APPENDIX A

MODEL KENYA PUBLIC LIBRARY & INFORMATION SERVICE ACT:

Introduction:

Kenya is developing Country. To eradicate illiteracy and stimulate public interest in book, promote reading for knowledge, information and entertainment, public libraries in Kenya should reach at grass root level, hence the provisions in existing KNLSB Act, 1967. needs to be amended in the present context therefore researcher has compiled a modal Kenya public library& information services Act for Kenya by combining the features of Maharashtra Public Libraries Act (1967), Karnataka Public Libraries Act (1965), Model Public libraries & information Services Act (Bhattacharjee and Venkattappaiah, 2003). The text of the Model Act will be as follows:

Chapter I

Preliminaries

1. Statement of objects and Reasons:

An Act to provide for the establishment and operation of an integrated, comprehensive and efficient rural and urban public library service and the recognition of RIGHT TO LEARN including the access to information and educational resources in the Country for the socio-economic aspirations of the people, and the matters connected herewith-

Be it enacted by the parliament of the...Kenya...in the... Year of the republic of Kenya as follows:

2. Preliminaries

1) Short title and extent

1) This Act may be called the... Kenya National Public Library and Information Services Act, 20—

2) It shall extend to the whole of Kenya

3) It shall apply to all public libraries established, or maintained, administered and aided by government, corporation and municipal library authorities and panchayat library committee (hereafter called library authorities).
2) Commencement

It shall come into force on such date as the government may by notification appoint and they may appoint different dates for different provisions and for different areas.

Chapter II

Terminology

3) Definitions

In the Act, unless the context otherwise requires –

1) **Aided library** means a library declared by the director to be eligible for aid either from the Government or from the library fund in accordance with the rules made under this Act.

2) **Board** means the Kenya National Library and Information Service Board established by section 5.

3) **Book Deposit Centre** means a place where few books are kept and returned at certain intervals to the neighboring library.

4) **Book** means any volume, part or division of a set of volumes –
   i) be it a printed book or manuscript or a microfilm or video, audio cassette or photograph;
   ii) every sheet of music, map, chart or plan separately printed or lithographed;
   iii) News papers, periodicals and other such materials.

5) **CD-ROM** Compact-Disk Read-Only-Memory. It is used to store data.

6) **Competent Authority** means any person, officer or any authority authorized by the government by notification to perform functions of the competent authority under this Act for such area or for such purposes as may be specified in the notification.

7) **Corporation Library Authority** means Library Authority constituted for a city under Section 24.

8) **Correspondent** means the Secretary or Executive Officer or Sarpanch as the case may be, of the recognized aided library.
9) **Department** means Department of Public Library and Information Services.

10) **Dial-up-Services** - services which are accessed by the telephone.

11) **Director** means the Director of Public Library and Information Services appointed under Section 14.

12) **District** means revenue district.

13) **Electronic mail (e-mail)** — Computer based message system, which is meant for the automatic transfer of information.

14) **Financial year** means a financial year commencing on the first day of July and ending on the next thirtieth day of June.

15) **Government** means the Government of Kenya.

16) **Hamlet** means a population cluster with less than 1000 people.

17) **ICT** - Information and Communication Technology.

18) **Information Super Highway** - A network of networks which connects computers and telecommunication networks and services.

19) **Informatics** means the process of information from recording to dissemination.

20) **Information** means the data recorded and capable of communication.

21) **LAN** - Local Area Network. Linking computers and other devices within a restricted geographical area Library means an organized collection of printed books, periodicals or any graphic or audiovisual material to which member of the public has access free of charge or on payment of fees or virtue of being member of a organization or institution.

22) **Library** – means an organized collection of printed books, periodicals or any graphic or audiovisual materials to which a member of the public has access free of charge or on payment of fees or by virtue of being a member of an organization or institution.

23) **Library Cess** means the cess levied under Section 65.

24) **location Library Committee** means a Library Authority constituted for the village (Gram) under Section 26.
25) **Microform** means a generic term indicating any form of micro record such as microfilm, microfiche etc... Whether on a flat or roll film, paper etc.

26) **Multimedia** - An integrated presentation of different forms of informatics in more than one form.

27) **Municipal Library Authority** means Library Authority constituted for the Town Municipality under Section 25.

28) **Network** means a system of physically separate computers with telecommunication links, allowing the resources of each participating machine to be shared of, each of the others.

29) **New Public Library** a Library with networking facilities and with services like Internet, E-mail etc...

30) **Notification** means a notification published in the official Gazette of Kenya.

31) **Prescribed** means prescribed by rules made under this Act.

32) **Public Library** means –

i) Any library established or maintained by Government, Corporation, Municipality or including the branches, and book deposit centers of such a library.

ii) Any library established, maintained and managed by the Government local body and declared open to the public.

iii) Any library declared to be eligible for grant-in-aid and receiving aid from the Government or from the Library Fund; or Foundation; and any other library notified by the Government as a public library for the purpose of this Act.

33) **Public Library System** means a library system consisting of a national, State, district, City, Municipal Libraries, Village Libraries, Book Deposit Centers."Mobile Libraries and other connections and subsidiaries as may grow up in connection with it, as referred in Chapter No.8.

34) **Recognized Library** means a library recognized by the Director in accordance with the Rules under the Act.

35) **State** means the State/ province, as the case may be.
36) **Video Conference** - face to face audio-video electronic communication system.

37) W.w.w- World Wide Web called as web or w3. It is a hyper text based HTML or PDF document on Internet, which have links to each others and accessible from http.

### Chapter III

**National library Authority**

As soon as may be, after the commencement of this Act, the Government shall, by notification, constitute the National library Authority which consists of -

5. **Establishment of KNLSB**

As soon as may be after the enactment of this Act the Kenya Government shall by notification in the official Gazette, appoint, Kenya national library and information service Board for the purpose of this Act

The Board shall be-

1) A body corporate under the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold, and dispose of property movables or immovable and contract for the purposes of, or in the course of, the carrying out of its functions; and may by name be capable of suing and being sued.

