

ACTS

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ACTS SUPPLEMENT

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Act 2 *National Library Act* **2003**

THE NATIONAL LIBRARY ACT, 2003.

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SCHEDULES

THE NATIONAL LIBRARY ACT, 2003.

An Act to provide for the establishment of the National Library of Uganda, the depositing and preservation of publications, the setting up of an information referral service and library co-ordination and to provide for other related matters.

DATE OF ASSENT: 23rd December, 2002.

Date of commencement: 17th January, 2003.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Short title.

This Act may be cited as the National Library Act, 2003.

2. Interpretation.

In this Act, unless the context otherwise requires—

“Board” means the National Library Board;

“book” includes every part or division of a book, braille, talking book, newspaper, periodical, magazine, review, gazette, pamphlet, sheet of letter press, sheet of music, map, plan, chart or table separately published;

“braille” means the form of print or writing with raised round dots or marks which blind persons read by touching;

“braille book” means a book transcribed into braille ;

“Chairperson” means the Chairperson of the Board;

“currency point” means the value of a currency point specified in the First Schedule;

“Director” means the Director appointed under section 9;

“document” means the one or more identical copies of a medium by which information is stored for subsequent reading, listening, showing and transmissions;

“legal deposit right” means the right of the National Library to receive free of charge of a book or document produced or published outside Uganda by a Ugandan publisher and imported into Uganda subject to the Third Schedule;

“medium” means any means of storing information;

“member” means a member of the Board;

“Minister” means the Minister responsible for the National Library;

“national bibliography” means a publication containing a list of books and documents published or produced in Uganda, for Uganda and by Ugandans;

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

“producer” means a person who produces copies of a document for a publisher;

“publisher” means a person who at his or her expense produces or arranges for the production of a document in order to make it available to the public;

“talking book” means a book read and recorded into cassette tapes or compact disc and arranged in order of sequence for blind persons to listen to and get information in the book;

“union catalogue” means a file or catalogue of holdings of major libraries;

PART II—ESTABLISHMENT AND FUNCTIONS OF THE NATIONAL LIBRARY AND NATIONAL LIBRARY BOARD.

4. Establishment of the National Library

(1) There is established a National Library to be known as the National Library of Uganda.

(2) The National Library shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.

(3) The National Library may hold, acquire or dispose of any property, movable or immovable.

4. Functions of National Library.

The Functions of the National Library are—

- (a) to develop national policies on public libraries;
- (b) to provide to local governments standards, advice, norms, work manuals and guidelines in respect of public library buildings, staffing, stock and information processing, storage and retrieval;
- (c) to inspect and ensure that public libraries conform to national policies, guidelines and ;
- (d) to provide technical, professional and advisory services in the field of librarianship to Government departments, local governments and the public sector;
- (e) to carry out research in the field of library and information provision and disseminate results to Government, local government and the public;
- (f) to design and carry out pilot projects in new areas of library and information provision and disseminate results to local governments and other organisations;.
- (g) to carry out and co-ordinate staff development programmes for people working in libraries and information services;
- (h) to support and promote adult literacy and education through identification and stocking post-literacy reading materials;
- (i) to support the setting up of rural community libraries;

- (j) to promote the habit and culture of reading through reading campaigns and book exhibitions;
- (k) to carry out advocacy at the local and international level in matters relating to libraries;
- (l) to acquire and organise for use, a comprehensive collection of library material published in Uganda, by Ugandans, and on Uganda;
- (m) to act as a depository for the national and foreign governments' publications as well as for United Nations and other international organisations for purposes of promoting research and scholarship and for preservation of published national culture and intellectual output;
- (n) to compile and publish a national bibliography of books published in Uganda as a means of promoting the awareness of the availability of these books and encouraging the sale of these books in the country and abroad;
- (o) in collaboration with publishers in Uganda to carry out the cataloguing of books before they are published so as to ease the processing of these books by various libraries;
- (p) to establish and maintain a National Union Catalogue of holding of major libraries in the country and to provide information and referral services, including specialised information services, at the national and international level;
- (q) to allocate International Standard Book Numbers and International Standard Serial Numbers to publishers in Uganda;
- (r) to act as the agency for national and international lending and exchange of library materials;
- (s) to act as a national agency for national, regional and international information system;
- (t) to create electronic databases in areas of national interest;
- (u) to acquire at a fee, from any person or institution, any manuscript or literature that may be considered to be of interest to the country;
- (v) to carry out any other function that may promote the above objectives;

