



**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**NATIONAL LIBRARY BOARD ACT**

**(CHAPTER 197)**

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# National Library Board Act

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An Act to establish and incorporate the National Library Board, to transfer to it the National Library and for matters connected therewith.

[1st September 1995]

## PART 1

## PRELIMINARY

**Short title**

1. This Act may be cited as the National Library Board Act.

**Interpretation**

2. In this Act, unless the context otherwise requires —
  - “Board” means the National Library Board established under section 3;
  - “Chairman” means the Chairman of the Board and includes any temporary Chairman of the Board;
  - “chief executive officer” means the chief executive officer of the Board and includes any person acting in that capacity;
  - “Deputy Chairman” means the Deputy Chairman of the Board and includes any temporary Deputy Chairman of the Board;
  - “Fund” means the National Library Board Endowment Fund established under section 23;

“library information service” means any information service provided and managed in conjunction with a library or library service;

“library materials” means —

- (a) any printed book, periodical, newspaper, pamphlet, musical score, map, chart, plan, picture, photograph, print and any other printed matter; and
- (b) any film (including a microfilm and a microfiche), negative, tape, disc, sound track and any other device in which one or more visual images, sounds or other data are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced from it;

“member” means a member of the Board;

“National Archives” means the National Archives of Singapore transferred by the Statutes (Miscellaneous Amendments) (No. 2) Act 2012 (Act 25 of 2012) to the Board and administered in accordance with Part 2A;

“National Heritage Board” means the National Heritage Board established under section 3 of the National Heritage Board Act (Cap. 196A);

“printed”, in relation to books, means produced by printing, lithography, duplication or any other like process, and “printer” has a corresponding meaning;

“public archives” means those public records that —

- (a) are more than 25 years old;
- (b) are specified by the Board as being of national or historical significance; and
- (c) have been transferred to the Board or to such other place as the Board may from time to time determine;

“public office” means any department, office, institution, agency, commission, board, local authority or statutory body or any other office of the Government or branch or

subdivision thereof, and any other body that the President may, by notification in the *Gazette*, declare to be a public office;

“public records” means papers, documents, records, registers, printed materials, books, maps, plans, drawings, photographs, microforms, videotapes, films, machine readable and electronic records, sound recordings and other forms of records of any kind whatsoever, that are produced or received by any public office in the transaction of official business, or by any officer in the course of his official duties, and includes public archives;

“publicly-funded libraries” means all libraries owned by the Government or any statutory body and such other libraries which are, directly or indirectly, funded by the Government (whether fully or partially) as the Board may determine;

“published in Singapore” means produced and released in Singapore for sale or public distribution;

“publisher” means any person who arranges for any library material to be published in Singapore.

[25/2012]

## PART 2

### ESTABLISHMENT, CONSTITUTION, FUNCTIONS AND POWERS OF BOARD

#### **Establishment of National Library Board**

3. There shall be established a body to be known as the National Library Board which shall be a body corporate with perpetual succession and shall, by that name, be capable of —

- (a) suing and being sued;
- (b) acquiring, owning, holding, developing and disposing of property, both movable and immovable; and
- (c) doing and suffering all such acts or things as bodies corporate may lawfully do or suffer.

### **Common seal**

4.—(1) The Board shall have a common seal which shall be kept in such custody as the Board thinks fit.

(2) All deeds and other documents requiring the seal of the Board shall be sealed with the common seal of the Board and every document to which the common seal is affixed shall be signed by any 2 members of the Board generally or specially authorised by the Board for the purpose or by one member so authorised and the chief executive officer.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to any document and shall presume that it was duly affixed.

### **Constitution of Board**

5.—(1) The Board shall consist of —

- (a) a Chairman;
- (b) a Deputy Chairman; and
- (c) not less than 10 but not more than 20 other members as the Minister may from time to time determine.

(2) The First Schedule shall have effect with respect to the Board, its members and proceedings.

### **Functions of Board**

6. The functions of the Board shall be —

- (a) to establish and maintain libraries and to provide library information services;
- (b) to promote reading and encourage learning through the use of libraries and their services;
- (c) to provide a repository for library materials published in Singapore;
- (d) to acquire and maintain a comprehensive collection of library materials relating to Singapore and its people;

- (e) to establish standards for the training of library personnel in Singapore;
- (f) to provide advisory and consultancy services concerning libraries and library information services;
- (g) to compile and maintain a national union catalogue and a national bibliography;
- (h) to advise the Government on national needs and policies in respect of matters relating to publicly-funded libraries and library information services in Singapore;
- (i) to provide a permanent repository of records of national or historical significance and to facilitate access to those records;
- (j) to conduct records management programmes for the Government; and
- (k) to record, preserve and disseminate the history of Singapore through oral history methodology or other means.

