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SARAWAK STATE LIBRARY ORDINANCE, 1999

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SARAWAK STATE LIBRARY ORDINANCE, 1999

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SARAWAKLAWNET

SARAWAK STATE LIBRARY

LAWS OF SARAWAK

Chapter 29

SARAWAK STATE LIBRARY ORDINANCE, 1999

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title and commencement
2. Interpretation
- 2A. Application

PART II

ESTABLISHMENT AND MANAGEMENT
OF SARAWAK STATE LIBRARY

3. Establishment of Sarawak State Library
4. Management of State Library
5. Powers of the Board
6. Ownership of State Library property
7. Contracts by the Board
8. Public Authorities Protection Act 1948
9. Public servants
10. Duty of the Board to comply with directions of the Authority

PART III
OFFICERS AND EMPLOYEES OF
THE STATE LIBRARY

Section

11. Appointment of Chief Executive Officer and other officers and employees
- 11A. Additional functions of the Chief Executive Officer
12. Ineligibility for appointment
13. Standing Orders with respect to conditions of service

PART IV
STATE DEPOSITORY

14. State Depository
15. Delivery of copies of library resources published in Sarawak
16. Power of exemption
17. Preservation and registration of library resources, State bibliography and statistical record
18. Destruction of library resources or disposal of public records
19. Payment for printed library resources
20. Arrangement with public office
21. Obligation to be additional to those under other law
22. Special provisions for public records

PART V
FINANCE

23. The Sarawak State Library Fund
24. Expenditure to be charged on the Fund
25. Financial and accounting procedure
26. Accounts and audit

PART VI

GENERAL

27. Obligation of secrecy
28. Legal representation
29. Power to make regulations
30. Repeal

FIRST SCHEDULE—Numbers of copies of library resources to be delivered

SECOND SCHEDULE—Description of best copy of library resources

SARAWAK LAWNET

LAWS OF SARAWAK**Chapter 29****SARAWAK STATE LIBRARY ORDINANCE, 1999**

An Ordinance to provide for the establishment of the Sarawak State Library with a depository for the custody and preservation of materials for public records and matters incidental thereto.

**[1st October, 1999]*

**(Swk. L.N. 66/99)*

Enacted by the Legislature of Sarawak—

PART I**PRELIMINARY****Short title and commencement**

1. This Ordinance may be cited as the Sarawak State Library Ordinance, 1999, and shall come into force on such date as the Chief Minister may, by notification in the **Gazette*, appoint.

Interpretation

2.—(1) In this Ordinance—

“Agency Record Unit” means an agency record unit operated by any public office in which semi-current records of the Government are stored, maintained and preserved;

“archival value” means being of permanent and enduring national or historical value or both;

“archives” means, as the context may require,—

(a) records which are preserved for their archival value; or

(b) a repository facility or building for the storage, use and access of public records;

“Authority” means the Sarawak Multimedia Authority established under section 3 of the Sarawak Multimedia Authority Ordinance, 2017 [*Cap. 73*];

[*Ins. Cap. A186/2019*]

“Board” means the Board of Management of the State Library whose members are appointed pursuant to section 4(1);

“Chairman” means the Chairman of the Board appointed pursuant to section 4(2), and includes a Deputy Chairman or a temporary Chairman appointed pursuant to section 4(5);

“Chief Executive Officer” means the Chief Executive Officer of the State Library appointed under section 11(1), and includes any officer appointed to act in that capacity or to perform temporarily the functions and duties of the Chief Executive Officer;

“collection” means the library resources collected and maintained within the State Library;

[*Deleted Cap. A186/2019*];

“destruction” means the act of destroying or eliminating any type of library resources or records by any means;

“disposal” means the manner of managing the segregation of records with a view to destruction, transfer or otherwise;

“Fund” means the Sarawak State Library Fund established under section 23;

“Government” means the State Government of Sarawak;

“library resources” means any form of written, printed, graphic, audio, electronic, digital or other media, on or in which information is written, recorded, stored, displayed or produced and categorized for the purposes of this Ordinance into—

