



# GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

*Registered at the Post Office as a Newspaper*

*As 'n Nuusblad by die Poskantoor Geregistreer*

Selling price • Verkoopprijs  
(GST excluded/AVB uitgesluit)  
Local **80c** Plaaslik  
Other countries R1,10 Buitelands  
Post free • Posvry

VOL. 310

CAPE TOWN, 5 APRIL 1991

KAAPSTAD, 5 APRIL 1991

No. 13125

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 673.

5 April 1991

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

† No. 23 of 1991: National Libraries Amendment Act, 1991.

No. 673.

5 April 1991

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 23 van 1991: Wysigingswet op Nasionale Biblioteke, 1991.

Act No. 23, 1991

NATIONAL LIBRARIES AMENDMENT ACT, 1991

**GENERAL EXPLANATORY NOTE:**

**[ ]** Words in bold type in square brackets indicate omissions from existing enactments.

       Words underlined with solid line indicate insertions in existing enactments.

# ACT

To amend the National Libraries Act, 1985, in order to give the boards greater autonomy with regard to the determination of remuneration, allowances, subsidies and other benefits; to make different provision regarding the accumulated leave of transferred officers; to provide for remuneration and services rendered by National Libraries in terms of the Act; and to grant greater autonomy to the boards with regard to the use of funds; and to provide for matters connected therewith.

*(English text signed by the State President.)  
(Assented to 18 March 1991.)*

**B**E IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

## Substitution of section 7 of Act 56 of 1985

1. The following section is hereby substituted for section 7 of the National Libraries Act, 1985 (hereinafter referred to as the principal Act): 5

### “Remuneration and allowances of members of boards

7. A board may pay to a member of that board who is not in the full-time employ of the State or who is not in the employ of a National Library such remuneration and **[allowance]** allowances as the Minister with the concurrence of the Minister of Finance may determine.”. 10

## Amendment of section 9 of Act 56 of 1985

2. Section 9 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) (a) The **[salaries,]** remuneration, allowances, **[conditions of service]** subsidies and other benefits of the officers and employees of a National Library are determined by its board **[with the approval of the Minister granted with the concurrence of the Minister of Finance]**. 15

(b) A determination in terms of paragraph (a) shall be made in accordance with a system approved by the Minister with the concurrence of the Minister of Finance, as such system is amended from time to time.”; 20  
and

(b) by the deletion of subsection (3).

## Act No. 23, 1991

## NATIONAL LIBRARIES AMENDMENT ACT, 1991

**Amendment of section 10 of Act 56 of 1985****3. Section 10 of the principal Act is hereby amended—**

- (a) by the substitution in subsection (2) for paragraph (a) of the following paragraph:
- “(a) any continuous full-time employment with the State or the institution concerned immediately prior to the fixed date of a person transferred in terms of subsection (1) is deemed for the purposes of leave to be employment with the National Library concerned, and any sick or vacation leave which has on that date accrued in his favour is deemed, subject to such conditions as the board **[with the approval of the Minister]** may determine, to be leave which has accrued in his favour in terms of his conditions of service in the employ of that National Library.”;
- (b) by the substitution for subsection (3) of the following subsection:
- “(3) A person transferred in terms of subsection (1) may, on such conditions as the Director-General: **[Health and Welfare] Finance** may determine, elect to be released from and to renounce all obligations, rights and privileges in respect of the pension fund **[intended]** contemplated in that subsection and to become a member of the pension fund established in terms of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), and from a date fixed by the said Director-General the provisions of that Act shall then apply to him.”; and
- (c) by the substitution for subsection (6) of the following subsection:
- “(6) Notwithstanding anything to the contrary in any law, any amount which is payable to a National Library by any person transferred in terms of subsection (1) on the date of his retirement or discharge or which a National Library is then liable to pay in respect of him, may be deducted from any benefit which is payable to him out of the pension fund concerned in a lump sum or in such instalments as the Director-General: **[Health and Welfare] Finance** may determine, for payment to the National Library.”.

**Amendment of section 11 of Act 56 of 1985****4. Section 11 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:**

“(1) Subject to the provisions of section 2 of the State Land Disposal Act, 1961 (Act No. 48 of 1961), the Minister may, with the concurrence of the Minister of **[Communications] Transport and of Public Works and Land Affairs** and of the Minister of Finance, and on such conditions as he may determine, transfer to a National Library any immovable property belonging to the State in order to enable that National Library to perform its functions.”.

**Amendment of section 16 of Act 56 of 1985****5. Section 16 of the principal Act is hereby amended—**

- (a) by the substitution in subsection (1) for paragraph (f) of the following paragraph:
- “(f) money accruing to the National Library from any other source, including remuneration for services rendered in terms of this Act.”;
- (b) by the deletion of paragraph (b) of subsection (2);
- (c) by the deletion of subsection (3); and
- (d) by the substitution for subsection (5) of the following subsection:
- “(5) A board may establish and operate a reserve fund and may deposit therein such amounts as **[the Minister may approve]** become available from time to time.”.

**Amendment of section 19 of Act 56 of 1985****6. Section 19 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:**

**Act No. 23, 1991****NATIONAL LIBRARIES AMENDMENT ACT, 1991**

“(3) Regulations under this section may prescribe penalties not exceeding a fine of **[R100]** R2 000 for a contravention thereof or a failure to comply therewith.”.

**Short title**

7. This Act shall be called the National Libraries Amendment Act, 1991.

5