen nie.

Raad van Biblioteek vir Blindes

6. (1) Die bedrywighede van die Biblioteek vir Blindes word beheer deur 'n Raad

50 bestaande uit—

- (a) minstens sewe maar hoogstens nege lede, deur die Minister op die voorgeskrewe wyse aangestel: Met dien verstande dat die regulasies wat die wyse

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appointment must apply the principles of transparency and representivity and that expertise in financial matters and matters affecting blind and print-handicapped readers must be represented on the Board;

- (b) the chief executive officer of the Library for the Blind, who shall be *ex officio* a member of the Board; 5

(2) A member of the Board must vacate the office if—

- (a) the member's estate is sequestrated or assigned for the benefit of, or if the member compounds with, the creditors of the member;
- (b) a competent court finds that the member is of unsound mind;
- (c) the member is convicted of an offence and sentenced to imprisonment without the option of a fine; 10
- (d) the member is absent from three consecutive meetings of the Board without the leave of the Board; and
- (e) the member is elected as a Member of the National Assembly or a provincial legislature, or appointed as a permanent delegate to the National Council of Provinces by a provincial legislature in accordance with the Constitution and the National Council of Provinces (Permanent Delegates Vacancies) Act, 1997 (Act No. 17 of 1997). 15

(3) The Minister may after consultation with the Board remove a member of the Board from office if in the opinion of the Minister there are sound reasons for doing so after hearing the member on those reasons. 20

(4) If a member of the Board dies, or resigns by written notice to the Minister, or vacates that office or is removed from office, the Minister may appoint a person in the prescribed manner in that member's place for the remaining part of the term of office.

(5) (a) A member of the Board holds office for a period not exceeding three years, subject to subsections (3) and (4), and may be reappointed. 25

(b) No member may serve more than two consecutive terms save with the approval of the Minister.

Functions and allowances of members of Board

7. (1) The functions of the Board are— 30

- (a) to formulate the policies of the Library for the Blind;
- (b) to approve the budget of the Library for the Blind;
- (c) to approve the financial statements of the Library for the Blind;
- (d) to advise the Minister with regard to matters with which the Library for the Blind is concerned; and 35
- (e) to furnish the Minister with such information as the Minister may require.

(2) The Board may pay to a member of that Board who is not in the full-time employ of the State or who is not in the employ of the Library for the Blind such allowances as the Minister with the concurrence of the Minister of Finance may determine.

Meetings of Board 40

8. (1) The Board must meet at least twice a year at such times and places as the Board may determine.

(2) (a) The Minister must appoint a chairperson for the Board from among and after consultation with, the members of the Board.

(b) The chairperson or, in the chairperson's absence, a member of the Board elected by the members present, presides at meetings of the Board. 45

(3) The quorum for a meeting of the Board is a majority of its members.

(4) A decision of the Board is taken by resolution of the majority of the members present at any meeting of the Board, and, in the event of an equality of votes on any matter, the person presiding at the meeting has a casting vote in addition to a deliberative vote as a member of the Board. 50

Employees of Library for the Blind

9. (1) (a) The Board may appoint such employees as are necessary to perform the functions of the Library for the Blind.

(b) (i) The Board must appoint a chief executive officer who must be responsible for 55