(a) printed materials including books, manuscripts, newspapers, pamphlets, periodicals, serials,

typescripts, maps, charts, posters, photographs and materials printed or generated by digital or other electronic means;

(b) non-printed materials including cinematograph films, microfilms, phonorecords, video and audio recordings and other digital or electronic media;

“member” means a member of the Board, and includes the Chairman and Deputy Chairman;

“microfilm recording” means a reproduction of a record on film or other materials which is a product of photography or any similar process;

“non-current records” means records which are no longer required in the conduct of current business of a public office;

“photographic copy” means any copy of a record made by reprography;

“prescribed” means prescribed by regulations made under this Ordinance;

“preservation” means the totality of processes and operations involved in the physical protection of library resources, public records and archives against damage or deterioration and in the restoration or repair of such resources, records and archives;

“printed” means any representation of characters on any material by any method of impression;

“public archives” means public records—

(a) which are more than twenty-five years old;

(b) which are specified by the Board as being of archival value; and

(c) which have been transferred to the State Depository or such other places as the Chief Executive Officer may from time to time direct;

“public office” means any department, commission, board, corporation, agency, local authority, or any other office of the Government, and includes the Dewan Undangan Negeri and any office or body as the Majlis Mesyuarat Kerajaan Negeri may, by notification in the *Gazette*, declare to be a public office for the purposes of this Ordinance;

“public records” means records officially received, printed or produced by any public office for the conduct of its affairs or by any public officer or employee of a public office in the course of his official duties, and includes all records which are in the custody or under the control of the State Library;

“published” means any material which has been produced and made available to the public to whom it may be sold or distributed free of charge and for the purpose of section 15; and “published” shall include—

(a) publication or reproduction, by whatever means, of any second or subsequent edition of library resources if that edition contains additions or alterations to the original contents of such material; and

(b) subsequent publication or reproduction, by whatever means, of such material in any other form or format;

“Record Centre” means a repository operated by the State Library for the purposes of storing, processing and servicing non-current records pending their ultimate disposal;

“records” means materials in written or other form setting out facts or events or otherwise recording information, and includes papers, documents, registers, printed materials, books, maps, plans, drawings, photographs, microfilms, cinematograph films, sounds recordings, electronically produced records regardless of physical form or characteristics and any copy of them;

“reproduction” means an exact copy of a record in content and form but not necessarily in size or appearance;

“semi-current records” means records which are not frequently required in the conduct of current business in a public office;

“State” means the State of Sarawak;

“State Depository” means a depository of public records and library resources or materials published in the State, and established under section 14;

“State Library” means the Sarawak State Library or Pustaka Negeri Sarawak established pursuant to section 3.

[Am. Cap. A144.]

(2) The Chief Minister may authorize generally or specially any Minister to exercise or carry out any of the powers or duties conferred upon him by this Ordinance.

Application

2A.—(1) For the avoidance of doubt, this Ordinance shall apply only in respect of public records and public archives of the State of Sarawak.

(2) Except as otherwise expressly provided by this Ordinance, the provisions of this Ordinance do not affect any provision relating to records made by or under any other written law.

[Ins. Cap. A144.]

PART II

ESTABLISHMENT AND MANAGEMENT OF SARAWAK STATE LIBRARY

Establishment of Sarawak State Library

3. There is hereby established a State library of Sarawak to be known as “the Sarawak State Library” or its equivalent in Bahasa Melayu “Pustaka Negeri Sarawak” for the following purposes:

(a) to provide, maintain and preserve library resources and act as a centre for the storage and dissemination or transmission of knowledge, information and data on the State;

(b) to be a centre for reference, education and information or dissemination of information relevant to the economic, historical, social, cultural, political and other background development and achievements of the State;

(c) to acquire, maintain and preserve library resources and public records, especially, but not limited to, those published in the State or of interest to the people of Sarawak, and any person with a legitimate interest in having access to such resources;

(d) to maintain and manage relevant databases on materials published within the State or pertaining to its history, progress, current development, and other information and data on the State, or which have been compiled, produced or kept by the Government or any governmental authority in Malaysia;

