



FREE STATE PROVINCE

# PROVINCIAL GAZETTE

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# PROVINSIALE KOERANT

PROVINSIE VRYSTAAT

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BLOEMFONTEIN, 16 APRIL 1999

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OFFICE OF THE PREMIER

No. 5 16 April 1999

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

No. 5 of 1999: Library and Information Services Act, 1999

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KANTOOR VAN DIE PREMIER

No. 5 16 April 1999

Hierby word bekend gemaak dat die Premier die onderstaande Wet bekragtig het, wat hierby ter algemene inligting gepubliseer word:-

No. 5 van 1999: Wet op Biblioteek- en Inligtingsdienste, 1999

# ACT

To provide for the establishment, administration and control of library and information services in the Province and for matters incidental thereto.

**BE IT ENACTED** by the Provincial Legislature of the Free State Province, as follows:

*(Afrikaans text signed by the Premier.)  
(Assented to 14 April 1999)*

## Definitions

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1. In this Act, unless the context indicates otherwise -
- 10  
“**Board**” means the Free State Provincial Library and Information Services Board established under section 6;
- 15  
“**Constitution**” means the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996);
- 20  
“**department**” means the Department of Sport, Culture, Science and Technology, mentioned in the first column of the Schedule to the Exchequer Act, 1994 (Act No 1 of 1994);
- “**director**” means The Free State Library, Information and Technology Services;
- “**Executive Council**” means the Executive Council of the Free State Province contemplated in section 132 of the Constitution;
- 25  
“**library official**” means the official appointed to render a library service;
- 30  
“**library material**” means any book, periodical, manuscript, chart, map, video cassette, slide, filmstrip, microfilm, audiocassette, audio-compact disc, computer software or any other material supplied by the Library and Information Service;
- “**library and information services**” means a service that will ensure easy access to reading and information sources and resource-based learning material to every citizen in the Province;
- 35  
“**place of deposit**” means place of deposit as defined in the Legal Deposit Act, 1997 (Act No 54 of 1997);
- “**prescribed**” means prescribed by regulation;
- 40  
“**Province**” means the Province of the Free State as contemplated in section 103(1)(b) of the Constitution;

**“regulation”** means a regulation made under this Act;

**“responsible Member”** means the Member of the Executive Council responsible for the provision of library and information services;

**“Service”** means the Library, Information and Technology Services Directorate of the Department;

**“the Head”** means the Head: Sport, Arts, Culture, Science and Technology mentioned in the second column of the Schedule of the Provincial Service Commission Act, 1994 (Act No 3 of 1994); and

**“this Act”** means the regulations also.

### **Application**

2. Subject to the Constitution, this Act shall apply in relation to library and information services in the Province.

### **Objects of the Act**

3. The responsible Member shall, taking into account financial constraints, aim to achieve the following objects regarding the establishment, rendering and development of library and information services in the Province:

(1) To provide for easy access to reading and information sources in order to promote a culture of reading and lifelong learning.

(2) To effect the full and active participation of various interest groups in the development of library and information services in the Province.

(3) To enhance the dignity, stature and status of library officials while developing a culture of commitment to service, learning and professional commitment.

(4) To reflect demographic realities in the establishment, rendering and development of library and information services in the Province.

(5) To co-ordinate library and information service policy by means of uniform norms and minimum standards which will generally apply throughout the Province.

(6) To provide for the establishment of an advisory Provincial Library and Information Services Board.

(7) To effect a system of library and information provision and support which serves the needs and the interests of all the people of the Province.

### **Powers and functions of the responsible Member**

4. (1) The responsible Member may, in consultation with the Board, by notice in the *Provincial Gazette*, determine a library and information policy for the Province, which must be adhered to by the Head and all library officials in the Province. 5
- (2) The responsible Member may establish, maintain and manage libraries and any services incidental thereto.
- (3) As from the date of commencement of this Act, all existing libraries in the Province which may be established in terms of this Act, shall be deemed to be libraries established in terms of this section. 10
- (4) The responsible Member may at any time, after consultation with interested parties, by notice in the *Provincial Gazette*, close a library. 15

### **Functions of the Head**

5. The Head shall, in addition to any other function imposed on him or her in terms of this Act - 20
- (a) control and render library and information services to all libraries;
- (b) administer the establishment of functional library committees; 25
- (c) in consultation with the responsible Member and the Board take such steps as may be necessary to carry into effect the provincial and national library policies;
- (d) advise the responsible Member on library matters; 30
- (e) in general perform all such functions as are necessary for the achievement of the objects of this Act. 35

### **Establishment of a Provincial Library and Information Services Board**

6. There is hereby established a Provincial Library and Information Services Board which shall have the powers and functions entrusted to it by section 11. 35

### **Appointment and term of office of members of Board**

7. (1) The Board shall be composed of not more than 9 members appointed by the responsible Member, subject to subsection (3). 40
- (2) The responsible Member shall ensure that the Board shall be based on democratic, non-racist and non-sexist principles. 45

- (3) The members of the Board shall not be appointed unless the responsible Member has invited interested parties through the media and by notice in the *Provincial Gazette* to nominate candidates, within 21 days of the invitation in the media and the publication of such notice, for consideration by the responsible Member. 5
- (4) A member of the Board shall, subject to subsection (6), hold office for such period, not exceeding 3 years, as the responsible Member may determine at the time of his or her appointment and shall be eligible for reappointment at the termination of his or her term of office. 10
- (5) Upon expiration of the period for which members were appointed, they shall remain in office until their successors have been appointed, but in no case for a further period of more than 3 months. 15
- (6) The responsible Member may, after he or she has afforded a member of the Board the opportunity to make representations, at any time terminate the term of office of such member if - 20
- (a) there are sufficient reasons for doing so;
- (b) he or she has been absent from more than 2 consecutive meetings of the Board without the prior leave of the chairperson. 25
- (7) If for any reason the office of a member of the Board becomes vacant before the expiration of the period for which he or she was appointed, the responsible Member may, subject to subsection (3), appoint any other person to fill the vacancy for the unexpired portion of the period for which such a member was appointed. 30
- (8) Members of the Board who are not in the full-time service of the Administration may, out of moneys appropriated for this purpose by the Provincial Legislature, be paid reasonable subsistence and travelling expenses when attending a meeting of the Board, or a committee thereof, as the case may be. 35