5. Special powers of the National Library.

The National Library has the following powers—

- (a) legal deposit namely the right of the National Library to require every publisher of a book or document in Uganda at his or her cost to deposit three copies of the book or document or one copy of the videogram or film and ten copies in the case of any Government department with the National Library;
- (b) the power to inspect, issue standards, guidelines and regulations in the case of public libraries;

- (c) the power to allocate International Standard Book Numbers and International Standard Serial Numbers to publishers in Uganda.

6. National Library Board.

(1) The governing body of the National Library shall be a Board.

(2) The Board shall consist of a Chairperson and eight other members appointed by the Minister.

(3) Members of the Board shall be persons of high moral character and proven integrity and shall hold office for a term of three years and shall be eligible for re-appointment for one further term.

(4) A member of the Board may be removed from office by the Minister for—
(a) absence from four consecutive meetings of the Board without the approval of the Chairperson;

(b) inability to perform the functions of his or her office arising out of physical or mental incapacity;

(c) conviction for fraud;

(d) misbehaviour or misconduct; or

(e) incompetence.

(5) Members of the Board shall include—

(a) the Chairperson;

(b) a person from the Urban Authorities Association of Uganda;

(c) a person from the Uganda Local Authorities Association;

(d) a senior officer from an instruction dealing with adult literacy or education;

(e) a person with a track record in research;

(f) a person qualified in library and information science;

(g) a person involved in the book industry and publishing;

(h) a person involved in the management of cultural institutions or an expert in the field of culture; and

(i) a specialist in education.

7. Functions of the Board.

The functions of the Board are—

(a) to establish, manage and maintain the National Library of Uganda;

(b) to implement the functions of the National Library; and

(c) to put in place procedures for the collection, preservation and use of the National Library collections.

8. Meetings of the Board.

The Second Schedule to this Act shall have effect in relation to meetings of the Board.

9. Director and other staff of the Library.

(1) The National Library shall have a Director who shall be appointed by the Board with the approval of the Minister.

(2) The Director shall be a person of high moral character and proven integrity, possessing the relevant qualifications and proven ability in the field of library or information science.

(3) The Director shall be—

(a) the Secretary to the Board;

(b) the Chief Executive and accounting officer of the Board;

(c) the Chief inspector and co-ordinator of public libraries under local governments on matters relating to library and information services.

(4) The Director may be removed by the Board for—

(a) inability to perform the functions of his or her office arising out of physical or mental incapacity;

(b) misbehaviour or misconduct;

(c) incompetence.

(5) The Board shall have such other officers and employees as may be necessary for the efficient discharge of its functions.

(6) The officers and employees referred to in subsection (5) shall be appointed by the Board and shall hold office upon such terms and conditions as shall be determined by the Board.

(7) The Board may grant pensions, gratuities or retirement benefits to employees of the Board and may require them to contribute to any pension, provident fund or superannuation scheme.

PART III—FINANCIAL PROVISIONS.

10. Funds of the National Library.

(1) The Funds of the National Library shall consist of—

(a) money appropriated by Parliament for the purposes of the National Library;

- (b) loans from government or any other person which shall in each case be subject to approval of the Minister;
- (c) grants, gifts and donations that may be received by the National Library from any source within or outside Uganda;
- (d) money which may become payable to the National Library in the performance of its functions; or
- (e) any other monies received or made available to the National Library for the purpose of performing its functions under this Act.

(2) The National Library shall operate a bank account in a bank determined by the Board with the approval of the Minister and operated in manner prescribed by the Board.

11. Investment.

The National Library may invest its monies in any securities issued or guaranteed by the Government or in any other securities approved by the Board.