(e) to maintain and manage an efficient and effective information transmission and dissemination network, including the provision of electronic network system, and to establish an information technology system with linkages to other libraries or information resource centres, within Malaysia or abroad;

(f) to manage or administer the State Depository for the preservation of public records directed to be deposited therein pursuant to Part IV, and of materials, of whatever form, published in the State;

(g) to hold and participate in exhibition or display of its library resources and the information or data collected, maintained or held by the State Library;

(h) to hold seminars, courses and other similar events to promote the use of its library resources, or the information or data collected or maintained by the State Library or at its disposal;

(i) to promote or stimulate interest in reading, library works and to promote literary arts and the usage of modern technology in the transmission and dissemination of knowledge, information and data;

(j) to facilitate the dissemination of knowledge and information, the appreciation of the arts, culture, traditions, history and achievements of the State and its people;

(k) to adopt and maintain an efficient and effective communication system for the transmission and distribution of knowledge, information or data, or materials kept, deposited in or maintained by the State Library;

(l) to provide such services and facilities as the State Library is able to provide to the public, and to any public library or resource centre, and to provide training for library personnel;

(m) to establish, manage and maintain public archives in the State;

(n) to promote efficient and effective records and archives management practices in the State;

(o) to establish, maintain and operate Record Centres;

(p) to conduct, promote and facilitate research and training on archives and records management, library services or other related services;

[Sub. Cap. A186/2019.]

(q) to publish, sell or distribute publications concerning or relating to public archives, or concerning the activities of and facilities provided by the State Library;

(r) to promote public awareness activities on aspects pertaining to management of public records and public archives through exhibitions, audio-visual educational packages and other educational programmes; and

(s) to undertake or carry out such functions and provide such services as the Majlis Mesyuarat Kerajaan Negeri may from time to time assign or direct.

[Ins. Cap. A144, Am. Cap. A186/2019.]

Management of State Library

4.—(1) The State Library shall be managed by a Board of Management consisting of—

- (a) a Chairman;
- (b) a Deputy Chairman;
- (c) not less than three and not more than five other members, including a nominee of an institution of higher learning in Sarawak; and
- (d) the State Secretary or his representative as an *ex officio* member.

(2) The Chairman, Deputy Chairman and all other members except the *ex officio* member, shall be appointed by the Authority with the approval of the Majlis Mesyuarat Kerajaan Negeri.

(3) Subject to this Ordinance, the members of the Board shall hold office for such term, not exceeding three years, and subject to such conditions as the Authority with the approval of the Majlis Mesyuarat Kerajaan Negeri, may determine. A member shall be eligible for re-appointment upon expiry of his term.

[Am. Cap. A186/2019.]

(3A) A member of the Board appointed under subsection (1)(c) may, with the approval of the Board, appoint an alternate member who may attend on his behalf any meeting of the Board which the substantive member is for any reason unable to attend and such alternate member when attending such meeting shall for all purposes be deemed to be a member of the Board.

[Ins. Cap. A144.]

(4) The Authority may appoint any person to be a temporary member of the Board during the temporary incapacity from illness or otherwise, or during the temporary absence from Malaysia, of any member of the Board.

[Am. Cap. A186/2019.]

(5) The Authority may appoint any member of the Board to be a temporary Chairman or temporary Deputy Chairman during the temporary incapacity from illness or otherwise, or during the

temporary absence from Malaysia, of the Chairman or the Deputy Chairman, as the case may be.

[Am. Cap. A186/2019.]

(6) The Authority with the approval of the Majlis Mesyuarat Kerajaan Negeri may, at any time, accept the resignation of any member of the Board.

[Am. Cap. A186/2019.]

(7) The Authority with the approval of the Majlis Mesyuarat Kerajaan Negeri may, at any time, revoke the appointment of the Chairman, the Deputy Chairman and any other member of the Board.

[Am. Cap. A186/2019.]

(8) The Board may act notwithstanding any vacancy in its membership.