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BLINDES, 1998

Wet No. 91, 1998

- van aanstelling voorskryf die beginsels van deursigtigheid en verteenwoordiging toepas en dat kundigheid in finansiële aangeleenthede en aangeleenthede rakende blinde en leesgestremde lesers op die Raad verteenwoordig is;
- (b) die hoof- uitvoerende beampte van die Biblioteek vir Blindes, wat *ex officio* 'n lid van die Raad is.
- (2) 'n Lid van die Raad moet die amp ontruim indien—
- (a) die lid se boedel gesekwestreer word of die lid daarvan tot voordeel van die lid se skuldeisers afstand doen of met hulle 'n skikking aangaan;
- (b) 'n bevoegde hof bevind dat die lid in sy of haar geestesvermoëns gekrenk is;
- (c) die lid aan 'n misdryf skuldig bevind en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;
- (d) die lid sonder verlof van die Raad van drie agtereenvolgende vergaderings van die Raad afwesig is; en
- (e) die lid tot Lid van die Nasionale Vergadering of 'n provinsiale wetgewer verkies is, of, ooreenkomstig die Grondwet of die Wet op die Nasionale Raad van Provinsies (Vakatures onder Vaste Afgevaardigdes), 1997 (Wet No. 17 van 1997), deur 'n provinsiale wetgewer aangestel is as 'n vaste afgevaardigde in die Nasionale Raad van Provinsies.
- (3) Die Minister kan, na oorleg met die Raad, 'n lid van die Raad uit die amp ontslaan indien daar na die Minister se oordeel gegronde redes bestaan om dit te doen, nadat die lid oor daardie redes aangehoor is.
- (4) Indien 'n lid van die Raad sterf, of by skriftelike kennisgewing aan die Minister bedank, of die amp ontruim of uit die amp ontslaan word, kan die Minister 'n persoon op die voorgeskrewe wyse in daardie lid se plek aanstel vir die oorblywende deel van die ampstermyn.
- (5) (a) 'n Lid van die Raad bekleë die amp vir 'n tydperk van hoogstens drie jaar, behoudens subartikels (3) en (4), en mag heraanstelling word.
- (b) Geen lid mag vir meer as twee opeenvolgende termyne dien nie, behalwe met die goedkeuring van die Minister.

30 **Werkzaamhede en toelaes van lede van Raad**

7. (1) Die werkzaamhede van die Raad is—
- (a) om die beleid van die Biblioteek vir Blindes te formuleer;
- (b) om die begroting van die Biblioteek vir Blindes goed te keur;
- (c) om die finansiële state van die Biblioteek vir Blindes goed te keur;
- (d) om die Minister te adviseer met betrekking tot sake waarby die Biblioteek vir Blindes betrokke is; en
- (e) om die Minister van die inligting te voorsien wat die Minister benodig.
- (2) Die Raad kan aan 'n lid van die Raad wat nie voltyds in diens van die Staat is nie of wat nie in diens van die Biblioteek vir Blindes is nie die toelaes betaal wat die Minister met die instemming van die Minister van Finansies bepaal.

Vergaderings van Raad

8. (1) Die Raad moet minstens twee keer per jaar vergader op die tye en plekke wat die Raad bepaal.
- (2) (a) Die Minister moet 'n voorsitter vir die Raad aanstel vanuit, en na oorleg met, die lede van die Raad.
- (b) Die voorsitter of, in die voorsitter se afwesigheid, 'n lid van die Raad verkies deur die teenwoordige lede, sit by vergaderings van die Raad voor.
- (3) Die kworum vir 'n vergadering van die Raad is die meerderheid van sy lede.
- (4) 'n Besluit van die Raad word geneem volgens resoluë van die meerderheid van die lede teenwoordig by enige vergadering van die Raad en, in die geval van 'n gelykopstemming oor enige saak, het die persoon wat voorsit by die vergadering 'n beslissende stem, benewens 'n beraadslagende stem as 'n lid van die Raad.

Werknemers van Biblioteek vir Blindes

9. (1) (a) Die Raad kan die werknemers aanstel wat nodig is om die werkzaamhede van die Biblioteek vir Blindes te verrig.
- (b) (i) Die Raad moet 'n hoof- uitvoerende beampte aanstel wat verantwoordelik is

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the management of the affairs of the Library for the Blind and who must report on those affairs to the Board as the Board may require.

(ii) The chief executive officer is also the accounting officer charged with the responsibility of accounting for all money received and the utilisation thereof and is responsible for the property of the Library for the Blind.

(iii) The chief executive officer of the Library for the Blind is known as the Director.

(iv) The person who is the Director at the commencement of this Act is deemed to be appointed by the Board.

(2) The Board determines the remuneration, allowances, conditions of service, subsidies and other benefits of the employees of the Library for the Blind in consultation with the Department of Public Service and Administration and with the approval of the Minister granted with the concurrence of the Minister of Finance.

(3) An employee may be discharged only in terms of a decision of the Board.

(4) (a) An employee may, with the employee's consent and on such conditions as the Board may determine, be seconded, either for the performance of a particular service or for a period of time, to the service of the State, another state or some other person.

