

**NATIONAL LIBRARY ACT**

Act 32 of 1996 – 23 October 1997

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**NATIONAL LIBRARY ACT**

**1. Short title**

This Act may be cited as the National Library Act.

**2. Interpretation**

In this Act—

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

“Chairperson” means the Chairperson of the Board, appointed under section 5 (1);

“Director” means the Director of the Library, appointed under section 8;

“Library” means the National Library established under section 3;

“library material” 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, film-scripts, 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 Chairperson;

“Minister” means the Minister to whom responsibility for the subject of arts and culture is assigned.

### 3. Establishment of National Library

- (1) There is established for the purposes of this Act a National Library.
- (2) The Library shall consist of inter alia—
  - (a) the *Mauritiana* section of the Mauritius Institute Library; and
  - (b) the *Mauritiana* section of the Archives Department.
- (3) —
- (4) The Library shall be a body corporate.

### 4. Objects of 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 responsible for the subject of education;
- (c) a representative of the Ministry responsible for the subject of arts and culture;
- (d) —

- (e) a representative of the Ministry responsible for the subject of finance;
- (f) the Director of Archives;
- (g) the Head of the Library Cadre;
- (h) five librarians as follows—
  - (i) one from an 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), (e), (f) and (g), shall be appointed by the Minister for a period of 3 years and shall be eligible for reappointment.

#### **6. Meetings of Board**

(1) The Board shall, at such place and time as the Chairperson may determine, meet—

- (a) at least once a 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 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; and
- (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; and
- (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 from liability**

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 document 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 Minister**

(1) The Minister may give such directions of a general character to the Board, not inconsistent with this 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 Civil Mauricien 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 on 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 be deposited, free of charge, 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 their printer and the library materials referred to in subsection (1) (d) shall be deposited by their 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; and
- (b) the Library may frank letters or postal packets, make remittances by money orders or despatch 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 1,000 rupees.

**18. – 20. —**

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