



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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OFFICE OF THE PRESIDENT

No. 1395.

2 November 1998

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

No. 92 of 1998: The National Library of South Africa Act, 1998.

KANTOOR VAN DIE PRESIDENT

No. 1395.

2 November 1998

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

No. 92 van 1998: Wet op die Nasionale Biblioteek van Suid-Afrika, 1998.

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

ACT

To provide for the National Library of South Africa; for collecting, preserving, making available and promoting awareness of the national documentary heritage; and to provide 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 Nasionale Biblioteek van Suid-Afrika; vir die versameling, bewaring, beskikbaarstelling, en bevordering van die bewuswording, van die nasionale dokumentêre erfenis; en om voorsiening te maak vir aangeleenthede 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) "bibliographic service" means—
 - (a) the creation of bibliographic records and the compilation of catalogues, bibliographies, indexes and other bibliographic databases; 5
 - (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); (i)
- (ii) "Board" means the Board of the National Library, constituted in terms of section 6; (x) 10
- (iii) "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; (ii) 15 20
- (iv) "documentary heritage" means the total of published documents emanating from South Africa or relating to South Africa; (iii)
- (v) "medium" means any means of recording or transmitting information intended for subsequent reading, listening or viewing; (vi)
- (vi) "Minister" means the Minister of Arts, Culture, Science and Technology; 25
- (vii) "National Librarian" means the person referred to in section 9(1)(b); (ix)
- (viii) "National Library" means the National Library of South Africa, referred to in section 2; (viii)
- (ix) "prescribe" means prescribe by regulation; (xii) 30
- (x) "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
 - (b) the members of an association or a society, whose membership is open to any qualifying member of the public; (iv) 35
- (xi) "record" means recorded information regardless of form or medium; (xi)
- (xii) "this Act" includes any regulation made under section 15. (y)

CHAPTER 1

THE NATIONAL LIBRARY OF SOUTH AFRICA

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National Library of South Africa

2. (a) The South African Library and the State Library referred to in section 2 of the National Libraries Act, 1985 (Act No. 56 of 1985), are hereby amalgamated to form the National Library of South Africa.

(b) The National Library is situated in Pretoria and Cape Town and may have agencies and departments in such other places as the Minister may determine by notice in the *Gazette*. 45

(c) The location of the office of the National Librarian is determined by the Minister after consultation with the Board.

Objects of National Library

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3. The objects of the National Library are to contribute to socio-economic, cultural, educational, scientific and innovative development by collecting, recording, preserving and making available the national documentary heritage and promoting an awareness and appreciation thereof, by fostering information literacy, and by facilitating access to the world's information resources. 55

INLEIDING**Woordomskrywing**

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

- (i) “bibliografiese diens”—
 - 5 (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 ruil, verkoop, verspreiding of beskikbaarstelling van die rekords en samestellings in paragraaf (a) bedoel; (i)
- 10 (ii) “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
 - 15 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; (iii)
- 20 (iii) “dokumentêre erfenis” die totale gepubliseerde dokumente wat van Suid-Afrika afkomstig is of verband hou met Suid-Afrika; (iv)
- (iv) “gepubliseer” geproduseer om in veelvuldige eksemplare of op verskillende plekke beskikbaar gestel te word aan—
 - 25 (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; (x)
- (v) “hierdie Wet” ook enige regulasie uitgevaardig kragtens artikel 15; (xii)
- 30 (vi) “medium” enige middel aangewend vir die bewaring of transmissie van inligting bedoel vir latere lees, luister of kyk; (v)
- (vii) “Minister” die Minister van Kuns, Kultuur, Wetenskap en Tegnologie; (vi)
- (viii) “Nasionale Biblioteek” die Nasionale Biblioteek van Suid-Afrika, bedoel in artikel 2; (viii)
- (ix) “Nasionale Bibliotekaris” die persoon in artikel 9(1)(b) bedoel; (vii)
- 35 (x) “Raad” die Raad van die Nasionale Biblioteek, saamgestel ingevolge artikel 6; (ii)
- (xi) “rekord” vasgelegde inligting ongeag die vorm of medium; (xi)
- (xii) “voorskryf” voorskryf by regulasie. (ix)

HOOFSTUK 140 **DIE NASIONALE BIBLIOTEEK VAN SUID-AFRIKA****Nasionale Biblioteek van Suid-Afrika**

2. (a) Die Suid-Afrikaanse Biblioteek en die Staatsbiblioteek bedoel in artikel 2 van die Wet op Nasionale Biblioteke, 1985 (Wet No. 56 van 1985), word hierby geamalgameer om die Nasionale Biblioteek van Suid-Afrika te vorm.

