



In praise of our LIS Ancestors:



Legal Deposit in South Africa

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Presentation outline



- ▶ A brief time-line of Legal Deposit
- ▶ Libraries and Publishers: a Legal Deposit Partnership
- ▶ Legal Deposit as National Collection Strategy
- ▶ Legal Deposit Act, 1997
- ▶ Duties of Places of Legal Deposit
- ▶ Official Publication Depository
- ▶ Legal Deposit: Purpose, Passion and Partnerships

A brief time-line of Legal Deposit



- ▶ France, 1537 – copies to the Kings Library
- ▶ Spain, 1619
- ▶ **AFRICA**
 - ▶ Kenya, 1960
 - ▶ Ghana, 1961
 - ▶ Côte d'Ivoire. 1962
 - ▶ Botswana, 1968
 - ▶ South Africa, 1997

Libraries and Publishers – a Legal Deposit Partnership



Generic functions	Libraries	Publishers
Collect		
Record		
Preserve		
Make available		

Legal Deposit as National Collection Strategy



- ▶ Libraries collect through
 - ▶ Selection and Purchasing
 - ▶ Receiving donations
 - ▶ Producing own material
- ▶ Legal Deposit alternative collection strategy on National level
- ▶ Not for the sake of collecting
- ▶ Legal Deposit Act as Collecting Guide

Legal Deposit Act, 1997



- Mandate: Legal Deposit Act No.54 of 1997
- Responsible Ministry: Ministry of Arts and Culture
- Act provides for
 - The preservation of the national documentary heritage through the Legal Deposit of published documents
 - Preservation, cataloguing of and access to these documents
 - Access to Government information and
 - The establishment of a Legal Deposit Committee to coordinate and implement the Act

Legal Deposit Committee: Composition



Consists of

- ▶ Heads of 5 places of legal deposit
 - ▶ National Library of South Africa (Cape Town and Pretoria)
 - ▶ Library of Parliament, Cape Town
 - ▶ Mangaung Library Services, Bloemfontein
 - ▶ Msunduzi Library Services, Pietermaritzburg
 - ▶ National Film and Video Archives of South Africa, Pretoria
- ▶ Head of Government Printing Works
- ▶ One representative for all Provincial official publications (OPDs)
- ▶ Two representatives from the Publishing Industry
- ▶ Minister may appoint four additional members

Legal Deposit Committee: Functions (broadly)



To:

- a) advise and make recommendations to the Minister on any matter dealt with in the LD Act and Regulations;
- b) co-ordinate the tasks carried out by the various places of legal deposit in respect of legal deposit;
- c) Advise places of LD regarding any matter as contained in the Act;
- d) Establish sub-committees as necessary to investigate any matter relating to the Act;
- e) Report to Parliament on the activities and financial affairs of the places of LD

What must be deposited?



- ▶ 5 copies of all documents published by publishers
 - ▶ Published = documents produced to be generally available in multiple copies or locations to the public through various ways of distribution
 - ▶ Publisher = person/body public or private who publishes and distributes documents including documents produced overseas for an SA Publisher or adapted for the SA Market
- ▶ Cost of depositing documents to be covered by the Publisher
- ▶ Documents to be deposited within 14 days after being published

Exemptions



- ▶ High unit cost of publication
- ▶ Labour intensive production method
- ▶ At least two copies still to be provided to the National Library of SA (Cape Town) and National Film and Video Archives
- ▶ Financial relief to publishers but not exceeding the cost of producing additional copies of the documents
- ▶ Legal Deposit Libraries may exempt publishers if a particular documents or category of documents are not required
- ▶ If exemption is granted a Publishers must still provide information about the publication to the NLSA

Duties of places of Legal Deposit



- ▶ Receive, accession, retain and preserve; Catalogue or inventories and Ensure freedom of access to the documents supplied
- ▶ The National Library of South Africa with the assistance of other places of legal deposit compiles a national bibliography and provide statistics of the South African production of published documents
- ▶ The National Library (Cape Town) and the National Film, Video and Sound Archives shall, with the assistance of other places of legal deposit, preserve at least one copy of all documents supplied as required by the Act.

