

THE NATIONAL LIBRARY ACT 1996

Act No. 32 of 1996

I assent

C. UTEEM
President of the Republic

20 December 1996

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AN ACT

To provide for the establishment of the National Library

ENACTED by the Parliament of Mauritius as follows:-

1. Short title

This Act may be cited as the National Library Act 1996.

2. Interpretation

In this Act-

"Board" means the National Library Board established under section 5;

"Chairperson" means the Chairperson of the Board;

"Director" means the Director of the National Library;

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

"library materials" means any form of written or graphic record, including manuscripts, type-scripts, books, newspapers, periodicals, music scores, photographs, maps, drawings and other graphic art forms, and non-print materials such as films, filmstrips, audio-visual materials including tapes or discs and reproductions thereof;

"Mauritiana section" means the section consisting of library materials -

- (a) relating to any subject and produced in Mauritius; or
- (b) relating to Mauritius and produced overseas.

"member" means a member of the Board and includes the Chairman;

"Minister" means the Minister to whom responsibility for the subject of Arts, Culture and Leisure is assigned.

3. Establishment of the National Library

- 1) There is established for the purposes of this Act a National Library.
- 2) The Library shall consist of -
 - (a) the Mauritian section of the Mauritius Institute Library;
 - (b) the Mauritian section of the Archives Department.
- 3) The library materials comprised in the 2 sections referred to in subsection (2) shall, on the commencement of this Act, be transferred to the National Library.
- 4) The National Library shall be a body corporate.

4. Objects of the Library

The objects of the Library shall be -

- (a) to promote and encourage the use of library materials;
- (b) to acquire library materials generally, and, in particular, a comprehensive collection of library materials relating to Mauritius;
- (c) to collect, receive and preserve all library materials required to be deposited in the Library;
- (d) to lend library materials to the public;
- (e) to make library materials available to the public for reference;
- (f) to participate in planning library services in Mauritius, promote research in library fields and provide assistance in information handling techniques;
- (g) to act as the national bibliographic centre and maintain the national bibliography and other bibliographies;
- (h) to act as an organising agency for national and international lending and exchange of library materials; and
- (i) to initiate and promote co-operation between the Library and other libraries, both local and foreign.

5. The Board

(1) The Library shall be administered and managed by a Board which shall consist of -

- (a) a Chairperson, who shall be a person of academic distinction appointed by the Minister;
- (b) a representative of the Ministry of Education, Science and Technology;
- (c) a representative of the Ministry of Arts, Culture and Leisure;
- (d) a representative of the Ministry of Economic Planning, Information and Telecommunications;
- (e) a representative of the Ministry of Finance;
- (f) the Director of Archives;
- (g) the Head of the Library Cadre;
- (h) 5 librarians as follows -
 - (i) one from academic library;
 - (ii) one from a public library;
 - (iii) one from a special library;
 - (iv) one designated by the Association of Urban Authorities; and
 - (v) one designated by the Association of District Councils.

(2) The Board may also co-opt such resource persons as it considers necessary to assist it in its deliberations.

(3) Every member of the Board, other than a member specified in subsection (1)(b), (c), (d), (e), (f) and (g), shall be appointed by the Minister for a period of 3 years and shall be eligible for re-appointment.

6. Meetings of the Board

- (1) The Board shall, at such place and time as the Chairperson may determine, meet -
 - (a) at least once month; or
 - (b) whenever a request for a meeting is made by not less than 5 members.
- (2) Nine members of the Board shall constitute a quorum.
- (3) Subject to this section, the Board shall regulate its meetings and proceedings in such manner as it thinks fit.

7. Powers of the Board

The Board may do all such things as appear requisite and advantageous for the purpose of furthering the objects of the Library and may, in particular –

- (a) raise funds;
- (b) levy fees or charges in respect of the use of library materials by the public;
- (c) buy or sell property;
- (d) receive grants-in-aid, gifts, donations or legacies;
- (e) appoint committees in consultation with the Minister.

8. Director

The Board shall, with the approval of the Minister, appoint on such terms and conditions as it thinks fit, a Director of the Library who shall be a qualified and experienced librarian possessing high academic status and who shall be responsible for -

- (a) the execution of the policy of the Board;
- (b) the control and management of the day to day business of the Library, including the keeping of all books, records, deeds, documents and minutes of proceedings of the Board.

9. Appointment of staff

- (1) The Board may, with the approval of the Minister, appoint on such terms and conditions as it thinks fit, such officers as may be necessary for the discharge of the functions of the Library.
- (2) All officers shall be under the administrative control of the Director.

10. Protection of members and officers

No liability, civil or criminal, shall attach to any member or officer in respect of any act which is done or committed by him in good faith in the furtherance of the objects of the Library.

11. Execution of documents

- No documents shall be executed by or on behalf of the Library unless it is signed by -
- (a) the Chairperson or, in his absence, a member designated by the Board; and
 - (b) the Director or, in his absence, an officer of the Library designated by the Board.

12. Powers of the Minister

- (1) The Minister may give such directions of a general character to the Board, not inconsistent with the Act, as he considers necessary in the public interest and the Board shall comply with these directions.

- (2) The Board shall, at the request of the Minister, furnish to him such information and such documents in relation to the activities of the Library as he may require.

13. Donations

Article 910 of the Code Napoleon shall not apply to the Library.

14. Accounts

- (1) The Board shall, on or before 31 October in every year, submit to the Minister a report together with an audited statement of accounts on the operation of the Library in respect of the 12 months ending 30 June of the same year.
- (2) The report of the Board shall be laid before the National Assembly.

15. Deposit of copies of library materials

- (1) There shall, free of charge, be deposited with the Library, in such manner and subject to such conditions as may be prescribed -
 - (a) 6 copies of every book;
 - (b) 6 copies of every journal;
 - (c) 6 copies of every issue of every newspaper; and
 - (d) 6 copies of non-print materials,produced in Mauritius.
- (2) The library materials referred to in subsection (1)(a) and (c) shall be deposited by the printer and the library materials referred to in subsection (1)(d) shall be deposited by the producer.

16. Exemption from duty

Notwithstanding any other enactment -

- (a) the Library shall be exempt from payment of any duty, levy rate, charge, fee or tax;
- (b) the Library may frank letters or postal packets, make remittances by money orders or dispatch telegrams free of charge.

17. Regulations

- (1) The Board may, with the approval of the Minister, make such regulations as it thinks fit for the purposes of this Act.
- (2) Regulations, made under subsection (1) may provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1000 rupees.

18. Consequential amendments

- (1) The Statutory Bodies (Accounts and Audit) Act is amended in Part II by adding in its appropriate alphabetical order, the following –

National Library
- (2) Sections 8-14 of the Archives Act No.71 of 1952 are repealed.
- (3) The auditor to be appointed under section 5(1) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

19. Transitional provisions

Notwithstanding the Statutory Bodies (Accounts and Audit) Act -

- (a) the period extending from the commencement of this Act to 30 June next following shall be deemed to be the first financial year of the Library;
- (b) section 7(1) of the Statutory Bodies (Accounts and Audit) Act shall not apply in relation to the first financial year of the Library.

20. Commencement

This Act shall come into operation on a date to be fixed by Proclamation.

Passed by the National Assembly on the seventeenth day of December one thousand nine hundred and ninety six.

ANDRÉ POMPON
Clerk of the National Assembly