45 (b) Die Nasionale Biblioteek is geleë in Pretoria en Kaapstad en kan agentskappe en departemente in die ander plekke hê wat die Minister by kennisgewing in die *Staatskoerant* bepaal.

(c) Die ligging van die kantoor van die Nasionale Bibliotekaris word deur die Minister op aanbeveling van die Raad bepaal.

50 **Oogmerke van Nasionale Biblioteek**

3. Die oogmerke van die Nasionale Biblioteek is om by te dra tot sosio-ekonomiese, kulturele, opvoedkundige, wetenskaplike en innoverende ontwikkeling, deur die versameling, optekening, bewaring en beskikbaarstelling van die nasionale dokumentêre erfenis en bevordering van ’n bewusmaking en waardering daarvan, deur die
 55 kweek van inligtingsgeletterdheid en deur die fasilitering van toegang tot die wêreld se inligtingsbronne.

Functions of National Library

4. (1) The functions of the National Library are—
- (a) (i) to build up a complete collection of published documents emanating from or relating to South Africa; 5
 - (ii) to maintain and extend any other collections of published and unpublished documents with the emphasis on documents emanating from and relating to Southern Africa; 5
 - (iii) to promote the optimal management of collections of published documents held in South African libraries as a national resource; and 10
 - (iv) to supplement the national resource contemplated in subparagraph (iii) with selected documents; 10
 - (b) (i) to record the documents contemplated in paragraph (a); and
 - (ii) to render a national bibliographic service and to act as the national bibliographic agency;
 - (c) to promote optimal access to published documents, nationally and internationally; 15
 - (d) to provide reference and information services, nationally and internationally;
 - (e) to act as the national preservation library and to provide conservation services on a national basis;
 - (f) to promote awareness and appreciation of the national published documentary heritage; and 20
 - (g) to promote information awareness and information literacy.
- (2) In order to achieve its objects and promote the development of library and information services in South Africa, the National Library must, in relation to the functions referred to in subsection (1)— 25
- (a) provide appropriate information products and services;
 - (b) provide leadership, guidance and advice to South African libraries and information services;
 - (c) undertake planning and co-ordination in co-operation with other library and information services; 30
 - (d) present, in consultation and co-operation with appropriate educational institutions and professional bodies, courses of training and education relating to the functions referred to in subsection (1); 30
 - (e) undertake research and development; and
 - (f) liaise with libraries and other institutions in and outside South Africa. 35

CHAPTER 2

ADMINISTRATIVE PROVISIONS

Powers of National Library

5. (1) The National Library 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. 40
- (2) The National Library may not without the prior approval of the Minister 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 National Library at the sole discretion of the Board: Provided further that any alienation of the collections contemplated in section 4(1)(a)(i) must be dealt with in accordance with section 7(5) of the Legal Deposit Act, 1997 (Act No. 54 of 1997); 45
 - (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 National Library— 50
 - (i) mortgage or otherwise encumber its immovable property acquired through that loan;