[25/2012]

### **Powers of Board**

7.—(1) The Board shall have power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

(2) Without prejudice to the generality of subsection (1), the powers of the Board shall include power —

- (a) to develop and manage libraries established by the Board;
- (b) to develop a computer network of libraries in Singapore;
- (c) to define, develop and implement the national collection policy and strategy and appoint different libraries and centres to collect library materials on different subject areas of importance and interest to Singapore;
- (d) to co-ordinate and facilitate access to library materials in all publicly-funded libraries;



- (e) to obtain and provide information on the resources and services of libraries in Singapore;
- (f) to take appropriate measures to maintain and preserve library materials deposited with the Board under section 10;
- (g) to establish liaison with other library authorities and information providers and other archives and oral history centres (foreign or otherwise) to secure maximum collaboration of all activities relevant to the Board's functions;
- (h) to undertake or sponsor programmes for the training of persons in the profession and skills involved in the operations of libraries, archives and oral history centres;
- (i) to arrange for or provide professional and technical services in connection with libraries on such terms and conditions as the Board may determine;
- (j) to undertake and facilitate research on libraries, librarianship, archival work and oral history;
- (k) to raise funds by all lawful means and to receive gifts and donations, whether on trust or otherwise;
- (l) to extend grants, contributions or loans to any person or organisation connected with the national literary heritage or library development in Singapore for purposes consistent with the provisions of this Act;
- (m) to enter into contracts and establish trusts;
- (n) to enter into joint ventures with any person or organisation, or form or participate in the formation of a company;
- (o) to provide or undertake publicity in any form; and
- (p) to charge fees, commissions or rent for any services or facilities provided by the Board.

[25/2012]

**Directors and advisory committees for libraries**

8. The Board may appoint directors for the general management and control of the libraries it has established and may also appoint advisory committees to advise on the operations and services of those libraries.

**Appointment of committees and delegation of powers**

9.—(1) The Board may appoint, from among its own members or other persons who are not members of the Board, such number of committees as it may think fit consisting of members or other persons or members and other persons for purposes which, in the opinion of the Board, would be better regulated and managed by means of such committees.

(2) The Board may, subject to such conditions or restrictions as it may think fit, delegate to any such committee or to any member, officer or employee of the Board, any of the functions or powers of the Board under this Act, except the power of delegation conferred by this section.

(3) No delegation under this section shall prevent the performance or exercise of any function or power by the Board.

**Deposit of library materials**

10.—(1) The publisher of every library material published in Singapore shall, at the publisher's own expense and within 4 weeks after the date of publication, deposit 2 copies (except as otherwise provided by regulations) of that library material with the Board at such place as the Board may determine.

(2) The Board may by regulations prescribe —

- (a) the library materials which are not required to be deposited with the Board; and
- (b) the quality and the format of the copies of library materials required to be deposited.

(3) Every publisher of any library material who contravenes this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(4) The Board may, in its discretion, compound any offence under this section by collecting from the person reasonably suspected of having committed the offence a sum not exceeding \$500.

### **Establishment of national union catalogue**

**11.**—(1) All publicly-funded libraries shall contribute their cataloguing and holding records, whether original or derived from other sources, towards the establishment of an up-to-date national union catalogue.

(2) The Board may by regulations prescribe —

- (a) the standard and the format of the cataloguing and holding records required to be sent to the Board; and
- (b) the frequency of updating the cataloguing and holding records in the national union catalogue.

### **Participation in interlibrary loan scheme**

**12.** All publicly-funded libraries shall participate in such scheme for interlibrary loan and interlibrary information services as may be established by the Board in consultation with such libraries.

### **Annual report**

**13.**—(1) The Board shall, as soon as practicable after the end of each financial year, cause to be prepared and transmitted to the Minister a report dealing generally with the activities of the Board during that financial year.

(2) The Minister shall as soon as practicable cause a copy of every such report to be presented to Parliament.

### **Directions by Minister**

**14.**—(1) The Minister may, in consultation with the Board or otherwise, give the Board such directions, not inconsistent with the provisions of this Act, as he may think fit as to the exercise and performance by the Board of its functions under this Act and the Board shall give effect to any such directions.

(2) The Board shall give the Minister such information with regard to its property and activities as the Minister may require.

## PART 2A

### NATIONAL ARCHIVES OF SINGAPORE AND ORAL HISTORY CENTRES

#### **National Archives of Singapore**

**14A.**—(1) On 28 March 2013<sup>1</sup>, the National Archives of Singapore in which records of national or historical significance shall be preserved is transferred from the National Heritage Board to the Board.

[25/2012]

(2) The Board —

- (a) shall examine the public records in any public office and advise that office as to their care and custody;
- (b) shall take necessary measures to classify, identify, preserve and restore public records;
- (c) shall make known information concerning archives by any means, including publications, exhibitions and heritage promotional activities;
- (d) shall conduct a records management programme for the efficient creation, utilisation, maintenance, retention, preservation and disposal of public records;
- (e) shall advise public offices concerning standards and procedures pertaining to the management of public records;
- (f) may provide information, consultation, research and other services related to archives;
- (g) may, subject to the terms and conditions, if any, on which the public archives were acquired, reproduce or publish any public archives; and

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<sup>1</sup> Date of commencement of the Statutes (Miscellaneous Amendments) (No. 2) Act 2012 (Act 25 of 2012).

- (h) may acquire by purchase, donations, bequest or otherwise any document, book or other material which, in the opinion of the Board, is or is likely to be of national or historical significance.

[25/2012]

### **Appointment of Director of National Archives**

**14B.**—(1) There shall be an officer of the Board whom the Board shall appoint as the Director of National Archives, and the Director of National Archives shall be responsible to the Board for the general management and control of the National Archives.

[25/2012]

(2) The Director of National Archives, and any person acting on behalf or under the direction of the Director of National Archives, shall, with respect to access to public records, satisfy any security requirements applicable to, and take any oath of secrecy required to be taken by, persons who normally have access to the public records.

