LAWS OF MALAYSIA

Act 331

DEPOSIT OF LIBRARY MATERIAL ACT 1986
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LAWS OF MALAYSIA

Act 331

DEPOSIT OF LIBRARY MATERIAL ACT 1986

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LAWS OF MALAYSIA

Act 331

DEPOSIT OF LIBRARY MATERIAL ACT 1986

An Act to make provision for the collection, conservation, bibliographical control and use of library material published in Malaysia and to provide for matters connected therewith.

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Deposit of Library Material Act 1986 and shall come into force on such date as the Minister may, by notification in the Gazette, appoint.

2. In this Act, unless the context otherwise requires—

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

"Director General" means the Director General of the National Library appointed under the National Library Act 1972;

"library material" means any form of printed, graphic, audio, electronic or other media, on or in which information is written, recorded, stored, displayed or produced and is categorised for purposes of this Act into—

(a) printed library material including books, serials, maps, charts and posters;
(b) non-printed library material including cinematograph films, microforms, phonorecords, video and audio recordings and other electronic media;

"Minister" means the Minister charged with the responsibility for libraries;

"prescribed" means prescribed by regulations made under the provisions of this Act;

"printed" means any representation of characters on any material by any method of mechanical impression;

"published" means material which has been produced and made available to the public to whom it may be sold or distributed free of charge and for the purpose of section 4, "published" shall include—

(a) publication of any second or subsequent edition of a library material if that edition contains additions or alterations to the original content of such material; and

(b) subsequent publication of such material in any other form or format.

3. (1) For the purposes of this Act, there is hereby established a National Depository which shall be the National Library of Malaysia and which shall have the following objectives:

(a) to provide for the conservation and use of library material published in Malaysia;

(b) to create standard bibliographic record of library material published in Malaysia; and

(c) to maintain statistical records of library material published in Malaysia.

(2) The Director General shall be the chief executive of the National Depository.
4. (1) Subject to section 7, the publisher of every printed library material published in Malaysia shall, within one month of the publication, deliver to the Director General, at his own expense, such number of copies as are prescribed in Schedule 1, the best copies of the library material as are prescribed in Schedule 2 and the Director General shall give a written receipt for every library material received by him provided that where a printed library material is published at regular or irregular intervals, it shall be delivered within one week of such publication.

(2) The publisher of every non-printed library material shall also deliver to the Director General such number of copies as are prescribed in Schedule 1, the best copies of the library material as are prescribed in Schedule 2, if written request is made for such library material within one year of their publication, provided that the Director General shall pay for the cost of the library material so delivered, if payment is demanded by the publisher.

(3) A publisher who fails to deliver any library material which he is required to deliver under this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding three thousand ringgit.

(4) On conviction made under subsection (3), the court shall also make an order that the publisher delivers the library material which he has failed to deliver, if it is still available in its original form or a reproduction of the library material if it is no longer available in its original form.

(5) Without prejudice to the provision of subsection (4), a publisher who fails to deliver any library material which he is required to deliver under this section, shall pay to the Director General, upon demand, the cost incurred by the Director General in the reproduction of the library material.

(6) Any cost required to be paid to the Director General under this section shall be a debt due to the Government and shall be recoverable by any of the ways and means in force for the time being for the recovery of debts due to the Government.
5. In relation to library material delivered under the provisions of subsections (1) and (2) of section 4, the Director General shall have the following functions:

(a) to provide for the conservation and use of the library material;

(b) to maintain a register containing such particulars of the library material;

(c) to publish a national bibliography at stated frequency containing particulars of such library material as the Director General deems fit;

(d) to maintain statistical records of library material; and

(e) to perform such other functions that are necessary to give effect to the objective of section 3.

6. The Director General may authorise the disposal of any library material delivered to him under the provisions of this Act, provided that wherever practical, a copy of the library material is conserved in original or other form.

7. The Director General may, if he deems it fit, pay the publisher of a printed library material in accordance with such scale of payment as the Minister may, with the concurrence of the Minister of Finance, prescribe.

8. The Director General may enter into arrangements with any Government department or agency for the better carrying out of any of his functions under this Act.

9. The obligations imposed upon a publisher by this Act shall be in addition to and not in substitution for any other obligations relating to the delivery of library material published in Malaysia to any other institution, under any other written law for the time being in force.

10. The Minister may—

(a) make regulations for carrying out the objectives of the Act;
DEPOSIT OF LIBRARY MATERIAL

(b) prescribe anything required to be prescribed under the Act; and

(c) amend, delete from or add to the Schedules to this Act by order published in the Gazette.