Wersaamhede van Nasionale Biblioteek

4. (1) Die wersaamhede van die Nasionale Biblioteek is—

- (a) (i) om 'n volledige versameling gepubliseerde dokumente afkomstig van en wat verband hou met Suid-Afrika, op te bou;
 - 5 (ii) om enige ander versamelings van gepubliseerde en ongepubliseerde dokumente in stand te hou en uit te bou, met die klem op dokumente afkomstig van of wat verband hou met Suidelike Afrika;
 - (iii) om die optimale bestuur van versamelings gepubliseerde dokumente gehou in Suid-Afrikaanse biblioteke as 'n nasionale hulpbron te bevorder; en
 - 10 (iv) om die nasionale hulpbron beoog in subparagraaf (iii) met gekeurde dokumente op te vul;
 - (b) (i) om die dokumente beoog in paragraaf (a) op te teken; en
 - 15 (ii) om 'n nasionale bibliografiese diens te lewer en om as die nasionale bibliografiese agentskap op te tree;
 - (c) om optimale toegang tot gepubliseerde dokumente nasionaal en internasionaal te bevorder;
 - (d) om naslaan- en inligtingsdienste nasionaal en internasionaal te voorsien;
 - 20 (e) om as die nasionale bewaringsbiblioteek op te tree en om bewaringsdienste op nasionale grondslag te lewer;
 - (f) om bewustheid en waardering van die nasionale gepubliseerde dokumentêre erfenis te bevorder; en
 - (g) om inligtingsbewustheid en inligtingsgeletterdheid te bevorder.
- (2) Ten einde sy oogmerke te bereik en die ontwikkeling van biblioteek- en inligtingsdienste in Suid-Afrika te bevorder, moet die Nasionale Biblioteek, met
- 25 betrekking tot die wersaamhede, bedoel in subartikel (1)—
- (a) toepaslike inligtingsprodukte en -dienste voorsien;
 - (b) leierskap, leiding en advies aan Suid-Afrikaanse biblioteke en inligtingsdienste verskaf;
 - 30 (c) beplanning en koördinering in samewerking met ander biblioteek- en inligtingsdienste onderneem;
 - (d) opleidings- en opvoedingskursusse aanbied wat betrekking het op die wersaamhede bedoel in subartikel (1), in oorleg en samewerking met toepaslike instellings en professionele liggame;
 - 35 (e) navorsing en ontwikkeling onderneem; en
 - (f) met biblioteke en ander instellings binne en buite Suid-Afrika skakel.

HOOFSTUK 2**ADMINISTRATIEWE BEPALINGS****Bevoegdhede van Nasionale Biblioteek**

- 40 5. (1) Die Nasionale Biblioteek 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 wersaamhede.
- (2) Die Nasionale Biblioteek mag nie sonder die voorafgaande goedkeuring van die Minister verleen met die instemming van die Minister van Finansies—
- 45 (a) sy roerende of onroerende goed verhuur of verkoop, verruil of op 'n ander wyse vervreem nie: Met dien verstande dat die Minister kategorieë roerende goed kan voorskryf wat deur die Nasionale Biblioteek geheel na goeddunke van die Raad vervreem kan word: Met dien verstande voorts dat enige vervreemding van die versamelings beoog in artikel 4(1)(a)(i) gehanteer word in ooreenstemming met artikel 7(5) van die Wet op Pliglewering, 1997 (Wet No. 54 van 1997);
- 50 (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 Nasionale Biblioteek toegestaan is—
- 55 (i) sy onroerende goed verkry deur daardie lening met 'n verband of ander las beswaar nie;

- (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 National Library

6. (1) The affairs of the National Library are controlled by a Board consisting of— 5
- (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 appointment must apply the principles of transparency and representivity: Provided further that at least one of the members must have financial expertise; 10
 - (b) the chief executive officer of the National Library, who is *ex officio* a member of the Board; and
 - (c) the heads of the Pretoria and Cape Town components, who are *ex officio* non-voting members.
- (2) A member of the Board must vacate the office if— 15
- (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; 20
 - (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). 25
- (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. 30
- (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. 35
- (b) No member may serve more than two consecutive terms.

Functions and allowances of members of Board

7. (1) The functions of the Board are—
- (a) to formulate the policies of the National Library in consultation with the Minister; 40
 - (b) to approve the budget of the National Library;
 - (c) to approve the financial statements of the National Library;
 - (d) to advise the Minister with regard to matters with which the National Library is concerned; and
 - (e) to furnish the Minister with such information as the Minister may require. 45
- (2) The Board may pay to a member of the Board who is not in the full-time employ of the State or who is not in the employ of the National Library such allowances as the Minister with the concurrence of the Minister of Finance may determine.

Meetings of Board

8. (1) The Board must meet at least twice a year at such times and places as the Board may determine. 50
- (2) (a) The Minister must appoint a chairperson for the Board from among 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. 55
- (3) The quorum for a meeting of the Board is a majority of its members.

- (ii) sy roerende goed verkry deur daardie lening, verhuur of verkoop, verruil of op 'n ander wyse vervreem, verhipotekeer of andersins beswaar nie;
- (c) geld leen nie.

