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PROVINCE OF THE WESTERN CAPE

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**WESTERN CAPE  
PUBLIC LIBRARY SERVICES ACT,  
2025**

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PROVINSIE WES-KAAP

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**WES-KAAPSE WET OP  
OPENBARE BIBLIOTEEKDIENSTE,  
2025**

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IPHONDO LENTSHONA KOLONI

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**UMTHETHO WEENKONZO  
ZAMATHALA EENCWADI OLUNTU  
WENTSHONA KOLONI, 2025**

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**No 1, 2025**

# ACT

To regulate the provision of public library services in the Province; to provide for the coordination of responsibilities for public library services; to provide for the registration of public libraries; to make provision for the assignment to Municipal Councils of certain functions of the Provincial Minister in respect of public libraries; to determine the functions of public library administrators; and to provide for matters incidental thereto.

**B**E IT ENACTED by the Provincial Parliament of the Western Cape as follows:—

## Definitions

1. In this Act, unless the context indicates otherwise—
  - “**Department**” means the provincial department responsible for public libraries in the Province; 5
  - “**Head of Department**” means the head of the Department;
  - “**information services**” means services relating to information sources and resources of public libraries, including outreach, community and literacy programmes; 10
  - “**library material**” means any item or material, including any book, periodical, document, manuscript, chart, map, record, audio and audio-visual material, promotional material and electronically generated information, made available or intended to be made available by a public library for loan or use by members of the public; 15
  - “**municipality**” means a municipality established in the Province as contemplated in section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);
  - “**prescribe**” means prescribe by regulation;
  - “**Province**” means the Province of the Western Cape; 20
  - “**Provincial Minister**” means the Provincial Minister responsible for public libraries in the Province;
  - “**public library**” means a library, other than a national library—
    - (a) conducted for the purpose of providing public library services; and
    - (b) registered as a public library in terms of section 4; 25
  - “**public library administrator**” means a person, including an organ of state, but excluding the Provincial Minister, that conducts a public library;
  - “**public library services**” means the services provided at public libraries to members of the public to access library material and information services;
  - “**the Ordinance**” means the Provincial Library Service Ordinance, 1981 (Ordinance 16 of 1981); 30
  - “**this Act**” includes the regulations made thereunder.

## Powers and functions of Provincial Minister

2. (1) The Provincial Minister—
  - (a) must ensure that public library services are provided in the Province in accordance with this Act; and 35
  - (b) may establish, control and conduct public libraries.

(2) The Provincial Minister must promote equitable access to public library services, including by persons with disabilities and other categories of persons historically disadvantaged by unfair discrimination.

(3) The Provincial Minister may, in respect of public libraries established, controlled or conducted by the Provincial Minister— 5

- (a) provide the necessary infrastructure to be used for the libraries, including buildings, furniture and equipment;
- (b) appoint staff for the respective libraries;
- (c) move a public library to another location;
- (d) close a public library, either temporarily or permanently; 10
- (e) obtain library material; and
- (f) perform any other function as may be necessary for the purposes of such libraries.

(4) The Provincial Minister may, after consultation with public library administrators, develop guidelines for public libraries and public library services in the Province, including guidelines on— 15

- (a) the administration, conduct and control of public libraries;
- (b) access to public library services;
- (c) public library infrastructure, facilities and other assets;
- (d) the location and number of public libraries; 20
- (e) the provision of equipment and resources to public libraries;
- (f) information communication technology services relating to public libraries;
- (g) the development and provision of library collections for public libraries; and
- (h) staffing requirements for public libraries.

#### **Functions of Head of Department 25**

3. (1) The Head of Department must advise the Provincial Minister on—

- (a) the development of—
  - (i) measures to promote public library services in the Province; and
  - (ii) guidelines for public libraries and public library services;
- (b) the capacity of public library administrators to conduct their public libraries; 30
- and
- (c) the powers and functions regarding public library services that can be assigned to a Municipal Council in terms of section 5(1) and the process for such assignment.

(2) The Head of Department must— 35

- (a) promote capacity development, skills development, educational development and resource development of staff employed at public libraries by—
  - (i) providing professional guidance, advice and support;
  - (ii) providing training programmes and learning opportunities relating to public library services; and 40
  - (iii) facilitating cooperation between the Department and public library administrators;
- (b) subject to available funds, and as agreed upon with a Municipal Council to which a function has been assigned in terms of section 5, provide financial assistance to the municipality concerned for the performance of that function; 45
- (c) review, select, procure, classify, catalogue, process and distribute library material to public library administrators;
- (d) subject to section 6(3), provide an information system for public libraries; and
- (e) provide guidance and support regarding the registration and control of public libraries. 50

(3) The Head of Department may—

- (a) visit and monitor a public library for the purposes of providing support and evaluating compliance by the public library administrator concerned with the provisions of this Act;
- (b) provide equipment on loan to a public library; 55
- (c) subject to available funds, provide financial assistance for the building or upgrading of a public library; and
- (d) enter into an agreement with a public library administrator regarding the operation of a public library.

(4) An agreement contemplated in subsection (3)(d) must include at least the following: 60

- (a) the role and responsibilities of the public library administrator;
- (b) the role and responsibilities of the Head of Department; and
- (c) arrangements for the allocation of resources that can be made by the Head of Department to the public library.

### **Registration of public libraries**

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4. (1) A person, including an organ of state, but excluding the Provincial Minister, that intends to establish or conduct a library as a public library must apply to register the library by completing the registration form, which must be made available on the website of the Department, and submitting it to the Head of Department.

(2) When considering an application, the Head of Department must take all relevant factors into account, including—

- (a) guidelines contemplated in section 2(4);
- (b) the available resources that can be allocated by the Department to the proposed public library; and
- (c) the capacity of the applicant to provide public library services, which may include, where appropriate, the applicant's financial and operational plan regarding the public library.

(3) The Head of Department must—

- (a) either grant the application, with or without conditions, or refuse the application; and
- (b) inform the applicant in writing of the decision.

(4) If the application is granted, the Head of Department must issue the applicant with a registration certificate.

(5) If the application is refused, the Head of Department must inform the applicant in writing of the reasons for the refusal and the right to appeal against the decision.

(6) An applicant who is aggrieved at the outcome of an application may lodge an appeal in writing to the Provincial Minister within 180 days of receiving notice of the decision.

(7) Subsection (6) does not apply where the applicant is a municipality contemplated in section 5.

(8) The Head of Department must register a public library that is established or conducted by the Provincial Minister in terms of section 2(1)(b).

(9) The Head of Department must give public notice of the registration of a public library on the website of the Department and in any other media the Head of Department considers appropriate.

