

**THE ZANZIBAR LIBRARY SERVICES BOARD
ACT NO.7 OF 1993**

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ACT NO.7 OF 1993

I ASSENT

SALMIN AMOUR
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY
COUNCIL.

..... 16th MARCH, 1994.

AN ACT TO ESTABLISH THE ZANZIBAR LIBRARY
SERVICES BOARD.

ENACTED by the House of Representatives of
Zanzibar.

Short title. 1. This Act may be cited as The Zanzibar
Library Services Board Act, 1993 and shall come into
operation on such a date as the Minister may, by notice
in the Gazette appoint.

Interpretation. 2. In this Act, unless the context otherwise
requires -
"appointing authority" in relation to any member
of the Board shall have the meaning assigned
to that expression under section 3 of this Act;
"the Board" means the Zanzibar Library Services
Board established under section 3 of this Act;

"book" includes any, book, document, periodical magazine, newspaper, pamphlet, musics core, gramophone record, audio cassette, video-cassette, picture, print, engraving, etching deed, photograph, map, plan, film, filmstrip, microfilm, slide or manuscript and any other article or thing of like nature, provided for use in any library;

"director" means the director of Zanzibar Library Service appointed under section 3 of this Act;

"documentation service" means the publication, preservation, summarization and indexing of books and other literacy works and includes the preparation of bibliographies, abstracts, copies and translations of books and other library works –

"library" includes any organised collection of printed books, periodicals or other printed, graphic or audio visual materials;

"Minister" means the Minister for the time being responsible for education in Zanzibar;

"public library" means any library to which a member of the public has or is permitted to have access;

Construction and composition of the Board.

3.(1) There is hereby established the Zanzibar Library Services Board.

(2) The Board shall consist of:-

(a) A Chairman, who shall be appointed by the President;

(b) not less than seven and not more than ten other members appointed by the Minister;

(c) the Director of Zanzibar Library Services appointed by the President and who shall be the Secretary of the Board;

Provided that the appointment to be made by the Minister shall be made from amongst persons who have had experience of and shown capacity in, educational development, literature, financial matters, administration and culture.

(3) All appointments made under the provisions of this section shall be Gazetted.

The Principal executive of the Board.

4. The Director of Zanzibar Library Services shall be the Principal Executive Officer of the Board. As such the Director shall participate in the deliberations of the Board, as a member and shall be entitled to vote.

Validity of proceedings.

5. No act or proceeding of the Board shall be invalid by reason only of the number of members not being complete at the time of such act or proceedings, or of any defect in the appointment of any member or of the fact that any member was at that time disqualified or disentitled to act as such.

Tenure of appointment to Board.

6.(1) A member of the Board shall, unless his appointment is sooner terminated by the Minister, or he otherwise ceases to be a member, hold office for such period as the appointing authority, or if no period is so specified, for a period of three years from the date of his appointment, and shall be eligible for reappointment:

Provided that in the case of a member who is a member by virtue of his holding some other office, shall cease to be a member upon his ceasing to hold that office.

(2) Any member of the Board may at any time resign by giving notice in writing to the appointing authority and from the date specified in the notice or, if no date is so specified from the date of the receipt of the notice by the appointing authority, he shall cease to be a member.

Absence from 3 consecutive meetings.

7. Where any member absents himself from three consecutive meetings of the Board without reasonable excuse, the Board shall advise the appointing authority of the fact and the appointing authority may terminate the appointment of the member and appoint another member in his place.

Appointment of temporary member.

8. Where any member is by reason of illness, infirmity or is physically unable to attend meetings of the Board, the appointing authority may appoint a temporary member in his place and such

temporary member shall cease to hold office on the resumption of office of the substantive member.

Vice
Chairman.

9. The Board shall elect one of its members as Vice Chairman any member elected as Vice Chairman shall, subject to his continuing to be a member, hold the office of Vice Chairman for a term of one year from the date of his election and shall be eligible for re- election.

Meeting.

10.(1) An ordinary meeting of the Board shall be convened by the Chairman and the notice specifying the place, date and time of the meeting shall be sent to each member at his usual place of business or residence not less than fourteen days before the date of such meeting. If the Chairman is unable by sufficient cause the Vice Chairman may convene such meeting.

(2) The Board shall meet at least once every three months and such other time as the Chairman may decided.

