

ORDINANCE ON LIBRARY

(No 31/2000/PL-UBTVQH 10 of December 28, 2000)

In order to build, preserve, exploit and use library documentary stocks, to meet the people's study, -research, information and recreation demands and to enhance the effectiveness of the State management over libraries:

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam

Pursuant the Resolution of the Xth National Assembly at its 4th session on the law and ordinance making program of the Xth Legislature of the National Assembly;

This Ordinance provides for libraries;

Chapter I

GENERAL PROVISIONS

Article 1. Libraries have the function and task to preserve the nation's written works heritage; collect, store and organize the exploitation and common use of, the documentary sources in the society, with a view to disseminating knowledge and supplying information in service of study, research, working and recreation demands of people of all strata, contributing to elevating the people's intellectual level, training human resources, fostering talents, developing sciences, technologies, economy and culture and serving the national industrialization and modernization cause.

Article 2. In this Ordinance, the following terms shall be construed as *follows*:

1. Written work heritage means all books, newspapers, manuscripts, maps, paintings, photos and other documents, which had been or are currently in circulation.
2. Documents are matters in a material form already recorded with information in written form, sounds or images, for the purposes of preservation and use.
3. Library documentary stocks are documents collected and gathered according to various topics and given contents, processed according to scientific rules and processes of the library operation in order to organize the service of readers with high efficiency and the preservation.

Article 3. This Ordinance governs:

1. The organization and operation of libraries; the rights and responsibilities of the State bodies, political organizations, socio-political organizations, social organizations, socio-professional organizations, economic organizations, public service units and people's armed force units (hereinafter referred to as organizations) in library activities,
2. The rights and responsibilities of domestic organizations and individuals that use the library documentary stocks and participate in activities organized by libraries',
3. The rights and responsibilities of overseas Vietnamese and foreign organizations as well as individuals living and working in Vietnam that use

the library documentary stocks and participate in activities organized by libraries.

Article 4. The State invests its budget in the library and library documentation development; expand the relations among the domestic libraries and the cooperation and exchange of documents with foreign libraries; encourage domestic organizations and individuals. Overseas Vietnamese, foreign organizations and individuals to take part in developing various library types; realizes the socialization of library activities, trains, fosters and builds the contingent of librarians who can meet the development demand of various types of libraries.

Article 5. The following acts are strictly prohibited:

1. Illegally storing documents with contents:

a/ Opposing the State of the Socialist Republic of Vietnam; undermining the entire people's great unity block;

b/ Propagating violence, aggressive wars, sowing hatred among nations and peoples; spreading reactionary ideologies and cultural products, obscene and depraved life style, criminal acts, social evils, superstition; undermining the nation's fine traditions and customs;

c/ Distorting history, negating the revolutionary gains, offending dignitaries and national heroes; slandering and offending organization's. prestige and citizens'honour and dignity.

2. Disclosing the State secrets and citizens' privacy secrets;

3. Fraudulently substituting or destroying documents of libraries

4. Taking advantage of professional library activities to illegally spread contents prescribed in this Article.

Chapter II

RIGHTS AND RESPONSIBILITIES OF ORGANIZATIONS AND INDIVIDUALS IN LIBRARY ACTIVITIES

Article 6

1. Domestic organizations and individual, overseas Vietnamese, foreign organizations and individuals living and working in Vietnam are entitled to use the library documentation according to the regulations of libraries.
2. For libraries funded by the State budget, the users of library documents shall not have to pay money for the following activities according to the Government's regulation:
 - a/ Using library documents on the spot or borrowing them home;
 - b/ Receiving information on library documents through the bibliographical system and other forms of information and reference;
 - c/ Receiving the assistance and consultancy for the search for and selection of information sources;
 - d/ Being served with documents at home in form of itinerant libraries or by mail upon requests of aged disabled people who are unable to go to libraries.
3. Ethnic minority people shall be given conditions to use library documents in their own language.
4. Blind people, shall be given conditions to use library documents in Braille or special information carriers.
5. Children shall be given conditions to use library documents suitable to their age groups.
6. Persons who are serving imprisonment sentences and those who are temporarily detained shall be given conditions to use documents of libraries at detention centers or remand homes.

Article 7

1. Vietnamese organizations may establish libraries according to the provisions of this Ordinance.

2. Domestic organizations and individuals, overseas Vietnamese , foreign organizations and individuals living and working in Vietnam may participate in activities organized by the libraries.

Article 8. Users of library documentation shall have to

1. Abide by the libraries' internal regulations;
2. Preserve the libraries' documentary stocks and assets;
3. Take part in the building and development of libraries;
4. Be held responsible before law for violation acts committed in the use of library documentary stocks.

Chapter III

ORGANIZATION AND OPERATION OF LIBRARIES

Article 9. A library shall be established when the following conditions exit:

1. Library documentary stocks;
2. Head office and special use facilities and equipment;
3. Personnel having professional qualifications for library operation;
4. Funds to secure its stable operation and development.