### **Assignment of functions to Municipal Councils**

5. (1) The Provincial Minister may, in terms of a written agreement as contemplated in section 36 of the Constitution of the Western Cape, 1997 (Act 1 of 1998), and section 126 of the Constitution of the Republic of South Africa, 1996, assign to the Municipal Council of a municipality all or part of the administration of a function referred to in section 2(1) and (2).

(2) The written agreement must include at least the following in respect of the assigned functions:

- (a) the role and responsibilities of the municipality;
- (b) the roles and responsibilities of the Provincial Minister or the Head of Department, as the case may be; and
- (c) the funding arrangements for the municipality in respect of the assigned functions.

### **Functions of public library administrators**

6. (1) A public library administrator must, in relation to a public library conducted or to be conducted by it, subject to any agreement contemplated in section 3(3)(d) or 5, where applicable—

- (a) provide the premises from where public library services are to be provided;
- (b) provide the operating expenditure associated with the day-to-day running of the public library; and
- (c) appoint the necessary staff for the public library.

(2) A public library administrator must, at the request of the Provincial Minister or the Head of Department, submit to the Provincial Minister or the Head of Department, as the case may be, a report on matters relating to the public library as specified in the request.

(3) A public library administrator that uses its own information system may do so if the system is effective and compatible with the Department's information system for public libraries. 5

### **Admission and charges**

7. (1) There is free admission to all public libraries in the Province.

(2) The Provincial Minister may, subject to subsection (1), prescribe maximum fees that may be charged for public library services. 10

### **Closure of public libraries**

8. (1) A public library administrator may, either temporarily or permanently, close a public library conducted by it.

(2) If a public library administrator intends to close a public library temporarily for more than 60 days, it must inform the Head of Department in writing of the reasons for the temporary closure. 15

(3) If a public library administrator intends to close a public library permanently, it must give the Provincial Minister written notice of its intention to do so together with the reasons for the intended closure, at least 90 days before the date of the intended closure. 20

(4) A public library that has been permanently closed is regarded as deregistered, and the Head of Department must give public notice of the closure on the website of the Department and in other media the Head of Department considers appropriate.

### **Delegation**

9. (1) The Provincial Minister may delegate any power or duty conferred on him or her in terms of this Act, except the power to make regulations, to the Head of Department. 25

(2) The Head of Department may delegate any power or duty conferred on him or her, or delegated to him or her in terms of this Act, to—

- (a) an employee of the Department; or 30
- (b) the holder of a specific office or position in the Department.

(3) A delegation referred to in subsection (1) or (2)—

- (a) must be in writing;
- (b) may be made subject to conditions;
- (c) may be withdrawn or amended in writing by the Provincial Minister or the Head of Department, as the case may be; 35
- (d) may include the power to subdelegate or further delegate that power or duty;
- (e) does not prevent the Provincial Minister or the Head of Department, as the case may be, from exercising that power or performing that duty; and
- (f) does not divest the Provincial Minister or the Head of Department, as the case may be, of the responsibility concerning the exercise of the delegated power or duty. 40

### **Regulations**

10. (1) The Provincial Minister may make regulations regarding—

- (a) the registration of public libraries; 45
- (b) the procedure for an appeal against a decision of the Head of Department regarding the outcome of an application for the registration of a public library;
- (c) the return of library material and equipment to the Department following the closure of a public library and consequences where a public library administrator fails to return such library material and equipment; 50
- (d) the management of the Department's assets, including library material, in public libraries and stocktaking of library material;
- (e) liability for loss of and damage to the assets of the Department, including library material;

- (f) the charges relating to services which may be imposed at a public library conducted by the Provincial Minister;
- (g) the obligations of a municipality contemplated in section 5 regarding payment to the Department for monies received from borrowers for lost and damaged library material; 5
- (h) access to and the use of information services;
- (i) access to public libraries and the conduct of persons in public libraries;
- (j) mutual cooperation between libraries, including inter-library loans;
- (k) any matter that may be prescribed in terms of this Act; and
- (l) any other matter which may be necessary or expedient to prescribe for 10 carrying out this Act.

(2) Regulations relating to matters affecting public library administrators or public libraries conducted by them may be made only after consultation with the public library administrators concerned.

(3) Regulations with financial implications must be made with the concurrence of the Provincial Minister responsible for finance. 15

## Repeal

11. The Ordinance is repealed.

## Transitional provisions

12. Despite the repeal of the Ordinance— 20
- (a) a library that was conducted as a public library in terms of the Ordinance immediately before the date of commencement of this Act is regarded as a public library registered in terms of section 4 of this Act;
  - (b) regulations 3(3), 12 and 13 of the Regulations Regarding the Free Provincial Library Service published under Provincial Notice 689/1980 in *The Province of the Cape of Good Hope Official Gazette* 4122 dated 12 September 1980 continue in force; and 25
  - (c) the Local Authorities: Standard Library By-Law made under section 12 of the Ordinance and published under Provincial Notice 640/1990 in *The Province of the Cape of Good Hope Official Gazette* 4664 dated 12 October 1990 30 continues in force—
    - (i) in so far as it is consistent with this Act;
    - (ii) for a period of 36 months from the date of commencement of this Act.

## Short title and commencement

13. This Act is called the Western Cape Public Library Services Act, 2025, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*. 35

# WET

Om die voorsiening van openbarebiblioteekdienste in die Provinsie te reguleer; om voorsiening te maak vir die koördinerende verantwoordelikhede vir openbarebiblioteekdienste; om voorsiening te maak vir die registrasie van openbare biblioteke; om voorsiening te maak vir die opdra aan Munisipale Rade van sekere funksies van die Provinsiale Minister ten opsigte van openbare biblioteke; om die funksies van openbarebiblioteekadministrateurs te bepaal; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