[25/2012]

### **Transfer of public records to National Archives**

**14C.** Any public records which, in the opinion of the Board, are of national or historical significance shall be transferred to the care and control of the National Archives in accordance with such schedules or other agreements for the transfer of records as may be agreed on between the Board and the public office responsible for the public records.

[25/2012]

### **Destruction or disposal of public records only on authority of Board**

**14D.**—(1) No person shall, without the authorisation of the Board under subsection (4), destroy or otherwise dispose of, or authorise the destruction or disposal of, any public records which are in his possession or under his control.

[25/2012]

(2) Any person intending to destroy or dispose of or to authorise the destruction or disposal of any public records shall first notify the

Board of that intention and shall, in his notification, specify the nature of the public records in question.

[25/2012]

(3) The Board may inspect any public records specified in any notification under subsection (2) and shall, if it requires those records to be made available to it, inform the person making the notification of that requirement, and the public records shall be made available to the Board.

[25/2012]

(4) The Board may authorise the destruction of any specified classes of public records which by reason of their number, kind or routine nature do not in its opinion possess any enduring value for preservation as public archives.

[25/2012]

### **Inspection of public records and recordings**

**14E.**—(1) Except with the written authority of the Director of National Archives, a person who is not an officer of the National Archives shall not inspect any public records or recordings that are not made available to the public under subsection (2).

[25/2012]

(2) Any person may, for the purpose of reference or research, inspect any public archives or recordings made available to the public subject —

- (a) to any conditions or restrictions imposed with the authority of the public office from which the public archives were acquired or the producer or distributor which provided the recordings, as the case may be; and
- (b) to such conditions as the Director of National Archives may consider necessary for their preservation.

[25/2012]

(3) The National Archives shall be open for the inspection of public records during such hours as may be determined by the Board.

[25/2012]

(4) In this section, “recording” means any recording deposited with the Board under section 14I.

[25/2012]

### **Certified copy of public records**

**14F.** Any copy of a public record which is certified by the Director of National Archives as a true copy of the original document shall be admissible in a court of law.

[25/2012]

### **Reproduction of public records and recordings**

**14G.—**(1) No person shall publish or reproduce the whole or any part of the contents of any public records which have been transferred to the National Archives or of any recording which has been deposited under section 14I except with the written consent of the Director of National Archives and in accordance with such conditions or restrictions as may be imposed with the authority of —

(a) the public office from which the public records were acquired; or

(b) the producer or distributor which provided the recordings, as the case may be.

[25/2012]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

[25/2012]

(3) Nothing in this section shall be construed as affecting or extending the law relating to copyright.

[25/2012]

### **Prohibition of export, etc., of public records**

**14H.—**(1) No person shall —

(a) without the written permission of the Board, take or send out of Singapore any public records;

(b) write on, mark, inscribe or otherwise deface any public records; or

(c) mutilate, excise or otherwise damage any public records.

[25/2012]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

[25/2012]

### **Deposit of certain recordings**

**14I.**—(1) The producer or distributor of a recording shall, within 6 months after a request in writing is made by the Board, provide without charge the Board with a copy of the recording in such form as may be specified in the request.

[25/2012]

(2) Any person who fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

[25/2012]

(3) This section shall not apply to or in respect of —

- (a) a recording that has not been broadcast or made public in Singapore; or
- (b) any recording of a class or kind that is exempted from the application of this section by such regulations as the Minister may make for the purpose.

[25/2012]

(4) In this section, “recording” means anything in which sounds are embodied or on which images are fixed or both, regardless of form.

[25/2012]

### **Oral history centres**

**14J.**—(1) The Board may, in addition to any oral history centre transferred under section 14K, establish any other oral history centre for the purposes of this Act.

[25/2012]

(2) The purposes of any oral history centre transferred to the Board under section 14K or established by the Board under this section shall be —



- (a) to collect, document and disseminate information on the history of Singapore through oral history methodology or other means;
- (b) to interview persons who have influenced or participated in the history of Singapore, to preserve these interviews and to produce transcripts of selected interviews;
- (c) to preserve and care for the recordings and transcripts of such interviews;
- (d) to allow access to the recordings and transcripts of such interviews to persons seeking to inspect them in connection with study or research subject to any conditions or restrictions imposed by the interviewee or the Board; and
- (e) to disseminate information on the collection and work of the centre by any means, including publications, audio-visual educational packages, exhibitions, consultations, research and heritage promotional activities.

[25/2012]

### **Transfer of archive undertakings, etc., from National Heritage Board**

**14K.**—(1) All the lands, buildings and other property, movable or immovable, vested in the National Heritage Board immediately before 28 March 2013<sup>1</sup> (referred to in this section as the transfer date) for the purposes of —

- (a) the National Archives; or
- (b) any oral history centre established by the National Heritage Board,

and all assets, powers, interests, rights, privileges, debts, liabilities and obligations of the National Heritage Board relating to paragraph (a) or (b) shall, on the transfer date, become by virtue of this section and without further assurance, the property, assets,

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<sup>1</sup> Date of commencement of the Statutes (Miscellaneous Amendments) (No. 2) Act 2012 (Act 25 of 2012).

powers, interests, rights, privileges, debts, liabilities and obligations of the Board.

