

## CHAPTER 25:10

### NATIONAL LIBRARY AND DOCUMENTATION SERVICE ACT

Act 11/1985.

#### ARRANGEMENT OF SECTIONS

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#### SCHEDULE

Powers of Service.

### **AN ACT to provide for the establishment of the National Library and Documentation Service and the establishment of a Council to advise on the administration of the Service; and to provide for matters connected with or incidental to the foregoing.**

[Date of commencement: 1st September, 1988.]

WHEREAS it is desirable that all the people of Zimbabwe shall have access to facilities for the dissemination of knowledge and for research, recreation and study;

AND WHEREAS it is expedient to establish a National Library and Documentation Service for that purpose;

AND WHEREAS, pursuant to the desire to establish the National Library and Documentation Service, it is desirable that the National Free Library of Zimbabwe be dissolved in order that its functions may be assumed by the said National Library and Documentation Service;

AND WHEREAS the Board of the National Free Library of Zimbabwe are agreeable to the dissolution of the National Free Library as a body corporate and the vesting of its assets, liabilities and obligations directly in the State:

NOW, THEREFORE, be it enacted as follows—

#### **1 Short title**

This Act may be cited as the National Library and Documentation Service Act [*Chapter 25:10*].

#### **2 Interpretation**

In this Act—

“affiliate library” means a library registered with the Service in terms of section *nine*;

“constituent library” means a library which is staffed by public officers and which the Service administers, and includes—

- (a) the departments of the Government known as the National Library and Documentation Centre and the Library Training School; and
- (b) Government ministerial and departmental libraries; and
- (c) Government educational libraries; and
- (d) any other libraries that the Service may acquire or establish;

“Council” means the Council established in terms of section *ten*;

“Director” means the Director of the Service appointed in terms of section *six*;

“documentation facility” means a facility for the abstraction and distribution of information derived from or related to publications;

“inter-library loan facility” means a centralized system of distributing publications to constituent and affiliate libraries;

“Minister” means the Minister of Education and Culture or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“publication” means any printed matter or any visual or sound recording;

“Service” means the National Library and Documentation Service established in terms of section *three*.

### **3 Establishment of Service**

There is hereby established the National Library and Documentation Service, which shall be a body corporate capable of suing and being sued in its corporate name and, subject to this Act, of performing all acts that bodies corporate may by law perform.

### **4 Functions of Service**

The functions of the Service shall be—

(a) in relation to constituent and affiliate libraries—

- (i) to promote the widespread enjoyment in Zimbabwe of publications of an educational, scientific, cultural, recreational or sporting value;
- (ii) to ensure, maintain and develop a high standard of library facilities;
- (iii) to operate a documentation facility and an inter-library loan facility; and
- (iv) to train librarians and to ensure, maintain, co-ordinate and develop a high standard of librarianship;

(b) in relation to constituent libraries, to provide, maintain, co-ordinate and develop facilities for the consultation by and the free lending to the public of publications for reading, research, recreation and study.

### **5 Powers of Service**

For the better exercise of its functions, the Service shall, subject to this Act, have power to do all or any of the things specified in the Schedule.

### **6 Director and staff**

(1) There shall be a Director of the Service whose office shall be a public office and form part of the Public Service.

(2) The management of the affairs of the Service shall vest in the Director and the Director shall exercise the functions of the Service.

(3) In the exercise of his functions in terms of this Act the Director shall be assisted by persons who are officers of the Public Service.

### **7 Duties of Director**

The duties of the Director shall be—

- (a) to co-ordinate the operations of the Service;
- (b) to give directions for the efficient administration of the Service;
- (c) to ensure that the Service and its constituent and affiliate libraries comply with regulations made in terms of section *eleven*;
- (d) to receive and consider advice from the Council;
- (e) to make recommendations to the Minister on all matters pertaining to the development of library and documentation services in Zimbabwe;
- (f) to receive and consider applications for the registration of affiliate libraries in terms of section *nine*;
- (g) to prepare estimates of expenditure for each financial year.

### **8 Funds of Service**

(1) The funds of the Service shall consist of—

- (a) moneys appropriated by Act of Parliament for the purpose of the Service;
- (b) donations, grants and bequests to the Service which have been accepted by the Service with the approval of the Minister responsible for finance;
- (c) any fees, fines or other moneys paid in terms of regulations made in terms of section *eleven*;
- (d) any other moneys that may vest in or accrue to the Service, whether in terms of this Act or otherwise.

(2) Subject to the directions of the Minister, given with the approval of the Minister responsible for finance, the Director shall apply the funds of the Service to promote or undertake the functions of the Service referred to in section *four* and to pay any remuneration referred to in subsection (3) of section *ten*.

(3) The Director shall ensure that the Service maintains proper books of accounts which shall be audited annually by a person who is registered as a public auditor in terms of the Public Accountants and Auditors Act [Chapter 27:12] and appointed for the purpose by the Director with the approval of the Minister.