**D**AAR WORD BEPAAL deur die Provinsiale Parlement van die Wes-Kaap soos volg:—

## Woordomskrywings

1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken—
  - “**biblioteekmateriaal**” enige item of materiaal, met inbegrip van enige boek, tydskrif, dokument, manuskrip, grafiek, kaart, plaat, audio- en oudiovisuele materiaal, promosiemateriaal en inligting wat elektronies gegenereer is, wat vir uitlending of gebruik deur lede van die publiek beskikbaar gestel word of wat bedoel is om beskikbaar gestel te word; 5
  - “**Departement**” die provinsiale departement verantwoordelik vir openbare biblioteke in die Provinsie; 10
  - “**Departementshoof**” die hoof van die Departement;
  - “**die Ordonnansie**” die Ordonnansie op die Provinsiale Biblioteekdiens, 1981 (Ordonnansie 16 van 1981);
  - “**hierdie Wet**” ook die regulasies wat daarkragtens gemaak word; 15
  - “**inligtingsdienste**” die dienste betreffende inligtingsbronne en hulpbronne van openbare biblioteke, met inbegrip van uitreik-, gemeenskaps- en geletterdheidsprogramme;
  - “**munisipaliteit**” ’n munisipaliteit wat tot stand gebring is soos in artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), beoog; 20
  - “**openbare biblioteek**” ’n biblioteek, behalwe ’n nasionale biblioteek—
    - (a) wat bestuur word met die doel om openbarebiblioteekdienste te verskaf; en
    - (b) wat ingevolge artikel 4 as ’n openbare biblioteek geregistreer is; 25
  - “**openbarebiblioteekadministrateur**” ’n persoon, met inbegrip van ’n staatsorgaan, maar met uitsondering van die Provinsiale Minister, wat ’n openbare biblioteek bestuur; 30
  - “**openbarebiblioteekdienste**” die dienste wat by openbare biblioteke aan lede van die publiek verskaf word om toegang tot biblioteekmateriaal en inligtingsdienste te verkry;
  - “**Provinsiale Minister**” die Provinsiale Minister verantwoordelik vir openbare biblioteke in die Provinsie;
  - “**Provinsie**” die Provinsie Wes-Kaap;
  - “**voorskryf**” by regulasie voorskryf.

## Bevoegdhede en funksies van Provinsiale Minister

2. (1) Die Provinsiale Minister—
  - (a) moet toesien dat openbarebiblioteekdienste ooreenkomstig hierdie Wet in die Provinsie verskaf word; en
  - (b) kan openbare biblioteke instel, beheer en bestuur.

(2) Die Provinsiale Minister moet billike toegang tot openbarebiblioteekdienste bevorder, ook vir persone met gestremdhede en ander kategorieë persone wat histories deur onbillike diskriminasie benadeel is.

(3) Die Provinsiale Minister kan, ten opsigte van openbare biblioteke wat deur die Provinsiale Minister ingestel, beheer en bestuur is— 5

- (a) die nodige infrastruktuur voorsien, met inbegrip van geboue, meubels en toerusting, wat vir biblioteke gebruik moet word;
- (b) personeel vir die onderskeie biblioteke aanstel;
- (c) 'n openbare biblioteek na 'n ander ligging verskuif;
- (d) 'n openbare biblioteek sluit, hetsy tydelik of permanent; 10
- (e) biblioteekmateriaal verkry; en
- (f) enige ander funksie verrig soos nodig mag wees vir die doeleindes van sodanige biblioteke.

(4) Die Provinsiale Minister kan, ná oorlegpleging met openbarebiblioteekadministrateurs, riglyne vir openbare biblioteke en openbarebiblioteekdienste ontwikkel, met inbegrip van riglyne oor— 15

- (a) die administrasie, bestuur en beheer van openbare biblioteke;
- (b) toegang tot openbarebiblioteekdienste;
- (c) infrastruktuur, geriewe en ander bates van openbare biblioteke;
- (d) die ligging van en getal openbare biblioteke; 20
- (e) die voorsiening van toerusting en hulpbronne aan openbare biblioteke;
- (f) inligtings- en kommunikasietegnologiesdienste betreffende openbare biblioteke;
- (g) die ontwikkeling en voorsiening van biblioteekversamelings vir openbare biblioteke; en 25
- (h) personeelvereistes vir openbare biblioteke.

### Funksies van Departementshoof

3. (1) Die Departementshoof moet die Provinsiale Minister adviseer aangaande—

- (a) die ontwikkeling van—
  - (i) maatreëls om openbarebiblioteekdienste in die Provinsie te bevorder; en 30
  - (ii) riglyne vir openbare biblioteke en openbarebiblioteekdienste;
- (b) die kapasiteit van openbarebiblioteekadministrateurs om hul openbare biblioteke te bestuur; en
- (c) die bevoegdhede en funksies rakende openbarebiblioteekdienste wat aan 'n Munisipale Raad ingevolge artikel 5(1) opgedra kan word en die proses vir sodanige opdrag. 35

(2) Die Departementshoof moet—

- (a) kapasiteits-, vaardigheids-, opvoedkundige en hulpbronontwikkeling van personeel in diens by openbare biblioteke bevorder deur—
  - (i) professionele leiding, advies en ondersteuning te bied; 40
  - (ii) opleidingsprogramme en leergeleenthede met betrekking tot openbarebiblioteekdienste te verskaf; en
  - (iii) samewerking tussen die Departement en openbarebiblioteekadministrateurs te fasiliteer;
- (b) behoudens beskikbare fondse, en soos ooreengekom met 'n Munisipale Raad 45 aan wie 'n funksie ingevolge artikel 5 opgedra is, finansiële bystand aan die betrokke munisipaliteit vir die verrigting van daardie funksie verleen;
- (c) biblioteekmateriaal aan openbarebiblioteekadministrateurs hersien, kies, verkry, klassifiseer, katalogiseer, verwerk en versprei;
- (d) behoudens artikel 6(3) 'n inligtingstelsel vir openbare biblioteke verskaf; en 50
- (e) leiding en ondersteuning rakende die registrasie en bestuur van openbare biblioteke bied.

(3) Die Departementshoof kan—

- (a) 'n openbare biblioteek besoek en monitor met die doel om ondersteuning te bied en om die betrokke openbarebiblioteekadministrateur se voldoening aan 55 die bepalings van hierdie Wet te evalueer;
- (b) toerusting op bruikleen aan 'n openbare biblioteek verskaf;
- (c) behoudens beskikbare fondse finansiële bystand vir die bou en opgradering van 'n openbare biblioteek verleen; en
- (d) 'n ooreenkoms met 'n openbarebiblioteekadministrateur rakende die bestuur 60 van 'n openbare biblioteek aangaan.

- (4) 'n Ooreenkoms beoog in subartikel (3)(d) moet minstens die volgende insluit:
- (a) die rol en verantwoordelikhede van die openbarebiblioteekadministrateur;
  - (b) die rol en verantwoordelikhede van die Departementshoof; en
  - (c) reëlins vir die toekenning van hulpbronne wat deur die Departementshoof aan die openbare biblioteek gemaak kan word.