2) The minister may, on the advice of the Board, by notice in the Gazette, amend the schedule

6. **Constitution and Composition:**

1) The Board shall consist of the following members appointed by the minister with the approval of the president-

   i) Chairperson: minister of public libraries/ education/ culture

   ii) Vice chairperson: a professional shall be appointed by the government as vice chairperson. He will be in charge of the duties entrusted by the chairperson
iii) Three members to be elected by the parliament, two from the house of people
iv) Two persons co-opted by the Board at its meetings for their special knowledge of libraries
v) The vice chancellor of the university of Nairobi or the person deputed in writing from time to time to take his place as a member of the Board;
vi) Director of public library and information service shall be the member of the Authority
vii) Three persons nominated by government from the states/provinces by rotation in the alphabetical order;
viii) One person nominated by the Kenya National library Association, a society registered under societies registration Act 1966
ix) Director, Kenya national Archives;
x) Eight scholars of repute in different disciplines covering humanities, science, social science, medicine, engineering and technology, law etc. to be nominated by the government;
xii) Librarian, National library and information centre, Kenya;
xiiii) Chairperson, commission of high education or member of that commission to be nominated by the chairman thereof;
xiv) One chief librarian nominated by the government of the states in Kenya by rotation in alphabetical order;
xv) One person to be nominated by the Nairobi city council or a person deputed in writing from time to time to take his place.
xvi) Not more than three such other persons as the minister may appoint
xvii) Director of libraries, who shall be member secretary.
2) Each appointed member of the Board shall hold the office for a term of three years, unless his appointment is earlier revoked by the minister, and shall be eligible for reappointment.

3) Any member of the Board appointed under subparagraph 1) (vii) and (xv) may at any time resign by giving notice in writing to the minister and from the date of receipt of such notice by the minister, he shall cease to be a member of the Board.

7) Functions of KNLISB

The Board shall exercise general responsibilities for overseeing public library system in Kenya. The KNLISB shall:-

1. promote, establish, equip, manage, maintain and develop libraries in Kenya as a National library Service;
2. overview the functioning of the libraries under the Act and in default or failure, and to perform any duty by any library authority
3. make rules under the Act
4. also specify, lay down and publish the standards of library service, and see that these standards are strictly observed and shall keep these standards under continuous review
5. prepare long term and short term plans
6. sanction opening of new libraries and also taking over of private libraries
7. plan and co-ordinate library, documentation and related services in Kenya;
8. advise the Government, local authorities and other public bodies on all matters relating to library, documentation and related services;
9. provide facilities for the study of, and for training in the principles, procedures and techniques of librarianship and such other related subjects as the Board may from time to time decide;
10. advise the Government on library education and training needs for library, documentation and related services;
11. sponsor, arrange or provide facilities for conferences and seminars for discussion of matters in connection with library and related services;
12 carry out and encourage research in the development of library and related services;
13 participate and assist in the campaigns for eradication of illiteracy;
14 stimulate public interest in books and promote reading for knowledge, information and enjoyment;
15 acquire books produced in and outside Kenya and such other materials and sources of knowledge necessary for a comprehensive national library;
16 Publish the national bibliography of Kenya and provide a bibliographical and references service.
17 It shall exercise such Other powers and perform such other duties conferred on it by this Act and the rules made thereunder.

8. Term of office.- (1) Save as otherwise provided in this Act, the term of office of members of the KNLISB, other than ex-officio members, shall be for a period of three years commencing from the date on which the first meeting of the Authority is held after the election or nomination of the members under section 2.
(2) An outgoing member shall continue in office until the election or nomination of his successor.
(3) An outgoing member shall be eligible for re-election or re-nomination.

9. Vacancies.- In the event of a vacancy arising out of death, resignation, disability or otherwise, previous to the expiry of the term of office of any member of the KNLISB, the vacancy shall be filled by election or nomination, as the case may be, of another person in the manner provided in sub-section (2) of section 3, and any person elected or nominated to fill the vacancy shall hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

10. Disabilities for continuing as member.- If any member other than an ex-officio member of the KNLISB, during the period for which he has been nominated or elected,-

(a) Absents himself without excuse sufficient in the opinion of the Authority, from three consecutive meetings of the Authority; or
(b) In the case of a member elected by anybody referred to in sub-section (2) of section 3, ceases to be a member of the body concerned, his office in the Authority shall become vacant.

11. Disqualifications.- A person shall be disqualified for being chosen as, and for being, a member of the KNLISB,-

(a) If he has been sentenced by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months, such sentence not having been subsequently reversed, quashed or remitted, unless he has, by order, which the State Government is hereby empowered to make in this behalf, been relieved from the disqualification arising on account of such sentence;

(b) If he is an undercharged insolvent;

(c) If he is of unsound mind and stands so declared by a competent court.

12. Meetings of the KNLISB -

(1) The KNLISB shall meet at least twice a year on dates to be fixed by the President. One of such meetings shall be the annual meetings.

(2) The President may also, whenever he thinks fit, convene a special meetings of the Authority for the transaction of urgent business.

(3) Subject to prescribed conditions special meetings shall be convened by the President to discuss matters of urgent importance upon a requisition by the members of the Authority.

(4) Two-fifths of the total number of members of the Board, shall be the quorum for a meeting of the KNHISB.

(5) The President, if present, shall preside at every meeting of the Authority. In the absence of the President, the members present at the meeting shall choose one from among themselves to preside.

13. Procedure of KBLISB.- The Library Authority shall transact business in such manner and in accordance with such procedure as may be prescribed.
Chapter IV
DEPARTMENT OF PUBLIC LIBRARY AND INFORMATION SERVICES

14) SEPARATE DEPARTMENT
For the purpose of this Act, a Department of Public Library and Information Services shall be constituted by the State Government with a Director (professional) as its head and other professionals as officers.

13. FUNCTIONS OF THE DEPARTMENT
The Department of Public Library and Information Services shall -
1) supervise and direct the Public Library and Information System in Kenya and promote establishment of public library services so as to achieve the purpose of this Act;
2) carry out the recommendations of the KNLISB;
3) ensure proper utilization and control of the Library Fund and also manpower, at National, State and City, Municipal and county council level
4) recognize the Library Associations working at the National and State;
5) declare in accordance with the rules made under this Act, what libraries are eligible for aid from the Government;
6) maintain a register of libraries and librarians in the country including States;
7) submit to Government every year through the KNLISB, a descriptive and critical report on working of Public Libraries in the Kenya;
8) maintain and manage the Copyright Library; at national as well as state level
9) ensure the proper utilization of library funds and library manpower in the country
10) The board may, from time to time, appoint on such terms and conditions as it may think it fit such officers, clerks and servants as it may consider necessary for carrying out its functions under this Act.
11) Perform such other duties and exercise such other powers as are imposed or conferred or assigned by this Act or the Rules made there under.
16. DIRECTOR OF PUBLIC LIBRARIES KNLIS

1) A whole-time officer having the prescribed qualifications to practice the library profession shall be appointed by the Kenya Government as the Director of Public Libraries, who shall be the chief executive of the board and who shall be entitled to present and speak (but not to vote) at the board’s meetings.

a) The appointment of the director and his terms and conditions of service shall be subject to the approval of the minister.

