



Republic of Namibia  
Annotated Statutes

**REGULATIONS**

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REGULATIONS SURVIVING IN TERMS OF  
**Local Authorities Act 23 of 1992**  
section 95(5)

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**Model Regulations for Municipal Public Libraries**

Government Notice 85 of 1977

([OG 3597](#))

came into force on date of publication: 1 March 1977

These regulations were originally made in terms of section 244 of the Municipal Ordinance 13 of 1963, which was repealed by the Local Authorities Act 22 of 1992. Pursuant to section 95(5) of the Local Authorities Act 22 of 1992, the regulations are deemed to have been made under that Act. The savings clause in section 95(5) of the Local Authorities Act 23 of 1992 is limited to regulations that could be made under a provision of the current Act; section 94(1)(r)(iii) of the current Act gives local authorities the power to regulate libraries, meaning that section 94(2)(a) of the current Act authorises model regulations on this topic.

**as amended by**

**Government Notice 39 of 1979** ([OG 3909](#))

came into force on date of publication: 1 March 1979

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**ARRANGEMENT OF REGULATIONS**

[Some of the individual regulations have no headings.]

1. Definitions
2. Registration of borrowers
3. Lending and return of library material
4. Lost or damaged library material
5. Reservation and recommendation of and requests for library material
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7. General
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SCHEDULE 1 - Request card  
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SCHEDULE 4 - Form for borrower's card  
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## Definitions

1. In these regulations, unless the context indicates otherwise -

[The definitions appear in alphabetical order in the *Official Gazette* in the Afrikaans text, but not in the English text. They are reproduced here as they appear in the *Official Gazette*.]

“request card” means a card in the form set out in Schedule 1;

“reservation card” means a card in the form set out in Schedule 2;

“library” means the municipal public library established under the provisions of the Municipal Ordinance, 1963 (Ordinance 13 of 1963) and admitted to the Service under section 5(a) of the South West Africa Library Service Ordinance, 1968 (Ordinance 15 of 1968);

[The South West Africa Library Service Ordinance 15 of 1968 has been replaced by the Namibia Library and Information Service Act 4 of 2000.]

“library officer” means the officer or his deputy appointed by the municipality for the exercise of control over and management of the library;

“library facilities” includes “library material”;

“library material” means books, periodicals, pamphlets, pictures, maps, films, records and similar material usually organised and made available to users of libraries, by libraries;

“Service” means the South West Africa Library Service established by section 2 of the South West Africa Library Service Ordinance, 1968 (Ordinance 15 of 1968);

[The South West Africa Library Service Ordinance 15 of 1968 has been replaced by the Namibia Library and Information Service Act 4 of 2000.]

“borrower” means any person registered as a borrower under regulation 2 and includes the following categories -

- (a) outside borrowers, that is persons who reside outside the municipal area in which the library is situated, who do not own immovable property within such municipal area and who are not already registered elsewhere as borrowers or who cannot with reasonable convenience make use of other library facilities under the Service;
- (b) junior borrowers, that is pre-school or schoolgoing children under the age of sixteen years;

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- (c) permanent borrowers, that is persons who reside within the municipal area in which the library is situated, or who live outside it, but own immovable property in it;
- (d) temporary borrowers, that is persons who are temporarily within the municipal area in which the library is situated; and
- (e) adult borrowers, that is persons sixteen years old and older;

“Ordinance” means the South West Africa Library Service Ordinance, 1968 (Ordinance 15 of 1968);

[The South West Africa Library Service Ordinance 15 of 1968 has been replaced by the Namibia Library and Information Service Act 4 of 2000.]

“municipal area” means the area of jurisdiction of the municipality;

“due date” means the date on which the loan period of an item of library material expires.

**Registration of borrowers**

2. (1) Any person who wishes to be registered may apply therefor by filling in his surname, full Christian names, postal and residential address, work and home telephone numbers and the name and address of a referee, that is the name and address of a person who knows the applicant well and of whom the library officer may make enquires about the applicant, on the form set out in Schedule 3, by dating and signing it and submitting it to the library officer: Provided that any application by a pre-school or school-going child under the age of sixteen years shall be signed by the parent or guardian of such child, who in so doing accepts responsibility for compliance by the child with these regulations.

[The word “enquiries” is misspelt in the *Official Gazette*, as reproduced above.]

(2) A junior borrower may apply for registration as an adult borrower as soon as he has reached the age of sixteen years.

(3) Any person applying for registration as temporary borrower may be registered as such, provided he -

[The word “a” appears to have been omitted before the phrase “temporary borrower”.]