[25/2012]

(2) Every agreement relating to any of the properties, assets, interests, rights, privileges, liabilities or obligations transferred under subsection (1) and to which the National Heritage Board was a party immediately before the transfer date, whether or not of such nature that the rights and liabilities could be assigned, shall have effect as from that date as if —

- (a) the Board had been a party to such an agreement; and
- (b) for any reference to the National Heritage Board there were substituted in respect of anything to be done on or after the transfer date a reference to the Board.

[25/2012]

(3) If any question arises as to whether any particular property, asset, interest, right, privilege, liability or obligation has been transferred to or vested in the Board under subsection (1), a certificate under the hand of the Minister charged with the responsibility for finance shall be conclusive evidence that the property, asset, interest, right, privilege, liability or obligation was or was not so transferred or vested.

[25/2012]

(4) Any proceedings or cause of action pending or existing immediately before the transfer date by or against the National Heritage Board relating to the National Archives or any oral history centre transferred under subsection (1) may be continued and shall be enforced by or against the Board.

[25/2012]

(5) The operation of subsections (1), (2) and (3) shall not be regarded —

- (a) as a breach of contract or confidence or otherwise as a civil wrong;
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets or liabilities;

- (c) as giving rise to any remedy by a party to a legal instrument, or as causing or permitting the termination of any legal instrument, because of a change in the beneficial or legal ownership of any asset or liability; or
- (d) as an event of default under any contract or other legal instrument.

[25/2012]

(6) Any provision in any existing contract, agreement, conveyance, deed, lease, guarantee, bond, indemnity and other instrument or undertaking to which the National Heritage Board is a party or may be bound prohibiting or having the effect of prohibiting the transfer of any property, assets, interests, rights, privileges, liabilities or obligations comprised in the undertaking transferred under subsection (1) shall be deemed by this Act to have been waived.

[25/2012]

(7) No attornment to the Board by a lessee from the National Heritage Board shall be required.

[25/2012]

### **Transfer of employees from National Heritage Board, etc.**

**14L.**—(1) On 28 March 2013<sup>1</sup> (referred to in this section as the transfer date), such categories of persons employed by the National Heritage Board immediately before that date in —

- (a) the National Archives; or
- (b) any oral history centre established by the National Heritage Board,

as the Minister may determine shall be transferred to the service of the Board on terms no less favourable than those enjoyed by them immediately prior to their transfer.

[25/2012]

(2) Until such time as terms and conditions of service are drawn up by the Board, the scheme and terms and conditions of service in the National Heritage Board shall continue to apply to every person

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<sup>1</sup> Date of commencement of the Statutes (Miscellaneous Amendments) (No. 2) Act 2012 (Act 25 of 2012).

transferred to the service of the Board under subsection (1) as if he were still in the service of the National Heritage Board.

[25/2012]

(3) The terms and conditions of employment to be drawn up by the Board —

- (a) shall take into account the salaries and terms and conditions of service, including any accrued rights to leave, enjoyed by the persons transferred to the service of the Board under this section while in the employment of the National Heritage Board;
- (b) in the case of any such term or condition relating to the length of service with the Board, shall provide for the recognition of service under the National Heritage Board by the persons so transferred as service by them under the Board; and
- (c) shall not adversely affect the conditions that would have been applicable to persons transferred to the service of the Board as regards any pension, gratuity or allowance payable under the Pensions Act (Cap. 225).

[25/2012]

(4) All deeds, schemes, bonds, agreements, instruments and arrangements subsisting immediately before the transfer date to which the National Heritage Board is a party and relating to any person transferred to the service of the Board under subsection (1) shall continue in force on and after that date and shall be enforceable by or against the Board as if the Board had been named therein or had been a party thereto instead of the National Heritage Board.

[25/2012]

(5) Any proceedings or cause of action relating to any employee transferred to the service of the Board under subsection (1) pending or existing immediately before the transfer date by or against the National Heritage Board, or any person acting on its behalf, may be continued and shall be enforced by or against the Board.

[25/2012]

(6) Where on the transfer date —

- (a) any disciplinary proceedings were pending against any employee of the National Heritage Board transferred to the service of the Board under subsection (1), the proceedings shall be carried on and completed by the Board; and
- (b) any matter was in the course of being heard or investigated or had been heard or investigated by a committee of the National Heritage Board acting under due authority but no order, ruling or decision had been made thereon, the committee shall complete the hearing or investigation and shall make such order, ruling or direction as it could have made under the authority vested in it before that date.

*[25/2012]*

(7) Any order, ruling or direction made by such a committee pursuant to subsection (6) shall be treated as an order, a ruling or a direction of the Board and have the same force or effect as if it had been made by the Board pursuant to the authority vested in the Board under this Act.

*[25/2012]*

(8) The Board may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person transferred to the service of the Board under subsection (1) for any misconduct or neglect of duty committed before the transfer date which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner if he had continued to be in the employment of the National Heritage Board and if this Act had not been enacted.

*[25/2012]*

(9) For the avoidance of doubt, section 18A of the Employment Act (Cap. 91) shall not apply to the transfer under this section of any employee of the National Heritage Board to the Board.

*[25/2012]*

(10) Notwithstanding any other written law or any contract, no person who is transferred from the National Heritage Board to the service of the Board under subsection (1) shall be entitled to claim any benefit under that written law or contract for termination of his service on the ground of redundancy or abolition of his office in

consequence of the transfer of the National Archives or any oral history centre from the National Heritage Board to the Board.