11. The Preservation of Books Act 1966 is hereby repealed.

SCHEDULE 1

(Section 4 (1) and (2))

NUMBERS OF COPIES OF LIBRARY MATERIAL TO BE DELIVERED

<table>
<thead>
<tr>
<th>Library material</th>
<th>Number of copies</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Printed library material including books, serials, maps, charts and posters.</td>
<td>5</td>
</tr>
<tr>
<td>2. Non-printed library material including cinemato graph films, microforms, phonorecords, video and audio recordings and other electronic media.</td>
<td>2</td>
</tr>
</tbody>
</table>

SCHEDULE 2

(Section 4 (1) and (2))

DESCRIPTION OF BEST COPY OF LIBRARY MATERIAL

<table>
<thead>
<tr>
<th>Library material</th>
<th>Description</th>
</tr>
</thead>
</table>
| 1. Printed library material including books, serials, maps, charts and posters. | A copy equal in quality to the best copy of the library material that is published, that is to say, copy of the whole material with all illustrations if any belonging there to and—

(a) finished and coloured in the same manner as the best copies of the material as are published; and

(b) bound, sewed or stitched together and on the best paper on which the material is printed. |
2. Non-printed library material including cinemmatograph films, microforms, phonorecords, video and audio recordings and other electronic media. A copy equal in quality to the best copy of the library material that is published.
Appendix 2

Questionnaire A

SCHEDULE OF QUESTIONS FOR INTERVIEW WITH DIRECTOR OF NATIONAL DEPOSITORY CENTRE, PERPUSTAKAAN NEGARA MALAYSIA

A. Selection of electronic publications for legal deposit

1. Which of the following would you include for legal deposit of electronic publications?

   Electronic publications "imitating" traditional publication (books, journals, newspapers, newsletters, etc.)  ( )

   Interactive databases including bibliographies, statistics, spatial data, image data or text  ( )

   Interactive multimedia such as games  ( )

   Software and expert systems  ( )

   Bulletin boards, discussion lists available through electronic networks  ( )

   Others (please specify) ........................................................................................................

2. Does the National Depository Centre receive the above types of electronic publications?

   Yes  ( )

   No  ( )

3. If Yes, in what format are they received?

   Off-line publications such as diskettes and CD-ROMs  ( )

   On-line material including dynamic electronic publications stored in a computer host system or worldwide collection of computer systems (Internet)  ( )
4. Does the present *Deposit of Library Material Act*, 1986 specify the legal deposit of electronic publications?

   Yes ( )

   No ( )

5. If Yes, please indicate which Section in the Act.

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

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

6. If No, do you think that the *Deposit of Library Material Act*, 1986 should be amended/revised to specify legal deposit of electronic publications?

   Yes ( )

   No ( )

   Not sure ( )

**B. Need for legal deposit of electronic publications**

7. Do you agree that there is a need for legal deposit of electronic publications?

   Yes ( )

   No ( )

8. If Yes, why do you think there is a need for legal deposit of electronic publications?

   Avoid major gaps in nation's heritage and research if electronic publications are not captured and preserved ( )

   Not to lose that part of the country's cultural and intellectual heritage ( )

   To make them available for future users ( )

   To build and preserve a comprehensive collection of publication as a record of the nation's culture and heritage ( )

   Others (please specify) ..........................................................
C. Access and preservation of deposited electronic publications

9. Are all the deposited electronic publications made accessible to users?

   Yes ( )

   No ( )

10. If No, why?

   Technical problem ( )

   Legal consideration ( )

   Do not include associated software ( )

   Manual not included ( )

   No accompanying material ( )

   Other reasons *(please specify)* .................................................................

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

11. Do you make copies of the deposited electronic publications for preservation?

   Yes ( )

   No ( )

12. If Yes, which formats are the copies made?

   Photocopy ( )

   Microfilming ( )

   Electronic conversion ( )

   Other formats *(please specify)* .................................................................

       ..............................................................................................................
13. If No, why?

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

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

14. Do you obtain the permission of publishers before copying?

   Yes ( )
   No ( )

D. Maintenance and handling of deposited electronic publications

15. Do your division has the appropriate equipment (hardware and software) in handling the deposited electronic publications?

   Yes ( )
   No ( )

16. Are there any extra cost involved in maintaining the deposited electronic publications?

   Yes ( )
   No ( )

17. Do you receive the technical information required from publishers in handling the deposited electronic publications?

   Yes ( )
   No ( )

18. Is the procedure by which electronic publications are to be deposited adequate?

   Yes ( )
   No ( )

19. How many person(s) is/are responsible for handling legal deposit of electronic publications? (Please specify)

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................................................................................................................
20. What are the sources used to trace electronic publications produced in the country?