Raad van Nasionale Biblioteek

- 5 6. (1) Die bedrywighede van die Nasionale Biblioteek word beheer deur 'n Raad 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 van aanstelling voorskryf die beginsels van deursigtigheid en verteenwoordiging toepas: Met dien verstande voorts dat minstens een van die lede 10 oor finansiële kundigheid beskik;
 - (b) die hoof-uitvoerende beampte van die Nasionale Biblioteek, wat *ex officio* 'n lid van die Raad is; en
 - (c) die hoofde van die Kaapstadse en Pretoriase komponente, wat *ex officio* 15 nie-stemgeregtigde lede 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; 20
 - (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 verkies is tot Lid van die Nasionale Vergadering of 'n provinsiale wetgewer, of, ooreenkomstig die Grondwet of die Wet op die Nasionale Raad 25 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 30 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 35 die ampstermyn.
- (5) (a) 'n Lid van die Raad beklee 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.

Werksaamhede en toelaes van lede van Raad

- 40 7. (1) Die werksaamhede van die Raad is—
- (a) om die beleid van die Nasionale Biblioteek in oorleg met die Minister te formuleer;
 - (b) om die begroting van die Nasionale Biblioteek goed te keur;
 - (c) om die finansiële state van die Nasionale Biblioteek goed te keur;
 - 45 (d) om die Minister te adviseer met betrekking tot sake waarby die Nasionale Biblioteek 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 heeltyds in diens van die Staat is nie of wat nie in diens van die Nasionale Biblioteek is nie die toelaes betaal wat die 50 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 die geledere van 55 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) 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.

Employees of National Library

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

(b) (i) The Board must appoint a chief executive officer who must be responsible for the management of the affairs of the National Library and who must report on those affairs to the Board as the Board may require.

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(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 National Library.

(iii) The chief executive officer of the National Library is known as the National Librarian.

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(2) The Board determines the remuneration, allowances, conditions of service, subsidies and other benefits of the employees of the National Library 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, and the employee concerned may in the prescribed manner and within the prescribed time appeal against the 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.

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(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.

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(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 National Library.

Transfer of certain persons to employ of National Library

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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 National Library.

Transfer of certain assets to National Library

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 National Library any immovable property belonging to the State in order to enable the National Library to perform its functions.

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Minister may entrust certain property to care of National Library

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 National Library, unless the donor or testator has made other provisions for the care thereof.

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Financing of National Library

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

(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.

5 Werknemers van Nasionale Biblioteek

9. (1) (a) Die Raad kan die werknemers aanstel wat nodig is om die werksaamhede van die Nasionale Biblioteek te verrig.

(b) (i) Die Raad moet 'n hoof- uitvoerende beampte aanstel wat verantwoordelik is vir die bestuur van die Nasionale Biblioteek se sake en wat oor daardie sake aan die

10 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 aanwending daarvan en is verantwoordelik vir die eiendom van die Nasionale Biblioteek.

15 (iii) Die hoof- uitvoerende beampte van die Nasionale Biblioteek staan bekend as die Nasionale Bibliotekaris.

(2) Die Raad bepaal die besoldiging, toelaes, diensvoorwaardes, subsidies en ander voordele van die werknemers van die Nasionale Biblioteek in oorleg met die Departement van Staatsdiens en Administrasie en met die goedkeuring van die

20 Minister, toegestaan met die instemming van die Minister van Finansies.

(3) 'n Werknemer kan slegs ingevolge 'n besluit van die Raad ontslaan word, en die betrokke werknemer kan op die voorgeskrewe wyse en binne die voorgeskrewe tyd teen die ontslag na die Minister appelleer, wat die besluit kan bevestig, wysig of tersyde stel, of die ander besluit kan gee wat die Raad na die oordeel van die Minister moes

25 gegee het.

(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 persoon.

30 (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 Nasionale Biblioteek se diens is.

Oorplasing van sekere persone na diens van Nasionale Biblioteek

10. Iemand wat heeltyds in diens is van die Staat of van 'n inrigting wat finansiële

35 steun van die Staat ontvang, kan, behoudens die wette wat die staatsdiens reguleer en die goedkeuring van die Raad, na die diens van die Nasionale Biblioteek oorgeplaas of aan daardie diens afgestaan word.