12. Estimates.

(1) The Director shall, not later than three months before the end of each financial year, prepare and submit to the Board for its approval estimates of income and expenditure of the National Library for the next ensuing financial year, and may, at any time before the end of that financial year, prepare and submit to the Board for approval any estimates supplementary to the estimates of the current financial year.

(2) No expenditure shall be made out of funds of the National Library unless that expenditure is part of the expenditure approved by the Board under subsection (1) of this section.

13. Accounts.

(1) The National Library shall keep proper books of accounts of all its income and expenditure and proper records in relation to them in a form approved by the Auditor General.

(2) Subject to any directions given by the Minister, the Board shall cause to be prepared in respect of each financial year, a statement which shall include a report on the performance of the National Library during that financial year and the statement shall comprise of—

- (a) a balance sheet and a statement of income and expenditure of the National Library in respect of that financial year; and
- (b) any other information in respect of the financial affairs of the National Library as the Minister may require.

14. Audit.

(1) The Accounts of the National Library shall, in respect of each financial year be audited by the Auditor-General or an auditor appointed by the Auditor General.

(2) The Board shall ensure that within two months after the close of each financial year, the statement of accounts described in section 13 of this Act is submitted for auditing.

(3) The Auditor General or an auditor appointed by the Auditor -General shall have access to all books of accounts, vouchers and other financial records of the National Library and be entitled to have any information and explanation required by him or her in relation to them as he or she may think fit.

PART IV—MISCELLANEOUS.

15. Common Seal and other instruments of National Library.

(1) The Common Seal of the National Library shall—

- (a) be in a form to be determined by the Board;
- (b) be kept in the custody of the Director; and
- (c) not be affixed to any document except by order of the Board.

(2) The Common Seal of the National Library shall be authenticated by the signatures of the Director, the Chairperson and one other member of the Board.

(3) An instrument or contract which if executed or entered into by a person other than a body corporate would not require to be under seal may be executed or entered into on behalf of the National Library by the Director, or by any member of the Board or other person if that member of the Board or other person has been duly authorised by resolution of the Board to execute or enter into the instrument or contract as the case may be.

(4) Every document purporting to be an instrument or contract executed or issued by or on behalf of the National Library in accordance with this section shall be deemed to be so executed until the contrary is proved.

16. Annual report.

The Board shall, not later than three months after the beginning of each financial year, submit to the Minister, a statement of its activities in the preceding financial year, indicating any particular problems experienced by it in that year in carrying out its functions and making recommendations for solving those problems and containing such other information as the Minister may request.

17. Minister to submit statement of accounts and annual report to Parliament.

(1) The Minister shall as soon as practicable after receiving it lay before Parliament the statement of accounts referred to in section 13 of this Act together with the Auditor-General's report on it.

(2) The Minister shall as soon as practicable after receiving it lay before Parliament the annual report referred to in section 15 of this Act.

18. Ministerial guidelines

The Minister may from time to time give guidelines to the Board and the Board shall ensure effective implementation of such guidelines.

19. Duty of publishers to deposit with National Library

(1) Every publisher of a book or document in Uganda shall at his or her cost deposit three copies of the book or document or one copy of the videogram or film and ten copies in the case of any Government publication with the National Library subject to the provisions of the Third Schedule.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding ten currency points or to imprisonment not exceeding six months or both.

20. Regulations

The Minister may and on the advice of the Board make regulations for giving full effect to the provisions of this Act.

21. Power of Minister to amend Schedules

The Minister may, with the consent of the Cabinet, amend the Schedules to this Act by statutory instrument.

22. Vesting of assets and liabilities

(1) All rights and property vested in the Public Libraries Board immediately before the commencement of this Act shall upon the commencement of this Act vest in the National Library.

(2) All obligations and liabilities subsisting against the Public Libraries Board immediately before the commencement of this Act shall upon the commencement of this Act subsist against the National Library.

23. Repeal

(1) The Public Libraries Act is repealed.

(2) Any statutory instrument made under the Public Libraries Act repealed by subsection (1) which is in force immediately before the commencement of this Act shall remain in force until revoked under this Act.

(3) All staff employed by the Public Libraries Board immediately before the commencement of this Act shall automatically be transferred to and become employees of the National Library.

