



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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### CONTENTS

*Page*

#### GOVERNMENT NOTICE

No. 79	Promulgation of Namibia Library and Information Service Act, 2000 (Act 4 of 2000), of the Parliament.....	1
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## Government Notice

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### OFFICE OF THE PRIME MINISTER

No. 79 2000

#### PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 4 of 2000: Namibia Library and Information Service Act, 2000

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Act No. 4, 2000 **NAMIBIA LIBRARY AND INFORMATION SERVICE ACT, 2000**

## **ACT**

**To provide for the establishment of the Namibia Library and Information Service, the National Library and the Namibia Library and Information Council; to provide for the implementation of legal deposit; and for incidental matters.**

*(Signed by the President on 28 February 2000)*

### **ARRANGEMENT OF SECTIONS**

#### **PART I PRELIMINARY**

1. Definitions
2. Application

#### **PART II NAMIBIA LIBRARY AND INFORMATION SERVICE**

3. Establishment of Service
4. Head of Service
5. National Library
6. Other libraries
7. Namibia Library and Information Fund

#### **PART III LEGAL DEPOSIT**

8. Legal deposit
9. Time of deposit
10. Cost of deposit
11. Duties of places of deposit
12. Legal deposit committee

#### **PART IV NAMIBIA LIBRARY AND INFORMATION COUNCIL**

13. Establishment of Council
14. Composition of Council
15. Functions of Council
16. Powers of Council
17. Tenure of office
18. Meetings of Council
19. Administrative work of Council and expenditure

#### **PART V GENERAL**

20. Offence and penalty
21. Regulations
22. Delegation of powers and assignment of duties
23. Service of notices
24. Restriction of liability
25. Repeal of section 18bis of Proclamation No. 17 of 1923, Ordinance No. 4 of 1981 and Ordinance No.4 of 1983
26. Short title and commencement

Act No. 4, 2000 **NAMIBIA LIBRARY AND INFORMATION SERVICE ACT, 2000**

**BE IT ENACTED** by the Parliament of the Republic of Namibia, as follows:-

**PART I  
PRELIMINARY**

**Definitions**

1. In this Act, unless the context otherwise indicates:-

“affiliated library” means a library which is the subject matter of an agreement entered into in terms of section 3(3);

“constituent library” means -

- (a) the National Library;
- (b) any other library established and funded by the State for -
  - (i) a community;
  - (ii) an office, agency or ministry as defined in section 1 of the Public Service Act, 1995 (Act No. 13 of 1995);
  - (iii) a school;
  - (iv) a college of education; and
- (c) any institution or place which was declared a constituent library in terms of section 3(4).

“Council” means the Namibia Library and Information Council established by section 13;

“document” means any information in textual, graphic, visual, auditory or other intelligible format stored through any medium, and any version or edition of a document which is significantly different from that document in respect of its information content or physical presentation and is considered to be a separate document;

“Fund” means the Namibia Library and Information Fund established by section 7;

“generally available” in relation to a document, means a document which is meant to be available, whether for payment or not, to -

- (a) any person; or
- (b) a member of a body of persons whose membership is open to any person who qualifies for membership;

“government office” means -

- (a) an office, an agency or a ministry as defined in section 1 of the Public Service Act, 1995 (Act No. 13 of 1995);
- (b) a local authority council as defined in section 1 of the Local Authorities Act, 1992 (Act No. 23 of 1992);
- (c) a regional council as defined in section 1 of the Regional Councils Act, 1992 (Act No. 22 of 1992);
- (d) a statutory body established by an Act of Parliament;

“Head of Archives” means the Head of Archives as defined in section 1 of the Archives Act, 1992 (Act No. 12 of 1992);

**Act No. 4, 2000 NAMIBIA LIBRARY AND INFORMATION SERVICE ACT, 2000**

“Head of the National Library” means the staff member designated in terms of section 5 (1) as Head of the National Library;

“Head of the Service” means the staff member designated in terms of section 4 (1) as Head of the Service;

“legal deposit” means the document or information which in terms of section 8 is required to be deposited at a place of deposit;

“legal deposit committee” means the legal deposit committee established by section 12;

“library” includes a resource centre, an information centre or a documentation centre;

“Minister” means the Minister of Basic Education and Culture;

“Ministry” means the Ministry of Basic Education and Culture;

