

STATE OF SABAH

I assent,

TAN SRI DATUK HAJI MOHD. SAID BIN KERUAK,
Yang di-Pertua Negeri.

30TH JULY, 1988.

No. 9 of 1988

An Enactment to provide for the establishment of the Sabah State Library with a depository for the collection and preservation of library resources published in Sabah, and for matters connected therewith.

ENACTED by the Legislature of the State of Sabah as follows:-

PART I PRELIMINARY

Short title and commencement.

1. This Enactment may be cited as the Sabah State Library Enactment 1988, and shall come into force on such date as the Minister may, by notification in the *Gazette* appoint.
[01.10.1988]

Interpretation.

2. In this Enactment, unless the context otherwise requires –

"Director" means the Director of the State Library appointed under section 4 (1);

"library building" means any building or premises forming part of or used by the State Library and any building or premises leased or let temporarily or otherwise by the State Government for the purpose of the State Library and includes any vehicle or vessel used in any mobile library, forming part of the State Library;

"library resources" means any form of written, printed or graphic matters on or in which information is written, recorded, stored, displayed or reproduced, including manuscripts, typescripts, books newspapers, periodicals, pamphlets, maps, microforms, computer softwares, music sheets, photographs, cinematograph films, phonorecords, video and audio recordings and other recordings on paper, film or other materials and reproductions thereof;

"Minister" means the Minister for the time being charged with responsibility for matters relating to libraries;

"preservation" means the various measures taken for the protection, conservation and necessary repair of library resources and for their maintenance under conditions designed to prevent and retard their physical deterioration;

"State Depository" means a depository of library resources published in Sabah established under section 4A;

"State Library" means the Sabah State Library established under section 3.

PART II

ESTABLISHMENT AND MANAGEMENT OF STATE LIBRARY

Establishment of State Library.

3 There shall be established a Sabah State Library with the following purposes and objectives –

- (a) to set up a state-wide library service for the urban and rural areas by setting up branches and the mobile library service;

- (b) to promote and encourage the use of library resources and information therefrom by providing facilities for loan and references;
- (c) to assist the State Government in promoting the learning, development and use of Bahasa Malaysia;
- (d) to provide educational and recreational needs and facilities for the public;
- (e) to promote an understanding of Sabah's culture through the local collection;
- (f) to maintain a collection of publications by the State and Federal Governments and Departments, and State and federal statutory bodies in Sabah including a comprehensive collection of library material relating to Sabah and its people;
- (g) to maintain close co-operation with the National Library of Malaysia and other State Libraries and State Library corporations in Malaysia; and
- (h) to provide or promote such other services or activities in relation to library matters as the Minister may direct.

Management and control of State Library by the Director and powers of the Director.

4. (1) The State Library shall be managed and controlled by the Director who shall be appointed by the State Public Service Commission; and for the purpose of such management and control, the Director shall have the following functions –

- (a) to advise the Minister on all matters relating to libraries and library services;
- (b) to promote a statewide system of public libraries and library services;
- (c) to promote and co-ordinate the development and use of the library resources of the State;
- (d) to develop and maintain by purchase or otherwise a collection of library resources, including a comprehensive collection of library resources relating to Sabah and its people;

- (e) to make library resources available in such manner as best serve the public interest;
- (f) to give advice and guidance to the establishment of libraries in the State Government Departments and State statutory bodies;
- (g) to provide modern facilities for the storage, retrieval and dissemination of information;
- (h) to promote the advancement of library and information science and the training of library personnel;
- (i) to provide for the inter-library lending and exchange of library resources;
- (j) to lend, sell or otherwise dispose of library resources forming part of the library;
- (k) to do such other things as he may deem necessary, in order to give effect to the purposes and objectives referred to in section 3.

(2) There shall be appointed from time to time by the State Public Service Commission such officers as may be deemed necessary or considered expedient for the purpose of assisting the Director in carrying out his functions under this Enactment.

PART IIA
STATE DEPOSITORY

State Depository.

4A. (1) There shall be established a State Depository which shall be part of the State Library.

(2) The State Depository shall have the following objectives:

- (a) to provide for the preservation and use of library resources published in Sabah;

- (b) to create standard bibliographic records of library resources published in Sabah; and
 - (c) to maintain statistical records of library resources published in Sabah.
- (3) The State Depository shall be managed and controlled by the Director.

Delivery of copies of library resources published in Sabah.

4B. (1) The author or publisher of every printed library resources published in Sabah shall, within one month of its publication, deliver to the State Library, at his own expense, such number of copies as are prescribed in the First Schedule and best copies of the library resources as are prescribed in the Second Schedule.

(2) The Director or any person duly authorised by the Director shall give written receipt on behalf of the State Library for every library resources received by him.

(3) Where a printed library resources referred to in subsection (1), is published at a regular or irregular intervals, it shall be delivered within one week from the date of such publication.