(b) While seconded an employee remains subject to the laws and conditions of service that apply to the employee while in the employ of the Library for the Blind.

Transfer of certain persons to employ of Library for the Blind

10. A person who is in the full-time employ of the State or of an institution receiving financial aid from the State may, subject to the laws governing the public service and the approval of the Board, be transferred or seconded to the employ of the Library for the Blind.

Transfer of certain assets to Library for the Blind

11. Subject to section 2 of the State Land Disposal Act, 1961 (Act No. 48 of 1961), the Minister may, in consultation with the Board and with the concurrence of the Minister of Public Works, the Minister for Agriculture and Land Affairs and the Minister of Finance, and on such conditions as the Minister may determine, transfer to the Library for the Blind any immovable property belonging to the State in order to enable the Library for the Blind to perform its functions.

Minister may entrust certain property to care of Library for the Blind

12. The Minister may, in consultation with the Board and in such manner and on such conditions as the Minister thinks fit, entrust any movable property or part thereof which has been donated or bequeathed to the Republic or its inhabitants or which has been donated or bequeathed for the use or benefit of the Republic or its inhabitants, to the care of the Library for the Blind, unless the donor or testator has made other provisions for the care thereof.

Financing of Library for the Blind

13. (1) The funds of the Library for the Blind consist of—

- (a) money appropriated by Parliament;
- (b) money borrowed by the Library for the Blind;
- (c) revenue obtained by virtue of subsection (3);
- (d) fees or royalties paid to the Library for the Blind;
- (e) donations or contributions received by the Library for the Blind;
- (f) money accruing to the Library for the Blind from any other source, including remuneration for services rendered in terms of this Act.

(2) Subject to this section, the Library for the Blind must use its funds to defray expenditure in connection with the performance of its functions.

(3) The 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.

vir die bestuur van die Biblioteek vir Blindes se sake en wat oor daardie sake aan die Raad verslag moet doen soos wat die Raad vereis.

(ii) Die hoof- uitvoerende beampte is ook die rekenpligtige beampte aan wie die verantwoordelikheid opgelê is om rekenskap te gee van alle gelde wat ontvang is en die
5 aanwending daarvan en is verantwoordelik vir die eiendom van die Biblioteek vir Blindes.

(iii) Die hoof- uitvoerende beampte van die Biblioteek vir Blindes staan bekend as die Direkteur.

(iv) Die persoon wat die Direkteur is by die inwerkingtreding van die Wet, word
10 geag deur die Raad aangestel te gewees het.

(2) Die Raad bepaal die besoldiging, toelaes, diensvoorwaardes, subsidies en ander voordele van die werknemers van die Biblioteek vir Blindes in oorleg met die Departement van Staatsdiens en Administrasie en met die goedkeuring van die Minister, toegestaan met die instemming van die Minister van Finansies.

15 (3) 'n Werknemer kan slegs ingevolge 'n besluit van die Raad ontslaan word.

(4) (a) 'n Werknemer kan met die werknemer se toestemming en op die voorwaardes wat die Raad bepaal, tydelik afgestaan word, hetsy vir die verrigting van 'n besondere diens of vir 'n tydperk, aan die diens van die Staat, van 'n ander staat of van 'n ander
20 persoon.

(b) Terwyl 'n werknemer tydelik afgestaan is, bly die werknemer onderworpe aan die wette en diensvoorwaardes wat op die werknemer van toepassing is terwyl die werknemer in die Biblioteek vir Blindes se diens is.

Oorplasing van sekere persone na diens van Biblioteek vir Blindes

10. Iemand wat heeltyds in diens is van die Staat of van 'n inrigting wat finansiële
25 steun van die Staat ontvang, kan behoudens die wette wat die staatsdiens reguleer en die goedkeuring van die Raad, na die diens van die Biblioteek vir Blindes oorgeplaas of aan daardie diens afgestaan word.