2) The Director of Public Libraries shall,-

(a) Superintendent, direct, and deal with all matters relating to the Press and to the maintenance and service of the books sent under the copyright Act;

(b) Control the appointments, postings, and transfers of officers and servants in the National Library Service;

(c) Generally assist the KNLSB in performing its functions;

(d) Exercise such other powers and performs such other duties as may be conferred or imposed on him by or under this Act.

Chapter V
STATE LIBRARY AUTHORITY

17. Constitution of the state library authority
The state library authority shall advise the Government on all matters connected with the administration of this Act, shall be the managing authority for the state library, and shall exercise and perform such powers and duties conferred and entrusted to the said authority by this Act, and such other powers and duties as may be prescribed.

- State Library Authority shall consists of-

1) Vice-Chairperson – Commissioner of state or his representative
2) Director of public library and information services
3) Vice chairperson
4) Deputy director of libraries in each province shall work as ex-officio member secretary

5) The Librarian of the State Public Library and Information Centre.

6) State Informatics Officer

7) Two persons co-opted by the State Library Authority at its meeting for their special knowledge of libraries.

8) Three members nominated by Government from among the Chairpersons and Secretaries of the Corporation, Municipal Authorities and library Committees (one member in each category).

9) Nomination of members in default of election.- If any of the bodies referred to in sub-section (2) of section 3 does not, by such period as may be prescribed, elect a person to be a member of the State Library Authority, the State Government shall, by notification, nominate to the vacancy a person qualified for election thereto; and the person so nominated shall be deemed to be a member of the Authority as if he had been duly elected by the said body.

18. Functions of the S L A

The State Library Authority shall exercise general responsibility for the overseeing of the public library system in the State. The SLA shall establish, maintain and develop an integrated, comprehensive and efficient library service in the State. The functions of S L A are as mentioned below:

1) The SLA shall be charged with the duty of implementing the Act and acts as authority in respect of public libraries in the State.

2) It shall sanction the opening of new libraries and also taking over of private libraries.

3) It shall overview the functioning of the libraries under the Act, and in default or failure, and to perform any duty by any Library Authority.

4) It shall see that the standards prepared by KNLISB are strictly observed

5) Prepare the short term and long term plans for the state.
6) It shall exercise such other powers and perform such other duties conferred on it by this Act and the rules made there under.

19. Corporate body

The State Library Authority shall be body corporate, having perpetual succession on a common seal with powers subject to the provisions of this Act, and rules made there under, to acquire, hold and dispose of property and to enter into contracts and shall by the said name sue and be sued.

20) Term of office

Every member of the SLA shall hold office for a period of three years from the date of his election or nomination as the case may be.

21) Saving clause

The Education Secretary of the State Government will act as in-charge of State Library Authority when there is a vacancy of a Chairperson of SLA.

Chapter VI

CORPORATION, MUNICIPAL AND LIBRARY AUTHORITIES / COMMITTEES

22) District officer

There shall be the District Public Library and Information Officer for each district to discharge the following functions.

1) He should act as liaison officer between the Government and the Library Authorities.

2) He should give technical assistance in maintaining Libraries at district and lower levels.

3) He should organize orientation courses for the professionals and organize seminars and conferences.

23) Constitution of library authorities
For the purpose of organizing and administering the Public Libraries in the State, there shall be constituted a Library Authority, one each for a City Municipal Corporation, Town Municipality and locations.

24) Composition of the corporation library authority

Each City Municipal Corporation shall constitute a Corporation Library Authority which shall consist of the following:

1 Mayor of the Corporation (Ex-officio Chairperson)
2 Commissioner of the Corporation
3 Educational Officer of the Corporation
4 Two Cooperators
5 Two specialists in the field of Library and Information Science
6 One specialist in Information Communication Technology
7 Corporation/city Public Library and Information Officer (Member Secretary)

25) Composition of the municipal library authority

Each Town Municipality shall constitute Municipal Library Authority which consists of the following:

1 Chairperson of the Municipal Council (Ex-officio Chairperson)
2 Commissioner of the Municipal Council
3 Municipal Educational Officer
4 Two Municipal Councillors
5 Two specialists in the field of Library and Information Science
6 One specialist in Information Communication Technology
7 Municipal Public Library and Information Officer (Member Secretary)

26) Composition of the location library committee

The Location Library Committee shall consist of the following:

1 Chief of the location (Ex-officio Chairperson)
2 Executive Officer (Member Secretary)
3 Two Members of the location
4 Two specialists in the field of Library and Information Science
5 Head Master or Head Mistress of the Local High School or Primary School
6 Librarian, Village Public Library and Information Centre
7 District Public Library and Information Officer or an officer authorized by him

27) **Term of office**

The term of office of the above Authorities / Committees will be decided by the said Local Body.

28) **Functions of the library authorities / committees**

1 It shall be the duty of the Authority to provide Public Library and Information Service in their respective jurisdiction.
2 It shall establish at least one Public Library for a population of 5000-25000. However in a village with a population of 1000 or more there shall be at least one Public Library.
3 It will provide reading materials and audio-visual materials.
4 Shall accept any gift or endowment for any purpose connected with the activities.
5 Shall organize lectures and with cultural activities in the Library.

29) **Establishment**

1 Upto Mandal/Block level the establishment charges will be met by the Government. So, the KNLISB will create necessary posts for the Public Library System in the State and formulate the rules to fill up the said vacancies.
2 The Local Bodies, if they, have funds at their disposal can create the posts, with the approval of the KNLISB or an officer authorized by it.
3 The establishment charges below the Mandal / Block level will be met by the Location councils, with the support from the District Development Authorities / Committees
30) **Meetings of the library authorities / committees**

1. The Library Committee shall meet at least thrice in a year.
2. The Chairperson may also convene a special meeting of the Committee for transaction of urgent business.
3. A special meeting may also be convened at the request of majority of Members.

