

AN ACT TO AMEND THE NEW EXECUTIVE LAW TO CREATE AN AUTONOMOUS BUREAU
TO BE KNOWN AS A CENTER FOR NATIONAL DOCUMENTS AND RECORDS AND TO
REPEAL OTHER LAWS IN RELATION THERETO

Approved: November 14, 1977

Published by Authority
Bureau of Printing
Ministry of Foreign Affairs
Monrovia, Liberia
February 19, 1979

It is enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature Assembled:

Section 1. Sections 20.50 thru 20.59, Sub-chapter “B” of Chapter 20. and Sections 81.1 thru 81.10 constituting Chapter 81 of the Executive Law are hereby repealed.

Section 2. The Executive Law is hereby amended by adding thereto 19 new sections to be Section 81.1 thru 81.19 respectively, constituting a new chapter to be Chapter 81, to read as follows:

CHAPTER 81 CENTER FOR NATIONAL DOCUMENTS AND RECORDS
Subchapter A. Creation of Center

§81.1 Definitions:

1. Archives: The term “Archives” as used in this Subchapter means those official records that have been determined by the Director General of the Bureau of National Documents and Records to have sufficient historical or other value to warrant their indefinite preservation by the Government for purpose of research, historical investigation, or patriotic inspiration, or because of other national significance.
2. Records: The term “records” as used in this subchapter means books, papers, maps, photographs, or other documentary materials regardless of physical form or characteristics, made or received by any Government agency in pursuance of law or in connection with the transaction of public business and preserved by that agency or its legitimate successor as evidence of the organization, functions, policies, decision, procedures, operations, or other activities of the Government or because of the informational value of data therein or acquired and preserved for references or exhibition, purposes. Extra copies of documents preserved only for convenience or reference, and stocks of publications and of processed documents are not included within the definition of “records” as used herein.
3. Director General: The term “Director General” as used in this subchapter refers to the Director General of the Center for National Documents and Records.
4. Government Agency: The term “Government Agency” includes every Ministry, bureau, board, commission, institution, authority, organization, corporation wholly owned by the Government, officers, employee, or other instrumentality of all branches of the Government.

§81.2 Center Created:

There is hereby created, under the Executive Branch of Government, an autonomous bureau to be known as the Center for National Documents and Records which shall be headed by a Director

General who shall be appointed by the President with the advice and consent of the Senate. The President shall also appoint with the advice and consent of the Senate, a Deputy Director General and other officials necessary for the effective operation of the Center.

§81.3 Duties of the Director General:

The Director General shall be responsible for performing the following duties:

- a) Make provisions for the economical and efficient management, of Government records by developing standards, procedures and techniques designed to improve the management of records, and to insure the maintenance and security of records deemed appropriate for preservation;
- b) Establish standards for selective retention of records of continuing value, and assist Government agencies in applying such standards to record in their custody;
- c) Inspect or survey personally or by deputy the records of any Government agency, and keep informed with regard to records management and disposal practices in such agencies; provided that records, the use of which is restricted by or pursuant to law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulations promulgated by the Director General;
- d) Establish, maintain, and operate records centers for the storage, processing, and servicing of records for Government agencies pending their deposit with the Center for National Documents and Records or their disposition in any other manner authorized by law;
- e) Establish, maintain, and operate centralized microfilming services for Government agencies;
- f) Oversee the disposition of records of Government agencies in accordance with regulations to be issued by the Director General with approval of the President;
- g) Establish Library in every county and territory within the Republic.

§81.4 Registrars of Deeds and Registrars of Marriages:

The Director General shall have the immediate responsibility for overseeing the Registrars of Deeds and Registrars of Marriages in the performance of their duties.

§81.5 Creation of Central National Archives and Local Archives:

There shall be created in the City of Monrovia a repository for archives of the Central Government of the Republic of Liberia which shall be known as the Central National Archives. Repositories, to be known as Local Archives, shall be established in each of the several counties, territories, and chartered districts for deposits of archives originating in such local sub-divisions of government.