Oordrag van sekere bates aan Biblioteek vir Blindes

11. Behoudens artikel 2 van die Wet op die Beskikking oor Staatsgrond, 1961 (Wet
30 No. 48 van 1961), kan die Minister, in oorleg met die Raad en met die instemming van die Minister van Openbare Werke, die Minister vir Landbou en Grondsake en die Minister van Finansies en op die voorwaardes wat die Minister bepaal, aan die Biblioteek vir Blindes enige onroerende goed wat aan die Staat behoort, oordra ten einde die Biblioteek vir Blindes in staat te stel om sy werksaamhede te verrig.

Minister kan sekere goed aan sorg van Biblioteek vir Blindes toevertrou

12. Die Minister kan, in oorleg met die Raad en op die wyse en voorwaardes wat die Minister goedgevind, enige roerende goed of deel daarvan wat aan die Republiek of sy inwoners geskenk of bemaak is of wat geskenk of bemaak is vir die gebruik of tot voordeel van die Republiek of sy inwoners, aan die sorg van die Biblioteek vir Blindes
40 toevertrou, tensy die skenker of erflater ander voorsiening vir die bewaring daarvan gemaak het.

Finansiering van Biblioteek vir Blindes

13. (1) Die fondse van die Biblioteek vir Blindes bestaan uit—

- (a) geld deur die Parlement bewillig;
- 45 (b) geld deur die Biblioteek vir Blindes geleen;
- (c) inkomste verkry uit hoofde van subartikel (3);
- (d) gelde of tantièmes wat aan die Biblioteek vir Blindes betaal word;
- (e) skenkings of bydraes deur die Biblioteek vir Blindes ontvang;
- 50 (f) geld wat die Biblioteek vir Blindes uit enige ander bron toeval, met inbegrip van vergoeding vir dienste ingevolge hierdie Wet gelewer.

(2) (a) Behoudens hierdie artikel moet die Biblioteek vir Blindes sy fondse aanwend om uitgawes in verband met die verrigting van sy werksaamhede te bestry.

(3) Die Raad kan geld wat nie vir onmiddellike gebruik of as 'n redelike bedryfsaldo nodig is nie, by die Openbare Beleggingskommissaris belê of op die ander wyse wat
55 die Minister met die instemming van die Minister van Finansies bepaal.

Act No. 91, 1998 THE SOUTH AFRICAN LIBRARY FOR THE BLIND ACT, 1998

(4) The Board may establish and operate a reserve fund and may deposit therein such amounts as become available from time to time.

(5) (a) The Library for the Blind—

(i) must in each financial year, at a time determined by the Minister, submit a statement of its estimated income and expenditure projected over the following three financial years for the approval of the Minister; and 5

(ii) may in any financial year at any time submit supplementary statements of its estimated expenditure for that financial year to the Minister for the Minister's approval.

(b) The Library for the Blind may not enter into any financial commitment beyond its approved budgets and its accumulated reserves. 10

Auditing and annual report

14. (1) The financial year of the Library for the Blind ends on 31 March.

(2) The Library for the Blind must keep a proper record of its assets and financial transactions. 15

(3) The accounts of the Library for the Blind must be audited annually by the Auditor-General.

(4) (a) The Library for the Blind must furnish to the Minister such information in connection with the functions and financial position of the Library for the Blind as the Minister may require, and must as soon as practicable after the end of every financial 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, certified by the Auditor-General, as well as such other particulars as the Minister may require. 20

(b) The Minister must table the report 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. 25

CHAPTER 3

GENERAL PROVISIONS

Regulations

15. (1) The Minister may make regulations regarding— 30

(a) matters which are required or permitted to be prescribed in terms of this Act;

(b) (i) the investigation of a charge of misconduct or inefficiency against a person in the employ of the Library for the Blind, or of any alleged irregularity in connection with the affairs of the Library for the Blind, conduct constituting misconduct, the procedure to be followed at such an investigation, the summoning and attendance of witnesses, and the sanction that may be imposed upon or other steps that may be taken against such a person; 35

(ii) the procedure for the investigation of an alleged grievance of an employee; 40

(c) the keeping of records;

(d) the times when, the form in which and the persons to whom financial statements and reports in respect of the Library for the Blind must be submitted;

(e) research at the Library for the Blind; 45

(f) the establishment of professional advisory committees; and

(g) generally, any matter in respect of which regulations are regarded necessary or expedient in order to achieve the objects of this Act.