- (a) undertakes to comply with these regulations; and
- (b) deposits an amount of three rand with the library officer to be paid back to him when he returns library material lent to him, on the condition that he has paid outstanding fines or compensation in respect of damaged library material (if any) payable by him under these regulations.

(4) Any person applying for registration as outside borrower may be registered as such, provided he -

[The word “an” appears to have been omitted before the phrase “outside borrower”.]

- (a) undertakes to comply with these regulations; and

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- (b) pays to the library officer a once only registration fee of two rand, which shall not be repayable.

(5) After the library officer has checked the completed application form for registration and has found it correctly and fully completed, he shall register the applicant as a borrower: Provided that the library officer shall so register a person who has previously been guilty of a contravention of these regulations only with the approval of the town clerk of that municipality.

(6) Subject to the provisions of subregulations (3) and (4) all registrations shall be free of charge.

(7) When the library officer registers a person as a borrower, he shall issue to such borrower three borrower's cards in the form set out in Schedule 4, two for fiction and one for non-fiction, each of which shall serve as proof that the borrower is authorised to borrow an item of library material in terms of the provisions of these regulations: Provided that the library officer shall issue to a junior borrower only two borrower's cards, for either fiction or non-fiction, or both.

- (8) (a) Every registration as borrower shall remain valid subject to the provisions of paragraph (b) and subregulation (9) for a period of two years from the date of registration, after which the registration of such borrower shall lapse, unless it is renewed on application by the borrower.

- (b) Every registration as a temporary borrower shall remain valid for a period of three months.

- (9) For the renewal of registration of the borrower concerned under sub-regulation 8(a) -

- (a) the library officer shall notify the borrower concerned in writing that he has to renew his registration within a month after the date of notice; in default of which his registration as borrower shall lapse;

- (b) the library officer shall cancel a borrower's registration as borrower if he fails to renew registration within a month after the date of the notice; and

- (c) the library officer shall, if necessary, note any change of address of every borrower applying for the renewal of his registration and shall either indicate renewal by means of a stamp in the form of a star on the registration and borrower's cards of the borrower concerned or shall replace the cards where necessary, subject to the provisions in respect of borrower's cards in regulation 2(7) of these regulations.

(10) A borrower who changes his postal or residential address, shall notify the library officer in writing of this fact within fourteen days after such change of address.

(11) If a borrower loses his borrower's card, he shall immediately notify the library officer thereof and the library officer shall issue a duplicate borrower's card after two weeks on payment of twenty cents.

(12) A borrower shall be liable for library material issued, before notice has been given of the loss of his borrower's card, against such borrower's card.

(13) If the lost borrower's card is found again after its loss has been reported, the borrower shall immediately return the duplicate borrower's card to the library officer.

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(14) On return of the duplicate borrower's card the twenty cents paid for such duplicate shall not be repaid to the borrower.

(15) If a borrower wishes to cancel his registration or is no longer registered or entitled to registration under the provisions of these regulations, he shall immediately return his borrower's cards to the library officer, whereupon the library officer shall cancel his registration as borrower: Provided that if such borrower fails so to return his borrower's cards the library officer may also cancel his registration as borrower.

**Lending and return of library material**

3. (1) An item of library material shall be issued only against a borrower's card which shall be kept in the library as proof that the item has been issued.

(2) An item of library material shall be deemed to have been borrowed from the library by the borrower against whose borrower's card it was issued, unless he has reported the loss of his borrower's card under regulation 2(11) before the item of library material concerned was issued against his borrower's card.

(3) Library material which bears the mark of the Service or the library, shall at all times remain the property of the Service or the library and shall not be in the possession of any person unless there is on it an official indication that it has been borrowed, withdrawn, written off or sold from the stocks of the library or the Service.

(4) A borrower may borrow not more than the following number of items of library material at one time:

- (a) Books and other publications: in the case of an adult borrower three items of which at least one shall be non-fiction, and in the case of a junior borrower two items, either fiction or non-fiction or one of each;
- (b) other library material: two items of each kind.

(5) A borrower may borrow library material for a loan period of not more than fourteen days: Provided that art prints may be borrowed for a loan period of not more than two months: Provided further that the library officer may grant extension of such loan period for any item of library material for not more than two further such loan periods if the borrower applies therefore in each case in writing, telephonically or personally before or on the due date and the items have not already been requested by another borrower.

[The word "an" appears to have been omitted before the word "extension".]