The -Ministry of Culture and Information shall guide in detail the implementation of the provisions in this Article for each type of library.

Article 10.

1. Vietnamese organizations that satisfy all the conditions prescribed in Article 9 of this Ordinance may establish libraries.
2. Within 30 days after the date of establishment, the library-establishing organizations shall have to register operation with the competent State bodies defined in Article I I of this Ordinance.
3. Library -establishing organizations shall promulgate the library operation regulations.

The Ministry of Culture and Information shall specify the procedures for operation registration and guide the promulgation of library regulations.

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Article 11,

I - The Vietnam National Library and libraries of the central-level organizations shall register their operations with the Ministry of Culture and Information

2. Libraries of the provincial- level organizations shall register their operation with the provincial/municipal Culture and Information Services.

3. Libraries of the district and commune-level organizations with their head offices located on the concerned localities shall register their operation with the Culture and Information Sections of rural districts, urban districts, provincial capitals and provincial towns.

Article 12.

1. Library-establishing organizations may decide on the division, separation, merger and dissolution of libraries or change of operation contents already registered.

2. Upon the division, separation or merger of a library, the library establishing organizations shall have to refill in the procedures for operation registration.

3. Upon the change of the name, address, operation regulation or contents or dissolution of a library, the library establishing organization shall have to notify such in writing to the competent State body.

Article 13. Libraries have the following tasks:

1. To satisfy demands of and create favorable conditions for readers to use library collections and to participate in activities organized by libraries;

2. To collect, supplement and professionally process the library collections and sort out out-dated and ragged documents from the depositories according to the regulations;

3. To organize the information, propagation and introduction of the library collections, take part in building and forming the reading habit among the population;

4. To process scientific information and compile the scientific information publications;

5. To effect the interrelationship among domestic libraries. to promote cooperation and exchange of documents with foreign libraries in compliance with the Government's regulation;

6. To research into and apply advanced scientific and technological achievements to the library work, thus step by step modernizing libraries;
7. To organize the professional fostering courses for librarians;
8. To preserve the material and technical foundations as well as other assets of libraries;

Article 14. Libraries have the following rights:

1. To exchange documents and join domestic information-library networks, to exchange documents and join foreign information-library networks according to the Government's regulations;
2. To refuse the readers' requests if such requests run counter to their regulations;
3. To collect fees from a number of library services according to the provisions of Article 23 of this Ordinance;
4. To receive financial assistance and support from domestic and foreign organizations and individuals;
5. To participate -in domestic and international professional library associations;
6. To keep documents with contents specified in Clause 1, Article 5 of this Ordinance according to the Government's regulations;

Article 15.

1. Librarians have the following rights:

a/ To be given conditions to study and raise their educational and professional level for library operation; to take part in scientific research, professional activities and join socio-professional organizations according to law provisions;

b/ To enjoy preferential regimes and policies applicable to their profession. and other regimes and policies of the State.

Librarians are obliged to comply with the law provisions on library, -egulations on librarianship and their respective libraries' regulations.

Article 16. Types of libraries include:

I/ Public libraries:

a/ The National Library of Vietnam;

b/ Libraries established by the People's Committees of all levels

2/ Specialized and multi -discipline libraries:

a/ Libraries of scientific research institutes and centers;

b/ Libraries of schools and other educational institutions;

c/ Libraries of State bodies;

d/ Libraries of the people's armed force units;

e/ Libraries of political organizations, socio-political organizations, social organizations, socio-professional organizations, economic organizations and public-service units.

Article 17.

1. The National Library of Vietnam is the central library of the whole country

2. Besides the tasks and rights prescribed in Articles 13 and 14 of this Ordinance, the National Library of Vietnam also has the following tasks and rights:

a/ To exploit documentary sources at home and abroad in order to meet the readers'demands;

b/ To receive copyright deposit publications at home according to the regulations, to build and preserve for a long term the stocks of ethnic minority publication; to compile and publish the National Bibliography and the General Bibliography of Vietnam;

c/ To organize the service of readers of all kinds according to its regulations;

d/ To undertake the cooperation and exchange of documents with libraries at home and abroad:

e/ To conduct scientific and technological researches in the field of information- library;

F/ To organize professional fostering courses for librarians. to give librarianship instructions according to the assignment by the Ministry of Culture and Information.

Article 18.

I/ Libraries established by the People's Committees of all levels shall play the central role for operation coordination and document exchange with and professional guidance for other libraries in their localities.

2/ Besides the tasks and rights prescribed in Article 13 and 14 of this Ordinance, the libraries established by the People's Committees of all level also have the following tasks and rights:

- a/ To build and preserve the documentary stocks of their localities and about their localities;
- b/ To take part in building grassroots libraries and/ or bookcases; to organize the circulation and distribution of books and newspapers to such grassroots libraries and/or bookcases.

Article 19.

