

**THE IMPLEMENTATION, MONITORING AND
MANAGEMENT OF AN EFFECTIVE LEGAL DEPOSIT SYSTEM
FOR SOUTH AFRICA**

by

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Summary

The aim of this study is to explore the issues surrounding the implementation, monitoring and management of legal deposit in South Africa.

Legal deposit is a statutory obligation which requires that a producer of any type of publication which is available to the public, be it a commercial, public or private organisation or an individual, deposit one or more copies of the publication with a recognised national institution.

The Legal Deposit Act of 1997 governs the deposit of publications in South Africa. Section 8 of the Legal Deposit Act makes provision for the constitution of a Legal Deposit Committee to oversee the implementation of the Act. This Committee, which consists of a broad spectrum of role players, expressed a need for an investigation into the many issues and questions relating to the provision of publications subject to legal deposit as required by the Legal Deposit Act. Although the Legal Deposit Act, at the time of its promulgation in 1998, was one of the first in the world to make provision for the deposit of electronic publications, this study focuses mainly on the legal deposit of books as this was identified by the Committee as an area of immediate and critical concern.

The study begins with a comprehensive literature study to obtain sufficient theoretical information on legal deposit and of the problems and issues surrounding the subject internationally and in South Africa.

- An overview of elements and issues covered in legal deposit legislation provides the background against which the investigation into the state of legal deposit and its implementation is undertaken. With the aim of contextualising South African legislative issues, a

comparative study of legislation in the United Kingdom, Australia, Malaysia and South Africa is also undertaken.

- A discussion of the stages and activities involved in legal deposit, the need for monitoring and enforcement procedures and the external and internal factors that influence the way in which legal deposit is implemented in a country, provides an overall understanding of the legal deposit process.
- The implementation of legal deposit also depends on the committed participation of various role players. The individual roles and needs of these stakeholders in the legal deposit process are identified.

The empirical investigation was conducted in two stages. The first phase of the study involved a survey to explore the attitudes, opinions and actions of publishers and legal deposit libraries, as the two main role players, to determine how these factors affect the successful implementation of legal deposit in South Africa. This forms the bulk of the study. The second phase of the study consisted of a feasibility study to determine the state of compliance with legal deposit in the country.

The outcomes of the empirical study were used to identify gaps and weaknesses in the current legal deposit system. This formed the basis to make recommendations for the improvement of procedures, methods and services. Areas critical to the successful implementation of a legal deposit system are highlighted.

The study concludes with a view to the future. The importance of implementing a sustainable system of legal deposit on which the development of an effective system for the legal deposit of electronic publications can be built, is stressed.

Keywords

Legal deposit
Legal Deposit Act
Legal Deposit Committee
Legal deposit institutions
Legal deposit legislation
Legal deposit libraries
National Library of South Africa
Publishers
South Africa

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