

**MAURITIUS COUNCIL OF REGISTERED LIBRARIANS ACT**

Act 4 of 2000 – 9 July 2001

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**MAURITIUS COUNCIL OF REGISTERED LIBRARIANS ACT**

**1. Short title**

This Act may be cited as the Mauritius Council of Registered Librarians Act.

**2. Interpretation**

In this Act—

“Board” means the Board referred to in section 5;

“Chairperson” means the Chairperson of the Board;

“Council” means the Mauritius Council of Registered Librarians established under section 3;

“member” means a member of the Council and includes the Chairperson;

“National Library” means the National Library established under the National Library Act;

“register” means the register referred to in section 11;

“registered librarian” means a professional librarian registered under this Act;

“Registrar” means Registrar of the Council.

### **3. Establishment of Council**

(1) There is established for the purposes of this Act a Council to be known as the Mauritius Council of Registered Librarians.

(2) The Council shall be a corporate body.

### **4. Objects of Council**

The objects of the Council shall be to—

- (a) establish and improve standards of education, practice and conduct and maintain discipline in the practice of librarianship;
- (b) establish and maintain a register of registered librarians;
- (c) publish a code of practice for the professional librarians on standards of professional conduct and ethics;
- (d) establish appropriate linkages with any educational body in or outside Mauritius with a view to upgrading the standard of education in librarianship;
- (e) determine the requirements for entry to training and admission to, or removal from, the register for those training in Mauritius;
- (f) approve programmes of training leading to registration of librarians in Mauritius; and
- (g) advise the Minister on any matter governed by this Act or any matter connected therewith or incidental thereto.

### **5. The Board**

(1) The Council shall be administered and managed by a Board which shall consist of—

- (a) 3 registered librarians in the employment of Government, a local authority, the National Library or another statutory corporation;
- (b) 3 registered librarians from an academic or special library;
- (c) 2 registered librarians, members of the Association of Professional Librarians or any other similar registered association of librarians;
- (d) a representative of the Prime Minister’s Office; and
- (e) a representative of the Ministry.

(2) The members of the Board, except the *ex officio* members, shall be appointed by the Minister.

(3) The Board shall elect a registered librarian from among its members as Chairperson.

(4) The appointed members shall hold office for 2 years and shall be eligible for reappointment.

(5) The members of the Board shall be paid such allowance as may be determined by the Minister.

## **6. Meetings of Board**

(1) Five members shall constitute a quorum of any meeting.

(2) (a) The Chairperson shall preside at every meeting of the Board and shall have a right to vote upon any question.

(b) In the event of an equality of votes, the Chairperson shall have a casting vote.

(3) In case the Chairperson shall be absent from a meeting, the members present shall elect one of them to chair the meeting.

(4) The Board shall meet at least 3 times in each year.

(5) A special meeting of the Board —

(a) may be convened by the Chairperson at any time; and

(b) shall be convened by the Chairperson within 21 days of the receipt by him of a request in writing signed by not less than 5 members of the Board and specifying the purpose for which the meeting is to be convened.

## **7. Powers of Board**

The Board may do all such things as appear requisite and advantageous in the furtherance of the objects of the Council and may, in particular—

(a) establish a Fund for the Council;

(b) raise funds to meet the objects of the Council;

(c) buy or sell property;

(d) receive grants-in-aid, gifts, donations or legacies; and

(e) appoint committees in consultation with the Minister.

## **8. Registrar and staff of Council**

(1) There shall be a Registrar who shall be the chief executive officer of the Council and shall be responsible to the Board for maintaining and promoting the proper administration of the Council.

(2) The Registrar shall be appointed by the Minister and hold office on such terms and conditions as the Minister may think fit.

## 9. Appointment of employees

(1) The Board may, with the approval of the Minister, appoint on such terms and conditions as it thinks fit, such employees as it considers necessary for the proper discharge of its functions under this Act.

(2) Every employee shall be under the administrative control of the Registrar.

## 10. Validity of documents

All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Council if signed by the Chairperson and any member authorised by the Council for that purpose.

## 11. The register

There shall be a register in which the Registrar shall enter—

- (a) the full names, surname and address of every person approved by the Council as being qualified under this Act to be registered as a professional librarian;
- (b) the date and description of the qualifications in respect of which such registration is granted; and
- (c) such other particulars as may be prescribed.

## 12. Roll of registered librarians

(1) The Registrar shall, not later than 31 January in every year, transmit to the Ministry a certified copy of the register, as at 31 December of the preceding year.

(2) The Permanent Secretary of the Ministry shall, on receipt of the copy of the register, cause it to be published in the *Gazette* as the Roll of Registered Librarians of Mauritius as at 31 December of the preceding year.

## 13. Full registration of citizen of Mauritius

(1) Every citizen of Mauritius who wishes to be registered as a professional librarian shall apply to the Council for registration.

(2) Subject to subsection (3), no person shall be registered as a professional librarian unless he satisfies the Council that he is of age and is of good repute and character and that he—

- (a) holds a degree or a postgraduate diploma in library and information studies from an internationally recognised school, university or other institution;
- (b) holds the membership of such association, institution or society established for the purpose of promoting the study and practice of the profession of librarians, as the Council may approve; and
- (c) satisfies the Council that he has one year's experience in the practice of librarianship.

(3) Notwithstanding subsection (2), any person who, is the holder of a Certificate or Diploma in librarianship and who satisfies the Council that he has not less than 25 years of experience in the practice of librarianship shall be registered as a professional librarian.