1. Libraries of scientific research institutes and centers are established to serve the demands of officials and employees within such institutes and centers, and may serve other subjects according to such libraries' regulations
2. Libraries of schools and other educational institutions are established to serve the demands 'of officials, teachers and learners within such schools and educational institutions, and may serve other subjects according to such libraries' regulations.
3. Libraries of the State bodies are established to serve the demands of officials and public employees within such bodies , and may serve other subjects according to such libraries' regulations.
4. Libraries of the people's armed force units are established to serve the demands of officers and men with such units, and may serve other subjects according to such libraries' regulations.
5. Libraries of political organizations, socio-political organizations, social organizations, socio-professional organizations, economic organizations and public-service units are established principally to serve members of such organizations and units, and may serve other subjects according to such I libraries' regulations.

Chapter IV

LIBRARY DEVELOPMENT INVESTMENT

Article 20. Libraries' financial sources include:

1. the State budget's allocations or support;
2. Funds of organization;
3. Collected amounts being library service charges;
4. Financial aids from organizations and individuals at home and abroad.

Article 21. The State shall adopt the investment policies toward libraries as follows:

1. Making investment to ensure that the libraries funded by the State budget operate, develop and step by step modernize their techno-material foundations, electronize and automatize such libraries; training and fostering a contingent of librarians;
2. Making intensive investments in a number of libraries with a particularly important role; making priority investment in the building of libraries in districts with difficult socio-economic conditions or particularly difficult socio-economic conditions;
3. Encouraging domestic organizations and individuals, overseas Vietnamese, foreign organizations and individuals to contribute to the cause of building and developing Vietnamese libraries,
4. Rendering support for the professional training and fostering of librarians working in libraries of organizations not funded by the State budget;
5. Prioritizing the assignment of land for building libraries;
6. Rendering support and assistance for the preservation of individuals' or families' collections of documents with special historic, culture and/or scientific value.

Article 22. The state shall adopt the preferential policies toward library activities as follows:

1. Giving import tax exemption or reduction for library documents, specialuse facilities, equipment and machines according to the provisions of law;
2. Providing support funds for the exploitation of information- library networks at home and abroad, and the lending of documents by libraries to readers.

Article 23.

1. Libraries funded by the state budget may collect charges for services of document copying, duplication and translation in compliance with the legislation on copyright protection; compile their bibliographies; deliver documents door-to-door or via mail, and a number of other services upon requests of users of library documentary stocks.

2. Libraries of social organizations, socio- professional organizations and economic organizations operating without the State budget's funds may collect charges for activities specified in Clause 2, Article 6 of this Ordinance.

The list of specific services for which charges are collected, the charge rates and use of charges shall be prescribed by the Government.

Chapter V

THE STATE MANAGEMENT OVER LIBRARIES

Article 24. The contents of State management over libraries shall include:

1. Elaborating and directing the implementation of strategies, planning and plans for development of libraries of all types;
2. Promulgating and directing the implementation of legal documents on libraries;
3. Training and fostering the contingent of librarians in order to raise their political, educational and professional level;
4. Organizing and managing the scientific and technological research activities and the application of scientific and technological achievements in the field of library;

5. Organizing the registration of library activities;
6. Undertaking international cooperation in library;
7. Organizing and directing the emulation and commendation work in library activities;
8. Inspecting and examining the observance of the legislation on library; settling complaints and denunciations and handling violations of the legislation on library.

Article25.

1. The government shall exercise the uniform State management libraries.
2. The Ministry of Culture and Information shall be answerable to the Government for the performance of State management over libraries.
3. The ministries, the ministerial-level agencies, the agencies attached to the Government and other State agencies shall, within the ambit of their tasks and powers. have to perform the State management over libraries.

The Government shall specify the responsibilities of the ministries, the ministerial -level agencies, the agencies attached to the Government and other State agencies for coordinating with the Ministry of Culture and Information in uniformly exercising the State management over libraries..

4. The People's Committees of all levels shall exercise the State management over libraries within their respective localities according to the Government's responsibility assignment.

Article26 The specialized culture and information inspectorate shall perform the function of inspecting libraries.

Article27.

1. Organizations and individuals may lodge complaint about, individuals may denounce acts of violation of the legislation on library.
2. The competent State bodies shall have -to settle complaints denunciations according to the provisions of law.

Chapter VI

COMMENDATION REWARDS AND HANDLING OF VIOLATIONS

Article 28. Organizations and Individuals that record achievements In the building and development of library cause shall be commended and/or according to the provisions of law.

Article 29. Those who violate the provision of this Ordinance and other provisions of the legislation on library shall depending on the nature and seriousness of their violations, be disciplined, administratively sanctioned or examined for penal liability. If damage is caused, compensations therefore must he made according to the provisions of law.

Chapter- VII

IMPLEMENTATION PROVISIONS

Article 30. This ordinance takes effects as From April 1, 2000

The previous stipulations which are contrary to this Ordinance are now all annulled.

Article 31. The Government shall detail and guide the implementation of this ordinance