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### Registrasie van openbare biblioteke

4. (1) 'n Persoon, met inbegrip van 'n staatsorgaan, maar met uitsondering van die Provinsiale Minister, wat beoog om 'n biblioteek as 'n openbare biblioteek in te stel of te bestuur, moet die biblioteek registreer deur die registrasievorm te voltooi, wat op die webtuiste van die Departement beskikbaar gestel moet word, en dit by die Departementshoof in te dien.

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(2) Wanneer 'n aansoek oorweeg word, moet die Departementshoof alle tersaaklike faktore in ag neem, met inbegrip van—

- (a) riglyne beoog in artikel 2(4);
- (b) die beskikbare hulpbronne wat deur die Departement aan die voorgestelde openbare biblioteek toegeken kan word; en
- (c) die kapasiteit van die aansoeker om openbarebiblioteekdienste te verskaf, wat die aansoeker se finansiële en bestuursplan betreffende die openbare biblioteek, waar toepaslik, kan insluit.

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(3) Die Departementshoof moet—

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- (a) die aansoek óf toestaan, met of sonder voorwaardes, óf weier; en
- (b) die aansoeker skriftelik in kennis stel van die besluit.

(4) Indien die aansoek toegestaan word, moet die Departementshoof 'n registrasiesertifikaat aan die aansoeker uitreik.

(5) Indien die aansoek geweier word, moet die Departementshoof die aansoeker skriftelik van die redes vir die weiering en die reg tot appèl teen die besluit in kennis stel.

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(6) 'n Aansoeker wat verontreg is deur die uitkoms van die aansoek kan binne 180 dae ná kennisgewing van die besluit ontvang is skriftelik by die Provinsiale Minister appèl aanteken.

(7) Subartikel (6) geld nie waar die aansoeker 'n munisipaliteit beoog in artikel 5 is nie.

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(8) Die Departementshoof moet 'n openbare biblioteek registreer wat deur die Provinsiale Minister ingevolge artikel 2(1)(b) ingestel of bestuur word.

(9) Die Departementshoof moet openbare kennis gee van die registrasie van die openbare biblioteek op die webtuiste van die Departement en in enige ander media wat die Departementshoof geskik ag.

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### Opdra van funksies aan Munisipale Rade

5. (1) Die Provinsiale Minister kan, ingevolge 'n skriftelik ooreenkoms soos beoog in artikel 36 van die Grondwet van die Wes-Kaap, 1997 (Wet 1 van 1998), en artikel 126 van die Grondwet van die Republiek van Suid-Afrika, 1996, die hele administrasie van 'n funksie bedoel in artikel 2(1) en (2) of 'n gedeelte daarvan aan die Munisipale Raad van 'n munisipaliteit opdra.

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(2) Die skriftelike ooreenkoms moet minstens die volgende insluit ten opsigte van funksies wat opgedra word:

- (a) die rol en verantwoordelikhede van die munisipaliteit;
- (b) die rolle en verantwoordelikhede van die Provinsiale Minister of die Departementshoof, na gelang van die geval; en
- (c) die befondsingsreëlins vir die munisipaliteit ten opsigte van die funksies wat opgedra word.

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### Funksies van openbarebiblioteekadministrateurs

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6. (1) 'n Openbarebiblioteekadministrateur moet, met betrekking tot 'n openbare biblioteek deur hom bestuur of wat deur hom bestuur gaan word, behoudens enige ooreenkoms beoog in artikel 3(3)(d) of 5, waar van toepassing—

- (a) die perseel voorsien vanwaar die openbarebiblioteekdienste verskaf sal word;
- (b) die bedryfskoste verstrek wat met die daaglikse bestuur van die openbare biblioteek verbind word; en
- (c) die nodige personeel vir die openbare biblioteek aanstel.

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(2) 'n Openbarebiblioteekadministrateur moet, op versoek van die Provinsiale Minister of die Departementshoof, 'n verslag oor die aangeleenthede betreffende die openbare biblioteek soos in die versoek vermeld by die Provinsiale Minister of die Departementshoof, na gelang van die geval, indien.

(3) 'n Openbarebiblioteekadministrateur wat sy eie inligtingstelsel gebruik, kan so doen indien die stelsel doeltreffend is en met die Departement se inligtingstelsel vir openbare biblioteke ooreenstem. 5

### **Toegang en gelde**

7. (1) Daar is gratis toegang tot alle openbare biblioteke in die Provinsie.

(2) Die Provinsiale Minister kan, behoudens subartikel (1), maksimum gelde voorskryf wat vir openbarebiblioteekdienste gevra kan word. 10

### **Sluiting van openbare biblioteke**

8. (1) 'n Openbarebiblioteekadministrateur kan, hetsy tydelik of permanent, 'n openbare biblioteek sluit wat deur hom bestuur is.

(2) Indien 'n openbarebiblioteekadministrateur beoog om 'n openbare biblioteek tydelik vir meer as 60 dae te sluit, moet hy die Departementshoof skriftelik in kennis stel van die redes vir die tydelike sluiting. 15

(3) Indien 'n openbarebiblioteekadministrateur beoog om 'n openbare biblioteek permanent te sluit, moet hy minstens 90 dae voor die datum van die beoogde sluiting die Provinsiale Minister skriftelike kennis gee van sy voorneme om so te doen saam met die redes vir die beoogde sluiting. 20

(4) 'n Openbare biblioteek wat permanent gesluit is, word as gederegistreer beskou, en die Departementshoof moet openbare kennis gee van die sluiting op die webtuiste van die Departement en in ander media wat die Departementshoof geskik ag.

### **Delegering**

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9. (1) Die Provinsiale Minister kan enige bevoegdheid of plig wat ingevolge hierdie Wet aan hom of haar verleen is, behalwe die bevoegdheid om regulasies te maak, aan die Departementshoof delegeer.

(2) Die Departementshoof kan enige bevoegdheid of plig aan hom of haar verleen, of wat aan hom of haar ingevolge hierdie Wet gedelegeer is, delegeer aan— 30

(a) 'n werknemer van die Departement; of

(b) die bekleër van 'n spesifieke amp of posisie in die Departement.

(3) 'n Delegering bedoel in subartikel (1) of (2)—

(a) moet op skrif wees;

(b) kan behoudens voorwaardes gemaak word; 35

(c) kan skriftelik deur die Provinsiale Minister of die Departementshoof, na gelang van die geval, ingetrek of gewysig word;

(d) kan die bevoegdheid om te subdelegeer of om daardie bevoegdheid of plig verder te delegeer, insluit;

(e) verhoed nie die Provinsiale Minister of die Departementshoof, na gelang van die geval, om daardie bevoegdheid uit te oefen of daardie plig te verrig nie; en 40

(f) onthef nie die Provinsiale Minister of die Departementshoof, na gelang van die geval, van die verantwoordelikheid rakende die uitoefening van die gedelegeerde bevoegdheid of plig nie.