31) **Power of the chairperson**

1. He will preside over the meetings of the Library Authority/Committee.
2. He will watch over the executive administration.
3. He can supervise and control the library system.
4. In the absence of the Chairperson, one Member will preside over the meeting and conduct the proceedings.
5. The sitting fee etc. for the non-official member will be fixed by the KNLISB

32) **Appointment of sub-committees**

A Library Authority may appoint a committee and delegate to such committee any of its powers or functions under this Act, except the powers to levy library cess, to borrow money, to dispose of immovable property and to pass the budget, accounts and the audit and annual reports.

33) **Library advisory committee**

For the purpose of advising on local requirements relating to library service each public library shall have a Public Library Advisory Committee consisting of the librarian and the borrowers of the library who will be nominated by the City/Municipal Library Authorities as the case may be. The nominated members of the Library Advisory Committee shall hold location Library council Committee office for a period of three years.

34) **Disabilities for continuing as members**
Any member, other than an ex-officio member, of any Library Authority, shall be deemed to have vacated his office during the period for which he has been nominated or elected, if -

1. A member elected by any body referred to in section 24, 25 and 26 as the case may be, ceases to be a member of the body concerned,

2. Absents himself, without excuse sufficient in the opinion of the Library Authority/Committee from three consecutive meetings of the Library Authority.

3. When a person ceases to be a member under section 23, 24 and 25 the Secretary shall at once intimate the fact in writing to such person and report the same to the Library Authority at its next meeting. Where such person applied for restoration of membership to the Library Authority/Committee on or before the date of its next meeting or within fifteen days of the receipt of such intimation, the Library Authority/Committee may at the meeting after the receipt of the application or suo moto restore his membership thereof. Provided that a member shall not be so restored more than twice during his term of office.

35) Disqualification

A person shall be disqualified for being chosen as and for being chosen as a member of the Library Authority/Committee, if -

1. He has been sentenced by a Criminal Court for an offence involving moral turpitude and punishable with imprisonment for a period of more than three months, for any offence involving moral delinquency, such period of such sentences;

2. Provided that the Government may direct that such sentence shall not operate.

3. Is of unsound mind and stands declared by a contempt court disqualification.

4. Is a deaf, mute or is suffering from leprosy;

5. Applied to be adjudicated as an insolvent or is an undercharged insolvent.
36) Meetings of the library authority/committee

1 Every Library Authority shall meet at least six times in an year on dates to be fixed by the Chairperson of the Library Authority / Committee.

2 The Chairperson may also, whenever he thinks fit convene a special meeting of the Library Authority / Committee for the transaction of urgent business.

3 Subject to prescribed conditions, special meetings shall be convened by the Chairperson to discuss matters of urgent importance upon a requisition by the majority of the Members of the Library Authority/ Committee.

4 A Library Authority / Committee shall transact business in such a manner and in accordance with such procedure as may be prescribed.

37) Powers and duties of chairperson

The Chairperson of a Library Authority / Committee shall -

1 Presides over the meetings of the Library Authority / Committee.

2 watch over the financial and executive administration of the Library Authority / Committee and exercise general supervision and control.

3 The Chairperson and members shall be paid allowances and provided with facilities on par with the Chairperson and members of the Local council.

38) Vesting of properties in library authorities / committee

1 All the property acquired or held in any area by the Library Authority/ Committee for the purpose of any public library shall vest in the Library Authority / Committee of that area.

2 Any immovable property required by the Library Authority / Committee shall be deemed to be land needed for a public purpose within the meaning of the Land Acquisition Act, 1984 (Central Act of 1894) and may be acquired under this Act.

39) SAVING CLAUSES
1 The Secretary, Corporation/Municipal, Library Authority, Library will act as in-charge of the concerned Authority, when there is a vacancy of a Chairperson and act as Corporation/ Municipal, Library Authority.

2 The Chairperson and Member Secretary will act as Chairperson and Secretary for all sub-committees appointed by them, except the enquiry committees for which the charges are leveled against them.

Chapter VII

GENERAL RULES OF RESERVATION

40) Reservations

In any authorities or committees, appointed, elected or nominated as per the provisions of the Act, there should be at least -

1. one member from SC or ST;

2. one member from BC;

3. and on the whole, there should be at least 30% members from women. If by any reason, Membership is not possible, by the existing provisions of the Act, they can be taken as co-opted members and they shall be extended all facilities on par with other members of the concerned authorities / committees.

41) Library development plans-

(1) Subject to the general or special orders of the Government, as soon as possible after a Local Library Authority is constituted and thereafter as often as may be required by the Director of Public Libraries every Local Library Authority shall, and whenever it considers it necessary so to do, a Local Library Authority may, prepare a plan (hereinafter referred to as the 'Local Library Development Plan' for establishing libraries and spreading library service within the jurisdiction of such Authority in such form and manner and containing such particulars as may be prescribed.
(2) The salient features of every Local Library Development Plan prepared under sub-section (1) shall be published in such manner as may be prescribed along with a notice inviting objections and suggestions from all persons interested in the Plan within such period as may be specified in the notice. Any objection or suggestion which may be received from any person with respect to the Local Library Development Plan shall be considered by the Local Library Authority and such modifications in the Plan shall be made as the Authority deems fit.

(3) The Local Library Development Plan shall thereafter be sent to the (1) Director of Public Libraries along with a copy of the objections and suggestions received under sub-section (2). The Director of Public Libraries shall with his comments on the Local Library Development Plan submit it to the Government for sanction.

(4) The Government may if it deems fit after ascertaining the views of the Library Authority sanction the Local Library Development Plan with such alterations as it considers necessary. The Government may on application by the Local Library Authority concerned, modify any Local Library Development Plan sanctioned under this sub-section.

(5) (a) As soon as may be after the State Government sanctions a Local Library Development Plan under sub-section (4), the Director of Public Libraries shall in conformity with the provisions of the said Plan make an order called the Local Library Order for the area, specifying the Central Library and the Branch Libraries including branches, to be located in educational institutions, prisons and hospitals and the service stations, which shall be established and maintained by the Local Library Authority, the measures to be taken by the Local Library Authority for providing adequate library service to the people in the area and the stages in which such measures shall be taken.

(b) A Local Library Order made under clause (a) may be amended in consultation with the Local Library Authority, whenever the Director of Public Libraries considers it expedient to do so.