“National Archives” means the National Archives of Namibia established by section 3 of the Archives Act, 1992 (Act No. 12 of 1992);

“National Library” means the place which in terms of section 5 (1), has been declared as the National Library;

“place of deposit” means -

- (a) the National Archives;
- (b) the National Library;
- (c) the Parliament Library; or
- (d) a place which in terms of section 8(1) has been declared a place of deposit;

“prescribe” means prescribed by regulation made under section 21;

“producer” means a person who, or a government office which -

- (a) publishes the original of any document which is intended to be generally available;  
or
- (b) imports from outside Namibia, a document made outside Namibia and which document is intended for Namibia, or to be generally available in Namibia;

“Service” means the Namibia Library and Information Service referred to in section 3;

“staff member” means a staff member as defined in section 1 of the Public Service Act, 1995 (Act No. 13 of 1995);

“this Act” includes the regulations made under section 21;

“user committee” means a committee established in terms of section 6(2).

**Application**

2. Except for section 20 this Act binds the State.

## Act No. 4, 2000 NAMIBIA LIBRARY AND INFORMATION SERVICE ACT, 2000

**PART II**  
**NAMIBIA LIBRARY AND INFORMATION SERVICE****Establishment of Service**

3. (1) There shall be a component in the Ministry, to be known as the Namibia Library and Information Service, and it shall consist of all constituent libraries.

(2) A person who wishes to have his or her library affiliated to the Service, or, a local authority council, regional council or other institution which wishes to have its library affiliated to the Service, shall make an application for affiliation to the Head of the Service in the form determined by him or her.

(3) On receipt of an application made under subsection (2), the Head of the Service may enter into a written agreement of affiliation with the person, local authority council, regional council or other institution in question and the agreement shall contain the conditions which have been mutually agreed to by the parties.

(4) The Minister may by notice in the *Gazette*, declare any institution or place a constituent library.

**Head of Service**

4. (1) The Minister shall designate a staff member in the Ministry to be the Head of the Service, and who shall be responsible for the overall administration of the Service.

(2) The Head of the Service may in respect of a constituent library -

- (a) supervise the activities of that library;
- (b) after consultation with the Council, and subject to any other law, close that library;
- (c) provide training or advisory and support services;
- (d) cause research to be conducted on behalf of that library;
- (e) subject to subsection (3), in consultation with the Minister of Finance, determine the services which are to be paid for within that library, the fees payable for the services and any money payable to that library as user penalties;
- (f) in consultation with a user committee, determine the conditions on which that library is to be used;
- (g) issue directives to ensure the proper functioning of that library and the use of information technology in it, including directives relating to the composition of user committees and its functions; and
- (h) with the approval of the Minister and the person or institution concerned, and subject to section 18 of the State Finance Act, 1991 (Act No. 31 of 1991), transfer temporarily or permanently material from the constituent library to that person or institution.

(3) Subject to section 22(a) of the State Finance Act, 1991, no fee shall be charged by a constituent library for providing a basic information service of a kind as prescribed by the Minister on the recommendation of the Council.

(4) The Head of the Service may in respect of an affiliated library -

**Act No. 4, 2000 NAMIBIA LIBRARY AND INFORMATION SERVICE ACT, 2000**

- (a) provide information and training to or conduct research on behalf of that library;
  - (b) with the approval of the Minister of Finance and the Council, give financial or material support to that library from moneys appropriated by Parliament for that purpose;
  - (c) monitor adherence to the conditions of affiliation by that library; and
  - (d) terminate an agreement of affiliation by giving three calendar months written notice of the termination to that affected library, in which case that library shall return to the Service all material supplied under the agreement.
- (5) The Head of the Service may further in respect of the Service -
- (a) subject to section 19 of the State Finance Act, 1991, receive property which has been given to the Service;
  - (b) plan, co-ordinate and implement policies to promote accessibility to the Service's libraries and use of the Service's libraries; or
  - (c) require a person who has used information taken from the Service's resources for the purpose of producing a document to provide the Service free of charge with a copy of the document, unless the document is required to be deposited under section 8.
- (6) The Head of the Service may provide advice or training to staff of a library which does not form part of the Service.
- (7) The Head of the Service shall -
- (a) submit to the Minister not later than 31 May of each year, a report on the activities of the Service during the financial year referred to in section 7(4); and
  - (b) perform any other function connected with the library and information service which the Minister directs.