[25/2012]

(11) Except as otherwise provided in this section, nothing in subsection (1) shall prevent the terms and conditions of a transferred employee's employment on or after the transfer date from being varied in accordance with those terms and conditions, or by or under any written law, or an award, a determination or an agreement; and "vary", in relation to terms and conditions of service, includes omitting any of those terms and conditions, adding to those terms and conditions, or substituting new terms and conditions for any of those terms and conditions.

[25/2012]

(12) In every case where a person transferred to the service of the Board under this section is also a person transferred from the employment of the Government to the National Heritage Board under section 40 of the National Heritage Board Act (Cap. 196A), the Government and the National Heritage Board shall each be liable to pay the Board such portion of any gratuity, pension or allowance payable under the Pensions Act to such person on his retirement as the same shall bear to the proportion which the aggregate amount of his pensionable emoluments during his service with the Government and the National Heritage Board, respectively, bears to the aggregate amount of his pensionable emoluments during his total service under the Government, the National Heritage Board and the Board.

[25/2012]

### PART 3

#### PROVISIONS RELATING TO STAFF

##### **Chief executive officer of Board**

**15.—**(1) The Board shall, with the approval of the Minister, appoint a chief executive officer on such terms and conditions as the Board may determine.

(2) The chief executive officer shall —

- (a) be known by such designation as the Board may determine;
- and

- (b) be responsible to the Board for the proper administration and management of the affairs of the Board in accordance with the policy laid down by the Board.

(3) If the chief executive officer is temporarily absent from Singapore, or is temporarily unable to perform his duties by reason of illness or otherwise, another person may be appointed by the Board to act in the place of the chief executive officer during any such period of absence from duty.

### **Appointment of staff**

**16.** The Board may —

- (a) appoint such number of officers and employees on such terms as to remuneration or otherwise as the Board may determine and may terminate their service or exercise disciplinary control over them in accordance with their terms of service; and
- (b) engage and remunerate for their services such persons as the Board considers necessary for carrying out its functions and duties.

### **Public servants for purposes of Penal Code**

**17.** All members, officers and employees of the Board (including persons seconded to the Board for any period) shall be deemed to be public servants for the purposes of the Penal Code (Cap. 224).

## **PART 4**

### **FINANCIAL PROVISIONS**

#### **Funds of Board**

**18.** The funds of the Board shall consist of —

- (a) all moneys received by the Board by way of grants;
- (b) all gifts, donations and contributions to the Board;
- (c) all fees, commissions, rents, interests, dividends and other income accruing to the Board;

- (d) all moneys borrowed by the Board under this Act; and
- (e) all other moneys lawfully received by the Board for the purposes of the Board.

### **Bank accounts and application of moneys**

**19.**—(1) The Board may open and maintain an account or accounts with such bank or banks as the Board thinks fit; and every such account shall be operated upon as far as practicable by cheque signed by such person or persons as may from time to time be authorised in that behalf by the Board.

(2) The moneys of the Board shall be applied only in payment or discharge of the expenses, obligations and liabilities of the Board and in making any payments that the Board is authorised or required to make.

### **Power of investment**

**20.** The Board may invest its funds in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act (Cap. 1).

[45/2004]

### **Power to borrow**

**21.** The Board may from time to time for the purposes of this Act raise loans from the Government or, with the consent of the Minister, from any other source.

### **Issue of shares, etc.**

**21A.** As a consequence of the vesting of any property, rights or liabilities of the Government in the Board under this Act, or of any capital injection or other investment by the Government in the Board in accordance with any written law, the Board shall issue such shares or other securities to the Minister for Finance as that Minister may from time to time direct.

[5/2002]



## **Grants**

**22.** For the purpose of enabling the Board to carry out its functions under this Act, the Minister may from time to time make grants to the Board of such sums of money as the Minister may determine out of moneys to be provided by Parliament.

## **Establishment of National Library Board Endowment Fund**

**23.—(1)** There shall be established a fund to be known as the National Library Board Endowment Fund which shall vest in the Board and consist of —

- (a) all moneys received by the Board by gifts, bequests or otherwise for the Fund;
- (b) such contributions to the Fund as the Minister may specify from moneys provided by Parliament; and
- (c) such other moneys as the Board may decide to transfer to the Fund.

(2) The income of the Fund shall be applied for all or any of the following purposes:

- (a) the provision of training programmes and scholarships for librarians and persons working in libraries;
- (b) the delivery of lectures by distinguished persons in the field of library and information science;
- (c) the sponsorship of major library promotional programmes;
- (d) the financing of research on reading and librarianship;
- (e) such other purposes consistent with this Act as the Board may decide.

## **Financial provisions**

**24.** The financial provisions set out in the Second Schedule shall apply to the Board.

## PART 5

## TRANSFER OF ASSETS, LIABILITIES AND EMPLOYEES

**Transfer of assets and liabilities**

**25.**—(1) As from 1 September 1995, all movable property vested in the Government immediately before that date and used or managed by the National Library and all assets, rights, interests, liabilities and obligations of the Government relating to the National Library shall be transferred to and shall vest in the Board without further assurance.

(2) As from 1 September 1995, the Board shall control and manage all the libraries which are under the control of the National Library.

(3) If any question arises as to whether any particular property, or whether any particular asset, right, interest, liability or obligation has been transferred to or vested in the Board under subsection (1), a certificate under the hand of the Minister for Finance shall be conclusive evidence that the property, asset, right, interest, liability or obligation was or was not so transferred or vested.

