

PARLIAMENT OF CEYLON

5th Session 1969-70



Ceylon National Library Services Board Act, No. 17 of 1970

Date of Assent : March 24, 1970

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*Ceylon National Library Services Board Act,
No. 17 of 1970*

L.D.—O. 18/69.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE
CEYLON NATIONAL LIBRARY SERVICES BOARD, AND
FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL
THERETO.

[Date of Assent: March 24, 1970]

BE it enacted by the Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and
the House of Representatives of Ceylon in this present
Parliament assembled, and by the authority of the
same, as follows:—

1. This Act may be cited as the Ceylon National
Library Services Board Act, No. 17 of 1970, and
shall come into operation on such date (hereinafter
referred to as the "appointed date") as may be
appointed by the Minister by Order published in the
Gazette.

Short title
and date of
operation.

PART I

CEYLON NATIONAL LIBRARY SERVICES BOARD

2. (1) There shall be established, on the appointed
date, or as soon as may be thereafter, a Board to be
known as the "Ceylon National Library Services
Board", hereinafter referred to as "the Board",
which shall consist of nine members appointed by the
Minister,—

Establishment
and constitu-
tion of the
Ceylon National
Library
Services
Board.

- (a) two of whom shall be so appointed on the
recommendation of the Minister in charge of
the Ministry of Local Government;
- (b) one of whom shall be so appointed on the
recommendation of the Minister in charge of
the Ministry of State; and
- (c) one of whom shall be so appointed on the
recommendation of the Minister in charge of
the Ministry of Scientific Research and
Housing.

(2) The Board shall by the name assigned to it by
sub-section (1) be a body corporate and shall have
perpetual succession and a common seal, and may sue
and be sued in such name.

2 *Ceylon National Library Services Board Act,*
No. 17 of 1970

(3) A member of the Board shall, unless he earlier vacates office or is removed from office by the Minister, hold office for a term of five years, and shall be eligible for reappointment.

(4) If any member of the Board becomes, by reason of illness, or other infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, the Minister, having regard to the provisions of subsection (1), may appoint a fit person to act in his place.

(5) Any member of the Board may resign from the Board by letter addressed to the Minister.

Offices of
the Board.

3. The head office of the Board shall be in Colombo. Such branch offices of the Board as the Board considers necessary may be established in places in Ceylon, other than in Colombo, with the prior approval of the Minister.

Quorum for and
procedure at
meetings.

4. (1) The quorum for a meeting of the Board shall be five members.

(2) The procedure to be followed at meetings of the Board shall be as determined by rules made by the Board with the prior approval of the Minister.

(3) The Director of National Library Services shall be the Secretary of the Board, and shall attend all meetings of the Board and keep minutes of such meetings. The Secretary shall not be entitled to vote at any such meeting.

(4) The Chairman, or in his absence the Secretary, may at any time, and shall on the request in writing of four members of the Board, call a special meeting of the Board.

(5) No act or proceeding of the Board shall be invalid by reason only of any vacancy in the office of any member of the Board, or any defect in his appointment.

(6) Meetings of the Board may be held at such times and places as the Board may, from time to time, determine so, however, that at least one meeting of the Board shall be held every three months.

5. (1) The Chairman of the Board shall be appointed by the Minister from among the members of the Board, and shall, unless he earlier vacates his office or is removed from office by the Minister, hold office for a term of five years.

Chairman of
the Board.

(2) The Chairman of the Board shall also be its chief executive officer. The Chairman shall preside at all meetings of the Board. In the event of his absence from any such meeting, the members of the Board present at such meeting shall elect one of their number to preside at such meeting.

(3) If the Chairman of the Board becomes by reason of illness, or other infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, the Minister may appoint any other member of the Board to act in his place.

(4) The Chairman shall be paid such salary or remuneration as may be determined by the Minister, with the concurrence of the Minister of Finance.

(5) The Chairman of the Board may resign his office by letter addressed to the Minister.

6. Any power, function, or duty conferred or imposed on the Board by this Act, may, subject to the general direction and control of the Board, be exercised, discharged or performed by the Chairman of the Board, or any member of the Board authorized in that behalf by the Chairman.

Delegation of
powers and
functions of
the Board.

7. The members of the Board shall be remunerated in such manner and at such rates as may be determined by the Minister with the concurrence of the Minister of Finance.

Remuneration
of members of
the Board.

8. The Board may—

(a) acquire and hold any movable or immovable property, and may manage or dispose of any movable or immovable property acquired or held by it; and

General
powers.

(b) enter into and perform or carry out, whether directly or through any officer or agent authorized in writing in that behalf by the Board, all such contracts or agreements as may be necessary for the exercise, discharge and performance of the powers, functions and duties of the Board.