**National Library**

5. (1) The Minister shall by notice in the *Gazette* declare a place to be the National Library, and he or she shall designate a staff member of the Ministry to be Head of the National Library.

(2) The functions of the National Library, which the Head of the National Library shall perform or cause to be performed, are to -

- (a) build through legal deposit or other means, a collection of material emanating from Namibia or relating to Namibia;
- (b) co-ordinate and supplement the acquisition, exchange, disposal or retention of any library material to ensure an adequate national library resource;
- (c) render bibliographic services and serve as the national bibliographic agency;
- (d) provide access to its material and to other information resources which are inside or outside Namibia, through interlending, catalogues, databases, networking and user services;
- (e) act as a centre for national and international supply of information resources;

**Act No. 4, 2000 NAMIBIA LIBRARY AND INFORMATION SERVICE ACT, 2000**

- (f) provide support services and conduct research in order to ensure the rendering of a library and information service to the people of Namibia;
- (g) act as central agency for the implementation of national and international standards relating to library and information work;
- (h) serve as the national centre for the conservation of material emanating from Namibia or relating to Namibia;
- (i) promote awareness and appreciation of the existence of Namibia's national heritage;
- (j) act as a centre for the collection and preservation of literary manuscripts; and
- (k) perform any other function which is in accordance with the objectives of this Act and which is approved by the Head of the Service.

**Other libraries**

6. (1) The functions of constituent libraries, other than the National Library, are to -

- (a) collect, develop and supplement material which will meet the needs of users;
- (b) subject to the Archives Act, 1992 (Act No. 12 of 1992) collect, preserve or document information pertaining to local events, customs and history;
- (c) make information resources accessible to people;
- (d) give advice and guidance to users;
- (e) do research on any matter;
- (f) promote and undertake projects with a view to encourage people to use available library and information resources; and
- (g) perform any function or exercise any power which has been authorised by the Head of the Service.

(2) Subject to directives issued under section 4(2)(g), a constituent library shall from time to time establish a user committee which shall consist of members of the community which the library serves and staff members made available for that purpose by the Permanent Secretaries of the Ministries concerned.

(3) Subject to the terms of an affiliation agreement, an affiliated library may perform the functions referred to in subsection (1).

**Namibia Library and Information Fund**

7. (1) There is hereby established a fund to be known as the Namibia Library and Information Fund which shall consist of -

- (a) moneys appropriated by Parliament for the realisation of the objectives of the Service;
- (b) moneys received in terms of section 4(2)(e);
- (c) donations or grants received in terms of section 4(5)(a); and
- (d) moneys lawfully accruing to the Fund from any other source.

**Act No. 4, 2000 NAMIBIA LIBRARY AND INFORMATION SERVICE ACT, 2000**

(2) The moneys of the Fund shall be utilised for the promotion of the development and use of library and information resources within the Service for the benefit of the people of Namibia, and in particular for -

- (a) the promotion and development of resource sharing;
- (b) the acquisition and utilisation of resources;
- (c) the establishment and extension of information technology networks; and
- (d) the promotion of any activity which is necessary in order to achieve the objectives of this Act.

(3) The Fund shall be administered by the Council and for that purpose the Council shall -

- (a) in the name of the Fund, open and maintain with a banking institution, authorised to conduct banking business under the Banking Institutions Act, 1998 (Act No. 2 of 1998), an account into which all money received on behalf of the Service shall be deposited;
- (b) with the approval of the Minister, invest money of the Fund which is not immediately required for use by the Service;
- (c) keep or cause to be kept books of account in respect of money received for the benefit of the Fund and money paid out of the Fund;
- (d) at the end of the financial year referred to in subsection (4), cause the books of account of the Fund to be audited and an audit report to be prepared by a person who in terms of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), is registered as an accountant and auditor; and
- (e) within 60 days after the end of the financial year referred to in subsection (4), present the audit report referred to in paragraph (d) to the Minister.

(4) The financial year of the Fund begins on the 1st April each year and ends on 31st March of the following year.

(5) Notwithstanding subsection (1), and subject to the terms of an affiliation agreement, money accruing to an affiliated library shall not be payable to the Fund.

