



**STATE OF SABAH**

I assent,



TUN DATUK SERI PANGLIMA HAJI AHMADSHAH BIN ABDULLAH,  
*Yang di-Pertua Negeri.*

17TH DECEMBER, 2007.

**No. 8 of 2007**

An Enactment to amend the State Library Enactment 1988.

ENACTED by the Legislature of the State of Sabah as follows:

**Short title and commencement**

1. (1) This Enactment may be cited as the State Library (Amendment) Enactment 2007.

(2) This Enactment comes into operation on the date of its publication in the *Gazette*.

**General amendment**

2. The State Library Enactment 1988 [*Enactment No. 9 of 1988*], which is referred to as the “principal Enactment” in this Enactment, is amended by substituting for the word “Library” wherever they appear the words “State Library”.

**Amendment of long title**

3. The principal Enactment is amended by substituting for the long title the following long title:

“An Enactment to provide for the establishment of the Sabah State Library with a depository for the collection and preservation of library resources published in Sabah, and matters connected therewith.”

**Amendment of section 1**

4. Section 1 of the principal Enactment is amended by substituting for the short title “State Library Enactment 1988” to “Sabah State Library Enactment 1988”.

**Reference to the principal Enactment**

5. Where, on or after the date of operation, a reference is made in any written law to the “State Library Enactment 1988”, such reference shall be construed as a reference to the “Sabah State Library Enactment 1988”.

**Amendment of section 2**

6. Section 2 of the principal Enactment is amended –

- (a) by deleting the definition of “Library”;
- (b) by substituting for the fullstop at the end of the definition of “Minister” a semicolon; and
- (c) by inserting after the definition of “Minister” the following definitions:

“preservation” means the various measures taken for the protection, conservation and necessary repair of library resources and for their maintenance under conditions designed to prevent and retard their physical deterioration;”

“State Depository” means a depository of library resources published in Sabah established under section 4A;’;

“State Library” means the Sabah State Library established under section 3.’.

**Amendment of section 3**

7. Section 3 of the principal Enactment is amended by substituting for the words “There is hereby established a State Library of Sabah (hereinafter referred to as “the Library”)” the words “There shall be established a Sabah State Library”.

**New Part IIA**

8. The principal Enactment is amended by inserting after section 4 the following Part:

“PART IIA

STATE DEPOSITORY

**State Depository**

4A. (1) There shall be established a State Depository which shall be part of the State Library.

(2) The State Depository shall have the following objectives:

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

(b) to create standard bibliographic records of library resources published in Sabah; and

(c) to maintain statistical records of library resources published in Sabah.

(3) The State Depository shall be managed and controlled by the Director.

**Delivery of copies of library resources published in Sabah**

4B. (1) The author or publisher of every printed library resources published in Sabah shall, within one month of its publication, deliver to the

State Library, at his own expense, such number of copies as are prescribed in the First Schedule and best copies of the library resources as are prescribed in the Second Schedule.

(2) The Director or any person duly authorised by the Director shall give a written receipt on behalf of the State Library for every library resources received by him.

(3) Where a printed library resources referred to in subsection (1), is published at a regular or irregular intervals, it shall be delivered within one week from the date of such publication.

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

(5) Where payment is demanded by the author or publisher for the library resources delivered under subsection (4), the State Library shall pay the retail price of the library resources.

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

(7) On conviction under subsection (6), the author or publisher shall delivers the library resources which he has failed to deliver, where it is still available in its original form but where it is no longer available in the original form the reproduction thereof.

(8) Without prejudice to subsection (7), the author or publisher who fails to deliver any library resources which is required under this section shall pay the State Library the cost incurred by the State Library in the reproduction of the library resources.

(9) Any cost required to be paid to the State Library under this section shall be recovered as civil debt due to the State Government.

**Exemption**

4C. The Director may exempt, from all or any part of the provisions of this Part, any specific library resources or class of library resources either absolutely or subject to such condition as may be specified by him.

**Preservation, registration of library resources, state bibliography and statistical records**

4D. In relation to the library resources delivered under subsection 4B(1) and (2), the State Library shall have the following functions:

- (a) to provide for the preservation and use of the library resources;
- (b) to maintain a register containing such particulars of the library resources;
- (c) to publish a state bibliography at stated frequency containing particulars of such library resources as the Director deems fit;
- (d) to maintain statistical records of the library resources; and
- (e) to perform any other functions which is necessary to give effect to the objectives provided under section 4A.

**Disposal of library resources**

4E. (1) The Director may authorise the disposal of any of the library resources delivered to him under this Part.

(2) The Director may, whenever practical, preserved in its original or other form a copy of the library resources.

**Obligations to be additional to those under other laws**

4F. The obligations imposed upon the author or publisher by this Enactment shall be in addition to and not in substitution for any obligation relating to the delivery of library resources published in Sabah to any other institution, under any other written law for the time being in force.”.

**New Schedules**

9. The principal Enactment is amended by inserting after subsection 7(2) the following Schedules:

## "FIRST SCHEDULE

(Subsection 4B(1) and (2))

## NUMBER OF COPIES OF LIBRARY RESOURCES TO BE DELIVERED

<i>Library Resources</i>	<i>Number of copies</i>
1. Printed library resources including books, theses, conference papers, seminar papers, manuscripts, pamphlets, serials, maps and posters.	3
2. Non-printed library resources including cinematograph films, microfilms, phonorecords, video and audio recordings and other electronic media.	2

## SECOND SCHEDULE

(Subsection 4B(1) and (2))

## DESCRIPTION OF BEST COPY OF LIBRARY RESOURCES

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

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CERTIFIED by me to be a true copy of the Bill passed by the Legislative Assembly on Thursday, the 22nd day of November, 2007.

DATUK HAJI JUHAR BIN HAJI MAHIRUDDIN,  
*Speaker,*  
*State Legislative Assembly.*