(9)(a) The Board may, with the approval of the Authority, appoint a Secretary.

[Am. Cap. A186/2019.]

(b) The Secretary shall attend meetings of the Board but shall not have any right to vote on any matters or resolution before the Board.

(c) All minutes and transactions of the Board shall be recorded by the Secretary who shall transmit copies and records of all meetings and transactions of the Board, to the Authority.

[Am. Cap. A186/2019.]

(10) The Board may, in consultation with the Authority and with the approval of the Majlis Mesyuarat Kerajaan Negeri, make rules to regulate its procedures and proceedings pertaining to meetings and the exercise of its functions and powers.

[Am. Cap. A186/2019.]

(11) Subject to the rules made under subsection (10), the Board may, for the purposes of facilitating the discharge of its functions under this Ordinance, form or constitute a committee or committees,

comprising members or persons who are not members of the Board, and to determine the terms of reference of any such committee.

Powers of the Board

5. The Board shall have the following powers for the discharge of its functions and duties under this Ordinance:

(a) to manage the State Library, the library resources and public records, and the preservation, protection and utilization thereof, and regulate or control access to and dissemination of information, knowledge and data on the State including the removal of the same from the State and, if the Board thinks fit, to charge fees for such access and usage;

(b) to carry on all activities, the carrying on of which appears to the Board to be necessary, advantageous or convenient for or in connection with the discharge of its duties;

(c) to promote the carrying on of any such activities by other bodies or persons or jointly with such other bodies or persons, or in association or collaboration or in joint venture with other bodies or persons including the Government or the Government of Malaysia;

(d) to maintain and upkeep all buildings and facilities dedicated by the Government for the use of, or for the purpose of the State Library;

(e) to acquire, install and maintain library resources, materials, equipment and other things required for the State Library;

(f) to regulate the use of the State Library and its library resources, and, subject to regulations made under section 29, to regulate and control access to public record;

(g) to ensure that the State Library is so managed or administered as to be able to fulfill and achieve the purposes set out in section 3(l);

(h) to receive donations, grants, gifts of movable or immovable property from any source or to raise funds by any lawful means, and to apply the same for the purposes of enabling

the State Library to fulfill and achieve its objectives and statutory purposes;

(i) to make provision for the specialized training of officers and employees of the State Library and in that connection, may offer or procure scholarships, loans, study or research grants for intending trainees or otherwise pay the costs of such training or expenses incidental thereto;

(j) to enter into contracts and generally to regulate the transaction of all businesses connected to the State Library;

(k) to advise the Government on all matters pertaining to libraries, resource centres and maintenance of materials and publications for public records or benefit; and

[Am. Cap. A186/2019.]

(l) to discharge such other functions as may be assigned to the Board by the Authority.

[Am. Cap. A186/2019.]

Ownership of State Library property

6. All properties, movable or immovable, for the use of the State Library or to enable the State Library to undertake or fulfill its statutory functions and powers and to provide the services envisaged under this Ordinance, shall be the property of the Government, and may, if so directed by the Majlis Mesyuarat Kerajaan Negeri, be vested in the name of the Authority or any person as the Majlis Mesyuarat Kerajaan Negeri may determine.

[Am. Cap. A186/2019.]

Contracts by the Board

7.—(1) The Board may enter into contracts or deeds for and on behalf of the State Library, and may sue or be sued in the name of the Board in regard to such contracts and any transactions or dealings entered into by the Board.

(2) All contracts, deeds, instruments or documents to be executed in the name of the Board or to which the Board may be a party, shall be signed on behalf of the Board by a member, or by the

Chief Executive Officer or by such person as the Board may, by resolution, so authorize.

Public Authorities Protection Act 1948

8. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any actions, suits, prosecutions or proceedings against the Board or any member, officer or employee of the Board in respect of any act, neglect or default done or committed by him in such capacity.

Public servants

9. All members, officers and employees of the Board or the State Library, as the case may be, while discharging their duties as such members, officers and employees, shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

Duty of the Board to comply with directions of the Authority

10.—(1) The Board shall seek the directions of the Authority in the management and administration of the State Library.