### **PART III LEGAL DEPOSIT**

#### **Legal deposit**

**8.** (1) The Minister may by notice in the *Gazette* declare any place a place of deposit.

(2) In respect of each document which is intended to be generally available, a producer shall (unless exempted under this Act) -

- (a) if that producer is a government office, deposit twenty copies of the document with the National Archives, or if that producer is not a government office, deposit five copies of the document with the National Library; and
- (b) furnish the prescribed information, in the form determined by the Minister, to the National Archives if the producer is a government office, or to the National Library if the producer is not a government office.



**Act No. 4, 2000 NAMIBIA LIBRARY AND INFORMATION SERVICE ACT, 2000**

(3) A document referred to in subsection (2) shall be in the prescribed format and of the prescribed quality.

(4) At the request of a producer, the National Library, or the National Archives, the Minister may, after consultation with the legal deposit committee, exempt a producer or document from the provisions of this section or alter any of the conditions of depositing a document.

(5) On receipt of a deposit made under subsection (2) by a producer who is a government office, the Head of Archives shall retain one copy of the legal deposit and as soon as is reasonably possible thereafter, deliver the remainder to the National Library.

(6) The Head of the National Library shall after retaining copies of the legal deposit received in terms of subsections (2) and (5), cause one copy thereof to be delivered to each place of deposit other than the National Archives, but the legal deposit so delivered shall remain the property of the National Library.

(7) The Head of the National Library may, after consultation with the legal deposit committee, cause all the copies of the legal deposit retained in terms of subsection (6), or any part thereof, to be delivered to the National Archives for the purpose of preservation.

**Time of deposit**

9. (1) Unless otherwise prescribed, a producer shall deposit the legal deposit, as stipulated in section 8 (2), within 14 days after the document became generally available or within such extended period as the Minister may allow in a particular case.

(2) Where a producer who is a government office fails to comply with subsection (1), the Head of Archives shall give written notice to the producer requiring him or her to deliver the legal deposit to the National Archives within 30 days of receiving the notice.

(3) Where a producer, other than a government office, fails to comply with subsection (1), the Head of the National Library shall give written notice to that producer requiring him or her to deliver the legal deposit to the National Library within 30 days of receiving the notice.

(4) If at the end of the 30 days referred to in subsection (2) or (3), a producer has not delivered the legal deposit as requested, the Head of Archives or the Head of the National Library, as the case may be, may acquire the legal deposit in question and thereafter recover the cost from the producer.

**Cost of deposit**

10. The cost of depositing shall be met by the producer.

**Duties of place of deposit**

11. (1) Subject to section 29 of the Copyright and Neighbouring Rights Protection Act, 1994 (Act No. 6 of 1994), a place of deposit shall receive, keep and maintain a record of the legal deposit and give people freedom of access to the legal deposit.

(2) With the assistance of other places of deposit and other libraries, the National Library shall on the basis of the material received under section 8, compile a national bibliography and statistics of national book production.

(3) Notwithstanding subsections (1) and (2), the Head of the National Library may, on the recommendation of the legal deposit committee and on reasonable grounds authorise-

**Act No. 4, 2000 NAMIBIA LIBRARY AND INFORMATION SERVICE ACT, 2000**

- (a) the disposal of;
- (b) the omission from records, statistics or the national bibliography of; or
- (c) the restriction of access to,

legal deposit.

(4) If a place of deposit fails within a reasonable time to comply with subsections (1) or (2), a producer who has deposited legal deposit may in writing request the place of deposit to furnish him or her with the reasons for not complying with those subsections.

(5) If a place of deposit fails within a reasonable time to comply with a request made under subsection (4) or gives an explanation which is unsatisfactory, the producer may in writing request the Minister to investigate the matter and make his or her findings available to the producer.

(6) After consulting with the legal deposit committee, the Minister may by notice in the *Gazette*, withdraw a declaration made in terms of section 8(1) if the relevant place of deposit fails to comply with this Act.

**Legal deposit committee**

**12.** (1) There is hereby established a committee of the Council to be known as the legal deposit committee which shall consist of -

- (a) the Head of the National Library;
- (b) the Head of Archives;
- (c) the head of every place of deposit, which is not the National Archives or the National Library;
- (d) a member of the Council designated by the Council; and
- (e) a person nominated by an organisation which the Council reasonably believes represents the interests of Namibian producers, and appointed by the Council.