(6) If the loan period granted is exceeded the library officer shall send reminders in the form set out in Schedule 5 and 6 and according to the procedure set out in Schedule 6 to the borrower.

(7) If a borrower does not return items of library material within the loan period determined by subregulation (5) or any extension thereof, the library officer shall, on return of the material levy a fine of ten cents per item per week or part of a week by which the loan period granted was exceeded: Provided that any accumulated fine per item shall not exceed two rand.

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(8) If a borrower fails to return an item of library material within a period of six weeks after the last due date determined by subregulation (5) or to pay a fine imposed under subregulation (7) within a period of four weeks after its imposition, no further library material shall be issued to him and the library officer may cancel his registration as borrower in terms of the provisions of regulation 10: Provided that a borrower referred to in this subregulation who does not return or report as lost, in terms of regulation 4(1)(a), an item of library material within six weeks of the last due date provided for in subregulation (5) shall be guilty of an offence.

**[Subregulation (8) is amended by GN 39/1979 to add the proviso.]**

(9) A junior borrower shall not, without the permission of the library officer, borrow library material from the adult section of the library or go to or remain in such section.

(10) A borrower shall not exchange an item of library material on the same day on which he has borrowed it for another item.

**Lost or damaged library material**

4. (1) Library material shall be deemed to have been lost if -

- (a) it has been reported as lost by a borrower;
- (b) a borrower, after expiry of six weeks after the last due date determined under regulation 3(5), has not returned such material.

(2) Library material shall be deemed to be damaged if -

- (a) it is soiled, written or scrawled upon or in any way disfigured;
- (b) it has been damaged by the tearing out or removal of parts thereof or by elements of nature, for instance, water, fire or the sun.

(3) A borrower shall report to the library officer any damage of an item of library material observed by him at the issue thereof immediately, or if observed by him after issue thereof on its return.

(4) A borrower or, in the case of a junior borrower, his parent or guardian, shall be liable for the loss of or damage to, otherwise than through reasonable wear and tear, any library material while issued to such borrower and shall pay, as compensation for such loss or damage, the price thereof as ascertained by the library officer in the accession register of the library or with the aid of the Service in a recognised bibliography, plus 20% of the price.

(5) If a borrower or the parent or guardian of a junior borrower fails to pay any compensation in respect of loss or damage of library material which is deemed to have been lost or damaged under subregulation (1)(a) or (2) and for which such borrower, parent or guardian is liable under subregulation (4), within two weeks after the library officer has furnished the amount of the compensation -

- (a) no further library material shall be issued to the borrower;
- (b) the library officer shall furnish the borrower's surname, full Christian names and address -

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- (i) to the municipality for the taking of legal steps; and
- (ii) to the Head of the Service;
- (c) the library officer may cancel the borrower's registration as borrower under regulation 10.

(6) If the borrower, or the parent or guardian of a junior borrower, fails to pay any compensation in respect of library material which is deemed to have been lost under subregulation (1)(b) and for which such borrower is liable under subregulation (4), within two weeks after the final reminder according to the procedure and in the form as set out under Schedule 6 and in which the library officer furnishes the amount of the compensation, and which serves as a warning that no further library material will be issued to such borrower, has been sent to such borrower, parent or guardian -

- (a) no further library material shall be issued to the borrower;
- (b) the library officer shall furnish the borrower's surname, full Christian names and address -
  - (i) to the municipality for the taking of legal steps; and
  - (ii) to the Head of the Service;
- (c) the library officer may cancel the borrower's registration as borrower under regulation 10.

(7) Library material which after six months after the last due date cannot be collected from a borrower, shall be written off.

(8) Lost or damaged material borrowed from the library, remains the property of the library or the Service, as the case may be, although compensation has been paid in respect thereof.

(9) Damaged library material shall be placed on a stack for such material and shall not be lent out.

**Reservation and recommendation of and requests for library material**

5. (1) A borrower may, by filling in the appropriate parts of the necessary reservations cards, reserve at most three items of library material at one time for issue to him: Provided that no item shall be kept for him for longer than the period mentioned in a notice sent to him by the library officer when such item is available.

(2) If the same item of library material is reserved by more than one borrower, it shall be issued in the sequence in which the reservations were made.

(3) A reservation fee of ten cents shall be levied in respect of every item of library material reserved.

(4) If any particular item of library material is not in stock in the library and is required by a borrower, such borrower may, by filling in a request card, either request that the library officer obtains such item of library material through an inter-library loan and make it available to him, or recommend that such item of library material be purchased for the library.