### **Regulasies**

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10. (1) Die Provinsiale Minister kan regulasies maak rakende—

(a) die registrasie van openbare biblioteke;

(b) die appèlprosedure teen 'n besluit van die Departementshoof rakende die uitkoms van 'n aansoek om die registrasie van 'n openbare biblioteek;

(c) die terugbesorging van biblioteekmateriaal en toerusting aan die Departement ná die sluiting van 'n openbare biblioteek en gevolg waar 'n openbarebiblioteekadministrateur versuim om sodanige biblioteekmateriaal en toerusting terug te besorg; 50

(d) die bestuur van die Departement se bates, met inbegrip van biblioteekmateriaal, in openbare biblioteke en voorraadopname van biblioteekmateriaal; 55

- (e) aanspreeklikheid vir verlies van en skade aan die bates van die Departement, met inbegrip van biblioteekmateriaal;
  - (f) die heffings betreffende dienste wat opgelê kan word by 'n openbare biblioteek wat deur die Provinsiale Minister bestuur word;
  - (g) die verpligtinge van 'n munisipaliteit beoog in artikel 5 rakende betaling aan die Departement vir gelde wat van leners ontvang is vir verlore en beskadigde biblioteekmateriaal; 5
  - (h) toegang tot en die gebruik van inligtingsdienste;
  - (i) toegang tot openbare biblioteke en die gedrag van persone in openbare biblioteke; 10
  - (j) wedersydse samewerking tussen biblioteke, met inbegrip van interbiblioteeklenings;
  - (k) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf kan word; en
  - (l) enige ander aangeleentheid wat nodig of dienstig mag wees om voor te skryf vir die uitvoering van hierdie Wet. 15
- (2) Regulasies met betrekking tot aangeleenthede wat openbarebiblioteekadministrateurs raak of openbare biblioteke wat deur hulle bestuur word, kan slegs ná oorlegpleging met die betrokke openbarebiblioteekadministrateurs gemaak word.
- (3) Regulasies met finansiële implikasies moet met die instemming van die Provinsiale Minister verantwoordelik vir finansies gemaak word. 20

## Herroeping

11. Die Ordonnansie word herroep.

## Oorgangsbepalings

12. Ongeag die herroeping van die Ordonnansie—
- (a) word 'n biblioteek wat as 'n openbare biblioteek ingevolge die Ordonnansie bestuur is onmiddellik voor die inwerkingtreding van hierdie Wet as 'n openbare biblioteek beskou wat ingevolge artikel 4 van hierdie Wet geregistreer is;
  - (b) bly regulasies 3(3), 12 en 13 van die Regulasies Insake die Vry Provinsiale Biblioteekdiens gepubliseer onder Provinsiale Kennisgewing 689/1980 in die *Offisiële Koerant van die Provinsie die Kaap die Goeie Hoop* 4122 gedateer 12 September 1980 van krag; en 30
  - (c) bly die Plaaslike Owerhede: Standaard-Biblioteekverordening gemaak kragtens artikel 12 van die Ordonnansie en gepubliseer onder Provinsiale Kennisgewing 640/1990 in die *Offisiële Koerant van die Provinsie die Kaap die Goeie Hoop* 4664 gedateer 12 Oktober 1990 van krag— 35
    - (i) soverre dit bestaanbaar met hierdie Wet is;
    - (ii) vir 'n tydperk van 36 maande van die datum van inwerkingtreding van hierdie Wet.

## Kort titel en inwerkingtreding

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13. Hierdie Wet heet die Wes-Kaapse Wet op Openbarebiblioteekdienste, 2025, en tree in werking op 'n datum wat die Premier by proklamasie in die *Provinsiale Koerant* bepaal.

# UMTHETHO

Ukulawula ukubonelelwa kweenkonzo zamathala eencwadi oluntu kwiPhondo; ukubonelela ngolungelelaniso lweembopheleleko zeenkonzo zamathala eencwadi oluntu; ukubonelela ngobhaliso lwamathala eencwadi oluntu; ukwenza isibonelelo sokwabela amaBhunga ooMasipala imisebenzi ethile yoMphathiswa wePhondo ngokubhekiselele kumathala eencwadi oluntu; ukufumanisa imisebenzi yabalawuli bamathala eencwadi oluntu; nangokubonela nangeminye imiba enxulumene nale.

**K**UWISWA UMTHETHO KE yiPalamente yePhondo leNtshona Koloni ngolu hlobo:—

## Ingcaciso

1. Kulo Mthetho, ngaphandle kokuba umongo ubonisa ngenye indlela—
  - “**ISebe**” lithetha isebe lephondo elinoxanduva lwamathala eencwadi oluntu kwiPhondo; 5
  - “**INTloko yeSebe**” ithetha intloko yeSebe;
  - “**iinkonzo zolwazi**” zithetha iinkonzo ezinxulumene nemithombo yolwazi kunye nezibonelelo zamathala eencwadi oluntu, kubandakanywa ukufikelela eluntwini, iinkqubo zolwazi lokufunda nokubhala; 10
  - “**izixhobo zethala leencwadi**” zithetha nayiphi na into okanye isixhobo, kubandakanywa nayo nayiphi na incwadi, amaphephancwadi, uxwebhu, imanyuskripti, itshati, imephu, irekhodi, imathiriyeli emanyelwayo nerekhodiweyo, imathiriyeli yokwazisa kunye nolwazi oluveliswe ngekhompyutha, ezenziwe zafumaneka okanye ekunenjongo zokuba zenziwe zifumaneke lithala leencwadi loluntu ukuze kubolekise ngazo okanye zisetyenziswe ngamalungu oluntu; 15
  - “**umasipala**” uthetha umasipala omiselwe kwiPhondo, njengoko kuchaziwe kwicandelo 12 lomthetho i*Local Government: Municipal Structures Act, 1998* (uMthetho 117 ka-1998); 20
  - “**ukumisela**” kuthetha ukumisela ngomgaqo;
  - “**iPhondo**” lithetha iPhondo leNtshona Koloni;
  - “**UMphathiswa wePhondo**” uthetha uMphathiswa wePhondo onoxanduva lwamathala eencwadi oluntu kwiPhondo;
  - “**ithala leencwadi loluntu**” lithetha ithala leencwadi, ngaphandle kwethala leencwadi lesizwe— 25
    - (a) eliqhutywa ngeenjongo zokubonelela ngeenkonzo zamathala eencwadi oluntu; kwaye
    - (b) nelibhaliswe njengethala leencwadi loluntu ngokwecandelo lesi4;
  - “**umlawuli wethala leencwadi loluntu**” lithetha umntu, kubandakanywa iziko likarhulumente, kodwa kungabandakanywa uMphathiswa wePhondo, oqhuba ithala leencwadi loluntu; 30
  - “**iinkonzo zamathala eencwadi oluntu**” zithetha iinkonzo ezinikezelwa kumathala eencwadi oluntu kumalungu oluntu ukuba afikelele kwizixhobo zethala leencwadi nakwiinkonzo zolwazi; 35
  - “**iOdinensi**” ithetha i*Provincial Library Service Ordinance, 1981* (iOdinensi 16 ka-1981);
  - “**lo Mthetho**” ubandakanya imigaqo eyenziwe phantsi kwawo.