(2) Before the first occasion on which a nomination of a member referred to in paragraph (e) of subsection (1) is to be made, and on each later occasion when that office becomes vacant, the Council shall in writing request the organisation referred to in that paragraph to nominate within a specified period, a person for appointment to the legal deposit committee.

(3) If the organisation referred to in paragraph (e) of subsection (1) does not exist or fails to nominate a person within the period requested or is unable to nominate a person, the Council shall appoint any person which it reasonably believes represents the interests of Namibian producers, and the person so appointed shall hold office as if he or she were nominated in accordance with that paragraph.

(4) A member of the legal deposit committee designated or appointed as contemplated in subsection (1)(d) or (e), shall -

- (a) hold office for such period as the Council may determine at the time of his or her appointment, but may be re-appointed upon the expiry of his or her term of office;
- (b) vacate office in the circumstances referred to in section 17(2).

**Act No. 4, 2000 NAMIBIA LIBRARY AND INFORMATION SERVICE ACT, 2000**

(5) Any vacancy on the legal deposit committee arising from any circumstance referred to in subsection (4)(b), or caused by the death of a member of the legal deposit committee shall be filled by the appointment of another person in accordance with this section, and every member so appointed shall hold office for the unexpired portion of the period of office of the member who has vacated his or her office or who has died.

(6) The Council shall convene the first meeting of the legal deposit committee and subsequent meetings shall be held at such times and places as may be determined by the legal deposit committee.

(7) The Head of the National Library shall be the chairperson of the legal deposit committee and the members of that committee shall at their first meeting elect the other office-bearers from amongst themselves.

- (8) The legal deposit committee may -
- (a) advise or make recommendations to the Minister on any matter concerning legal deposit or any matter which has been referred to it by the Council or the Minister;
  - (b) co-ordinate the activities of places of deposit in relation to legal deposit or give advice to places of deposit on any matter which concerns legal deposit; or
  - (c) authorise the Head of the National Library to reproduce, for purposes of preservation, entire works received as legal deposit.

**PART IV  
NAMIBIA LIBRARY AND INFORMATION COUNCIL**

**Establishment of Council**

**13.** There is hereby established a council to be known as the Namibia Library and Information Council whose main objective shall be to promote the development and use of library and information resources in Namibia for the benefit of the people of Namibia.

**Composition of Council**

- 14.** (1) The Council shall consist of-
- (a) the Head of the Service;
  - (b) the librarian of the University of Namibia;
  - (c) the Head of the National Library;
  - (d) the Head of Archives;
  - (e) the Head of the Parliament Library;
  - (f) the librarian of the Polytechnic of Namibia; and
  - (g) the following persons who shall be appointed by the Minister -
    - (i) a person nominated by an association or organisation which the Minister reasonably believes represents regional councils in Namibia, and who is not necessarily a councillor but who is conversant with library and information matters within the regions;

**Act No. 4, 2000 NAMIBIA LIBRARY AND INFORMATION SERVICE ACT, 2000**

- (ii) a person nominated by an association or organisation which the Minister reasonably believes represents local authority councils in Namibia;
- (iii) a staff member of the Ministry;
- (iv) a staff member nominated by the Minister of Higher Education, Vocational Training, Science and Technology;
- (v) a staff member nominated by the Minister of Information and Broadcasting;
- (vi) a person nominated by an association or organisation which the Minister reasonably believes represents the interests of library and information practitioners in Namibia; and
- (vii) not more than three persons who the Minister reasonably believes represent the interests of information technology expertise, library and information related fields, library users and the mass media, respectively.

(2) Before the first occasion on which a nomination of a member referred to in subsection (1)(g)(i), (ii) or (vi) is to be made, the Minister shall in writing request each of the associations or organisations concerned to nominate candidates for appointment to the Council and the Minister shall, on receipt of the nominations appoint to the Council one person, from each of the associations or organisations, whom the Minister reasonably believes would best represent the interests of the relevant interest group concerned.

(3) Before making an appointment in terms of subsection (1)(g)(vii) the Minister shall take all practicable and reasonable measures to ensure that persons who have an interest in the appointment of a person to the Council are informed about the proposed appointment and to that extent he or she may through the print, audio or visual media, invite any person who or a body which has an interest in the fields mentioned in that subsection to nominate persons for appointment to the Council.

(4) If an association or organisation referred to in subsection (1)(g)(i), (ii) or (vi) does not exist or fails or is unable to nominate a person, the Minister shall appoint to the Council a person whom the Minister reasonably believes would be able to represent the interests of the relevant interest group concerned.