Seal of the
Board.

9. (1) The seal of the Board shall be in the custody of the Board.

(2) The seal of the Board may be altered in such manner as may be determined by the Board.

(3) The seal of the Board shall not be affixed to any instrument except in the presence of two members of the Board both of whom shall sign the instrument in token of their presence.

PART II

STAFF OF THE BOARD

Appointment
of Director
and officers
and servants
of the Board.

10. (1) Subject to the other provisions of this Act, the staff of the Board may consist of—

(a) a Director of National Library Services; and

(b) such number of other officers and servants as may be determined by the Minister.

(2) Subject to the provisions of sub-section (1), the staff of the Board shall be appointed by the Board.

(3) No person who has directly or indirectly, whether by himself or by his partner or agent, any share or interest in any contract, made by or on behalf of the Board, shall become, or continue as, an officer or servant of the Board.

Powers of the
Board in
regard to
the staff of
the Board.

11. (1) The Board may appoint, dismiss and exercise disciplinary control over the staff of the Board.

(2) The Board may, in consultation with the Minister of Finance and the Minister—

(a) fix the wages and salaries or other remuneration of the staff of the Board;

(b) determine the terms and conditions of the employment of such staff;

(c) establish and regulate a provident fund and provide welfare and recreational facilities, houses, hostels and other like accommodation for such staff; and

(d) make contributions to any such fund.

(3) Rules may be made by the Board in respect of all or any of the matters referred to in sub-section (2) with the prior approval of the Minister.

12. (1) At the request of the Board, any officer in the public service may, with the consent of that officer and of the Secretary to the Treasury, be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent or be permanently appointed to such staff.

Appointment
of public
officers and
officers and
servants of
the Local
Government
Service and
of any local
authority
to the staff
of the Board.

(2) Where any officer in the public service is temporarily appointed to the staff of the Board, the provisions of sub-section (2) of section 9 of the Motor Transport Act, No. 48 of 1957, shall, *mutatis mutandis*, apply to and in relation to him.

(3) Where any officer in the public service is permanently appointed to the staff of the Board, the provisions of sub-section (3) of section 9 of the Motor Transport Act, No. 48 of 1957, shall, *mutatis mutandis*, apply to and in relation to him.

(4) Where the Board employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Board by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

(5) At the request of the Board, any officer or servant of the Local Government Service or any local authority may, with the consent of that officer or servant and of the Local Government Service Commission or such authority, as the case may be, be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent, or be permanently appointed to the staff of the Board on such terms and conditions, including those relating to pension or provident fund rights, as may be agreed upon by the Board and that Commission or authority.

(6) Where any officer or servant of the Local Government Service or of any local authority is temporarily appointed to the staff of the Board he shall be subject to the same disciplinary control as any other member of such staff.

Officers and
servants of
the Board
deemed to be
public servants.

13. All officers and servants of the Board shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

PART III POWERS OF THE BOARD

Powers of
the Board.

14. Without prejudice to any other powers conferred upon the Board by any other sections of this Act the Board shall have the power—

- (a) to plan and assist in the organization and development of library services in general;
- (b) to establish and maintain the Ceylon National Library;
- (c) to advise and assist in the promotion and development of public library services;
- (d) to advise and assist in the promotion and development of school libraries;
- (e) to advise and assist in the publication of reading materials and the production of audio-visual aids;
- (f) to advise and assist in the co-ordination and development of university libraries, junior university libraries, technical college libraries, teachers' college libraries, library services of local authorities, Government departmental libraries, and other special libraries;
- (g) to advise and assist the Government in fixing the minimum academic and professional qualifications for persons employed in library services;
- (h) to promote the development of library education and training; and
- (i) to carry out such other functions as may be necessary for the general promotion of library services.

Appointment of
committees.

15. (1) The Board may, with the prior approval of the Minister, appoint—

- (a) a public libraries committee;
- (b) a school libraries committee;

- (c) such other committees as the Board may deem necessary to carry out its objects or functions,

consisting of such number of its members as may be determined by the Board.

(2) The Board may delegate to any such committee any such power, function or duty of the Board as it may deem necessary.

(3) A committee appointed by the Board may consist of members and officers of the Board, and any other persons.

PART IV

FINANCE

16. (1) The Board shall have its own Fund. There shall be credited to the Fund of the Board—

Fund of
the Board.

(a) all such sums of money as may be voted by Parliament for the use of the Board; and

(b) all such sums of money as may be received by the Board by way of—

(i) donations, gifts or grants from any sources whatsoever, whether in or outside Ceylon, and

(ii) all such sums of money as are required to be paid into such Fund by or under this Act.