Oordrag van sekere bates aan Nasionale Biblioteek

11. Behoudens artikel 2 van die Wet op die Beskikking oor Staatsgrond, 1961 (Wet

40 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 Nasionale Biblioteek enige onroerende goed wat aan die Staat behoort, oordra ten einde die Nasionale Biblioteek in staat te stel om sy werksaamhede te verrig.

45 Minister kan sekere goed aan sorg van Nasionale Biblioteek toevertrou

12. Die Minister kan, in oorleg met die Raad en op die wyse en voorwaardes wat die Minister goeddink, 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 Nasionale Biblioteek

50 toevertrou, tensy die skenker of erflater ander voorsiening vir die bewaring daarvan gemaak het.

Finansiering van Nasionale Biblioteek

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

- (a) money appropriated by Parliament;
- (b) money borrowed by the National Library;
- (c) revenue obtained by virtue of subsection (3);
- (d) fees or royalties paid to the National Library;
- (e) donations or contributions received by the National Library; 5
- (f) money accruing to the National Library from any other source, including remuneration for services rendered in terms of this Act.

(2) Subject to this section, the National Library 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. 10

(4) The Board may establish and operate a reserve fund and may deposit therein such amounts as become available from time to time. 15

(5) (a) The National Library—

- (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
- (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. 20

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

Auditing and annual report 25

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

(2) The National Library must keep a proper record of its assets and financial transactions.

(3) The accounts of the National Library must be audited annually by the Auditor-General. 30

(4) (a) The National Library must furnish to the Minister such information in connection with the functions and financial position of the National Library as the Minister may require, and must within three months of the end of the 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. 35

(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.

CHAPTER 3 40

GENERAL PROVISIONS

Regulations

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

- (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 National Library, or of any alleged irregularity in connection with the affairs of the National Library, 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; 45
- (ii) the procedure for the investigation of an alleged grievance of an employee; 50
- (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 National Library must be submitted; 55
- (e) research at the National Library;

- (a) geld deur die Parlement bewillig;
- (b) geld deur die Nasionale Biblioteek geleen;
- (c) inkomste verkry uit hoofde van subartikel (3);
- (d) gelde of tantièmes wat aan die Nasionale Biblioteek betaal word;
- 5 (e) skenkings of bydraes deur die Nasionale Biblioteek ontvang;
- (f) geld wat die Nasionale Biblioteek uit enige ander bron toeval, met inbegrip van vergoeding vir dienste ingevolge hierdie Wet gelewer.
- (2) (a) Behoudens hierdie artikel moet die Nasionale Biblioteek sy fondse aanwend om uitgawes in verband met die verrigting van sy werksaamhede te bestry.
- 10 (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 die Minister met die instemming van die Minister van Finansies bepaal.
- (4) Die Raad kan 'n reserwefonds instel en bedryf en daarin bedrae stort wat van tyd tot tyd beskikbaar word.
- 15 (5) (a) Die Nasionale Biblioteek—
 - (i) moet in elke boekjaar, op 'n tyd bepaal deur die Minister, 'n staat van die Nasionale Biblioteek se geraamde inkomste en uitgawes voorlê wat geprojekteer is oor die daaropvolgende drie boekjare, vir die goedkeuring van die Minister; en
 - 20 (ii) kan in enige boekjaar te eniger tyd aanvullende state van die Nasionale Biblioteek se geraamde uitgawes vir daardie boekjaar aan die Minister voorlê vir die Minister se goedkeuring.
- (b) Die Nasionale Biblioteek mag nie enige finansiële verpligting buite sy goedgekeurde begrotings en opgehoopte reserwes aangaan nie.

25 Ouditering en jaarverslag

- 14. (1) Die boekjaar van die Nasionale Biblioteek eindig op 31 Maart.
- (2) Die Nasionale Biblioteek moet 'n behoorlike rekord van sy bates en finansiële transaksies hou.
- (3) Die rekeninge van die Nasionale Biblioteek moet jaarliks deur die Ouditeur-
30 generaal geouditeer word.
- (4) (a) Die Nasionale Biblioteek moet aan die Minister die inligting verstrek wat die Minister verlang in verband met die werksaamhede en finansiële stand van die Nasionale Biblioteek, en moet binne drie maande na die einde van elke boekjaar aan die Minister 'n jaarverslag voorlê, met inbegrip van 'n balansstaat en 'n staat van
35 inkomste en uitgawes ten opsigte van die boekjaar, deur die Ouditeur-generaal 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.