(Please specify) ............................................................................................................................

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21. In your opinion should Perpustakaan Negara Malaysia be the only repository or should there be another repository to receive electronic publications?

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E. Fear of publishers and licensing issue

22. Do you think that one of the obstacles for achieving legal deposit of electronic publications is the fear of publishers and copyright holders that deposit will lead to unfair exploitation of their intellectual property?

Yes ( )

No ( )

23. Do you agree that there should be legal agreement between deposit holder, the publisher and the user?

Yes ( )

No ( )

24. What other problems are faced by the National Depository Centre in acquiring electronic publications through legal deposit? (Please elaborate)

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Appendix 3

Questionnaire B

SCHEDULE OF QUESTIONS FOR THE SELECTED PUBLISHERS WHO HAVE
DEPOSITED ELECTRONIC PUBLICATIONS WITH PERPUSTAKAAN NEGARA
MALAYSIA

Please answer the questions that follow and place a check mark (/) where appropriate.

Name of Publisher:........................................................................................................

Year established:..........................................................................................................

Name of Respondent:....................................................................................................

Job title:.........................................................................................................................

A. Selection of electronic publications for legal deposit

1. Would you include all of the following as electronic publications?

   Electronic publications "imitating" traditional publication (books, journals, newspapers, newsletters, etc.) ( )

   Interactive databases including bibliographies, statistics, spatial data, image data or text ( )

   Interactive multimedia such as games ( )

   Software and expert systems ( )

   New publication forms such as bulletin boards, discussion lists available through electronic networks ( )

   Others (please specify)................................................................................................

B. Production of electronic publications

2. When was your first electronic publication produced?

   Year........ Type.............
3. How many electronic publications have been produced for the last five years?

   Less than 10 (  )
   11 - 20 (  )
   21 - 30 (  )
   More than 30 (  )

4. Do you produce the following types of electronic publications? If Yes (please mark all that apply)

   electronic equivalents of print publications such as e-books, e-journals, etc. (  )
   interactive databases e.g. bibliographies, statistics, spatial data, image data or text (  )
   interactive multimedia such as games (  )
   software and expert systems (  )
   bulletin boards, discussion lists available through electronic networks (  )
   Others (please specify) .................................................................................................

5. Are the electronic publications produced off-line such as on diskettes and CD-ROMs?

   Yes (  )
   No (  )

6. Do you produce on-line (stored in a computer host system or Internet) electronic publications?

   Yes (  )
   No (  )

7. If Yes, please specify .................................................................................................
8. If No, do you plan to produce on-line electronic publications?
   Yes ( )
   No ( )

9. Do you advertise your electronic publications? If yes, how? (State briefly)
   .................................................................................................................................
   .................................................................................................................................

C. Need for legal deposit of electronic publications

10. When did you first deposit your electronic publications with Perpustakaan Negara
    Malaysia?
    .................................................................................................................................

11. Do you agree that there is a need for legal deposit of electronic publications?
    Yes ( )
    No ( )

12. If Yes, why do you think there is a need for legal deposit of electronic publications?
    Avoid major gaps in nation's heritage and research if electronic publications are not captured and preserved ( )
    Not to lose that part of the country's cultural and intellectual heritage ( )
    To make them available for future users ( )
    To build and preserve a comprehensive collection of publication as a record of the nation's culture and heritage ( )
    Others (please specify) ........................................................................................................

13. Are all your electronic publications deposited with Perpustakaan Negara Malaysia?
    Yes ( )
    No ( )
14. If yes, how many titles? (please specify)

15. In your opinion, is the Deposit of Library Material Act, 1986 adequate in achieving legal deposit of electronic publications?
   Yes ( )
   No ( )

16. If No, should the Deposit of Library Material Act, 1986 be amended or revised to accommodate electronic publications?
   Yes ( )
   No ( )

D. Access and preservation of deposited electronic publications

17. Can all the electronic publications deposited with Perpustakaan Negara Malaysia be accessed by users?
   Yes ( )
   No ( )

18. Do you allow copies to be made of the deposited electronic publications?
   Yes ( )
   No ( )

19. If the need arise, would you provide the necessary technical information to Perpustakaan Negara Malaysia with regard to the deposited electronic publications?
   Yes ( )
   No ( )
E. Fear of publishers and licensing issue

20. Do you think that legal deposit of electronic publications will lead to unfair exploitation of the intellectual property of the publishers and copyright holders?

Yes ( )

No ( )

21. Do you think that there should be legal agreement between the deposit holder, the publisher and the user with regard to use of the deposited electronic publications?

Yes ( )

No ( )

22. What other problems do you face in legal deposit of electronic publications?

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