(2) There shall be paid out of the Fund of the Board all sums of moneys required to defray any expenditure incurred by the Board in the exercise, discharge and performance of its powers, functions and duties.

(3) All sums of money received on account of the Fund of the Board shall be paid into such bank or banks as may be approved by the Board for the credit of the Board's general, current or deposit account.

(4) Any moneys in the Fund of the Board which are not immediately required for the purposes of the business of the Board shall be deposited in the General Treasury.

17. (1) The Board shall cause proper accounts to be kept of all the transactions of the Board and shall prepare an annual statement of such accounts in such form and containing such particulars as the Minister, with the concurrence of the Minister of Finance, may from time to time specify.

Accounts of the
Board and
financial
year.

(2) The financial year of the Board shall be the period of twelve months commencing on the first day of October in each year.

(3) The books of accounts of the Board shall be kept at the head office of the Board.

Audit of the
accounts of
the Board.

18. (1) The accounts of the Board for each financial year shall, within two months of the close of that financial year, be submitted to the Auditor-General for audit. For the purpose of assisting him in the audit of such accounts, the Auditor-General may employ the services of any qualified auditor or auditors who shall act under his direction and control.

(2) The Auditor-General and any person assisting him in the audit of the accounts of the Board shall have access to all such books, deeds, contracts, accounts, vouchers and other documents of the Board as the Auditor-General or such other person assisting him in the audit of the accounts may consider necessary for the purposes of the audit, and shall be furnished by the members or officers of the Board with such information within their knowledge as may be required for such purposes.

(3) For the purpose of meeting the expenses incurred by him in auditing the accounts of the Board, the Auditor-General shall be paid from the Fund of the Board such remuneration as the Minister may determine with the concurrence of the Minister of Finance. Any remuneration received from the Board by the Auditor-General shall, after deducting any sums paid by him to any auditor employed by him for the purpose of such audit, be credited to the Consolidated Fund of Ceylon.

(4) For the purpose of ascertaining the correctness of the balance sheet, the auditors may, in their discretion, accept in respect of any branch of the Board, any copies or abstracts from the books and accounts of such branch which have been transmitted to the principal place of business of the Board and which have been certified to be correct by an officer of the Board authorized in that behalf by the Board.

(5) For the purposes of this section, the expression "qualified auditor" means—

(a) an individual who, being a member of the Institute of Chartered Accountants of Ceylon,

possesses a certificate to practise as an Accountant issued by the Council of that Institute; or

- (b) a firm of Chartered Accountants each of the partners of which, being a member of that Institute, possesses a certificate to practise as an Accountant issued by the Council of that Institute.

(6) The Auditor-General shall examine the accounts of the Board and furnish a report—

- (a) stating whether he has or has not obtained all the information and explanations required by him;
- (b) stating whether the accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Board; and
- (c) drawing attention to any item in the accounts which in his opinion may be of interest to the Senate and the House of Representatives in any examination of the activities and accounts of the Board.

(7) The Auditor-General shall transmit his report to the Board within four months of the receipt of the accounts of the Board by him.

19. (1) The Board shall, on the receipt of the Auditor-General's report in respect of any year, cause a copy of each of the following documents relating to that year to be transmitted to the Minister—

- (a) the Auditor-General's report;
- (b) the balance sheet;
- (c) a copy of the statement of accounts prepared under section 17 (1);
- (d) the report of the Chairman of the Board giving an account of the work of the Board; and
- (e) such other financial statements and statistical data as may be decided on by the Minister.

(2) The Minister shall lay copies of the documents transmitted to him under sub-section (1) before the Senate and the House of Representatives within nine months of the close of the year to which such accounts and reports relate.

Documents to be transmitted to the Minister to be laid before the Senate and the House of Representatives.

PART V

GENERAL

Exemption
from customs
duty.

20. Notwithstanding anything in any other written law the Minister of Finance may, on the recommendation of the Minister, waive the customs duty on any article imported by or for the Board, for any of the purposes of the Board.

Rules.

21. (1) The Board may make rules in respect of all or any of the matters for which rules are authorized or required by this Act to be made.

(2) No rule made by the Board under this Act shall have effect until it has been approved by the Minister, such approval being given, in the case of any such rule relating to any matter referred to in sub-section (2) of section 11, with the prior concurrence of the Minister of Finance.

The Board
deemed to be
a scheduled
institution
within the
meaning of
the Bribery
Act.

Interpretation.

22. The Board shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall be construed accordingly.

23. In this Act, unless the context otherwise requires—

“local authority” means any Municipal Council, Urban Council, Town Council or Village Council;

“the Minister” means the Minister for the time being in charge of the subject of education.