(2) The Board in the discharge of its functions and the exercise of its powers shall comply with, and adhere to, the policy guidelines and directions pertaining to the management and administration of the State Library, issued by the Authority.

[Am. Cap. A186/2019.]

PART III

OFFICERS AND EMPLOYEES OF THE STATE LIBRARY

Appointment of Chief Executive Officer and other officers and employees

11.—(1) The Authority shall, having regard to any recommendation of the Board, appoint a fit and proper person, on such terms and conditions as it may determine, to be the Chief Executive Officer of the State Library.

[Am. Cap. A186/2019.]

(2) The Chief Executive Officer shall be the chief administrative officer of the State Library, and shall have the general control and supervision of all the other officers and employees of the State Library.

(3) The Chief Executive Officer shall, subject to the direction of the Board on matters of policy and in relation to the execution of functions vested in the Board by this Ordinance, be charged with the day to day administration and management of the affairs of the State Library.

(4) The Board shall appoint other officers and employees as are necessary to assist the Chief Executive Officer in carrying out his functions under this Ordinance, on such terms and conditions, including remuneration, as may be determined or regulated by Standing Orders made under section 13(1).

(5)(a) The Board may vest the Chief Executive Officer with such powers and impose upon him such duties as may be determined by the Board.

(b) Subject to the approval of the Authority, the Board may delegate to the Chief Executive Officer, any of the powers, duties or functions conferred or vested by this Ordinance, in the Board.

[Am. Cap. A186/2019.]

(6) In the event of the temporary absence of the Chief Executive Officer from the State or his temporary incapacity through illness or for any other sufficient reason from the performance of his duties, the Board may direct any officer to act as Chief Executive Officer or to perform his duties during such temporary absence or incapacity.

Additional functions of the Chief Executive Officer

11A. Without prejudice to functions specified in section 11, the Chief Executive Officer shall, subject to such direction as may be issued by the Board, have the following additional functions:

(a) to examine records which are in the custody or under the control of a public office, to identify records which are of

archival value and to advise on the creation, maintenance, storage, use and disposal of such records;

(b) to acquire records and materials which in the opinion of the Chief Executive Officer are or are likely to be of archival value;

(c) to advise public offices on the establishment and maintenance of Agency Record Units;

(d) to advise public offices in the planning, implementation and evaluation of their records management programmes;

(e) to establish and maintain registers of public records and public archives;

(f) to prepare guides, lists, indexes and other finding aids of public archives;

(g) subject to the terms and conditions on which they are obtained, and subject to the law relating to copyright, to reproduce or publish any public archives or any part of such public archives; and

(h) to authenticate or certify copies or extracts of public records or public archives.

[Ins. Cap. A144.]

Ineligibility for appointment

12. No person shall be eligible for employment as an officer or employee of the State Library if he has, directly or indirectly, by himself or his partner, any share or interest in any contract or proposed contract with or on behalf of the State Library.

Standing Orders with respect to conditions of service

13.—(1) The terms and conditions of service of all officers and employees of the State Library shall be regulated by Standing Orders made by the Board in consultation with the Authority and with the approval of the Majlis Mesyuarat Kerajaan Negeri.

[Ins. Cap. A186/2019.]

(2) The Standing Orders made under this section may include provision for—

(a) the appointment, promotion, transfer, pay and leave; and

(b) the gratuities, allowances, privileges, retirement benefits, bonus, provident fund or other superannuation benefits, of any officer or employee of the State Library.

[Sub. Cap. A186/2019.]

[Deleted Cap. A186/2019.]

PART IV

STATE DEPOSITORY

State Depository

14.—(1) There is established a State Depository which shall be part of the Sarawak State Library and which shall have the following objectives:

(a) to provide for the preservation and use of library resources or materials published in Sarawak;

(b) to create standard bibliographic records of library resources or materials published in Sarawak;

(c) to maintain statistical records of library resources or materials published in Sarawak; and

(d) to maintain, preserve and keep public records which are more than twenty-five years old, and other documents, papers, instruments, and statutes, statutory orders, regulations or decrees, directed by State Secretary to be maintained, preserved and kept in the State Depository on account of their historical value or public importance.