(6) Every Local Library Authority shall give effect to the Local Library Development Plan as sanctioned by the Government and the Local Library Order made under sub-section (5).
Chapter VIII
PUBLIC LIBRARY AND INFORMATION SYSTEM

42) Pyramidal structure

The structural set up of the Kenya Public Library and Information System shall be as follows:

1 National Library & Information Center:
2 State Public Library and Information Centre
3 City Public Library and Information Centre
4 Town Public Library and Information Centre
5 Village Public Library and Information Centre
6 Libraries run by Voluntary organizations

And the public libraries located in educational institutions, hospitals and prisons, the libraries under, Municipalities, places of worship and voluntary organizations and any other library in a village or town or city recognized by the Government as public library.

43) National library & Information Centre

A national library will be specifically established by the government of Kenya to serve as the preeminent repository of information for Kenya. It shall be the apex of library system of Kenya. Unlike public libraries; national library shall rarely allow citizens of Kenya to borrow books and other reading materials, which includes numerous rare, valuable, or significant works and etc.

National library shall notable for its size, compared to that of other libraries in the same Kenya. Some states who, wishes to preserve their particular culture, have established a state library with all the attributes of such institutions, such as legal deposit but shall not be a national library.

44) National librarian

The national librarian shall perform the following functions:

a) Involved in implementing the government's decision to establish a national library which would include all existing state libraries
b) Amalgamation of all the functions of the existing state libraries, but with provision for safeguarding special aspects of each library's identity

c) Shall be charged with national library administration and establishment before the drafting of a statute.

d) Implementation of national library Act for the interest of the national library

e) Design and sitting of a future national library building, as well as design long-term plans for national library

f) Accommodation relief for the National Library Service and a site and building for the national library,

g) preparation of a bills, to be considered during the session of Parliament on:

(a) the way in which various existing state library services could be carried out from, or in association with, the national library,

(b) the safety which would be necessary in order to preserve the character of existing collections

(c) ways in which necessary functions of a national library both currently and future being met could be discharged

45) Functions and services of national library

National library shall have special responsibilities, defined in the Act, within Kenya’s library and information system. These responsibilities namely:

• the collection via legal deposit of the national imprint (both print and electronic) and its cataloguing and preservation

• the provision of central services (e.g., reference, bibliography, preservation, lending) to users both directly and through other library and information centres

• the preservation and promotion of the national cultural heritage

There are 3 main components of the statutory functions of the National Library:

1. Legal deposit -
a. Legal Deposit is one of the statutory functions of the National Library and through this, all works by Kenya writers, producers and publishers shall be collected and preserved to become a part of Kenya’s heritage.

2. National Bibliographic Services
   a) to serve as a long-term record of Kenya’s publishing output, by and about Kenya regardless of the origin of the publication
   b) for collection development to aid libraries in the selection and acquisition of new materials
   c) to provide access by serving as a current awareness and reference source for librarians, researchers and bibliographers

3. National union catalogue
   The National Union Catalogue (NUC) is a comprehensive record of the collective holdings of the libraries of Kenya and is a useful tool for resource-sharing locally and internationally. The National Library plays a leadership role as it collaborates with contributing members to consolidate and connect the heritage collections and resources of Kenya held by other libraries and information centres.

46) State library and information centre
   There shall be a State Public Library and Information Centre as an apex library located in the State Capital, as a reservoir of books and other materials for the proper functioning of the State Public Library and Information System. It is maintained by the Government.
   (1) As from the appointed day, the State central Library, shall be managed by the State library Authority
   (2) (a) The State library shall be maintained as a reservoir of books and other materials for the proper functioning of the State Library system.
   (b) In addition to a general library, the State Central Library shall consist of the following sections namely:-
       (i) a State Bureau of Copyright Collections;
       (ii) a State Library for the Blind;
       (iii) a State Bureau of inter-library loans;
       (iv) a State Bibliographical Bureau;
(v) A State Bureau of Technical Service;
(vi) Such other sections as may be prescribed.

1. (a) One copy of each book received under the Press and Registration of Books Act of Kenya constitution shall be kept in the State Central Library as a Bureau of Copyright.

(b) Copies of books in the Bureau of Copyright shall not be issued by way of loan of any kind but may be made available for reference in the library premises.

2. (a) The production and storage of books, sound records of books and kindred materials for the blind and the issue of such books and materials for the use of the blind shall be dealt with in the section relating to the State Library for the Blind.

(b) The State Central Library may collaborate with other Libraries for the Blind in India and undertake such work as may be necessary for purposes of such collaboration.

3. (a) The State Bureau of inter-library loan shall implement such schemes of inter-library loans among the public libraries, academic libraries, State-owned libraries, aided libraries and the outlier libraries in the State as may be prescribed.

(b) The State Central Library may with the approval of the State Government, collaborate in any scheme of inter-State library loans.

4. (a) The State Bibliographical Bureau shall undertake such bibliographical work as may be prescribed and may for this purpose collaborate with Departments of Government and educational and other bodies in the State.

(b) The State Central Library may, with the approval of the State Government, collaborate with Bibliographical Bureau or agencies in Kenya and undertake such bibliographical work as may be necessary for purposes of such collaboration.

5. (a) The State Bureau of Technical Service shall be maintained for centralized technical services, such as, acquisition, classification and cataloguing of books for public libraries, academic libraries, State owned libraries, aided libraries and outlier libraries, in accordance with such schemes as may be prescribed.

(b) The State Central Library may, with the approval of the State Government, collaborate with other similar Bureau of Technical Service in Kenya and undertake such technical work as may be necessary for purposes of such collaboration:

Provided that no scheme under sub-section (3) or sub-section (5) shall be implemented in respect of any library other than a library owned or controlled by
the State, except with the concurrence of the authority which owns or controls such library.

47) State library

1 A whole time officer having the prescribed professional qualifications to practice the library profession shall be appointed by the State Library and Information Officer.

2 The State Librarian shall be assisted by technical and non-technical staff in running the library.

3 The status of the State Librarian shall be that of a Joint Director of the Department.

48) Functions of the state public library and information centre

The functions of the State Public Library shall be as follows:

1 provides leadership in all activities in the field of libraries;

2 function as a reference and research library and maintain State Information Centre;

3 provide documentation and information services to all and in particular to the Legislative Houses and other Departments of the Government;

4 organize the community information services in the State;

5 works in close co-operation with the National Informatics Centre in the State;

6 organize the survey and research unit;

7 organize the centralized technical services;

8 maintain and manage the State Dormitory in order to meet the demand, at any time from any person engaged in antiquarian or bibliographical research;

9 organize seminars, conferences and workshops.