§81.6 National Archives and Records Council:

There is hereby created a National Archives and Records Council which shall advise and consult with the Director General with a view to carrying out the purposes of this chapter. The Council shall be composed of 13 members, including the Director General, who shall be appointed by

the President. The Director General shall act as Chairman. Members of the Council shall not receive salaries but shall receive allowance for each council meeting they attend. The Council shall meet twice annually and special meeting may be convened by the Chairman, if necessary. Seven members shall constitute a quorum.

§81.7 Annual Report of Director General:

The Director General shall make an annual report to the President and Legislature, which report shall include a comprehensive statement of all activities and suggestions and recommendations for the more effective fulfillment of the purposes of the Center.

§81.8 Inservice Archives and Records Management Training Class:

Upon the recommendation of the Director General and approval of the President, there shall be instituted an archives and records management training class as an in-service training for employees of the Government whose duties requires a knowledge of records management.

§81.9 Preservation of Motion Picture Films, Still Pictures, and Sound Recordings:

The Director General may accept, store, and preserve Motion pictures films, still pictures, and sound recordings pertaining to and illustrative of historical activities of the Republic of Liberia. In connection therewith, he shall maintain a projection room for the showing of such films and the reproduction of the sound recordings for use on commemorative occasions and for study.

§81.10 Registrars of Deeds:

The President, with the advice and consent of the Senate, shall appoint for each county and territory a Registrar of Deeds who shall serve under the immediate direction and supervision of the Director General. A registrar of Deeds shall perform the following duties”

- a) Record in the manner prescribed by the Property Law Chattel Mortgages and all instruments, including government grants and patents, relating to the title of real property situated in the county or territory for which he is appointed;
- b) Record in accordance with law all other instruments under seal such as assignments for the benefit of creditors, bills of sale, partnership deeds, articles of incorporation, and other documents which the parties concerned may desire to have recorded or which are required by statute to be registered in the office of the Registrar;
- c) Countersign and endorse in accordance with the Public Lands Law deeds for Public Lands in his county or territory which are sold or which are allotted to immigrants;
- d) Receive from the clerks of the Circuit and probate Courts papers of record relating to realty and register and file them in alphabetical order, so that they may at all times be in safe keeping in his office and accessible to persons desiring to examine them;
- e) On application of interested persons, furnish certified copies of instruments or public documents held in his custody;

- f) Furnish the Director General with regular quarterly reports accompanied by charts showing all transfer of title of real estate in the county or territory.

§81.11 Registrars of Marriages; Appointments

The President, by and with the advice and consent of the Senate, shall appoint a Registrar of Marriages for each county, territory, and chartered district.

Duties: A Registrar of Marriages shall perform the following duties, subject to the immediate direction and supervision of the Director General:

- a) Furnish application forms for marriage licenses to persons requesting them;
- b) Publish notice of each marriage license application;
- c) Issue marriage licenses;
- d) Record all applications to marry, all marriage licenses, all certificates of marriage, and all acknowledgements of foreign marriage in a book especially provided for that purpose;
- e) Deposit into the Bureau of Revenues, Ministry of Finance all fees received by him in the course of his duties;
- f) On application of interested persons furnish certified copies of instruments of public documents held in custody;
- g) Send to the Director General at the end of every calendar year all record books which have been filed during the year.

Subchapter B: Management of Government Records

§81.12 Duties of Agency Heads As To Records Management:

1. Records which are to be preserved: The head of each Government agency shall cause to be made and preserved records containing adequate and proper documentation of the organization, function, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.
2. Program of management to be established: The head of each Government agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (a) effective controls over the creation, maintenance and use of records in the conduct of current business; (b) cooperation with the Director General in applying standards, procedures, and techniques designed to improve management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and (c) compliance with the provisions of this chapter.
3. Storage, Processing and Servicing of Records: Whenever the head of a Government agency determines that substantial economies or increased efficiency can be effected thereby, he shall provide for the storage, processing, and servicing of records that are appropriate there for in a records center maintained and operated by the Director General or, when approved

by the Director General, in a records center operated by the head of such Government agency.

4. Safeguards against loss of records: The head of such Government agency shall establish such safeguards against the removal or loss of records as he shall determine to be necessary and as may be required by regulations of the Director General. Such safeguards shall include making it known to all officials and employees of the agency (a) that no record in the custody of the agency is to be alienated or destroyed except in accordance with provisions of section 81.16 of this title, and (b) the penalties provided by law for the unlawful removal or destruction of records.
5. Duties in case of unlawful removal or destruction of records: The head of each Government agency shall notify the Director General of any actual impending, or threatened unlawful removal, defacing, alteration or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Director General shall initiate action through the Minister of Justice for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other Government agency whose records have been transferred to his custody.