SCHEDULES.

FIRST SCHEDULE.

S. 19

Currency Point

A currency point is equivalent to twenty thousand shillings.

SECOND SCHEDULE.

S.8

MEETINGS OF THE BOARD AND OTHER MATTERS.

1. Meetings of the Board

(1) The Board shall meet for the discharge of business at least four times every year or upon a request in writing to the Chairperson by at least three members of the Board.

(2) The Board shall meet at such time and place as the Chairperson may appoint.

(3) The Chairperson may also call special meeting of the Board.

(4) A meeting of the Board shall be convened by a notice to each member issued and signed by the Director, at least fourteen days before the meeting except that a shorter notice may be given for a special meeting.

(5) The Chairperson shall preside at all meetings of the Board and in his or her absence a member elected by the members present shall preside.

2. Quorum

The quorum at a meeting of the Board shall be five members for the transaction of ordinary business, and all the members for the review of a previous decision of the Board.

3. Minutes of meetings of the Board

(1) The Director shall cause to be recorded and kept, minutes of all meetings of the Board in a form approved by the Board.

(2) The minutes recorded under this paragraph shall be submitted to the Board for confirmation at its next meeting following that to which the minutes relate and when so confirmed, shall be signed by the Chairperson and the Director in the presence of the members present at the latter meeting.

4. Decision of the Board

(1) The decisions of the Board shall be by majority vote.

(2) Each member shall have one vote and the Chairperson shall not have a casting vote except in circumstance where for whatever reason the constitution of the Board amounts to an even number.

(3) The Director shall have no voting powers.

5. Decision by circulation of papers

(1) Subject to subparagraph (2), a decision of the Board may be made by circulation of the relevant papers among members of the Board and the expression of their views in writing, except that any member is entitled to require that the decision be deferred until the subject matter has been considered at a meeting of the Board.

(2) A decision made by circulation of papers under this paragraph is not valid unless supported by five members of the Board.

6. Validity of meetings not affected by vacancy, etc.

The validity of any proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

7. Disclosure of interest

(1) If a person is present at a meeting of the Board at which a matter is the subject of consideration and in which that person or his or her spouse or nominee is interested in a private capacity, he or she shall, as soon as practicable after the commencement of the meeting disclose that interest and shall not, unless the Board directs otherwise, take part in any consideration or discussion or vote on any question relating to the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

8. Service of documents and other notices

A notice or other document may be served on the Board by delivering it to the office of the Director or by sending it by prepaid registered post addressed to the Director.

9. Board may regulate procedure

Except as otherwise provided under this Act, the Board may regulate its own procedure.

THIRD SCHEDULE

s. 19

DEPOSIT OF BOOKS AND DOCUMENTS

1. Items to be deposited

The items to be deposited with the National Library are—

(a) books and documents that are published in Uganda and made available to the public as—

(i) documents of paper or a paper-like medium, micro forms and photographs;

(ii) sound fixations, films, video grams, electronic documents and a combination of them; and

(b) books and documents produced outside Uganda for a Ugandan publisher or specially adapted to the public in Uganda and imported into Uganda.

2. Persons obliged to deposit, etc

(1) The persons obliged to deposit are—

(a) a publisher or producer of a document in Uganda;

(b) a Ugandan producer or publisher who publishes or produces a book or document outside Uganda, but imports it into Uganda.

(2) A book or document shall be deposited without remuneration to the depositor.

(3) The costs of sending a book or document to the depository at the National Library shall be borne by the person depositing that book or document.

(4) In the event of bankruptcy or death of a publisher or producer, the estate of that publisher or producer shall have the obligation to deposit.

3. Exemption

The following documents are exempted from being deposited—

(a) Forms etc, to be filled in;

(b) labels, embossed writing paper, envelopes, visiting cards, address cards;

(c) printed packaging in trade;

(d) documents which essentially contain information that is directly extracted from other generally available documents;

(e) games, cut out pictures with no text other than dates;

(f) invitations and menus;

(g) tickets, lottery tickets and other tokens of value;

(h) works of art such as paintings; and

(i) microforms which have been made by a public institution in order to protect the original document in its own collections.