49) City public library and information centre
There shall be one City Public Library and Information Centre for each Municipal Corporation. Number of Branch Libraries can be opened as per the need and viability.

The City Public Library and Information Officer shall have professional Qualifications.

He shall be assisted by technical and non-technical staff.

50) **Town public library and information centre**

There shall be one Town Public Library and Information Centre and number of Branch Libraries or reading rooms can be opened as per the need and viability.

The Town Public Library and Information Officer shall have professional qualifications.

He shall be assisted by technical and non-technical staff.

51) **Village public library and information centre**

There shall be at least one Public Library and Information Centre in each location.

Professionally qualified librarian may be appointed if funds permit.

Reading rooms may be opened to cater to the needs of the literates and neo-literates.

52) **Functions**

The functions of the City, Town and Village Public Library and information centers shall be as follows:

1. to give special reference service to the members of the Local Bodies, in which it is situated;
2. to give special service to students and members of the community;
3. to extend library-service in the urban and rural areas by setting up branch libraries, mobile libraries and deposit centers and to extend similar service in the district through the various block libraries and other library units;’
4 to maintain District Information Centre;
5 to encourage the local history collections.

Chapter IX

AIDED LIBRARIES (NGOs)

53) Part of the public library system

All the Libraries started and maintained by voluntary organizations in the State shall be treated as part and parcel of Public Library System of the Kenya. They should be given encouragement so as to function as independent units.

1 The powers of registration shall be vested with the Library Authority and recognition with the Director.

2 The Government should formulate the Grant-in-Aid Code, keeping in view the growing needs and provide grants every year on the lines of grant-in-aid code of the aided schools and colleges.

3 The Library Authorities should provide technical advice and assistance to the aided libraries,

4 They should bring them within the system for the purpose of inter library co-operation including inter library loan.

5 The Library Authorities should include all these libraries in their developmental schemes" and five year plans.

6 The Library Authorities should include the activities of Library Authorities, in the Administrative Report along with critical remarks and appreciation, if any,

7 All the Aided Libraries should be absorbed in the State Library System, in course of time, so that the larger units of libraries can serve the people comprehensively and efficiently.

54) Allocation for grant-in-aid

The Government shall within the limits of its economic capacity set apart a sum of money annually for being given as Grant-in-Aid (hereafter in this Act referred to as grant) to the aided libraries and adult education centers.
55) Utilization of funds and movable property

1. All the monies collected, granted, received and other movable property held by or on behalf of private libraries shall be utilized for the purpose for which they are intended, and shall be accounted for by the correspondent in such a manner as may be prescribed.

2. All the monies received or held by on behalf of every private library shall be lodged in a bank.

3. The surplus fund of every such library shall be invested in the Government securities or in such other manner as may be prescribed.

56) Management of over properties, records etc.

In the event of the aided library being closed down or discontinued or its recognition being withdrawn, the management shall hand over or cause be handed over to the competent authority all the properties, records and accounts of the institution in its possession.

Chapter X

ADULT EDUCATION

57) Adult education programmes

The Government shall constitute a separate agency in the State Library to take up activities in the post literacy part of adult education towards the process of life-long education.

The State Librarian is responsible for supervising and carrying out all the adult education activities all over the State. He may delegate the supervising powers to concerned officers to watch the progress of adult education. For promoting adult education in the State, the Government shall —

1. involves the public libraries in the National Literacy Mission programmes;

2. shall raise the community awareness about the illiteracy problems;

3. sanction grants to Corporation, Municipal Library Authorities, and county council Library Committees for conducting various adult education programmes in their respective areas;
constitute a State Book Development Council for the production of books etc. for adult education and manuals for instructors and learners; and publicize the literacy programmers.

58) Adult education activities

All the Library Authorities should take up programmes of adult education. The libraries are responsible for successful carrying out the programmes of adult education in the city or district as the case may be. For purposes of conducting adult education activities the Library Authorities

1 start adult education centers
2 appoint branch librarians; or teachers or social workers to conduct adult education classes
3 allot reasonable funds for adult education activities in the annual budget while submitting the budget for approval to the State Library Authority;
4 Co-operate with the voluntary organizations interested in the campaign of removing illiteracy; and
5 stock books, periodicals and non-book materials such as audio-visual equipment for that purpose.

Chapter XI

NATIONAL BOOK DEVELOPMENT COUNCIL

59) Constitution of the council

The Government shall constitute Book Development Council, consisting of the following:

1 Minister of Libraries/ education, who shall be the Chairperson.
2 The Secretary to Government Education Department.
3 The Director of Printing and Stationery.
4 State Informatics Officer.
5 One representative from KNLISB.
6 One representative from the State Academies.
7 The Director of Public Library and Information service who shall be convener of the council.
60) FUNCTIONS

The National Book Development Council shall have the following functions. It shall:

1. Produce books on functional topics, which contribute to the cultural, social and economic development of the country;
2. Produce books on functional literature, non-book materials for use of libraries;
3. Produce books for children;
4. Produce forms, registers, codes and manual for the department publicity materials;
5. Promote book industry in the country, by assisting the Publishers;
6. Produce rare books and reference books, needed by libraries which the publishers do not generally venture to publish;
7. Distribute the books of the Government and State sponsored Academies to the libraries in the country;
8. Serve as a Resource Centre to administer the book acquisition programmes of the department, or any agency commissioned to organize the work.

61) Term of office

The term of office of the members other than the Ex-officio members of the council, shall be two years.

Chapter XII

NATIONAL PUBLIC LIBRARY AND INFORMATION SERVICE

62) Categories of posts

1. Notwithstanding anything in the Act, the Government shall by notification, constitute Kenya Public Library Service Commission for appointing the staff in the Department
2 The Kenya Public Library Service Commission shall consist of the following categories, namely: i) Director, ii) Joint Director, iii) Deputy Director, iv) Assistant Director, v) Librarians (all cadres), vi) Card Writers and such other categories may be notified by the Government.

3 The Government by notification may fix the categories in this Department on par with other Departments.

63) **National Library Service**

1 All the posts in the Department of Public Library and Information Services whether they exist in National Library, state or Regional Public Libraries or any library working under the Library Authorities shall be filled by appointment of persons belonging to National Library Service.