(2) Regulations made under this section may prescribe a fine or a period of imprisonment not exceeding one year for a contravention thereof or a failure to comply therewith. 50

(3) The Minister must publish any regulations made under this section in the *Gazette*.

(4) Die Raad kan 'n reserwefonds instel en bedryf en daarin bedrae stort wat van tyd tot tyd beskikbaar word.

(5) (a) Die Biblioteek vir Blindes—

- 5 (i) moet in elke boekjaar, op 'n tyd bepaal deur die Minister, 'n staat van die Biblioteek vir Blindes se geraamde inkomste en uitgawes indien wat geprojekteer is oor die daaropvolgende drie boekjare, vir die goedkeuring van die Minister; en
- (ii) kan in enige boekjaar te eniger tyd aanvullende state van die Biblioteek vir Blindes se geraamde uitgawes vir daardie boekjaar aan die Minister voorlê vir
10 die Minister se goedkeuring.
- (b) Die Biblioteek vir Blindes mag nie enige finansiële verpligting buite sy goedgekeurde begrotings en opgehoopte reserwes aangaan nie.

Ouditering en jaarverslag

14. (1) Die boekjaar van die Biblioteek vir Blindes eindig op 31 Maart.

- 15 (2) Die Biblioteek vir Blindes moet 'n behoorlike rekord van sy bates en finansiële transaksies hou.

(3) Die rekening van die Biblioteek vir Blindes moet jaarliks deur die Ouditeur-generaal geouditeer word.

- (4) (a) Die Biblioteek vir Blindes moet aan die Minister die inligting verstrek wat
20 die Minister verlang in verband met die werksaamhede en finansiële stand van die Biblioteek vir Blindes, en moet so spoedig doenlik na die einde van elke boekjaar aan die Minister 'n jaarverslag voorlê, met inbegrip van 'n balansstaat en 'n staat van inkomste en uitgawes ten opsigte van die boekjaar, deur die Ouditeur-generaal gesertifiseer, asook die ander besonderhede wat die Minister verlang.

- 25 (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.

HOOFSTUK 3

ALGEMENE BEPALINGS

30 Regulasies

15. (1) Die Minister kan regulasies uitvaardig aangaande—

- (a) aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet of kan word;
- (b) (i) die ondersoek van 'n aanklag van wangedrag of onbekwaamheid teen
35 iemand in diens van die Biblioteek vir Blindes, of van enige beweerde onreëlmatigheid in verband met die bedrywighede van die Biblioteek vir Blindes, 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;
- 40 (ii) die prosedure vir die ondersoek van 'n beweerde grief van 'n werknemer;
- (c) die hou van aantekeninge;
- (d) die tye wanneer, die vorm waarin, en die persone aan wie finansiële state en verslae ten opsigte van die Biblioteek vir Blindes voorgelê moet word;
- 45 (e) navorsing aan die Biblioteek vir Blindes;
- (f) die instelling van professionele advieskomitees; en
- (g) in die algemeen, enige aangeleentheid ten opsigte waarvan regulasies nodig of wenslik geag word ten einde die oogmerke van hierdie Wet te bereik.
- (2) Regulasies kragtens hierdie artikel uitgevaardig kan 'n boete of tydperk van
50 gevangenisstraf van hoogstens een jaar voorskryf vir 'n oortreding van die regulasies of 'n versuim om daaraan te voldoen.
- (3) Die Minister moet enige regulasies uitgevaardig kragtens hierdie artikel in die Staatskoerant publiseer.