Official Publications Depository (OPD)



- ▶ Serve as a Centre for promoting public awareness of, and access to, official publications and information held by government
- ▶ The Minister shall designate at least one place of legal deposit in each province to serve as an official publications depository
- ▶ OPDs to receive a copy of every official publication published by an organ of national, provincial or local government, a parastatal or any organisation listed as a public entity but not of other categories of documents
- ▶ Official publications depository may be designated in an existing place of legal deposit if the Minister deems this advisable – may also receive documents other than official publications

Offences and Remedies



- ▶ Any publisher who fails to comply with the Act and shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000.
- ▶ If a publisher fails to supply the documents to one or more places of legal deposit, a demand to supply within 30 days will be issued
- ▶ Upon failing to respond within 30 days the documents will be purchased, if the document is no longer available copies will be made and the cost will be recovered from the Publisher
- ▶ If it is not possible to acquire or reproduce the documents or recover the cost thereof, the Department may institute civil proceedings against such publisher.

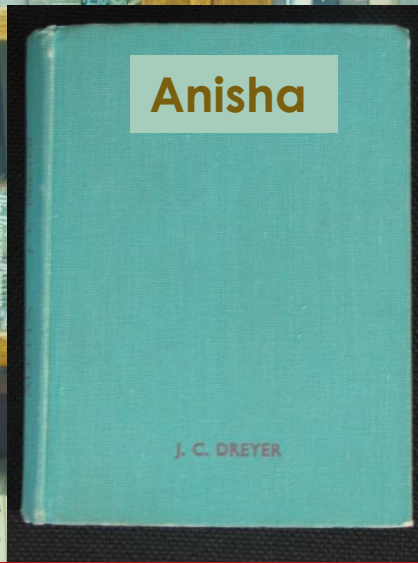
In conclusion



Legal Deposit: Purpose, Passion & Partnership



- ▶ Libraries and Publishers are Collectors – shared responsibility
different approaches
- ▶ Legal Deposit is a partnership between Publishers and Libraries
- ▶ Legal Deposit is about
 - ▶ Building a record of the collective published memory of South Africa
 - ▶ Maintaining and preserving the collection in the best possible environment, and
 - ▶ making these collections available to current and future generations as mirror of the past and use it as a compass for an informed future.



In praise of our LIS Ancestors:



Thank you very much



Legal Deposit Contact List



1. HEADS OF PLACES OF LEGAL DEPOSIT (*Ex officio* members of the LDC)

NAME	INSTITUTION	POSTAL ADDRESS	WORK TEL NO	FAX NO	E-MAIL
Hendrikz, F Mr	South African Library for the Blind (SALB)	P O Box 115 GRAHAMSTOWN 6140	(046) 622-7226 082-552-4104	(046) 622-4645	francois.hendrikz@salb.org.za
Maake, D Adv	National Film, Video and Sound Archives	Private Bag X236 PRETORIA 0001	(012) 441-150/3152 082-804-0848	(012) 344-5143	DennisM@dac.gov.za
Damane-Mnyanda, N L Ms	Mangaung Public Library Services	P O Box 1029 BLOEMFONTEIN 9300	(051) 405-8241 079-588-1247	086 273 1246	mpumie.mnyanda@mangaung.co.za
Ntombela, M M Mr	Bessie Head Library	P. O. Box 415 PIETERMARITZBURG 3201	(033) 392-2626 083-478-4626	(033) 394-0095	mandla.ntombela@msunduzi.gov.za mandla.ntombela@gmail.com
Ntunja, M A Mr	Parliamentary Information Centre	P O Box 18 CAPE TOWN 8000	(021) 403-2126 072-343-5603	(021) 461-4331	antunja@parliament.gov.za
Ralebipi-Simela, Prof R	National Library of South Africa	P O Box 397 PRETORIA 0001	(012) 401-9763/ 082-802-4168 (012) 401-9717 (PA) /076-412-5496	(012) 326-7642	ralebipir@nlsa.ac.za dimakatso.Methula@nlsa.ac.za

Legal Deposit Contact List



6. SECRETARIAT OF LEGAL DEPOSIT COMMITTEE

NAME	INSTITUTION	POSTAL ADDRESS	WORK TEL NO	FAX NO	E-MAIL
Siwela, A Ms (Secretary)	Dept. of Arts and Culture	Private Bag X236 PRETORIA 0001	(012) 441-3354	0864019618	AnnaS@dac.gov.za
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Kekana, P Mr	Dept. of Arts and Culture	Private Bag X236 PRETORIA 0001	(012) 441-3227	012 323 5287	PulengK@dac.gov.za
Dingayo, N Ms	Dept. of Arts and Culture Chief Director: National Archives & Libraries	Private Bag X236 PRETORIA 0001	(012) 441-3221	012 323 5287	NomazaD@dac.gov.za

7. LEGAL DEPOSIT FACILITATOR

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