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HOOFSTUK 3

ALGEMENE BEPALINGS

Regulasies

- 15. (1) Die Minister kan regulasies uitvaardig aangaande—
 - (a) aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet of kan word;
 - 45 (b) (i) die ondersoek van 'n aanklag van wangedrag of onbekwaamheid teen iemand in diens van die Nasionale Biblioteek, of van enige beweerde onreëlmatigheid in verband met die bedrywighede van die 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;
 - 50 (ii) die prosedure vir die ondersoek van 'n beweerde grief van 'n werknemer;
 - (c) die hou van aantekeninge;
 - 55 (d) die tye wanneer, die vorm waarin, en die persone aan wie finansiële state en verslae ten opsigte van die Nasionale Biblioteek voorgelê moet word;
 - (e) navorsing aan die Nasionale Biblioteek;

- (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. 5
- (3) The Minister must publish any regulations made under this section in the *Gazette*.

Transitional provisions

16. (1) (a) The boards of the State Library and the South African Library must dissolve at the commencement of this Act. 10
- (b) The members of those boards must function jointly as an interim board which must dissolve at the constitution of the Board of the National Library in terms of section 6.
- (c) The interim board must elect a chairperson from among its members.
- (2) (a) A person who immediately before the commencement of this Act was in the employ of the State Library or the South African Library is transferred to the employ of the National Library with the retention of the salary, allowances and other benefits which then applied in respect of the person. 15
- (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 been accrued in the person's favour by virtue of service with the National Library. 20
- (d) The Director of the State Library must act as the chief executive officer of the National Library until the Board appoints a chief executive officer in terms of section 9(b)(i). 25
- (3) Any movable property which was in the possession or under the control of the State Library or the South African Library immediately before the commencement of this Act vests in the National Library, including— 30
- (a) money standing to their credit in the accounts of those libraries or held by the State for the purposes of those libraries;
 - (b) claims of the State in connection with those libraries;
 - (c) rights and privileges of the State in connection with those libraries in terms of an agreement entered into by or on behalf of the State or those libraries. 35
- (4) The liabilities and obligations of the State in respect of the State Library and the South African Library become liabilities and obligations of the State in respect of the National Library.
- (5) Any reference in any law or document to—
- (a) the State Library must be construed as a reference to the Pretoria component of the National Library; 40
 - (b) the South African Library must be construed as a reference to the Cape Town component of the National Library.

Amendment and repeal of laws

17. The laws mentioned in the Schedule are hereby amended or repealed to the extent set out in the third column thereof. 45

Short title and commencement

18. This Act is called the National Library of South Africa Act, 1998, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

- (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 5 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.

Oorgangsbepalings

- 10 **16.** (1) (a) Die rade van die Staatsbiblioteek en die Suid-Afrikaanse Biblioteek moet ontfind by die inwerkingtrede van die Wet.
- (b) Die lede van daardie rade moet gesamentlik as 'n tussentydse raad funksioneer, wat by die samestelling van die Raad van die Nasionale Biblioteek ingevolge artikel 6 moet ontfind.
- 15 (c) Die tussentydse raad moet 'n voorsitter vanuit sy lede kies.
- (2) (a) Iemand wat onmiddellik voor die inwerkingtrede van hierdie Wet in diens was van die Staatsbiblioteek of die Suid-Afrikaanse Biblioteek, word na die diens van die Nasionale Biblioteek oorgeplaas met behoud van die salaris, toelaes en ander voordele wat op daardie tydstep ten opsigte van die persoon gegeld het.
- 20 (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 vermeldde biblioteek opgeleed het, word geag ten gunste van die persoon op grond van diens by 25 die Nasionale Biblioteek opgeleed te wees.
- (d) Die Direkteur van die Staatsbiblioteek neem waar as hoof- uitvoerende beampte van die Nasionale Biblioteek totdat die Raad 'n hoof- uitvoerende beampte ingevolge artikel 9(b)(i) aanstel.
- (3) Enige roerende goed wat in besit of onder beheer was van die Staatsbiblioteek of 30 die Suid-Afrikaanse Biblioteek onmiddellik voor die inwerkingtrede van hierdie Wet, gaan na die Nasionale Biblioteek oor, met inbegrip van—
- (a) geld wat tot hulle krediet staan in die rekeninge van daardie biblioteke of deur die Staat vir die doeleindes van daardie biblioteke gehou;
- (b) vorderings van die Staat in verband met daardie biblioteke;
- 35 (c) regte en voorregte van die Staat in verband met daardie biblioteke ingevolge 'n ooreenkoms aangegaan deur of ten behoeve van die Staat of daardie biblioteke.
- (4) Die laste en verpligtinge van die Staat ten opsigte van die Staatsbiblioteek en die Suid-Afrikaanse Biblioteek word laste en verpligtinge van die Staat ten opsigte van die 40 Nasionale Biblioteek.
- (5) Enige verwysing in enige wet of dokument na—
- (a) die Staatsbiblioteek word geag 'n verwysing na die Pretoria-komponent van die Nasionale Biblioteek te wees;
- (b) die Suid-Afrikaanse Biblioteek word geag 'n verwysing na die Kaapstad- 45 komponent van die Nasionale Biblioteek te wees.