(4) The author or publisher of every non-printed library resources shall deliver to the State Library such number of copies as are prescribed in the First Schedule and best copies of the library resources as are prescribed in the Second Schedule, where a written request is made for such library resources within one year of their publication.

(5) Where payment is demanded by the author or publisher for the library resources delivered under subsection (4), the State Library shall pay the retail price of the library resources.

(6) Any author or publisher who fails to deliver any library resources which he is required to deliver under this section commits an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit.

(7) On conviction under subsection (6), the author or publisher shall delivers the library resources which he has failed to deliver, where it is still available in its original form but where it is no longer available in the original form the reproduction thereof.

(8) Without prejudice to subsection (7), the author or publisher who fails to deliver any library resources which is requires under this section shall pay the State Library the cost incurred by the State Library in the reproduction of the library resources.

(9) Any cost required to be paid to the State Library under this section shall be recovered as civil debt due to the State Government.

Exemption.

4C. The Director may exempt, from all or any part of the provisions of this Part, any specific library resources or class of library resources either absolutely or subject to such condition as may be specified by him.

Preservation, registration of library resources, state bibliography and statistical records.

4D. In relation to the library resources delivered under subsection 4B (1) and (2), the State Library shall have the following functions:

- (a) to provide for the preservation and use of the library resources;
- (b) to maintain a register containing such particulars of the library resources;
- (c) to publish a state bibliography at stated frequency containing particulars of such library resources as the Director deems fit;
- (d) to maintain statistical records of the library resources; and
- (e) to perform any other functions which is necessary to give effect to the objectives provided under section 4A.

Disposal of library resources.

4E. (1) The Director may authorise the disposal of any of the library resources delivered to him under this Part.

(2) The Director may, whenever practical, preserved in its original or other form a copy of the library resources.

Obligations to be additional to those under other laws.

4F. The obligations imposed upon the author or publisher by this Enactment shall be in addition to and not in substitution for any obligation relating to the delivery of library resources published in Sabah to any other institution, under any other written law for the time being in force.

PART III
MISCELLANEOUS

Agreement respecting library services.

5. The Director may with the authority of the Minister and on terms and conditions approved by the Minister, co-operate or enter into agreements with authorities or persons whether in Malaysia or elsewhere in respect of library services.

Regulations.

6. The Minister may make regulations not inconsistent with the provisions of this Enactment for the proper discharge of the functions of the Director and for the management and control of the State Library and library buildings and, in particular, without prejudice to the generality of the foregoing, such regulations may provide for –

- (a) the general supervision and conduct of the State Library;
- (b) the preservation of order and the prevention of nuisance in the library buildings and grounds;
- (c) the exclusion or removal from the State Library or library buildings of persons reasonably suspected to have committed any offence against this Enactment or the regulations made thereunder;
- (d) the amounts of fines that may be levied by the Director for the destruction, damage, loss or late return of library resources borrowed and for the destruction

- or damage to other property of the State Library, and for the waiving or refund of such fines;
- (e) the fees to be charged by the Director for the provision of information services or for the making and certifying of copies of any library resources in the State Library, and for the exemption from payment in whole or in part of such fees:
 - (f) penalties, not exceeding an imprisonment of two months or a fine of five hundred ringgit for any contravention of or failure to comply with any provisions of such regulations;
 - (g) the compounding of any offence under such regulations.

Annual Report.

7. (1) The Director shall as soon as practicable at the end of each year prepare or cause to be prepared and transmit to the Minister an annual report dealing with the progress and activities of the State Library.

(2) The Minister shall cause a copy of every such report to be laid before the Legislative Assembly.

FIRST SCHEDULE

(Subsection 4B (1) and (2))

NUMBER OF COPIES OF LIBRARY RESOURCES TO BE DELIVERED

<i>Library Resources</i>	<i>Number of copies</i>
1. Printed library resources including books, theses, conference papers, seminar papers, manuscripts, pamphlets, serials, maps and posters.	3

2. Non-printed library resources including cinematograph films, microfilms, phonorecords, video and audio recordings and other electronic media. 2

SECOND SCHEDULE

(Subsection 4B (1) and (2))

DESCRIPTION OF BEST COPY OF LIBRARY RESOURCES

<i>Library Resources</i>	<i>Description</i>
1. Printed library resources including books, manuscripts, theses, conference papers, seminar papers, pamphlets, serials, maps and posters.	<p>A copy equal in quality to the best copy of the library resources that is published that is to say that copy of the whole resource with all illustrations if any belonging thereto and –</p> <p>(a) finished and coloured in the same manner as the best copy of the resource as is published; and</p> <p>(b) bound, sewn or stitched together and on the best paper on which the resource is printed.</p>

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| 2. | Non-printed library resources including cinematograph films, microfilms, phonorecords, video and audio recordings and other electronic media. | A copy equal in quality to the best copy of the library resources that are published. |
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CERTIFIED by me to be a true copy of the Bill passed by the Legislative Assembly on Wednesday, 20th July, 1988.

LAWRENCE GIMBANG,
Deputy Speaker.

Sabah LawNet