(2) The State Depository shall be managed and controlled by the Chief Executive Officer under the supervision and direction of the Board.

Delivery of copies of library resources published in Sarawak

15.—(1) Subject to section 19, the author or publisher of every printed library resource published in Sarawak 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, the best copies of the library resource as are prescribed in the Second Schedule, and the Chief Executive Officer or any person duly authorized by him shall give a written receipt on behalf of the State Library, for every library resource received by him:

Provided that where a printed library resource is published at regular or irregular intervals, it shall be delivered within one week from the date of such publication.

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

Provided that where payment is demanded by the author or publisher, the board shall pay the retail price of the library resource so delivered.

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

(4) On conviction made under subsection (3), the court shall also make an order that the author or publisher delivers the library resource which he has failed to deliver, where it is still available, in its original form, but where it is no longer available, in its original form, the reproduction thereof.

(5) Without prejudice to subsection (4), an author or publisher who fails to deliver any library resource which is required under this section, shall pay the State Library, upon demand, the cost incurred by the State Library in the reproduction of the library resource.

(6) Any cost required to be paid to the State Library under this section shall be a debt due to the State Library and shall be recoverable by any of the ways and means in force for the time being

for the recovery of debts due to the State Library. Such recovery shall be made in the name of the Board.

Power of exemption

16. The Chief Executive Officer may, subject to the directions of the Board, exempt from all or any 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:

Provided that nothing herein contained shall be deemed to authorize the Chief Executive Officer to exempt any person from any of the provisions of this Part relating to or affecting public records.

Preservation and registration of library resources, State bibliography and statistical record

17.—(1) In relation to library resources delivered under section 15(1) or (2), the Board shall have the following functions:

(a) subject to subsection (2), 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 by whatever means, a State bibliography at stated frequency containing particulars of such library resources as the Board deems fit;

(d) to maintain statistical records of library resources or public records; and

(e) to perform such other functions that shall be necessary to give effect to the objectives stipulated in section 14.

(2) The Board may permit the use, inspection, reproduction and publication of public records and public archives kept or maintained in the State Library or at such other places which are under its management or control, subject to such conditions as may be imposed by it and in accordance with any regulation made under section 29(2).

[Sub. Cap. A144.]

Destruction of library resources or disposal of public records

18. The Board may, subject to regulations made under section 29, authorize the destruction of any library resources or disposal of public records delivered to it under this Part:

Provided that whenever practical, a copy of the library resource or public record is preserved in its original or other form acceptable to the Board before any such destruction or disposal.

[Sub. Cap. A144.]

Payment for printed library resources

19. The Board may, if it deems fit, pay the author or publisher of a printed library resource in accordance with such scale of payment as the Board may, in consultation with the Authority and with the approval of the Majlis Mesyuarat Kerajaan Negeri, prescribe.

[Am. Cap. A186/2019.]

Arrangement with public office

20. The Board may enter into any arrangement with any public office, body or person for the proper and effective discharge of any of its functions under section 17.

Obligation to be additional to those under other law

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

Special provisions for public records

22.—(1) Nothing in this Part shall require the transfer to or deposit in the State Depository of public records which the Chief Minister certifies to contain secret or confidential government information.

(2)(a) It shall be the duty of the Chief Executive Officer to notify the State Secretary of any public records transferred or delivered pursuant to this Part, to the State Depository, which, in the opinion of the Chief Executive Officer, contain information likely to

prejudice the administration of the Government or would not be in the public interest, to be preserved or maintained in the State Depository.

(b) Upon receipt of the notification from the Chief Executive Officer, the State Secretary may require the Chief Executive Officer to transfer or deliver such public records to the State Secretary for his custody.

(3)(a) Any person having possession of any public records shall, on demand in writing by the Chief Executive Officer, deposit the same with the State Depository, regardless of whether such public records come into his possession before or after the commencement of this Ordinance.