#### **14. Temporary registration of non-citizens**

Every person who is not a citizen of Mauritius shall be entitled to be temporarily registered as a professional librarian where he—

- (a) satisfies the requirements of section 13; and
- (b) is the holder of work permit or is otherwise entitled to engage in gainful occupation in Mauritius.

#### **15. Temporary registration of visitors**

A person shall be entitled to be temporarily registered under this Act when he is a professional librarian who is—

- (a) engaged in Mauritius in the implementation of a Government scheme agreed upon by Government and an international agency approved by the Minister; or
- (b) visiting and has been invited to offer his services in a library or other institution approved by the Council.

#### **16. Application for registration**

An application for registration shall be—

- (a) made in such manner as may be prescribed; and
- (b) supported by such evidence as the Council may require.

#### **17. Certificate of registration**

(1) The Registrar may, on payment of the roll fee under section 18, issue a certificate of registration in such form as may be prescribed.

(2) A certificate of registration issued under subsection (1) shall be valid for one year and shall be renewable for the next ensuing year at latest on the 20 January in that year.

(3) The Registrar may issue to an applicant a duplicate certificate if he is satisfied that the applicant has lost his certificate of registration.

#### **18. Roll fee**

(1) Every registered librarian shall, on registration, pay the prescribed annual roll fee for the period extending from the date of registration to 31 December of the year in which he is registered.

(2) The registered librarian shall thereafter pay the prescribed annual roll fee upon each renewal of his certificate of registration.

(3) Where a registered librarian fails to pay the prescribed roll fee within the time prescribed, the Council may remove his name from the register.

(4) Where the name of any registered librarian is removed from the register under this section, the Council may restore his name to the register upon payment of the prescribed fee and a surcharge of 50 per cent of the prescribed fee.

#### **19. Removal of names from register**

(1) Subject to subsections (3) and (4), the Council shall remove from the register the name of any person—

- (a) who has died;
- (b) who is placed under a regime of *tutelle* or *curatelle* under the Code Civil Mauricien;
- (c) who is convicted of any criminal offence which, in the opinion of the Council, renders him unfit to practise as a professional librarian;
- (d) who is found by the Council to have been guilty of misconduct, negligence, incompetence or any breach of the code of practice for professional librarians;
- (e) whose registration has been obtained by fraud or misrepresentation;
- (f) whose act is likely to bring his profession into disrepute.

(2) The Council shall, before removing the name of any person from the register under subsection (1) (c), (d), (e) or (f), give the person an opportunity to show cause why his name should not be removed from the register.

(3) Where a charge under subsection (1) (d), (e) or (f) has been proved against a registered librarian, the Council may, instead of removing him—

- (a) administer a warning or a severe warning to the registered person;
- (b) administer a reprimand or a severe reprimand to the registered person; or
- (c) suspend the registered person from practice for a period not exceeding 12 months.

(4) Where the Public Service Commission has delegated to the Council its powers of discipline under section 89 (2) of the Constitution in relation to a case under subsection (1) (d), (e) or (f) against a public officer, the Council shall, without prejudice to its powers under subsections (1) and (3), forward a report of its findings and such other documents as the Public Service Commission may require for any action the Commission deems fit to take.

#### **20. Appeal against decision of Council**

Any person aggrieved by the refusal of the Council to register him or by a decision of the Council under section 19, may, within 21 days, after the date on which notice is given to him by the Council of such refusal or decision, appeal by way of motion to the Supreme Court.

**21. Use of appellations**

No person other than a registered librarian shall be entitled to use or publish the words "Registered Librarian of Mauritius" or the abbreviation "RLM" in connection with his practice as a professional librarian.

**22. Donations**

Article 910 of the Code Civil Mauricien shall not apply to the Council.

**23. Funds and audit**

(1) All fees payable under this Act shall form part of the revenue of the Council and any expenses incurred in carrying out the provisions of this Act shall be paid out of such revenue.

(2) The Board shall keep proper accounts of all sums received or paid and the accounts for each financial year shall be duly audited.

(3) The report of the Board shall be laid before the Assembly.

**24. Illegal practice**

No person shall practise librarianship in Mauritius unless he is a registered librarian.

**25. Prohibited practice**

Any person, who not being a registered librarian—

- (a) takes or uses the name or title "Registered Librarian of Mauritius" or "Librarian" or the name or title "Consulting Librarian" or any abbreviation, either alone or in connection with any other title, name, words or letters implying a qualification or authority to practise librarianship in Mauritius; or
- (b) advertises, or holds himself out, or conducts himself in any way or by any means, as a registered librarian,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 3 months.

**26. Penalty for fraudulent registration**

Any person who—

- (a) wilfully makes or causes to be made any false entry in the register;
- (b) wilfully procures himself or any other person to be registered under this Act by producing or causing to be produced any false, forged or counterfeit degree, diploma, certificate, licence, letter,

testimonial or other document or by making or causing to be made any false or fraudulent representation or declaration, either verbally or in writing,

shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 6 months.

**27. Powers of Minister**

The Minister may give to the Council such directions of a general nature, not inconsistent with this Act, as he thinks fit, and the Council shall comply with such directions.

**28. Regulations**

(1) The Council may make such regulations as it thinks fit for the purposes of this Act.

(2) Regulations made under subsection (1) may provide for the taking of fees and charges.

**29. Consequential amendment**

(1) –

(2) The auditor to be appointed under section 5 (1) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

**30. – 31. –**

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