(5) The Minister shall appoint one of the members of the Council to be chairperson of the Council and the members shall elect the other office-bearers from amongst themselves.

**Functions of Council**

**15.** In addition to any function imposed by section 7(3), the functions of the Council are to -

- (a) investigate and advise the Minister on -
  - (i) any matter which the Minister has referred to the Council;
  - (ii) any matter which in the opinion of the Council should be brought to the attention of the Minister;
  - (iii) changes to and implementation of the national library and information policy of Namibia;
  - (iv) appropriate levels of funding for the Service; and

**Act No. 4, 2000 NAMIBIA LIBRARY AND INFORMATION SERVICE ACT, 2000**

- (v) the most effective means of ensuring equality of access to information resources;
- (b) support the information community by facilitating -
  - (i) the development and utilisation of information resources;
  - (ii) co-ordinating information technology networks;
  - (iii) adherence to standards established by the National Library; and
  - (iv) the co-ordination of legal deposit;
- (c) give advice to a person who or a body which manages a library; and
- (d) perform any other function connected to library and information activities as directed by the Minister.

**Powers of Council**

**16.** (1) To enable the Council to perform the functions conferred by this Act on the Council it may from time to time -

- (a) co-opt any person to serve on the Council, but the co-opted person shall not be entitled to vote on any matter which is before the Council;
- (b) appoint a consultant to advise the Council on any matter;
- (c) establish a committee and may -
  - (i) appoint, for such period as the Council may determine, as members of that committee persons who are not members of the Council; and
  - (ii) designate a member of that committee as the chairperson thereof and do any other act which is necessary to enable the committee to perform its functions.

(2) The Council may issue directives, not inconsistent with this Act, with regard to the manner of convening, and the procedures to be followed at, meetings of the legal deposit committee or any other committee established in terms of this Act, including the quorum for meetings, the number of votes required for a decision of any such committee and the procedure to be followed in the event of an equality of votes.

**Tenure of office**

**17.** (1) Subject to subsection (2), a member of the Council appointed in terms of section 14(1)(g) shall hold office for a period of three years from the date of his or her appointment, but may be re-appointed upon the expiry of his or her term of office.

- (2) A member of the Council referred to in subsection (1), shall vacate office if he or she -
  - (a) ceases to hold the office by virtue of which he or she became a member or is no longer a member of the institution, body or interest group which nominated him or her to be a member;
  - (b) is an unrehabilitated insolvent;
  - (c) is considered a mentally ill person under the Mental Health Act, 1973 (Act No. 18 of 1973);

**Act No. 4, 2000 NAMIBIA LIBRARY AND INFORMATION SERVICE ACT, 2000**

- (d) has been convicted of an offence of which dishonesty is an element and sentenced to imprisonment without the option of paying a fine;
- (e) has without a reasonable excuse absented himself or herself from three consecutive meetings of the Council; or
- (f) is removed from office by the Minister on the ground that he or she is unable or unfit to discharge the functions of a member.

(3) Any vacancy on the Council arising from any circumstance referred to in subsection (2), or caused by the death of a member of the Council shall be filled by the appointment of another person in accordance with section 14, and every member so appointed shall hold office for the unexpired portion of the period of office of the member who has vacated his or her office or who has died.

**Meetings of Council**

**18.** (1) The first meeting of the Council shall be held at such time and place as the Minister may determine, and subsequent meetings shall be held at such times and places as the Council may determine.

(2) The chairperson of the Council shall preside at meetings of the Council and if he or she is absent from a meeting, the members present shall elect one of their number to preside over the meeting.

(3) At a meeting of the Council a majority of the members shall form a quorum.

(4) The decision of the majority of the members present at a meeting shall be the decision of the Council and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her ordinary vote.

(5) No decision taken or act performed under the authority of the Council shall be invalid by reason only of a casual vacancy on the Council or the fact that a person who was not entitled to sit as a member of the Council, sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the Council who were present at the time and entitled to sit as members.

(6) If a member of the Council or his or her spouse, including a spouse in a customary union or his or her child or any other member of his or her household, or his or her partner, agent or business associate, has a direct or indirect financial interest in any matter to be considered at any meeting of the Council, that member shall forthwith disclose the nature and extent of the financial interest at a meeting of the Council and thereafter the Council shall determine whether or not the member can participate in discussions relating to that matter.