(b) Any person who fails to comply with paragraph (a) shall be guilty of an offence: Penalty a fine of five thousand ringgit or imprisonment for two years or both fine and imprisonment.

PART V FINANCE

The Sarawak State Library Fund

23.—(1) There is established a Sarawak State Library Fund to be operated, administered and controlled by the Board.

(2) The Fund shall consist of—

(a) grants, loans or other moneys allocated or provided to the State Library by the Government for the purpose of this Ordinance;

(b) such sums as may be allocated to the State Library by the Authority, for the purposes of the State Library, and the development, improvement and maintenance thereof;

[Am. Cap. A186/2019.]

(c) such sums as may be paid from time to time to the State Library from advances or loans made by the State Library from any source;

(d) moneys earned or arising from any project, scheme or enterprise financed from the Fund;

(e) fees and other payments collected or paid to the Board in connection with the use of the facilities of the State Library or services provided by the State Library;

(f) all other sums or property which may in any manner become payable to or vested in the State Library in respect of any manner incidental to its functions, powers and duties;

(g) moneys received by way of donation, gift or bequest for the purpose of the State Library; and

(h) proceeds from sales of library resources, charges for services and moneys derived from such activities undertaken by the State Library or the Board as may be allowed under this Ordinance.

Expenditure to be charged on the Fund

24. The Fund shall be expended for the purposes of—

(a) paying any expenditure lawfully incurred by the State Library, including salaries, remuneration and allowances of Chairman, Deputy Chairman, Secretary and other members of the Board, and the Chief Executive Officer, officers and employees appointed or employed by the State Library, including superannuation benefits, provident fund, privileges, allowances and gratuities;

(b) paying any other expenses, costs or expenditure properly incurred or accepted by the Board in the performance of its functions or the exercise of its powers under this Ordinance;

(c) purchasing, hiring or installing equipment, vehicles, plant, machinery, stores or parts thereof, purchasing of library resources or materials, acquiring land and erecting buildings, maintenance of the library building and carrying out any other works, undertakings and activities in the performance of the functions of the State Library;

(d) repaying any money borrowed under this Ordinance and interest due thereon;

(e) paying any author or publisher of a printed library resource under section 19; and

(f) generally, paying any expense for carrying into effect the provisions of this Ordinance and any regulations made thereunder.

Financial and accounting procedure

25. The provisions of the Statutory Bodies (Financial and Accounting Procedure) Ordinance, 1995 [*Cap. 15*] shall apply to the Board in the management of its financial affairs and in the management and maintenance of its financial and accounting records and procedures.

[Sub. Cap. A144.]

26. (*Repealed by Cap. A144.*)

PART VI GENERAL

Obligation of secrecy

27.—(1) Except for any of the purpose of this Ordinance or for any civil or criminal proceedings under any written law, no member, officer or employee of the Board shall disclose any information classified as confidential or secret which has been obtained by him in the course of his duties and which he has not been authorized by the Board, generally or in any special case, to disclose.

(2) Any person contravening subsection (1) shall be guilty of an offence: Penalty, a fine of five thousand ringgit or imprisonment for one year or both.

Legal representation

28. In respect of any civil proceedings by or against the Board or the State Library or by or against any member of the Board or

officer of the State Library suing or being sued in their official capacity—

- (a) The State Attorney General or any legal officer authorized in writing by him; or
- (b) an advocate appointed by the Board; or
- (c) the Chief Executive Officer or an officer of the State Library authorized by him,

may appear and represent the Board or the State Library or the member or officer in any court before which such proceedings are instituted or filed.

Power to make regulations

29.—(1) The Majlis Mesyuarat Kerajaan Negeri may make regulations as may be expedient or necessary for the better carrying out of the provisions of this Ordinance.