**Existing agreements, etc.**

**26.** All deeds, bonds, agreements, instruments and arrangements, subsisting immediately before 1 September 1995, affecting any of the property, rights, interests, liabilities and obligations transferred to or vested in the Board under section 25(1) shall continue in force on and after that date and shall be enforceable by or against the Board as if, instead of the Government or a person acting on behalf of the Government, the Board had been named therein or had been a party thereto.

**Pending legal proceedings**

**27.** Any proceedings or cause of action pending or existing immediately before 1 September 1995 by or against the Government or any person acting on behalf of the Government relating to the National Library may be continued and shall be enforced by or against the Board.

**Transfer of employees**

**28.**—(1) As from 1 September 1995, such categories of persons employed immediately before that date in the National Library as the Minister may determine shall be transferred to the service of the Board on terms no less favourable than those enjoyed by them immediately prior to their transfer.

(2) Until such time as terms and conditions of service are drawn up by the Board, the scheme and terms and conditions of service in the Government shall continue to apply to every person transferred to the service of the Board under subsection (1) as if he were still in the service of the Government.

**Pension rights, etc., of Government employees to be preserved**

**29.**—(1) The terms and conditions of service of persons transferred to the service of the Board under section 28 shall take into account the salaries and terms and conditions of service, including any accrued rights to leave, enjoyed by such persons while in the employment of the Government and any such term or condition relating to the length of service with the Board shall provide for the recognition of service under the Government by persons so transferred to be service by them under the Board.

(2) Nothing in the terms and conditions of service to be drawn up by the Board shall adversely affect the conditions that would have been applicable to persons transferred to the service of the Board as regards any pension, gratuity or allowance payable under the Pensions Act (Cap. 225).

(3) In every case where a person has been transferred to the service of the Board under section 28, the Government shall be liable to pay the Board such portion of any gratuity, pension or allowance payable to such person on his retirement as the same shall bear to the proportion which the aggregate amount of his pensionable emoluments during his service with the Government bears to the aggregate amount of his pensionable emoluments during his service under both the Government and the Board.

**No benefits in respect of abolition or reorganisation of office**

**30.** Notwithstanding the provisions of the Pensions Act (Cap. 225), no person who is transferred to the service of the Board under section 28 shall be entitled to claim any benefit under the Pensions Act on the ground that he has been retired from the service of the Government on account of abolition or reorganisation of office in consequence of the establishment and incorporation of the Board.

**Continuation and completion of disciplinary proceedings**

**31.—(1)** Where on 1 September 1995, any disciplinary proceedings are pending against any person transferred to the service of the Board under section 28, any committee acting under due authority to hear or investigate the matter shall continue to exist, notwithstanding this Act, for the purpose of completing the hearing or investigation and the making of an order or rendering a decision, as the case may be, and the Government or committee shall complete the hearing or investigation in accordance with the authority vested in the Government or committee immediately before that date and make such order, ruling or direction as the Government or committee could have made under the authority vested in it immediately before that date.

(2) Any order, ruling or direction made or given by the Government or committee pursuant to this section shall be treated as an order, a ruling or a direction of the Board and have the same force or effect as if it had been made or given by the Board pursuant to the power vested in the Board under this Act.

**Misconduct or neglect of duty by employee before transfer**

**32.** The Board may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person transferred to the service of the Board under section 28 for any misconduct or neglect of duty committed prior to 1 September 1995 which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner if he had continued to be in the employment of the Government and if this Act had not been enacted.

## PART 6

## MISCELLANEOUS PROVISIONS

**Board's symbol**

**33.**—(1) The Board shall have the exclusive right to the use of such symbol or representation as it may select or devise and display or exhibit in connection with its activities or affairs.

(2) A person who, without the permission of the Board, uses a symbol or representation identical with that of the Board or which so resembles the Board's symbol or representation as to deceive or cause confusion, or to be likely to deceive or cause confusion, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

**Protection from personal liability**

**34.** No suit or other legal proceedings shall lie personally against any member, officer or employee of the Board or other person acting under the direction of the Board for anything which is in good faith done or intended to be done in the execution or purported execution of this Act.

**Regulations**

**35.**—(1) The Board may, with the approval of the Minister, make regulations for carrying out the purposes and provisions of this Act and for prescribing any matter which may be prescribed under this Act.

(2) Without prejudice to the generality of subsection (1), such regulations may —

- (a) provide for the use of its libraries and library buildings and of their contents, fittings and furniture, and for protecting them from injury, destruction or misuse;
- (b) require from any persons using its libraries a guarantee or security against the loss of, or injury to, any library materials belonging to the libraries;

- (ba) provide for the use, custody, preservation, reproduction, removal, destruction and disposal of public records and other documents under this Act;
- (bb) provide for regulating the taking of oral history recordings and transcripts;
- (c) enable the officers or employees of the Board to exclude or remove from its libraries, library buildings, the National Archives, any oral history centre or any other land or building owned by or under the control of the Board persons committing any offence under this Act or any of its regulations;
- (d) provide for the preservation of order and the prevention of nuisance in any library, library building, the National Archives, any oral history centre or any other land or building owned by or under the control of the Board;
- (e) fix the days and times of admission to its libraries;
- (f) provide for the admission of vehicles to the grounds of its libraries and the regulation of traffic in those grounds;
- (g) prescribe the amount of fines that may be levied for the damage, loss or late return of borrowed library materials and for the waiving or refund of such fines; and
- (h) prescribe that any act or omission in contravention of the provisions of any regulations made under this Act shall be an offence and imposing penalties for those offences, which penalties shall not exceed a fine of \$5,000.