(3) The Chairman or in his absence, the Vice-Chairman shall be bound to convene a special meeting of the Board upon receipt of a request in writing on that behalf signed by not less than five members of the Board. Not less than fourteen days notice of such meeting shall be given to all members of the Board in the manner described in subsection (1) of this section.

(4) The Board may invite any person who is not a member to participate in the deliberations of the Board, but any such person shall not be entitled to vote.

Procedure of
the Board.

11.(1) More than half of the total number of the members of the Board, shall form the quorum for a meeting of the Board;

(2) In the absence of the Chairman from a meeting of the Board the Vice Chairman shall preside. In absence of both the Chairman and Vice Chairman from any meeting the members present shall elect one of their members to be a temporary Chairman of the meeting.

(3) At any meeting of the Board, a decision of the majority of the members present and voting shall be deemed to be a decision of the Board.

Minutes of
meeting.

12. Minutes in paper form of each meeting of the Board shall be kept and shall be confirmed by the Board at the next meeting as signed by the Chairman of the meeting.

- The seal of the Board. 13. The seal of the Board shall not be affixed to any instrument except in the presence of the Director or such other officers of the Board as the Board may appoint on that behalf.
- Order by-laws. 14. All orders, by-laws, directives, appointments, notices or instruments made or issued by the Board shall be sealed with the seal of the Board and shall be signed by -
- (a) The Director; or
 - (b) any member or officer of the Board authorised in writing in that behalf by the Board.
- Self regulation. 15. Subject to the provisions herein referred to in this section, the Board shall have power to regulate its own procedure.
- Zanzibar Library Services Board. 16.(1) The Zanzibar Library Services Board established by this Act shall, in its corporate name, be capable of:-
- (a) suing and being sued;
 - (b) lawfully taking, purchasing or otherwise acquiring, holding charging and disposing of property, movable and immovable; and
 - (c) entering into contract and doing, and performing all such other things or acts for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.
- (2) The provisions of section 3 above shall have effect as to the composition of the Board, the members of the Board constituted, the appointment of its members, the proceedings of the Board and such other matters in relation to the Board and its members as are provided for therein.
- Function of the Board. 17.(1) The functions of the Board shall be:-
- (a) to promote, establish, equip, manage, maintain and develop libraries in the Island of Zanzibar in such a manner as to

meet the library requirements of the whole population thereof;

- (b) to actively promote book reading and library use throughout the Islands;
- (c) to set up, establish, equip, manage maintain and develop documentation centres and to provide documentation services;
- (d) to provide the facilities and means for the study of, and for basic training in, the principles, procedures and techniques of librarianship and such other related subjects as the Board may from time to time decide;
- (e) to sponsor, arrange and provide facilities for conferences and seminars for discussion of matters relating to library and documentation services;
- (f) to assume responsibility for the maintenance of a suitable staff structure, training programme and incentives system to enhance the image of librarianship and the position of library personnel within the community;
- (g) to initiate, sponsor, participate in, finance and assist in campaigns for the eradication of illiteracy;
- (h) to provide an efficient and effective library service in both urban and rural areas, catering for the library needs of all sectors of the community;
- (i) to stimulate public interest in literature generally, and in Zanzibari and Swahili literature in particular;
- (j) to encourage the production and distribution of books and other literary works;
- (k) to assume responsibility for the revival, production and preservation of indigenous and traditional literary work, including works in the oral tradition;
- (1) to plan and co-ordinate library and documentation service throughout the Islands and in conjunction with other library services;

- (m) to carry out research to the development of library and documentation services and the production and marketing of books and other literary works;
- (n) to do all such acts and things, as in the opinion of the Board, may be necessary to uphold and support the credit of the Board and to obtain and justify public confidence, and to avert and minimize any loss to the Board;
- (o) to do anything or enter into any transaction which, in the opinion of the Board, is calculated to facilitate the proper and efficient exercise by the Board, of its functions under this Act including:-
 - (i) the carrying on of any of the activities of the Board in cooperation with any other person;
 - (ii) the acquisition, by agreement, of interests in enterprises engages in activities in which the Board may lawfully be engaged under this Act and the management of the affairs or the continuance of the business of such enterprises; and
 - (iii) the establishment of branches throughout Zanzibar;
- (p) to advise the Government and institutions on all matters relating to libraries and library development; and
- (q) to establish minimum "standards" of library service.