## Amagunya nemisebenzi yoMphathiswa wePhondo

2. (1) UMphathiswa wePhondo—
  - (a) kufuneka aqinisekise ukuba iinkonzo zamathala eencwadi oluntu ziyabonelelwa kwiPhondo ngokuhambelana nalo Mthetho; kwaye
  - (b) angaseka, alawule aze aqhube amathala eencwadi oluntu. 5
- (2) UMphathiswa wePhondo kufuneka akhuthaze ukufikelela ngokulinganayo kwiinkonzo zamathala eencwadi oluntu, kubandakanywa nabantu abanokhubazeko kunye nolunye uhlobo lwabantu ababevinjwe amathuba ngaphambili ngenxa yocalucalulo olungenabulungisa.
- (3) UMphathiswa wePhondo, ngokubhekiselele kumathala eencwadi oluntu asekwe, alawulwe okanye aqhutywe nguMphathiswa wePhondo—
  - (a) angabonelela ngezixhobo zoncedo eziyimfuneko eziza kusetyenziselwa amathala eencwadi, kubandakanywa izakhiwo, ifenitshala nezixhobo zokusebenza;
  - (b) angatyumba abasebenzi baloo mathala eencwadi; 15
  - (c) angafudusela ithala leencwadi loluntu kwenye indawo;
  - (d) angavala ithala leencwadi loluntu, nokuba kungethutyana okanye ngokusisigxina;
  - (e) angafumana izixhobo zethala leencwadi; kwaye
  - (f) angenza nawuphi na omnye umsebenzi onokuthi ube yimfuneko ukwenzela iinjongo zaloo mathala eencwadi. 20
- (4) UMphathiswa wePhondo usenokuthi, emva kokubonisana nabalawuli bamathala eencwadi oluntu, aphuhlise izikhokelo zamathala eencwadi oluntu kunye neenkonzo zamathala eencwadi oluntu kweli Phondo, kubandakanywa nezikhokelo malunga noku— 25
  - (a) ulawulo, ukuziphatha nolawulo lwamathala eencwadi oluntu;
  - (b) ukufikelela kwiinkonzo zamathala eencwadi oluntu;
  - (c) iziseko zophuhliso zamathala eencwadi oluntu, izibonelelo nezinye iiasethi;
  - (d) indawo kunye nenani lamathala eencwadi oluntu;
  - (e) ukubonelela ngezixhobo kunye nezibonelelo kumathala eencwadi oluntu; 30
  - (f) unxibelelwano lweenkonzo zobuchwepheshe ezinxulumene namathala eencwadi oluntu;
  - (g) uphuhliso nobonelelo lwengqokelela yethala leencwadi ukwenzela amathala eencwadi oluntu; kunye
  - (h) neemfuno zabasebenzi kumathala eencwadi oluntu. 35

## IMisebenzi yeNtloko yeSebe

3. (1) INtloko yeSebe kufuneka icebise uMphathiswa wePhondo—
  - (a) ngophuhliso—
    - (i) lwamanyathelo okukhuthaza iinkonzo zamathala eencwadi oluntu kwiPhondo; kunye 40
    - (ii) nezikhokelo zamathala eencwadi oluntu kunye neenkonzo zamathala eencwadi oluntu;
  - (b) amandla abalawuli bamathala eencwadi oluntu ekuqhubeni amathala eencwadi oluntu; kunye
  - (c) namagunya nemisebenzi emalunga neenkonzo zamathala eencwadi oluntu anokwabelwa iBhunga likaMasipala ngokwemigaqo yecandelo 5(1) kunye nenkqubo yonikezelo olunjalo. 45
- (2) INtloko yeSebe kufuneka—
  - (a) ikhuthaze uphuhliso lwamandla, uphuhliso lwezakhono, uphuhliso lwemfundo nophuhliso lwezibonelelo zabasebenzi abaqeshwe kumathala eencwadi oluntu— 50
    - (i) ngokubonelela ngesikhokelo, ngeengcebiso nangenkxaso yobungcali;
    - (ii) ngokubonelela ngeenkqubo zoqeqesho namathuba okufunda anxulumene neenkonzo zamathala eencwadi oluntu; kunye
    - (iii) nangokuququzelela intsebenziswano phakathi kweSebe kunye nabalawuli bamathala eencwadi oluntu; 55
  - (b) ixhomekeke kwiimali ezikhoyo, nanjengoko kuvunyelwene neBhunga likaMasipala ekunikezelwe kulo umsebenzi ngokwecandelo 5, ibonelele ngoncedo lwemali kumasipala ochaphazelekayo ekwenzeni loo msebenzi;
  - (c) iphonononge, ikukhetha, yenz' intengo, ikuhlele, yenz' uluhlu, ilungelelanise 60

- ize isasaze imathiriyeli yethala leencwadi kubalawuli bamathala eencwadi oluntu;
- (d) ixhomekeke kwicandelo 6(3), ibonelele ngenkqubo yolwazi kumathala eencwadi oluntu; kwaye
- (e) inike isikhokelo nenkxaso malunga nobhaliso nolawulo lwamathala eencwadi oluntu. 5
- (3) INTloko yeSebe—
- (a) ingatyelela ize ibeke esweni ithala leencwadi loluntu ngeenjongo zokubonelela ngenkxaso nokuvavanya ukuthotyelwa komlawuli wethala leencwadi loluntu onxulumene nezibonelelo zalo Mthetho; 10
- (b) ingabonelela ngezixhobo ezibolekwayo kwithala leencwadi loluntu;
- (c) ingaxhomekeka kwiimali ezikhoyo, ibonelele ngoncedo lwezemali ukulungiselela ukwakha okanye ukuphuculwa kwethala leencwadi loluntu; kwaye
- (d) ingene kwisivumelwano nomlawuli wethala leencwadi loluntu malunga nokusebenza kwethala leencwadi loluntu. 15
- (4) Isivumelwano esichatshazelwe kwicandelwana (3)(d) masibandakanye ubuncinane oku kulandelayo:
- (a) indima noxanduva lomlawuli wethala leencwadi loluntu loluntu;
- (b) indima noxanduva lweNtloko yeSebe; kunye 20
- (c) nezicwangciso zolwabiwo lwezibonelelo ezinokwenziwa yiNtloko yeSebe kwithala leencwadi loluntu.