### Meetings

8. (1) The first meeting of the Board shall be held at a time and place determined by the responsible Member, and all subsequent meetings shall be held at such times and places as the Board may determine. 35
- (2) The chairperson of the Board may at any time, and shall on a written request of at least five members of the Board, call a special meeting of the Board to be held at a time and place as determined by him or her. 40
- (3) Five members shall form a quorum at any meeting of the Board.

(4) A decision of the Board shall be taken by a majority of the votes of members present at any meeting of the Board, and, in the event of an equality of votes on any matter, the chairperson shall have a casting vote in addition to his or her deliberative vote as a member of the Board.

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(5) The Board may, whenever it deems it necessary to obtain advice in respect of a particular matter, co-opt any person as a member for the specific purpose: Provided that such a person shall not be regarded as a member for purposes of subsection (3) and (4) of this section.

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### **Chairperson and deputy chairperson of Board**

9. (1) The responsible Member shall appoint a member of the Board as chairperson of the Board.

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(2) At its first meeting the Board shall elect one of its members to be deputy chairperson of the Board.

(3) If the chairperson is absent or is for any reason unable to act as chairperson, the deputy chairperson shall perform the functions of the chairperson.

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(4) In the event of the absence of both the chairperson and the deputy chairperson from any meeting of the Board, the members present at the meeting shall elect one of their number to preside at such meeting.

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### **Committees of the Board**

10. The Board may appoint one or more committees from members of the community to assist it in the carrying out of its functions.

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### **Functions of the Board**

11. (1) The Board shall advise the responsible Member on the formulation, development and implementation of a provincial policy for library and information services in the Province.

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(2) The Board shall implement measures to redress the imbalances of the past relating to the unequal provision of library services.

(3) The Board shall monitor the rendering of library and information services in terms of this Act and advise the responsible Member accordingly.

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(4) The Board shall monitor the activities of the Directorate, to ensure that the Directorate performs the functions allocated to it for the benefit of the Province as a whole.

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- (5) The Board shall annually draw up a budget for its own activities, setting out its intended expenditure on allocations and subsidies to the various library and information services which perform functions within the Province.
- (6) The Board shall advise the responsible Member on any matter he or she may refer to the Board or which in the opinion of the Board, should be brought to the notice of the responsible Member. 5
- (7) The Board shall at the end of the year submit to the responsible Member an annual report on its activities during the year. 10
- (8) The Board shall keep books of accounts which shall be audited annually by the Auditor General.
- Agreements** 15
12. (1) In order to further the objects of this Act, the responsible Member may enter into agreements with other government departments, spheres of government, non-governmental organisations or any other person, but no agreement placing financial obligations on the Department shall be entered into without the concurrence of the Member of the Executive Council responsible for Finance. 20
- (2) The responsible Member may in terms of section 126 of the Constitution assign any power or function relating to library and information services to a Municipal Council. 25
- Regulations**
13. (1) The responsible Member may make regulations with regard to - 30
- (a) any matter which by this Act are required or permitted to be prescribed;
- (b) the establishment, maintenance, management, control of library services, closure of libraries and the suspension of activities at libraries; 35
- (c) the inspection of libraries;
- (d) the establishment of committees;
- (e) the admission of members to libraries; 40
- (f) the conditions under which libraries may be admitted to membership of the Service;

- (g) The loan of library material to libraries and library depots admitted to membership of the Service;
  - (h) the imposition of fines against borrowers of library material in respect of delays in returning such library material, and the recovery of moneys in respect of lost and damaged library material; 5
  - (i) penalties for any contravention of any regulation, a fine or imprisonment for a period not exceeding six months or both such fine and such imprisonment; and 10
  - (j) generally any matter, which he or she considers necessary or expedient for achieving the objects of this Act.
- (2) The responsible Member shall not make any regulations as to any fee or allowance payable to or by any person, or as to the control of any moneys, except with the concurrence of the Member of the Executive Council responsible for Finance and Expenditure. 15

**Delegations**

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14. (1) The responsible Member may, subject to such conditions as he or she may determine, delegate any power or function conferred upon him or her under this Act, except the power to make regulations, to the Head, and he or she may authorise the Head to delegate that power or function to any officer on the establishment of the Directorate. 25
- (2) A delegation under subsection (1) shall not prevent the responsible Member or the Head, as the case may be, from exercising such power or performing such duty, as the case may be, himself or herself. 30

**Repeal of laws, and savings**

15. (1) The laws mentioned in the Schedule are hereby repealed to the extent indicated in the third column of the Schedule. 35
- (2) Anything done or deemed to have been done in terms of a provision of a law repealed by subsection (1) and which may or shall be done in terms of this Act, shall be deemed to have been done in terms of the corresponding provision of this Act. 40

**Short title**

16. This Act shall be called the Library and Information Services Act, 1999.



**SCHEDULE**

(Laws repealed)

Section 15

No and Year of Law	Short title	Extent of repeal
Act No 49 of 1978	Bophuthatswana National Library Services Act, 1978	The whole
Act No 10 of 1983	Qwaqwa National Library Service Act, 1983	The whole