2 All members of such service shall be Government servants.

3 Their recruitment and the Conditions of service shall subject to the Article CAP 225 of the constitution of Kenya shall be regulated by rules and;

4 The salary, allowances, gratuity, pensions and other benefits of the members of the National Library Service shall be met from the Consolidated Fund of the Country.

**Chapter XIII**

**FINANCE AND ACCOUNTS**

64) **Library Cess**

1 With effect from the date of commencement of this Act, Library Cess shall be levied in the form of surcharge at the rate of ...... cents per shilling, on the land and buildings, tax on entry of goods into the local area for consumption, use or sales therein and -------on 1000cc liquor.

2 Tax on vehicles

3 tax on professions, trades, calling and employments;

4 shall be levied in the area within the jurisdiction of every City Library Authority under the relevant laws relating to local authorities providing for the levy of such taxes, at the rate of three cent for every shilling of the taxes so levied;
a library cess in the form of a surcharge on tax on lands and buildings shall be levied in the area within the jurisdiction of every District Library Authority, under the relevant laws relating to local authorities providing for the levy of such tax at the rate of three cent for every shilling of the tax so levied.

6 A City Library Authority or District Library Authority may, with the previous sanction of the State Government, by notification, increase the rate of library cess levied on any item of tax specified in clause (a) or (b) of sub-section (1), subject to the condition that the rate shall not exceed six cent for every shilling of the tax levied.

7 The cess levied under clause (a) or clause (b) of sub-section (1) or increased under sub-section (2) shall be collected by the municipal corporation, municipal council or other municipal body, or the Locations or other local authority having jurisdiction over the area as if the cess were a tax referred to in the said clause payable under the relevant laws for the time being in force in the area, and all the provisions of the said laws relating to the levy and collection of the said tax shall apply subject to such modifications as may be prescribed. (4) Out of the cess collected by it under sub-section (5) every local authority shall be entitled to retain ten per cent of the amount collected towards the cost of collection and the balance shall be paid to the City Library Authority or the District Library Authority, as the case may be.

8 The library cess collected shall be credited to the Library Fund of the same local body.

9 The library cess levied on the property tax shall be collected by the local bodies, and the procedure for the demand, levy and collection of the property tax shall, mutadis mutandis, apply to the demand, levy, and collection of the library cess.

65) Library fund

1) Each local Body must create a separate fund namely Library Fund, in which the following amounts are credited.

   a. Library cess collected in the same Local Body;
b. Grants which the Central Government Foundation may make;

c. Contributions and gifts made to the State Library Authority;

d. All proceeds of the disposal of the unused papers etc.;

e. Funds and other amounts collected under the rules or be-laws made under this Act;

f. All interests and profits arising from any investment or from any transaction in connection with any money belonging to the Local Body;

g. Overdue charges, income on Xerox.

2) **City and district library fund**

(1) Every City Library Authority and District Library Authority shall maintain a Fund called the City Library Fund and the District
(2)(a) Library Fund, as the case may be, from which all its payments under this Act shall be met.

(b) There shall be credited to the City Library Fund and the District Library Fund, as the case may be, the following sums, namely:

   (a) the amount of cess paid by the local authority under sub-section (4) of section 40;

   (b) the grant under section 42;

   (c) contributions, gifts, and income from endowments, made to the Library Authority for the benefits of public libraries;

   (d) grant which the Central Government or the State Government may make;

   (e) funds and other amounts collected by the Local Library Authority under rules or bye-laws made under this Act.

3) **State library fund**

   (1) The State Library Authority shall maintain a Fund called the State Library Fund from which all its payments under this Act shall be met.

   (2) There shall be credited to the State Library Fund the following sums, namely:

      a. the grants made by the Government to the State Library Authority to perform the duties entrusted to it;

      b. grants which the Kenya Government may make;

      c. contributions and gifts made to the State Library Authority;

      d. funds and other amounts collected by the State Library Authority under the rules or bye-laws made under this Act.

4) **National library fund**

   (a) Such sums as may, from time to time, be provided by parliament for the purpose of this Act;

   (b) Any sums or property which may in any manner become payable to or vested in the board in respect of any matter incidental to the carrying out of its functions; and

   (c) Any sums or property which may be donated to the board:
Provided that the board shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attached to such donation.

66) Application of library fund / investment

1 The monies in the Library Fund, the Corporation, Municipality and location Library Fund shall be utilized by the Corporation / Municipal Library Authority and location Library Committee for carrying out of the purposes of this Act.

2 Without prejudice to the generality of sub-section (1) the money in the Library Fund may be utilized to defray expenditure on the following:
   i) Establishment, maintenance and development of public libraries.
   ii) Allowance payable to the members of the library authorities and the committee and sub – committees appointed by the local bodies.
   iii) Grant-in-aid to public libraries, library associations, adult education centers.
   iv) The board may, with the approval of the Minister and subject conditions as he may impose, invest such part of its funds as are not for the time being required for the purpose of its business.
   v) The powers of the Minister under this section shall be exercised with the concurrence of the minister for the time being responsible for finance and shall extend to the amount which may be invested, the nature of the investment and the terms and conditions thereof, and the minister’s approval may be either general or limited to a particular investment.

67) Government support

1 There should be at least one Public Library for a population of 5000 ’o 25000. Each village covering a population of 1000 to 5000 should have a public Library suitable to it.
2 The State Library Authority should work out the maintenance charge of each Public Library. If the Library Fund of the said Local Body is not sufficient to maintain the libraries, such amount shall be reimbursed by the General Fund of the Local Body (i.e.) City Municipality Corporation, Town Municipality or by the District Development Fund.

68) Method of collection of library cess

The Local Body shall collect the library cess along with other taxes, all the legal provisions of taxation will also apply to Library Cess.

69) Delink library cess with the development

The Public Library Service is to be treated as an important service under Minimum Needs Programme. The development of Public Library should not totally be linked with Library cess, as the development of education was not linked up with the development of education in India.

70) Accounts & audit

All accounts shall be kept open to inspection and shall be subject to audit. The board shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year a statement of accounts in a form approved by the minister, being a form which conforms with the best commercial standards.

71) Reports and returns

Every Library Authority and every person in-charge of public library shall submit such reports and returns and furnish such information to "the Director or any person authorized by him in this behalf.