[25/2012]

### **Transitional provision**

**36.** Any scheme, contract, document, certificate, licence, permission or resolution prepared, made, granted or approved under the repealed National Library Act (Cap. 197, 1985 Ed.) shall, so far as it is not inconsistent with the provisions of this Act, continue and be deemed to have been prepared, made, granted or approved under this Act.

**FIRST SCHEDULE**

Section 5(2)

**CONSTITUTION AND PROCEEDINGS OF BOARD****Appointment of Chairman, Deputy Chairman and other members**

1.—(1) The Chairman, the Deputy Chairman and other members shall be appointed by the Minister.

(2) The Deputy Chairman may, subject to such directions as may be given by the Chairman, exercise all or any of the powers exercisable by the Chairman under this Act.

(3) The Minister may appoint the chief executive officer to be a member of the Board.

**Tenure of office of members**

2. The Chairman, the Deputy Chairman and every other member shall hold office on such terms and conditions and for such period as the Minister may determine and shall be eligible for reappointment.

**Temporary Chairman or Deputy Chairman**

3. The Minister may appoint any member to be a temporary Chairman or a temporary Deputy Chairman during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of the Chairman or the Deputy Chairman, as the case may be.

**Temporary members**

4. The Minister may appoint any person to be a temporary member during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of any member.

**Revocation of appointment**

5. The Minister may, at any time, revoke the appointment of the Chairman or the Deputy Chairman or any member without assigning any reason.

**Resignation**

6. Any member may resign from his appointment at any time by giving notice in writing to the Minister.

FIRST SCHEDULE — *continued***Vacation of office**

7. The office of a member shall be vacated if the member —
- (a) becomes in any manner disqualified for membership of the Board; or
  - (b) has been absent, without leave of the Board, from 3 consecutive meetings of the Board.

**Filling of vacancy in office of member**

8. If a member dies, resigns or has his appointment revoked or otherwise vacates his office before the expiry of the term for which he has been appointed, another person may be appointed by the Minister for the unexpired period of the term of office of the member in whose place he is appointed.

**Disqualification from membership**

9. No person shall be appointed or shall continue to hold office as a member if he —
- (a) is an undischarged bankrupt or has made any arrangement or composition with his creditors; or
  - (b) is convicted of an offence involving dishonesty, fraud or moral turpitude and has not received a free pardon.

**Member's interest to be disclosed**

10.—(1) A member who is in any way, directly or indirectly, interested in a transaction or project of the Board shall disclose the nature of his interest at the first meeting of the Board at which he is present after the relevant facts have come to his knowledge.

(2) A disclosure under sub-paragraph (1) shall be recorded in the minutes of the meeting of the Board and, after the disclosure, that member —

- (a) shall not take part in any deliberation or decision of the Board with respect to that transaction or project; and
  - (b) shall be disregarded for the purpose of constituting a quorum of the Board for such deliberation or decision.
- (3) No act or proceedings of the Board shall be questioned on the ground that a member has contravened this paragraph.



FIRST SCHEDULE — *continued***Salaries, fees and allowances payable to members**

11. There shall be paid to the Chairman, the Deputy Chairman and other members out of the funds of the Board such salaries, fees and allowances as the Minister may, from time to time, determine.

**Meetings of Board**

12.—(1) The Board shall meet for the despatch of business at such times and places as the Chairman may, from time to time, appoint.

(2) At every meeting of the Board, one-half of the total number of members shall form a quorum.

(3) Decisions at meetings of the Board shall be adopted by a simple majority of the votes of the members present and voting and, in the case of an equality of votes, the Chairman or in his absence the Deputy Chairman or the member presiding shall have a casting vote in addition to his original vote.

(4) The Chairman or in his absence the Deputy Chairman shall preside at meetings of the Board.

(5) Where both the Chairman and the Deputy Chairman are absent at a meeting, such member as the members present may elect shall preside at the meeting.

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

(7) Subject to the provisions of this Act, the Board may make rules to regulate its own procedure and, in particular, for the holding and proceedings of meetings, the notice to be given of such meetings, the keeping of minutes and the custody, production and inspection of such minutes.

**Validity of proceedings**

13. The validity of any proceedings of the Board shall not be affected by any defect in the appointment of any member or by any contravention of paragraph 10 by any member.

## SECOND SCHEDULE

Section 24

## FINANCIAL PROVISIONS

**Financial year**

1. The financial year of the Board shall begin on 1 April of each year and end on 31 March of the succeeding year.

SECOND SCHEDULE — *continued***Accounts to be kept**

2. The Board shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Board and over the expenditure incurred by the Board.

**Financial statements**

3. The Board shall, as soon as practicable in each year, prepare and submit financial statements in respect of the preceding financial year to the auditor appointed under paragraph 4(1).

**Appointment of auditor**

4.—(1) The accounts of the Board shall be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General.

(2) A person shall not be qualified for appointment as an auditor under sub-paragraph (1) unless he is a public accountant within the meaning of the Companies Act (Cap. 50).

**Remuneration of auditor**

5. The remuneration of the auditor shall be paid out of the funds of the Board.

**Powers of auditor**

6. The auditor or any person authorised by him shall be entitled at all reasonable times to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Board and may make copies of, or extracts from, any such accounting and other records.