(2) Without prejudice to the generality of subsection (1), regulations may be made for—

- (a) prescribing the manner in which documents, cheques and instruments of any description shall be signed or executed on behalf of the State Library;
- (b) prescribing the responsibilities and control of officers and employees of the State Library;
- (c) prescribing conditions and procedures for the destruction of library resources or materials or the transfer, handing-over or presentation of such resources or materials to other persons or bodies;
- (d) prescribing the conduct and discipline of users of the State library;
- (e) imposing fees and other charges for the use of the facilities of the State Library or the services or facilities provided by the State Library;

(f) regulating the preservation, custody, control, access, reproduction or destruction of public records or documents deposited with the State Depository pursuant to section 14(1)(d);

(g) prescribing procedures and guidelines for the classification and management of current public records;

(h) prescribing procedures for the review, classification, reclassification and declassification of any records which are in the custody or under the control of the State Library;

(i) prescribing procedures to be followed in relation to access to public archives;

(j) prescribing terms and conditions to be imposed on the usage, reproduction and publication of public archives;

(k) prescribing procedures and guidelines for the inspection, appraisal, management and disposal of public records which are in the custody or under the control of public offices, including the supervision of records management programmes in such public offices;

(l) prescribing procedures and guidelines for the establishment, maintenance and operation of a Record Centre and an Agency Record Unit;

(m) prescribing procedures and charges for authentication of copies or extracts of public records or public archives;

(n) providing for amendment of the Schedules; and

(o) providing generally for the performance of the functions, the exercise of the powers and the discharge of the duties of the Board under this Ordinance.

[Am. Cap. A144.]

(3) Any regulations made under this Ordinance—

(a) may prescribe that any act or omission in contravention thereof is an offence; and

(b) may provide for imposition of a fine not exceeding fifty thousand ringgit or imprisonment not exceeding three years or both fine and imprisonment for such offence.

Repeal

30.—(1) The Sarawak Museum (Deposit Library) Ordinance, 1961 [*Ord. No. 3/61*], is repealed.

(2) All publications, library resources, materials or matters deposited with the Chief Executive Officer of the Sarawak Museum pursuant to the repealed Ordinance or any other written laws, including laws which have been repealed, shall be handed over to the State Depository, but, before delivering the same to the State Depository, the Chief Executive Officer of the Sarawak Museum may take or retain copies thereof for the record of or display at, the Sarawak Museum.

FIRST SCHEDULE

(Section 15(1) and (2))

**NUMBERS OF COPIES OF LIBRARY RESOURCES
TO BE DELIVERED**

<i>Library Resources</i>	<i>Number of Copies</i>
1. Printed library resources including books, serials, maps, charts and posters.	Not less than 3
2. Non-printed library resources including cinematograph films, microfilms, phonore cords, video and audio recordings and other electronic media.	2

[Am. Cap. A186/2019]

SECOND SCHEDULE

(Section 15(1) and (2))

DESCRIPTION OF BEST COPY OF LIBRARY RESOURCES

<i>Library Resources</i>	<i>Description</i>
1. Printed library resources including books, manuscripts, newspapers, pamphlets, periodicals, serials, type-scripts, maps, charts and posters.	<p>A copy equal in quality to the best copy of the library resources that is published, that is to say, copy of the whole resources with all illustrations if any belonging thereto and—</p> <p>(a) finished and coloured in the same manner as the best copies of the resources as are published; and</p> <p>(b) bound, sewn or stitched together and on the best paper on which the resources are printed.</p>
2. Non-printed library resources including cinematograph films, microfilms, phonorecordings, video and audio recordings and other electronic media.	<p>A copy equal in quality to the best copy of the library resources that are published.</p>

CAP. 29

LAWS OF SARAWAK**Chapter 29****SARAWAK STATE LIBRARY ORDINANCE, 1999**

LIST OF AMENDMENTS

Amending Law	Short Title	In force from
Swk. L.N. 66/99	Date of Commencement of the Ordinance	1.10.1999
Cap. A144	Sarawak State Library (Amendment) Ordinance, 2009	30.3.2010 (Swk. L.N. 18/2010)
Cap. A186	Sarawak State Library (Amendment) Ordinance, 2019	11.12.2019