Execution of document:
(1) All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Board-
   (a) If sealed with the common seal of the board and signed by two members thereof; or
(b) If executed in that behalf by one member of the board appointed by the board for that purpose and by the Director appointed under section 6 or any member of the staff of the board acting in that office.

(2) A deed, instrument, contract or other document executed in accordance with sub-section (1) shall, subject to any exception that may be taken thereto on any ground other than that of the competence of the party executing the same on behalf of the board, be effectual in law to bind the board and its successors thereto and may be varied or dis-charged in like manner as that in which it was executed.

72) Annual report

The Director shall in respect of each financial year, prepare an annual report of the progress made by the Library Authorities and Government Libraries during the year along with such information and particulars as may be prescribed and submit such report by the State Library Authority to the Kenya Government.

73) Inspection

1 The appropriate Library Authority as mentioned below shall inspect any library under its jurisdiction for verifying whether the provisions of the Act, Rules and Bye-laws made there under are duly observed by the libraries. An Officer in a superior cadre can always visit a subordinate office, generally or an a specific purpose as per the rules in vogue.

2 In all the cases, after such inspections are made the inspecting officer shall submit a detailed report of his inspection to the appropriate library authority.

3 The appropriate library authority may consider the report and pass such resolution as it may deem fit. The resolution shall be observed by the library concerned unless it is suspended or cancelled by the Government.

4 For carrying out the provisions of the Act, the National Library Authority shall prepare an Inspection code.
Chapter XIV

RULES AND BYE-LAWS

74) Power to make rules

1 The Government may, after previous publication, by notification make rules to carry out the purpose of this Act.

2 In particular and without prejudice to the generality of the foregoing power, rules may provide for —

   i. City Corporation and Town Municipal Library Authorities and local Library committees,

   ii. Bye-laws for conducting the meetings

   iii. Working of the public libraries

   iv. Library development plans

   v. Annual Report

   vi. Opening of the new libraries

   vii. Taking over of the libraries

   viii. Acquisition of immovable properties

   ix. Supply of materials, goods etc.

   x. Construction and repairs of the buildings

   xi. Control over the staff and Conduct Rules of the employees

   xii. Operation of Library Fund

   xiii. Preparation of Annual budget


   xv. Grant-in-Aid to Professional Organizations

   xvi. General rules of Grant-in-Aids run by Voluntary organization for libraries.

75) Approval of the rules

Every rule made under this Act shall, as soon as or may be after it is made, be laid before each house of the parliament while it is in session for a total period of thirty days, which may be comprised in one session or in two or more sessions and if before the expiry of the session in which is so laid or the sessions
immediately following, both houses agree in making any modification in the rule or both houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or amendment shall be without prejudice to the validity of anything previously done under that rule.

76) Power of the authorities/committees to make bye-laws

The National Library Authority or Library Authorities, may subject to the provisions of this Act and the Rules made there under and the previous sanction of the Kenya Govt. by notification make bye-laws generally to carryout the purpose of the Act, in particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the following matters namely:

1) The admission of the public to libraries under the control of the National Library Authority or any Library Authority / Committee in its area on such conditions it may specify provided that no fees shall be charged for such admission.

2) The guarantee or security to be furnished by persons desiring to use such libraries against injury or misuse, destruction or loss of the property of such libraries.

3) The manner in which the property of such libraries may be used and the protecting of such property from injury or misuse, destruction or loss.

4) The Authority Committee to be exercised by its officers, and servants on the matter or exclusion or removal from any such library of any person who contravenes or does not comply with the provision of this Act or the rules or bye-laws made there under.

77) Changes in bye-laws

The Director may cancel any bye-law made by City Corporation and Town Municipal Library Authority or location Library Committees, under Section 62 provided that before modifying or cancelling any bye-law the Director shall give to
the Library Authority Committee concerned a reasonable opportunity to make its representation in the matter.

78) Public enquiry

A competent authority shall hold a public enquiry for the purpose of exercising any other powers or performing any other duties under this Act, in respect of a Library Authority. A copy of the report of any public enquiry shall be furnished to the Library Authority concerned, and representations of such Library Authority, if any, shall be considered before taking any action on the report.

79) Power of government to remove chairperson of the library authority

The Government may, by notification, remove any Chairperson of the Library Authority who in their opinion willfully omit or refuses to carry out or disobeys the provisions of this Act, or the rules, bye-laws or lawful orders made there under, or abuses his position or powers vested in him.

80) Control of the library authority by the government

If, any time, it appears to the Government that, a Library Authority has failed to perform its functions or has exceeded or abused any of the powers conferred upon it by or under this Act, the particulars thereof and if the Library Authority omits to remedy such failure, excess or abuse to give a satisfactory explanation therefore within such time as the Government may fix in this behalf, the Government may suspend, dissolve or supersede the Library Authority and all or any of the powers and functions of such Library Authority to be exercised and performed by the Secretary of the Library Authority.

81) Members and employees of library authority to be public servants

Every member of the national Library authority or Library Authority and every officer and servant employed under such Library Authority shall be deemed to be a public servant within the meaning of section of the Kenyan Penal Code.
82) Provisions relating to suits etc.

1 No suit or other legal proceedings shall be instituted against the national Library Authority or any Library Authority or any of its officers person acting under its direction until the expiration of two months next after notice, in writing shall have been delivered or left office of the authority or at the place of abode of such officer or person; such notice shall state the cause of action, the relief sought, the amount of compensation if any claimed, and the name and place of abode of the intending plaintiff.

2 No suit or other legal proceedings shall be liable against the Government, the Director, the national Library Authority or a Library Authority, or any member, officer, servant or agent of such authority acting under its direction, in respect of anything done or intended to have been done lawfully and in good faith under this Act or any rule, bye-law or order made there under.

83) Power to remove difficulties

If any difficulty arises, in giving effect to the provisions of this Act, the Government may by order, do anything not inconsistent with such provisions which appear to be necessary or expedient for the purpose of removing the difficulty, provided that no order shall be made under the section after the expiry of two years from the commencement of the Act.

REPEAL AND SAVINGS

84) Saving clause

All rules, bye-laws and regulations made under the said Act and in force at the commencement of this Act, shall so far as new rules, bye-law, and regulations are not inconsistent with the provisions of this Act, constitute to be in force is respective areas in which by one in force of such commencement of such rules shall be deemed to be rules and such bye-laws and regulations.