§81.13 Legal Status of Reproductions: Whenever records that are required by Statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Director General, the indefinite retention of such reproductions will be deemed to constitute compliance with legal requirements for the indefinite retention of such original records. Such reproductions shall have the same legal status as the originals thereof.

§81.14 Fees for Copies and Reproductions: Except where otherwise provided by law, the Director General may charge a fee of not less than ten cents per page or fraction of a page for making or authenticating copies of reproductions of records transferred to his custody. All such fees shall be paid into the Bureau of Revenues in the General Treasury. There shall be no charge for making or authenticating copies of reproductions of such records for official use by the Government of Liberia.

§81.15 Continuance of Government Agency Restrictions on Use of Transferred Records:

1. Statutory Restrictions: Whenever records, the use of which is subject to statutory limitations and restrictions, are transferred to the custody of the Director General, the permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the Government agency having custody of them or to the employees of that agency, shall thereafter likewise become applicable to the Director General and the employees of the Center for National Documents and Records.
2. Restrictions imposed by Head of Agency: Whenever the head of any Government agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being transferred from his custody to that of the Director General, the Director General shall impose such restrictions on the records so transferred. The restrictions so imposed shall not be removed or relaxed by the Director General without the concurrence in writing of the head of the agency from which

the material was transferred, or if the existence of such agency has been terminated, without the concurrence in writing of the successor in function, if any, of such agency head.

§81.16 Regulations Relating to Disposal of Records: The Director General of the Center for National Documents and Records shall promulgate regulations, with the approval of the President, establishing (a) procedures for compiling and submitting to the Director General lists and schedules of records proposed for disposal; (b) procedures for disposal of record authorized for disposal; and (c) standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records. Such regulations shall be binding on all agencies of Government.

§81.17 Procedure for Disposal of Records:

1. Submission to Director General of lists of records for disposal:

The head of each agency of Government shall submit to the Director General, in accordance with regulations issued by him subject to approval of the President, (a) lists of any records under the custody of the agency that have been photographed or microphotographed in accordance with such regulations and that, as a consequence thereof, do not appear to have sufficient value to warrant their further preservation by the Government: and (b) lists of any other records in the custody of the agency that are not needed by it in the transaction of its current business and do not appear to have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government.

2. Submission of lists to the Center for National Archives and Records Council:

The Director General shall submit to the National Archives and Records Council at such times as shall deem expedient, the lists or schedules submitted to him in accordance with the provisions of paragraph one of this Section, or parts of such lists or schedules, and list or schedules of any records in his legal custody, insofar as it shall appear to him that the records listed in such lists or schedules do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research or other value to warrant their continued preservation by Government provided, that the Director General shall not submit to the Council for approval for disposition any lists or schedules of records of any existing agency of the Government in his legal custody without having first obtained the written consent of the head of such

3. Disposal or approval by the Bureau of National Archives and Records Council:

The National Archives and Records Council shall examine the lists or schedules submitted to it under the provisions of paragraph 2 of this section. If the Council reports that any of the records listed do not have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, the Director General shall notify the agency or agencies having such records in their custody of the action of the Council and such agency or agencies shall cause such records to be disposed of in accordance with regulations promulgated as provide in section 81.16 of this sub-chapter.

§81.18 Preservation of Records Pertaining to Claim, by or against, Government:

Records pertaining to claims by or against the Government or which may give rise to such claims, or pertaining to any accounts in which the Government is concerned, either as debtor or creditor, shall

not be disposed of by the head of any agency under any authorization granted pursuant to the provisions of this subchapter until such claims, demands, and accounts have been fully adjusted and settled.

§81.19 Procedure for Disposal of Records are Exclusive: The procedures prescribed in this Subchapter are exclusive and no records of the Liberian Government shall be alienated or otherwise disposed of except in conformity with the provisions of this Subchapter.

Section 3. This Act shall become effective immediately upon publication.

Any law to the contrary notwithstanding.

Approved: November 14, 1977.