**Duties of auditor**

7.—(1) The auditor shall in his report state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Board;
- (b) whether proper accounting and other records have been kept, including records of all assets of the Board whether purchased, donated or otherwise;

SECOND SCHEDULE — *continued*

- (c) whether receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the Board during the financial year have been in accordance with the provisions of this Act; and
  - (d) such other matters, arising from the audit as he considers necessary.
- (2) The auditor shall send a report of his audit to the Minister through the Board.
- (3) The auditor may at any other time report to the Minister through the Board upon any matter arising out of the performance of his audit.

**Failure to furnish information to auditor**

8.—(1) The auditor or any person authorised by him may require any person to furnish him with such information in the possession of that person or to which that person has access as the auditor considers necessary for the purposes of his functions under this Act.

(2) Any person who fails without reasonable excuse to comply with any requirement of the auditor under sub-paragraph (1) or who otherwise hinders, obstructs or delays the auditor in the performance of his duties or the exercise of his powers shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

**Presentation of financial statements and auditor's report to Parliament**

9.—(1) As soon as the financial statements have been audited in accordance with the provisions of this Act, the Board shall send to the Minister a copy of the audited financial statements, signed by the Chairman, together with a copy of any report made by the auditor.

(2) Where the Auditor-General is not the auditor of the Board, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General when they are submitted to the Board.

(3) The Minister shall as soon as practicable cause a copy of the audited financial statements and of the report of the auditor to be presented to Parliament.

LEGISLATIVE HISTORY  
NATIONAL LIBRARY BOARD ACT  
(CHAPTER 197)

This Legislative History is provided for the convenience of users of the National Library Board Act. It is not part of the Act.

**1. Ordinance 31 of 1957 — Raffles National Library Ordinance 1957**

Date of First Reading : 21 August 1957  
(Bill No. 112/57)

Date of Second and Third Readings : 11 September 1957

Date of commencement : 1 April 1958

**2. Ordinance 31 of 1958 — Legislative Assembly (Presentation of Subsidiary Legislation) Ordinance 1958**

Date of First Reading : 16 July 1958  
(Bill No. 158/58)

Date of Second and Third Readings : 13 August 1958

Date of commencement : 25 September 1958

**3. G.N. No. S 223/59 — Singapore Constitution (Modification of Laws) Order 1959**

Date of commencement : 3 June 1959

**4. S (N.S.) 179/59 — Singapore Constitution (Modification of Laws) (No. 5) Order 1959**

Date of commencement : 3 June 1959

**5. Ordinance 66 of 1960 — Raffles National Library (Change of Name) Ordinance 1960**

Date of First Reading : 16 November 1960  
(Bill No. 105/60)

Date of Second and Third Readings : 29 November 1960

Date of commencement : 9 December 1960

**6. Act 11 of 1968 — National Library (Amendment) Act 1968**

Date of First Reading : 9 May 1968  
(Bill No. 12/68)

Date of Second and Third Readings : 22 May 1968

Date of commencement : 19 June 1969

**7. 1970 Revised Edition — National Library Act (Chapter 311)**

Date of operation : 31 August 1971

**8. 1985 Revised Edition — National Library Act (Chapter 197)**

Date of operation : 30 March 1987

**9. Act 5 of 1995 — National Library Board Act 1995**

Date of First Reading : 23 January 1995  
(Bill No. 5/95)

Date of Second and Third Readings : 1 March 1995

Date of commencement : 1 September 1995

*Note: The National Library Board Act 1995 repealed and re-enacted with amendments the National Library Act (Chapter 197, 1985 Revised Edition).*

**10. 1996 Revised Edition — National Library Board Act (Chapter 197)**

Date of operation : 30 April 1996

**11. Act 5 of 2002 — Statutory Corporations (Capital Contribution) Act 2002**  
(Consequential amendments made to Act by)

Date of First Reading : 3 May 2002  
(Bill No. 7/2002)

Date of Second and Third Readings : 24 May 2002

Date of commencement : 15 July 2002 (item (27) of the Schedule — amendment of National Library Board Act)

**12. Act 45 of 2004 — Trustees (Amendment) Act 2004**  
(Consequential amendments made to Act by)

Date of First Reading : 21 September 2004  
(Bill No. 43/2004)

Date of Second and Third Readings : 19 October 2004

Date of commencement : 15 December 2004

**13. Act 25 of 2012 — Statutes (Miscellaneous Amendments) (No. 2) Act 2012**

Date of First Reading : 10 September 2012  
(Bill No. 23/2012)

Date of Second and Third Readings : 15 October 2012

Date of commencement : 28 March 2013

**14. 2014 Revised Edition — National Library Board Act (Chapter 197)**

Date of operation : 31 October 2014

**COMPARATIVE TABLE**  
**NATIONAL LIBRARY BOARD ACT**  
**(CHAPTER 197)**

The following provisions in the 1996 Revised Edition of the National Library Board Act have been renumbered by the Law Revision Commissioners in this 2014 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the National Library Board Act.

<b>2014 Ed.</b>	<b>1996 Ed.</b>
<b>14K—(2) and (3)</b>	<b>14K—(2)</b>
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
<b>14L—(6) and (7)</b>	<b>14L—(6)</b>
(8)	(7)
(9)	(8)
(10)	(9)
(11)	(10)
(12)	(11)