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### **Exposure of library material to infectious diseases**

6. (1) No person suffering from an infectious or contagious disease which has to be reported under any law, may handle or borrow any library material and no person shall allow any other person suffering from any such disease to handle any library material in his possession.

(2) Any person who has library material in his possession which during the loan period has been exposed to the danger of contagion by a person, suffering from any disease referred to in subregulation (1), shall on returning such material inform the library officer thereof.

### **General**

7. (1) Library material housed in those parts of the library building reserved for reference and reading purposes, shall be used only in such parts: Provided that the library officer may, in exceptional cases grant permission for such library material to be removed to another section of, or out of the library building.

(2) The library officer shall provide a notice in which the days and times when the library or any part thereof is open to the public, or only to adult borrowers or only to junior borrowers, are set out; in a conspicuous place at or near the entrance to the library.

(3) The library officer shall display a copy of these regulations in a conspicuous place in the library building and draw the attention of any person being registered as a borrower to it.

(4) Any amount which, under these regulations, is deposited at the library and is not claimed within three months after notice thereof has been given in the public press, shall be forfeited and paid into the municipal library fund.

### **Offences**

8. No person shall -

(1) Smoke in parts of the library building open to the public;

**[Item (1) should not be capitalised; it is not capitalised in the Afrikaans text.]**

(2) conduct in the library building a discussion which may disturb others or take part therein, or read aloud, sing or whistle in such a way as may disturb other persons present in the library building;

(3) hinder, obstruct, disturb or in any way molest any other person in lawful use of the library;

(4) refuse or fail to make any library material or equipment available to any other borrower within a reasonable period after he has been asked to do so by the library officer;

(5) while he makes use of the library, refuse or fail to comply with any lawful request by the library officer;

(6) allow any child under his supervision to cause a disturbance in the library;



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- (7) in any part of the library -
  - (a) conduct himself in an illmannered or disorderly fashion;
  - (b) use improper, insulting or blasphemous language; or
  - (c) enter into wagers or gamble;
- (8) lie or sleep in the library or eat refreshments such as ice cream, sandwiches and other comestibles;
- (9) cause or allow any animal under his supervision to enter the library building or remain in it: Provided that the provisions of this paragraph shall not prohibit any person who is blind from allowing a guide dog which he is using to enter or remain in the library building;
- (10) bring any vehicle, carrier or container into the library building: Provided that the provisions of this paragraph shall not prohibit a handicapped person from bringing a wheelchair or other aid on which he is dependent into the library building: Provided further that suitcases, shopping bags and other containers may be left at the reception desk or shelves provided for the purpose;
- (11) without the permission of the library officer or the council of the municipality, if the library officer refers the matter to it, affix in the library building material for publicity or advertising purposes or distribute it therein or deposit it for distribution therein;
- (12) damage or disfigure any part of the library building or any accessories, furniture, equipment or its contents;
- (13) trace or cut out illustrations in library material;
- (14) give a false name or address for the purpose of obtaining access to any part of the library building or of deriving advantage from the service rendered by the library;
- (15) enter any part of the library or remain therein if he -
  - (a) is dirty on his person or in his clothes;
  - (b) is suffering from an infectious or contagious disease which has to be reported under any law; or
  - (c) is under the influence of any intoxicating liquor or drugs;
- (16) enter any part of the library building or remain therein during times when the library or any part thereof is not, in terms of a notice referred to in regulation 7(2) accessible to the public or the group of borrowers to whom he belongs;
- (17) enter or leave the library building through any entrance or exit not officially provided for the use of the public;
- (18) enter any part of the library building set apart for the exclusive use of the library staff, or remain therein;

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- (19) obstruct any entrance or exit of the library building;
- (20) make use of any library facilities specifically provided by the municipality for members of another population group than that to which such person belongs.

**Contravention of regulations**

**9.** Any person contravening a provision of these regulations or failing to comply therewith shall be guilty of an offence and on conviction liable to a fine not exceeding one hundred rand.

**10.** (1) If a borrower, in the opinion of the library officer, contravenes any provision of these regulations or fails to comply therewith, the library officer may, notwithstanding any provisions to the contrary in these regulations, but subject to the right of appeal under regulation 11, cancel his registration as a borrower.

(2) A conviction in terms of regulation 9 shall not prevent action by the library officer under subregulation (1).

**11.** All decisions under these regulations in connection with the registration of a borrower or the cancellation of a borrower's registration shall be subject to appeal by the borrower to the council of the municipality: Provided that the appeal shall be recorded in writing within thirty days after such decision is given.