#### **Ukubhaliswa kwamathala eencwadi oluntu**

4. (1) Umntu, kubandakanywa icandelo likarhulumente, kodwa kungabandakanywa uMphathiswa wePhondo, oneenjongo zokuseka okanye zokuqhuba ithala leencwadi njengethala leencwadi loluntu kufuneka enze isicelo sokubhalisa ithala leencwadi ngokugcwalisa ifomu yobhaliso, ekufuneka ifumaneke kwiwebhusayithi yeSebe; aze ayingenise kwiNtloko yeSebe. 25
- (2) Xa kuqwalaselwa isicelo, iNtloko yeSebe mayithathele ingqalelo yonke imiba echaphazelekayo, kubandakanywa— 30
- (a) izikhokelo ezichazwe kwicandelo 2(4);
- (b) izibonelelo ezikhoyo ezinokwabiwa liSebe kwithala leencwadi loluntu elicetywayo; kunye
- (c) namandla omfakisicelo okubonelela ngeenkonzo zamathala eencwadi oluntu, ezinokuthi zibandakanye, apho kufanelekileyo, isicwangciso semali nomsebenzi womfakisicelo malunga nethala leencwadi loluntu. 35
- (3) INTloko yeSebe kufuneka—
- (a) yamkele isicelo, nokuba sinemiqathango okanye asinayo, okanye ukwala isicelo; kwaye
- (b) yazise umfakisicelo ngembalelwano ngesigqibo eso. 40
- (4) Ukuba isicelo samkelwe, iNtloko yeSebe kufuneka inike umfakisicelo isatifikethi sobhaliso.
- (5) Ukuba isicelo saliwe, iNtloko yeSebe kufuneka yazise umfakisicelo ngembalelwano ngezizathu zokwaliwa kunye nelungelo lokubhena kwisigqibo eso.
- (6) Umfakisicelo onganelisekanga kwisiphumo sesicelo angafaka isibheni esibhaliweyo kuMphathiswa wePhondo kwiintsuku ezili 180 efumene isaziso sesigqibo. 45
- (7) Icandelwana (6) alisebenzi apho umfakisicelo engumasipala ochazwe kwicandelo 5.
- (8) INTloko yeSebe kufuneka ibhalise ithala leencwadi loluntu elisekwe okanye eliqhutywa nguMphathiswa wePhondo ngokwecandelo 2(1)(b). 50
- (9) INTloko yeSebe kufuneka inike uluntu isaziso sokubhaliswa kwethala leencwadi loluntu kwiwebhusayithi yeSebe nakuwo nawaphi na amajelo eendaba iNtloko yeSebe ekubona kufanelekile.

#### **Ukwabelwa kwemisebenzi kumaBhunga ooMasipala**

5. (1) UMphathiswa wePhondo usenokuthi, ngokwesivumelwano esibhaliweyo, njengoko kuchazwe kwicandelo 36 loMgaqosiseko weNtshona Koloni, 1997 (uMthetho 1 ka-1998), kunye necandelo 126 loMgaqosiseko weRiphabliki yoMzantsi Afrika, 1996, ukuba abele iBhunga likaMasipala lomasipala lonke okanye inxalenye yolawulo lomsebenzi okhankanywe kwicandelo 2(1) no(2). 55

(2) Isivumelwano esibhaliweyo kufuneka sibandakanye ubuncinane oku kulandelayo ngokubhekiselele kwimisebenzi eyabelweyo:

- (a) indima noxanduva lukamasipala;
- (b) iindima noxanduva loMphathiswa wePhondo okanye lweNtloko yeSebe, njengoko kunokuba njalo; kunye
- (c) namalungiselelo enkxasomali kamasipala ngokubhekiselele kwimisebenzi eyabelweyo.

#### **Imisebenzi yabalawuli bamathala eencwadi oluntu**

6. (1) Umlawuli wethala leencwadi loluntu kufuneka, ngokunxulumene nethala leencwadi loluntu eliqhutywayo okanye eliza kuqhutywa lilo, ngokuxhomekeke kuso nasiphi na isivumelwano esichazwe kwicandelo 3(3)(d) okanye lesi5, apho kuyimfuneko—

- (a) abonelele ngezakhiwo apho iinkonzo zamathala eencwadi oluntu ziya kunikezelwa khona;
- (b) abonelele ngenkcitho yokusebenza eyayanyaniswa nokusebenza kwemihla ngemihla kwethala leencwadi loluntu; kwaye
- (c) atyumbe abasebenzi abafunekayo kwithala leencwadi loluntu.

(2) Umlawuli wethala leencwadi loluntu kufuneka, ngesicelo soMphathiswa wePhondo okanye iNtloko yeSebe, angenise kuMphathiswa wePhondo okanye kwiNtloko yeSebe, njengoko kunokuba njalo, ingxelo ngemiba ephathelele kwithala leencwadi loluntu njengoko kucacisiwe kwisicelo eso.

(3) Umlawuli wethala leencwadi loluntu osebenzisa inkqubo yakhe yolwazi angenza njalo ukuba le nkqubo iyasebenza kwaye iyahambelana nenkqubo yolwazi leencwadi loluntu leSebe.

#### **Ukungena kunye nemirhumo**

7. (1) Kukho ukungena simahla kuwo onke amathala eencwadi oluntu kwiPhondo.

(2) UMphathiswa wePhondo, ngokuxhomekeke kwicandelwana (1), unokumisela imirhumo ephezulu enokuhlawulwa ngeenkonzo zamathala eencwadi oluntu.

#### **Ukuvalwa kwamathala eencwadi oluntu**

8. (1) Umlawuli wethala leencwadi loluntu unokuthi, okwethutyana okanye ngokusisigxina, alivale ithala leencwadi loluntu eliqhutywa nguye.

(2) Ukuba umlawuli wethala leencwadi loluntu unenjongo yokuvala ithala leencwadi loluntu okwethutyana kangangeentsuku ezingaphezulu kwama60, kufuneka azise iNtloko yeSebe ngokubhaliweyo ngezizathu zokuvalwa kwethutyana.