(7) A member who fails to comply with subsection (6) commits an offence and is liable on conviction to a fine not exceeding N\$2000 or to imprisonment for a period not exceeding six months or to both the fine and the imprisonment.

(8) The Council shall cause minutes of its proceedings to be recorded.

(9) The Council may make rules governing the manner in which its meetings are to be held and the procedures to be followed at the meetings.

**Administrative work of Council and expenditure**

**19.** (1) The Minister, in consultation with the Minister of Finance, shall determine the remuneration and allowances payable to a member of the Council, the

**Act No. 4, 2000 NAMIBIA LIBRARY AND INFORMATION SERVICE ACT, 2000**

legal deposit committee, a committee established under section 16 (c) or to any person who has done work which is required to be done under this Act, but no remuneration and allowances shall be paid to a person who is in the full-time employment of the State for having done work which is required to be done under this Act.

(2) The money to be paid under subsection (1) shall be paid out of moneys appropriated by Parliament.

(3) The administrative work connected with the performance of the functions of the Council shall be done by staff members of the Ministry made available for that purpose by the Permanent Secretary of the Ministry.

**PART V  
GENERAL****Offence and penalty**

20. A person who fails to comply with section 9 commits an offence and is liable on conviction to a fine not exceeding N\$2000 or to imprisonment for a period not exceeding six months or to both the fine and the imprisonment.

**Regulations**

21. (1) The Minister may make regulations regarding -

- (a) the documents or category of documents which and the person or category of persons whom shall be exempted from provisions of section 8(2); and
- (b) any matter required or permitted to be prescribed in terms of this Act, or which the Minister considers necessary to prescribe in order to achieve the objectives of this Act.

(2) Any regulation made under this section may prescribe penalties, not exceeding a fine of N\$2000 or imprisonment not exceeding a period of six months or both such fine and such imprisonment, for any contravention thereof or failure to comply therewith.

**Delegation of powers and assignment of duties**

22. (1) The Minister may in writing delegate or assign to a staff member in the Ministry any power or duty conferred or imposed on the Minister by this Act, except the power under section 21 to make regulations.

(2) The Head of the Service may in writing delegate or assign to a staff member of the Ministry any power or duty conferred or imposed on the Head of the Service by this Act.

(3) The Council may in writing delegate or assign to the legal deposit committee or to a committee established in terms of section 16(c) any power or duty conferred or imposed on the Council by this Act.

(4) A delegation or assignment by the Minister under subsection (1), the Head of the Service under subsection (2), or the Council under subsection (3) -

- (a) may be effected subject to such conditions as the Minister, the Head of the Service, or the Council may determine;
- (b) may be withdrawn or varied by the Minister, the Head of the Service, or the Council; and

**Act No. 4, 2000 NAMIBIA LIBRARY AND INFORMATION SERVICE ACT, 2000**

- (c) shall not preclude the Minister, the Head of the Service, or the Council from exercising or performing any power or duty so delegated or assigned.

**Service of notices**

**23.** A notice required to be given to any person under this Act shall be deemed to have been given if -

- (a) it is given, at the person's last known residential or business address, to a person who is above the age of 16 years and who resides or works at that address;
- (b) it is dispatched by registered post to the person at his or her last known residential or business address; or
- (c) it is transmitted by facsimile to the person at his or her last known residential or business address.

**Restriction of liability**

**24.** No person, including the State, shall be liable in respect of anything done or omitted in good faith and not attributable to gross negligence in the exercise or performance of any power or duty in terms of this Act.

**Repeal of section 18bis of Proclamation No. 17 of 1923, the Libraries Ordinance, 1981 and the Libraries Amendment Ordinance, 1983**

**25.** Section 18bis of the Patents and Designs Proclamation, 1923 (Proclamation No. 17 of 1923), and the Libraries Ordinance, 1981 (Ordinance No. 4 of 1981 of the Legislative Assembly of the Whites) and the Libraries Amendment Ordinance, 1983 (Ordinance No. 4 of 1983 of the Legislative Assembly of the Whites) are hereby repealed.

**Short title and commencement**

**26.** This Act shall be called the Namibia Library and Information Service Act, 2000, and shall come into operation on a date to be determined by the Minister by notice in the *Gazette*.

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