SCHEDULE 1

S.W.A. 49

ADMINISTRATION

.....

PUBLIC LIBRARY

Request for Order

Inter library Loan

Author ..... Date .....

Title ..... Price .....

Publisher .....

Borrower

Date .....

Is available now

Not available

Date .....

Library Officer

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SCHEDULE 2

S.W.A. 73

ADMINISTRATION

PUBLIC LIBRARY

The undermentioned item is being reserved for you until .....

Author: .....

Title: .....

Borrower

.....  
Library Officer

.....  
Date

.....  
Date

SCHEDULE 3

S.W.A. 932

PUBLIC LIBRARY

(Member of Library Service for S.W.A.)

REGISTRATION CARD

Please complete in block letters.

Surname .....

Full names: .....

Birth date: .....

Postal address: .....

Home address: .....

Name and address of referee: .....

Tel. no. /Work: ..... House: .....

I agree to observe the rules of this library and to pay money charged against [the] above person for the damage to or loss of library stock.

Date: .....

.....  
Signature (Parent or guardian for schoolgoing child).

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SCHEDULE 4

S.W.A. 934

IMPORTANT

Please notify your library officer immediately of:

- Change of your address
- Loss of this borrower's card

You are responsible for each book which is issued on presentation of this borrower's card.

No. ....  
 .....  
 .....  
 .....

Not transferable

Re-registration .....  
 .....

PUBLIC LIBRARY  
 (Member of the Library Service for South West Africa)

SCHEDULE 5

S.W.A. 960

ADMINISTRATION

Education Branch

PUBLIC LIBRARY

According to our records the loan period of the following books has expired:

Accession No.: .....

Kindly return the books without delay.

10c levy per book per week

.....

SCHEDULE 6

REMINDERS

The library officer shall send reminders for the return of library material as follows to borrowers:

1. FIRST REMINDER: 1 week after due date
2. SECOND REMINDER: 3 weeks after due date  
 (These two reminders on reminder card SWA 960)
3. THIRD REMINDER: 4 weeks after due date  
 (In the form of 1st reminder as set out under Schedule 6(a))
4. FOURTH REMINDER: 5 weeks after due date  
 (In the form of 2nd and final letter of reminder as set out under Schedule 6(b))

EXAMPLE:

DUE DATE:                      6 February

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FIRST REMINDER: 13 February  
 SECOND REMINDER: 27 February  
 THIRD REMINDER: 5 March  
 FOURTH REMINDER: 12 March

SCHEDULE 6(a)

1ST LETTER OF REMINDER AFTER  
 LAPSE OF 4 WEEKS AFTER DUE DATE

LETTERHEAD OF MUNICIPALITY CONCERNED

BY REGISTERED POST

Address of borrower

Address of library

.....  
 .....  
 .....  
 .....

Dear Mr./Mrs./Miss .....

REMINDER FOR THE RETURN OF LIBRARY MATERIAL LENT

According to our record the loan period of the following items of library material lent to you in your name has lapsed since

| ACCESSION NO. | AUTHOR | TITLE |
|---------------|--------|-------|
| .....         | .....  | ..... |
| .....         | .....  | ..... |
| .....         | .....  | ..... |

You have not yet reacted to two reminders posted to you. You are therefore again urgently requested to return the books before or on .....  
 together with the amount of .....  
 being fines levied to date in respect of the above library material.

If you do not react to this request we will be obliged to take stringent measures against you.

LIBRARY OFFICER.

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SCHEDULE 6(b)

2ND AND FINAL LETTER OF REMINDER AFTER  
LAPSE OF 5 WEEKS AFTER DUE DATE

LETTERHEAD OF MUNICIPALITY CONCERNED

BY REGISTERED POST

Address of borrower

Address of library

.....  
.....  
.....

Dear Mr./Mrs./Miss .....

FINAL REMINDER FOR RETURN OF LIBRARY MATERIAL LENT

As you have not yet reacted to two reminders and our registered letter of .....  
referring to the above, you are now requested to pay the amount of .....  
being the cost of the replacement of the library material, to the library before or on .....

An account in which particulars are set out, is attached.

If after expiry of the above date the books have not been returned or the amount due paid,

- (i) no further library material will be lent to you;
- (ii) your name will be given to the local authority for the taking of legal steps;
- (iii) your name will be supplied to the Head of the Library Service; and
- (iv) your registration as borrower will be cancelled.

LIBRARY OFFICER.