(3) Ukuba umlawuli wethala leencwadi loluntu unenjongo yokuvala ithala leencwadi loluntu ngokusisigxina, kufuneka azise uMphathiswa wePhondo ngenjongo yakhe yokwenza njalo kunye nezizathu zokuvalwa okucetywayo, ubuncinane kwiintsuku ezingama90 phambi komhla wokuvalwa okucetywayo.

(4) Ithala leencwadi loluntu elivalwe ngokusisigxina lithathwa njengelikhutshiweyo ezincwadini, yaye iNtloko yeSebe kufuneka yazise uluntu ngokuvalwa kwiwebhusayithi yeSebe nakwamanye amajelo eendaba iNtloko yeSebe ewabona efanelekile.

#### **Ukugunyazisa**

9. (1) UMphathiswa wePhondo anganikezela naliphi na igunya okanye umsebenzi anikwe wona ngokwemiqathango yalo Mthetho, ngaphandle kwegunya lokwenza imimiselo, kwiNtloko yeSebe.

(2) INtloko yeSebe inganika naliphi na igunya okanye umsebenzi onikwe wona, okanye onikwe wona ngokwalo Mthetho—

- (a) kumsebenzi weSebe; okanye
- (b) kumini weofisi okanye isikhundla esithile kwiSebe.
- (3) Ugunyaziso ekubhekiswa kulo kwicandelwana (1) okanye (2)—
  - (a) ngembalelwano;
  - (b) lungenziwa ngokuxhomekeke kwimiqathango;
  - (c) lunokurhoxiswa okanye lutshintshwe ngembalelwano nguMphathiswa wePhondo okanye yiNtloko yeSebe, njengoko kunokuba njalo;

- (d) lunokubandakanya igunya lokugunyazisa okanye lokugunyazisa kwakhona elo gunya okanye umsebenzi;
- (e) alumthinteli uMphathiswa wePhondo okanye iNtloko yeSebe, njengoko kunokuba njalo, ekusebenziseni elo gunya okanye ekwenzeni loo msebenzi; kwaye
- (f) aluhluthi uMphathiswa wePhondo okanye iNtloko yeSebe, njengoko kusenokuba njalo, kuxanduva olumalunga nokusetyenziswa kwegunya okanye umsebenzi awabelwe wona.

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### Imigaqo

10. (1) UMphathiswa wePhondo unokwenza imigaqo malunga— 10
- (a) nokubhaliswa amathala eencwadi oluntu;
  - (b) nenkqubo yesibheni esichasene nesigqibo seNtloko yeSebe malunga nesiphumo sesicelo sokubhaliswa kwethala leencwadi loluntu;
  - (c) nokubuyiswa kwezixhobo nezixhobo zethala leencwadi kwiSebe emva kokuvalwa kwethala leencwadi loluntu kunye neziphumo apho umlawuli wethala leencwadi loluntu esilela ukubuyisela ezo zixhobo nezixhobo zethala leencwadi; 15
  - (d) nolawulo lwempahla yeSebe, kubandakanywa izixhobo zethala leencwadi, kumathala eencwadi oluntu nokubalwa kwempahla yethala leencwadi;
  - (e) noxanduva lokulahlekelwa kunye nomonakalo kwiasethi zeSebe, kubandakanywa izixhobo zethala leencwadi; 20
  - (f) neentlawulo ezinxulumene neenkonzo ezinokumiselwa kwithala leencwadi loluntu eliqhutywa nguMphathiswa wePhondo;
  - (g) noxanduva lukamasipala olucamngciwe kwicandelo 5 malunga nentlawulo kwiSebe yemali efunyenwe kubabolekisi ngenxa yezixhobo zethala leencwadi ezilahlekileyo nezonakeleyo; 25
  - (h) nokufikelela kunye nokusetyenziswa kweenkonzo zolwazi;
  - (i) nokufikelela kunye nokuziphatha kwabantu kumathala eencwadi oluntu;
  - (j) nentsebenziswano phakathi kwamathala eencwadi, kubandakanywa ukubolekisa phakathi kwamathala eencwadi; 30
  - (k) nawo nawuphi na umcimbi onokuthi umiselwe ngokwalo Mthetho; kwaye
  - (l) nawo nawuphi na omnye umcimbi onokuba yimfuneko okanye ofanelekileyo ukuba umiselwe ukuphumeza lo Mthetho.
- (2) Imigaqo ephathelele kwimiba echaphazela abalawuli bamathala eencwadi oluntu okanye amathala eencwadi oluntu aqhutywa ngabo inokwenziwa kuphela emva kokubonisana nabalawuli bamathala eencwadi oluntu achaphazelekayo. 35
- (3) Imigaqo echaphazela imali kufuneka yenziwe ngemvumelwano noMphathiswa wePhondo onoxanduva lwezemali.

### Utshitshiso

11. IOdinensi itshitshisiwe. 40

### Izibonelelo zenguqu

12. Nangona itshitshisiwe le Odinensi—
- (a) ithala leencwadi elaliqhutywa njengethala leencwadi loluntu ngokweOdinensi kanye phambi komhla wokuqalisa ukusebenza kwalo Mthetho lithathwa njengethala leencwadi loluntu elibhaliswe ngokwemiqathango yecandelo 4 lalo Mthetho; 45
  - (b) imigaqo 3(3), 12 no13 ye*Regulations Regarding the Free Provincial Library Service* epapashwe phantsi kweSaziso sePhondo 689/1980 kwi*The Province of the Cape of Good Hope Official Gazette* 4122 yomhla we12 kweyoMsintsi ka1980 iyaqhubeka nokusebenza; kwaye 50
  - (c) i*Local Authorities: Standard Library By-Law* owenziwe phantsi kwecandelo 12 leOdinensi kwaye upapashwe phantsi kweSaziso sePhondo 640/1990 kwi*The Province of the Cape of Good Hope Official Gazette* 4664 yomhla we12 kweyeDwarha ka1990 iyaqhubeka isebenza— 55
    - (i) ngokwendlela engqinelana ngayo nalo Mthetho;
    - (ii) kangangexesha leenyanga ezingama36 ukususela kumhla wokuqalisa ukusebenza kwalo Mthetho.

**Isihloko esifutshane kunye nesiqalo**

**13.** Lo Mthetho ubizwa ngokuba nguMthetho weeNkonzo zamaThala eeNcwadi oLuntu weNtshona Koloni, 2025, kwaye uya kuqalisa ukusebenza ngomhla omiselwe yiNkulumbuso ngokuwubhengeza kwi*Gazethi yePhondo*.