Wysiging en herroeping van wette

17. Die wette genoem in die Bylae word hierby gewysig of herroep in die mate uiteengesit in die derde kolom van die Bylae.

Kort titel en inwerkingtrede

- 50 **18.** Hierdie Wet heet die Wet op die Nasionale Biblioteek van Suid-Afrika, 1998, en tree in werking op 'n datum wat die President by proklamasie in die *Staatskoerant* bepaal.

SCHEDULE**Laws amended or repealed**

Number and year of law	Short title	Extent of amendment or repeal
Act No. 11 of 1977 (Transkei)	National Library Service Act, 1977	Repeal of section 11
Act No. 8 of 1978 (Bophuthatswana)	Bophuthatswana National Library Service Act, 1978	Repeal of section 19(2)
Act No. 18 of 1980 (KwaZulu)	KwaZulu Library Act, 1980	Repeal of section 6
Act No. 19 of 1980 (Ciskei)	Ciskeian Library Services Act, 1980	Repeal of section 11
Act No. 2 of 1981 (KaNgwane)	National Library Service Act, 1981	Repeal of section 14
Act No. 12 of 1981 (Venda)	Venda National Library Services Act, 1981	Repeal of section 14(2)
Act No. 4 of 1982 (Gazankulu)	National Library Service Act, 1982	Repeal of section 14(2)
Act No. 10 of 1983 (Qwaqwa)	National Library Service Act, 1983	Repeal of section 14(2)
Act No. 56 of 1985	National Libraries Act, 1985	Repeal of the whole
Act No. 7 of 1991 (Lebowa)	Central Library Service Act, 1991	Repeal of section 17

BYLAE

Wette gewysig of herroep

Nommer en jaar van wet	Kort titel	Omvang van wysiging of herroeping
Wet No. 11 van 1977 (Transkei)	Wet op Nasionale Biblioteekdiens, 1977	Herroeping van artikel 11
Wet No. 8 van 1978 (Bophuthatswana)	Bophuthatswana Nasionale Biblioteekdienswet, 1978	Herroeping van artikel 19(2)
Wet No. 18 van 1980 (KwaZulu)	KwaZulu Biblioteek Wet, 1980	Herroeping van artikel 6
Wet No. 19 van 1980 (Ciskei)	Ciskei Biblioteekdiens Wet, 1980	Herroeping van artikel 11
Wet No. 2 van 1981 (KaNgwane)	Wet op Nasionale Biblioteekdiens, 1981	Herroeping van artikel 14
Wet No. 12 van 1981 (Venda)	Venda Nasionale Biblioteekdiens Wet, 1981	Herroeping van artikel 14(2)
Wet No. 4 van 1982 (Gazankulu)	Wet op Nasionale Biblioteekdiens, 1982	Herroeping van artikel 14(2)
Wet No. 10 van 1983 (Qwaqwa)	Wet op Nasionale Biblioteekdiens, 1983	Herroeping van artikel 14(2)
Wet No. 56 van 1985	Wet op Nasionale Biblioteke, 1985	Herroeping van die geheel
Wet No. 7 van 1991 (Lebowa)	Wet op Sentrale Biblioteekdiens, 1991	Herroeping van artikel 17

