

CHAPTER 58:02
NATIONAL LIBRARY SERVICE
ARRANGEMENT OF SECTIONS

SECTION

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Act 29, 1967,
Act 38, 1970,
S.I. 12, 1977,
Act 26, 1978.

An Act to make provision for the establishment of a National Library Service.

[Date of Commencement: 29th September, 1967]

1. Short title

This Act may be cited as the National Library Service Act.

2. Interpretation

In this Act, unless the context otherwise requires-

"Board" means the Board established under section 5;

"book" includes any part or division of a book, pamphlet, newspaper, periodical, magazine, review, *Gazette*, sheet of letterpress, sheet of music, map, plan, chart or table separately printed, but does not include any second or subsequent edition of a book where the first or earlier edition has been delivered in accordance with the provisions of section 10 (unless such edition contains additions or alterations either to the letterpress or in the maps, prints or other illustrative materials belonging thereto) or any book which will not be made available to the public at large or printed forms, industrial advertisements, advertisers' handbills, price lists or stationery;

"Director" means the Director of Library Services;

"National Library Service" means the National Library Service established under section 3;

"printed" means produced by any process of reproduction;

"published" means issued for distribution, by sale or otherwise, to the public.

3. Establishment of a National Library Service

The Minister may, after consultation with the Board, establish such library facilities, to be called the National Library Service, as in his opinion are desirable in order to further the provision of an efficient library service throughout Botswana.

4. Administration

The administration of the National Library Service shall be vested in the Minister who shall perform his functions under this Act, other than under section 5, in consultation with the Board.

5. Establishment of a Board

(1) For the purposes of this Act, there shall be established a Board to be styled the National Library Service Board.

(2) The Board shall consist of a Chairman and not more than six other members nominated by the Minister, together with such other members as may be co-opted by the Board under subsection (3).

(3) The Board may, with the approval of the Minister, co-opt as members not more than three persons with such expert knowledge or experience as may be required by the Board in the discharge of its functions.

(4) The period of office of a member of the Board shall be-

- (a) in the case of the Chairman or any member nominated under subsection (2), two years from the date of his appointment;
- (b) in the case of a member co-opted under the provisions of subsection (3), the period, not being a period in excess of one year, for which he has been co-opted.

(5) The Chairman and any member of the Board may resign from the Board at any time by letter addressed to the Minister; and the Minister may at any time revoke any nomination which he has made.

(6) Any member of the Board who has not, on the 31st December in any year, attended at least one-third of the meetings of the Board during the preceding 12 months or during his tenure of office in such months, shall be considered to have vacated his seat on the Board, unless he has been absent owing to ill-health or with leave of the Minister.

(7) The Director or such person as may be designated by him shall be secretary to the Board.

6. Meetings of the Board

(1) The Board shall meet at such times as may be necessary or expedient for transacting its business.

(2) The Chairman may at any time summon a meeting of the Board and on the requisition of the Minister or any three members he shall summon a meeting; any such requisition shall state the object for which the meeting is required to be summoned.

(3) The views or decisions of the Board may be taken at meetings or, in cases in which the Chairman shall so direct, by the recording of the opinions of members on papers circulated among them.

(4) The Chairman may direct that papers shall not be circulated in accordance with the provisions of subsection (3) to any member who through interest, illness, absence from Botswana or otherwise is in the opinion of the Chairman incapacitated from voting on such papers.

(5) The quorum of the Board at any meeting or for the purpose of voting on papers circulated in accordance with the provisions of subsection (3) shall be four.

(6) The decisions of the Board shall be by the majority of votes; in any case in which the voting is equal the Chairman shall have a second or casting vote.

7. Functions of the Board

(1) The functions of the Board shall be-

- (a) to advise the Minister in the exercise of his functions under this Act;
- (b) to undertake such administrative functions in connection with the National Library Service as the Minister may from time to time require it to undertake.

(2) The Board may, for the purpose of furthering the provision of an efficient library service throughout Botswana, with the approval of the Minister, enter into mutual arrangements with authorities or organizations concerned with the provision of library or bibliographical services within or without Botswana.

8. General duty of Minister

(1) It shall be the duty of the Minister acting in consultation with the Board and within the limit of the means available to him to provide a comprehensive and efficient library service for all

persons desiring to make use thereof, and for that purpose to provide and maintain such buildings and equipment and do such other things, as may be requisite.

(2) In fulfilling his duty under subsection (1) the Minister shall in particular have regard to the desirability-

- (a) of securing, by the keeping of adequate stocks, by arrangement with libraries other than those administered by the National Library Service, and by other appropriate means, that facilities are available for the borrowing of, or reference to, books and other printed matter, and pictures, gramophone records and other materials, sufficient in number, range and quality to meet the general requirements of both adults and children;
- (b) of encouraging both adults and children to make full use of the library facilities, and of providing advice as to its use and of making available such bibliographical and other information as may be required by persons using them; and
- (c) of securing full co-operation between persons engaged in supplying library facilities in Botswana.

9. Establishment of Fund

(1) There is hereby established a Fund, to be known as the National Library Service Fund, which shall be administered by the Permanent Secretary and which shall be used for carrying out such functions as may be conferred on the Minister by this Act.

(2) The Fund shall consist of-

- (a) such moneys as may be appropriated by law for the purposes of the National Library Service;
- (b) any moneys which may accrue to it by virtue of any regulations made under the provisions of section 11 or by reason of any charge reasonably made for services performed by the National Library Service;
- (c) gifts, grants and bequests derived from any public or private source:

Provided that the Minister may decline to accept any gift, grant or bequest which is made subject to conditions which, in the opinion of the Minister, are inconsistent with the provisions of this Act or the general spirit in which it is administered.

10. Deposit and preservation of copies of books

(1) The publisher of every book published in Botswana shall, within one month after the day on which such book is first delivered out of the press, and notwithstanding any agreement to the contrary with any person, deliver at his own expense-

- (a) one copy of the book to the Librarian of the University of Botswana;
- (b) two copies of the book to the Chairman of the Board or to such person and place as the Board may direct.

(2) Every copy delivered under the provisions of this section shall be a copy of the whole book, with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best standard copies of the same are produced, and shall be bound, sewed or stitched together, and on the best standard paper on which the book is printed.

(3) The Minister may by order published in the *Gazette* exempt from the provisions of this section any book or any class or description of books specified in the order either absolutely or subject to such conditions as may be specified in the order.

(4) Any publisher who fails to comply with the provisions of subsections (1) and (2) shall be guilty of an offence and shall be liable to a fine not exceeding P50.

(5) A conviction in terms of subsection (4) shall not discharge a publisher from his obligation to comply with the provisions of this section.

(6) The provisions of this section, other than those of subsections (4) and (5), shall bind the State, and any publisher who is an officer in the public service.

11. Regulations

(1) The Minister may make regulations either generally or in relation to any particular

library facilities-

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

(2) Any fee, charge or fine made or imposed under the provisions of regulations made under subsection (1) may be recovered by set-off against any moneys held as deposit as security for articles borrowed from a library or may be recovered by proceedings brought in any court of competent jurisdiction; and in any such proceedings, a certificate purporting to be signed by the Chairman of the Board shall be *prima facie* proof of the amount of money owing as a fee, charge or fine made or imposed as aforesaid and of the identity of the debtor.