(4) The Minister may from time to time require the Director to submit reports to him on the financial status of the Service.

### **9 Registration of affiliate libraries**

(1) The owner or controlling body of a library that is not a constituent library may apply to the Director in writing to register the library as an affiliate library of the Service in terms of this section.

(2) An application made in terms of subsection (1) shall—

- (a) set out the address of the library and its name or usual form of designation; and

- (b) be accompanied by a scaled group-plan of the library; and
- (c) itemize the furnishings of the library; and
- (d) set out the approximate number of publications in the library and the range of their subject-matter; and
- (e) where the library has office-bearers and members, set out the names, designations and addresses of the office-bearers and the number of members; and
- (f) where the library is governed by a constitution and rules, be accompanied by a copy of the constitution and rules; and
- (g) be accompanied by such information and plans relating to the library as may be prescribed or as may be required by the Director.

(3) As soon as practicable after receiving an application in terms of subsection (2), the Director shall consider the application and, if he is satisfied that the library complies with any regulations made in terms of section *eleven*, he shall register the library as an affiliate library:

Provided that, if the Director rejects the application he shall inform the applicant in writing of the reasons therefor and shall allow the applicant to submit a new application upon rectification of the matters which caused the Director to reject the earlier application.

(4) The Director may de-register an affiliate library if he is satisfied that it no longer complies with any regulations made in terms of section *eleven*.

## **10 Establishment and meetings of Council**

(1) The Minister shall appoint a Council for the purpose of advising him on general matters pertaining to the operation of the Service and on the making and amendment of regulations in terms of section *eleven*.

- (2) The Council shall consist of—
  - (a) a chairman; and
  - (b) a member of a nationally recognized library association; and
  - (c) a person who is experienced in financial matters; and
  - (d) a legal practitioner; and
  - (e) a representative from the Ministry responsible for education; and
  - (f) not more than eleven persons drawn from women's and youth groups, cultural organizations, parent-teachers' associations, affiliate libraries and other persons or bodies having an interest in the aims of the Service;

who shall hold office for such period and on such terms and conditions as the Minister may fix.

(3) The Minister, with the approval of the Minister responsible for finance, may determine any subsistence and travel allowances to be paid from the funds of the Service to members of the Council.

(4) The Council shall meet at least twice a year at such times and places as may be fixed by the chairman of the Council.

(5) The procedure at meetings of the Council shall be as prescribed or, in respect of any matter that is not prescribed, as may be determined by the Council.

## **11 Regulations**

(1) The Minister, after consultation with the Council, may make regulations prescribing all matters which by this Act are required or permitted to be prescribed or which, in his opinion, are necessary or convenient to be prescribed for the purpose of carrying out the functions of the Service.

- (2) Regulations made in terms of subsection (1) may provide—
  - (a) for the procedure to be followed by the Council;
  - (b) for the conditions subject to which constituent and affiliate libraries may borrow publications through the inter-library loan facility;
  - (c) for the conditions subject to which constituent and affiliate libraries may benefit from the documentation facility;
  - (d) for the conditions subject to which persons may borrow publications, including—
    - (i) the payment and forfeiture in whole or in part of deposits and the giving of guarantees or the provision of sureties in respect of the borrowing of publications;
    - (ii) the levying of fines for delay in the return of borrowed publications;
    - (iii) compensation for the loss or non-return or damage of publications;
  - (e) for the minimum requirements for registration of a library as an affiliate library, including requirements as to the size of the library, number of staff, nature of furnishings, number of publications and the maximum fees to be charged for admission of members; and
  - (f) for the fee to be charged on registration of an affiliate library.

## **SCHEDULE (Section 5)**

### **POWERS OF SERVICE**

1. To appoint persons as friends or as patrons of the Service.
2. To acquire, by hire, purchase, or otherwise, publications, furniture, library equipment or material and vehicles for library purposes.
3. To house collections of books belonging to any person who desires to make them accessible to the readership of the Service generally, or to sections of such readership, on such terms as may be agreed in writing with such society or person.
4. To allow the use of buildings or equipment of the Service for the purpose of concerts, lectures, exhibitions, displays or demonstrations associated with books, literature, the arts or music or with educational or scientific activities.
5. To publish catalogues, bibliographies, serials, monographs and other informative matter relating to books and libraries.
6. To establish new libraries at local, district and provincial level.
7. Subject to the approval in writing of the Minister, to accept donations, grants and bequests for the furtherance of the objects of the Service.
8. To acquire affiliate or unregistered libraries as constituent libraries.
9. Subject to the approval of the Minister and the Minister responsible for finance, to provide guarantees and grants to constituent and affiliate libraries for the purchase of books and library equipment.
10. To do all things that may be necessary or incidental for the performance of the functions imposed upon the Service in terms of this Act.