Power of the Board.

- 18.(1) The Board may, with the consent of the Minister, make by-laws:-
- (a) requiring any or all categories of public libraries in the Islands to register with the Board and providing the form and the fee for such registration;
 - (b) prohibiting the employment of any person as librarian of any registered library unless such person holds a degree, diploma or other award specified in such by-laws;
 - (c) requiring such schools and other educational institutions, including institutions of higher learning, as may be specified

in the by-laws to establish and maintain libraries in such manner and of such standard as may be prescribed;

- (d) requiring such public libraries registered with it to comply with such requirements as to the maintenance of indexes, the preparation of registers of members, the submission of financial or other returns and such other matters as may be prescribed;

Provided that all by-laws made under the provisions of this sub-section shall be published in the Gazette.

(2) It shall be the duty of every person or organisation who prints, produces or causes to be printed or produced in Zanzibar any book or literary work intended for sale as public distribution or exhibition, whether in consideration of a fee or otherwise, to supply the Board, free of charge, not less than two copies of such book or literary work.

(3) It shall be lawful for the Board to require the person responsible for the management of any (public) library registered with it to make available such book or literary work as the Board may in such notice specify.

(4) Any person who contravenes any by-laws made under subsection (1) of this section or fails to comply with the requirements of sub-section (2) or with any notice given under subsection (3) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding 20,000/= shillings, or upon failure to pay such fine, to imprisonment for a period not exceeding three months.

Appointment of employees.

19. The Board may from time to time and subject to such directions as the Minister may give in that behalf, appoint at such salaries and upon such terms and conditions as it may think fit, such other officers and employees of the Board as it may deem necessary for the proper and efficient conduct of the business and activities of the Board.

Remuneration and allowances of Board members.

20. The members of the Board shall be entitled to receive sitting allowances and other benefits as directed by prevailing schemes of services.

Agents and

21. The Board may, from time to time, appoint and employ upon

contractors. such terms and conditions as it thinks fit such agents and contractors of the Board as the Board may deem necessary.

Delegation of powers. 22.(1) The Board may from time, by writing under the seal of the Board, delegate, subject to such terms, conditions and restrictions as it may specify, any or all of the functions, powers authorities or duties conferred upon the Board by this Act to any committee of the Board or to any officer or employee of the Board. Where any delegation is so made the delegated function shall be performed, subject to the terms, conditions and restrictions specified in writing.

(2) Any delegation under subsection (1) may be made to the holder of an office under the Board specifying the office but without harming the holder, and in every such case each successive holder of the office in question and each person who occupies or performs the duties of that office may, without any further authority perform, or exercise, the delegated functions, power, authority or duty in accordance with the delegation made.

(3) The Board may revoke a delegation made by it under this section.

(4) No delegation made under this section shall prevent the Board itself from performing or exercising the function, power, authority or duty delegated.

(5) Any delegation made under this section may be published in the Gazette, and upon such publication shall be judicially noticed and shall be presumed to be in force, unless the contrary is proved.

(6) The Board shall not have power under this section to delegate its power of delegation, or the power to approve the annual budget or any supplementary budget of receipts and expenditure, the annual "balance sheet or any statement of account.

Minister may give directives to the Board. 23. The Minister may give to the Board directions of a general or specific character as to be performed by the Board of any of its functions under this Act in relation to any matter appearing to the Minister to affect the national interest.

Funding. 24. The funds and other sources of the Board shall include:-
(a) such sums as may be provided by the House of

Representatives by way of grant or loan for the purposes of the Board;

- (b) any sums borrowed by the Board in accordance with the provisions of this Act;
- (c) any gift, grant, bequest or donation acceptable to the Board; and
- (d) any sums which may in any manner become payable to or vested in the Board as a result of the performance by the Board of its functions and activities under this Act.

Annual and supplementary budget.

25.(1) In this Act, "financial year" means any period not exceeding twelve consecutive months designated on that behalf by the Board.

(2) Not less than two months before the beginning of any financial year (other than the first financial year after the commencement of this Act), the Board shall, at its meeting especially convened for that purpose, pass a detailed budget (in this Act called the annual budget) of the amounts

- (i) expected to be received; and
- (ii) expect to be disbursed by the Board during that financial year.