Transitional provisions

16. (1) The council of the South African Library for the Blind, as contemplated in section 6 of the Cultural Institutions Act, 1969 (Act No. 29 of 1969), must dissolve at the constitution of the Board for the Library for the Blind in terms of section 6 of this Act.
- (2) (a) A person who immediately before the commencement of this Act was in the employ of the South African Library for the Blind in terms of the Cultural Institutions Act, 1969, is transferred to the employ of the Library for the Blind with the retention of the salary, allowances and other benefits which then applied in respect of the person. 5
- (b) Such a person is regarded as having been appointed under section 9.
- (c) The salary, allowances, conditions of service and other benefits of such person is regarded as having been determined under that section, and any leave, pension or other benefits which have accrued in the person's favour by virtue of the person's service with the said library is regarded as having accrued in the person's favour by virtue of service with the Library for the Blind. 10
- (3) Any movable property which was in the possession or under the control of the said library immediately before the commencement of this Act, vests in the Library for the Blind, including— 15
- (a) money standing to the credit of the said library in the accounts of that library or held by the State for the purposes of that library;
- (b) claims of the State in connection with that library; 20
- (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 that library.
- (4) The liabilities and obligations of the State in connection with the said library are transferred to the Library for the Blind.
- (5) Any reference in any law or document to the said library must be construed as a reference to the Library for the Blind. 25
- (6) The regulations made under section 15 of the Cultural Institutions Act, 1969, published in the *Government Gazette* No. 6133 of 18 August 1978, as notice No. R. 1671 of 18 August 1978, and as amended from time to time, continue to be in force until they are amended or repealed by this Act. 30

Withdrawal of notice

17. Government Notice No. R. 283 of 1 March 1968, published in *Government Gazette Extraordinary* No. 1996 of 1 March 1968, is regarded as having been withdrawn.

Short title and commencement

18. This Act is called the South African Library for the Blind Act, 1998, and comes into operation on a date fixed by the President by proclamation in the *Gazette*. 35

Oorgangsbepalings

16. (1) Die raad van die Suid-Afrikaanse Biblioteek vir Blindes, soos beoog in artikel 6 van die Wet op Kulturele Inrigtings, 1969 (Wet No. 29 van 1969), moet ontbind by die samestelling van die Raad vir die Biblioteek vir Blindes ingevolge artikel 6 van hierdie Wet.

(2) (a) Iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet in diens was van die Suid-Afrikaanse Biblioteek vir Blindes ingevolge die Wet op Kulturele Inrigtings, 1969, word na die diens van die Biblioteek vir Blindes oorgeplaas met behoud van die salaris, toelaes en ander voordele wat toe ten opsigte van die persoon gegeld het.

(b) So 'n persoon word geag aangestel te wees kragtens artikel 9.

(c) Die salaris, toelaes, diensvoorwaardes en ander voordele van die persoon word geag kragtens daardie artikel bepaal te wees, en enige verlof-, pensioen- of ander voordele wat ten gunste van die persoon op grond van die persoon se diens by vermelde biblioteek opgeleef het, word geag ten gunste van die persoon op grond van diens by die Biblioteek vir Blindes opgeleef te wees.

(3) Enige roerende goed wat in besit of onder beheer was van die vermelde biblioteek onmiddellik voor die inwerkingtreding van hierdie Wet, gaan na die Biblioteek vir Blindes oor, met inbegrip van—

(a) geld wat tot die vermelde biblioteek se krediet staan in sy rekeninge of deur die Staat vir die doeleindes van daardie biblioteek gehou;

(b) vorderings van die Staat in verband met daardie biblioteek;

(c) regte en voorregte van die Staat in verband met daardie biblioteek ingevolge 'n ooreenkoms aangegaan deur of ten behoeve van die Staat of daardie biblioteek.

(4) Die laste en verpligtinge van die Staat in verband met die vermelde biblioteek word oorgeplaas na die Biblioteek vir Blindes.

(5) Enige verwysing in enige wet of dokument na die vermelde biblioteek word geag 'n verwysing na die Biblioteek vir Blindes te wees.

(6) Die regulasies uitgevaardig kragtens artikel 15 van die Wet op Kulturele Inrigtings, 1969, gepubliseer in die *Staatskoerant* van 18 Augustus 1978, as kennisgewing No. R. 1671 van 18 Augustus 1978, en soos gewysig van tyd tot tyd, bly voortbestaan totdat hulle deur hierdie Wet gewysig of herroep word.

Intrekking van kennisgewing

17. Goewermentskennisgewing No. R. 283 van 1 Maart 1968, gepubliseer in Buitengewone Staatskoerant No. 1996 van 1 Maart 1968, word geag ingetrek te wees.

Kort titel en inwerkingtreding

18. Hierdie Wet heet die Wet op die Suid-Afrikaanse Biblioteek vir Blindes, 1998, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