(3) If in any financial year the Board requires to make any disbursement not provided for, or of an amount in excess of, the amount provided for in the annual budget for the year, the Board shall, at a meeting, pass a supplementary budget detailing such disbursement.

(4) The annual budget and every supplementary budget shall be in such form and include such details as the Minister may direct.

(5) Forthwith upon the passing of any annual budget or any supplementary budget, the Board shall submit the same to the Minister for his approval.

(6) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove the same or may approve subject to such amendment as he may deem fit.

(7) Where the Minister has approved any annual budget or

supplementary budget as amended by him such decision shall be binding.

(8) The Board, subject to sub-section (7) above shall continue to effect its disbursements within the item and the amounts contained in the applicable estimated as approved by the Minister.

(9) The Board may :

- (a) with the sanction in writing of the Minister, make a disbursement notwithstanding that such disbursement is not provided for in any budget;
- (b) from the amount of expenditure provided for in any budget in respect of any items, transfer a sum not exceeding 1% of the budget to any item contained in such budget; and
- (c) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submitting a supplementary budget to the Minister within two months to such alteration of expenditure limits becoming necessary.

Special fund of the Board.

26. The Board may, and shall if so directed by the Minister, establish and maintain such reserve or special funds of the Board or the Minister may consider necessary or expedient, and shall make into or from such funds such payments as the Board may deem fit or, in the case of a fund established pursuant to a directive by the Minister as the Minister may direct.

Investment.

27. With the prior approval of the Minister, the Board may, from time to time, invest any part of the moneys available in any funds of the Board maintained by it in such manner as, subject to any directions of the Minister as the Board may deem fit.

Power to borrow.

28.(1) With the prior approval of the Minister, the Board may, from time, borrow money for the purposes of the Board by way of loan or over draft, and upon such security and such terms and conditions relating to the repayment of the principal and the payment of interest as subject to any direction by the Minister, the Board deems fit -

(2) A person lending money to the Board shall not be bound to enquire whether the borrowing of that money by the Board has been approved by the Minister.

Account and audit.

29.(1) The Board shall cause to be provided and kept proper books of accounts and records with respect to:-

- (a) the receipt and expenditure of money by, and other financial transactions of the Board; and
- (b) the assets and liabilities of the Board, and shall cause to be made out of every financial year a balance sheet and a statement showing details of the income and expenditure of the Board and all its assets and liabilities.

(2) Not later than six months after the close of every financial year, the accounts including the balance sheet of the Board relating to the financial year, shall be audited by the Auditor General or such other auditing firm as the Minister may permit.

(3) As soon as the accounts of the Board have been audited, and in any case not later than six months after such audit, the Board shall submit to the Minister a copy of the audited statement of accounts together with the report thereon by the auditor.

(4) As soon as practicable after receipt by him of a copy of the statement together with a copy of the report submitted pursuant to subsection, (3) the Minister shall lay a copy of the statement together with a copy of the auditor's report before the House of Representatives.

Report by board.

30. The Board shall within six months after the end of each financial year, make a report to the Minister on the conduct of the Board business during that financial year, and the Minister shall lay a copy of the report before the House of Representatives under the provision of this Act.

Liability of members.

31. Without prejudice to the provisions of the Penal Decree, no act or thing done or omitted to be done by any member of the Board or by any officer, servant or agent of the Board shall, if done or omitted bona fide in the execution or purported execution of his duties as such member, officer, servant or agent, subject any person to any action, liability or demand whatsoever.

Regulation.

32. The Minister may make regulations for carrying into effect the

purposes and provisions of this Act and without prejudice to the generality of the foregoing, may by such regulations:-

- (a) confer upon any member, officer or employees of the Board the power of entry into any premises, or inspection of any book, record or document and such other power as the Minister may consider necessary for the purpose of ensuring compliance with the provisions of this Act and of any subsidiary legislation made hereunder as for the purposes of the investigation of or prosecution for any offence under this Act or such subsidiary legislation;



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(b) provide for and regulate disciplinary conduct of the officers of the Board and provide for disciplinary proceedings and punishment for breach of any such regulations;

(c) provide for appeals to himself against any decision, direction or order of the Board.

(2) All regulations made under the provisions of this section shall be published in the Gazette.

Passed in the House of Representatives on the 28th day of December, 1993.

KJ Chande

KHAMIS JUMA CHANDE
CLERK TO THE HOUSE OF REPRESENTATIVES.