TRINIDAD AND TOBAGO.

No. 10.—1920.

I ASSENT,

[L.S.]

J. R. CHANCELLOR,
Governor.

9th April, 1920

AN ORDINANCE to provide for the punishment of Seditious acts and Seditious libel, to facilitate the suppression of Seditious Publications, and to provide for the temporary suspension of Newspapers containing Seditious Matter.

[*9th April, 1920.*]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

1. This Ordinance may be cited as the Sedition Ordinance, 1920. Short title.

Definitions.

2. In this Ordinance, unless the context otherwise requires :— Interpretation.

The expression "publication" includes all written or printed matter and every thing, whether of a nature similar to written or printed matter or

not, containing any visible representation, or by its form, shape, or in any manner capable of suggesting words or ideas, and every copy and reproduction of or extract from any publication.

The expression "periodical publication" includes every publication issued periodically, or in parts or numbers at intervals, whether regular or irregular.

The expression "newspaper" means a periodical publication containing any public news or comments thereon or any discussion of political matters.

The expression "seditious publication" includes every publication, whether periodical or otherwise, having a seditious intention.

The expression "court" means the Supreme Court or any judge thereof.

Meaning of seditious intention.

3.—(1.) A seditious intention is an intention

(*a.*) to bring into hatred or contempt, or to excite disaffection against the person of His Majesty, his heirs or successors, or the government and constitution of the United Kingdom, or this colony or any other British Possession or Protectorate, as by law established, or either House of Parliament, or the Executive or Legislative Councils, or the administration of justice,

(*b.*) to excite His Majesty's subjects to attempt, otherwise than by lawful means, to procure the alteration of any matter in the State by law established,

(*c.*) to raise discontent or disaffection amongst His Majesty's subjects, or

(*d.*) to promote feelings of ill-will and hostility between different classes or races of such subjects.

(2.) But an act, speech, or publication is not seditious by reason only that it intends to shew that His Majesty or this or any Government has been misled or mistaken in his or their measures, or to point out errors or defects in the government or constitution as by law established, with a view to their reformation, or to excite His Majesty's subjects to attempt by lawful means the alteration of any matter in the State by law established, or to point out, with a view to their removal by lawful means, matters which are producing, or have a tendency to produce feelings of hatred and ill-will between different classes or races of His Majesty's subjects.

(3.) In determining whether the intention with which any act was done, any words were spoken, or any document was published, was or was not seditious, every person must be deemed to intend the consequences which would naturally follow from his conduct at the time and under the circumstances in which he so conducted himself.

Punishment for seditious acts and seditious libel.

Punishment for seditious acts and libels.

4.—(1.) Whoever does or attempts to do or makes any preparation to do or conspires with any person to do any act with a seditious intention, and whoever utters any words having a seditious intention shall, on conviction on indictment, be liable to a fine not exceeding one thousand pounds or to imprisonment with or without hard labour for any term not exceeding two years, or to both such fine and imprisonment.

(2.) Whoever publishes, sells, offers for sale, distributes or, with a view to its being published, prints, writes, composes, makes, produces, imports, or has in his possession, power, or control any seditious publication shall, on conviction on indictment, be liable to a fine not exceeding one thousand pounds or to imprisonment with or without hard labour for any term not exceeding two years, or to both such fine and imprisonment.

(3.) And a person shall not be convicted under this section for importing, or having a seditious publication in his possession, power, or control, if he proves that he did not know and had no reason to suspect that the publication was seditious.

Power to prohibit importation of seditious publications.

Power to prohibit importation of seditious publications.

5.—(1.) Whenever the Governor in Executive Council is of opinion that any publication is seditious, the Governor in Council may, if he thinks fit, by proclamation published in the *Royal Gazette*, prohibit the importation into the Colony of that publication and also, in the case of a periodical publication, of any past or future issue of that publication.

(2.) Every proclamation made under this Ordinance may be varied from time to time or revoked by a proclamation made in like manner.

(3.) If any person imports, prints, publishes, copies, reproduces, or has in his possession, power or control, any publication of which the importation is for the time being prohibited by proclamation, he shall be guilty of an offence against this Ordinance, and the publication shall be forfeited to His Majesty.

(4.) Any person to whom a publication of which the importation is for the time being prohibited by proclamation is sent without his knowledge or privity or in execution of an order given before the prohibition on its importation came into effect, or who has such a publication in his possession, power, or control, at the time when the prohibition on its importation comes into effect shall forthwith deliver it to the officer in charge of the nearest Constabulary Station, and, if he fails to do so, shall be guilty of an offence against this Ordinance.

(5.) Any person who complies with the provisions of the immediately preceding sub-section of this section or is convicted of a breach of the provisions of that sub-section shall not be fined or imprisoned for having imported the same publication or for having it in his possession, power, or control.

(6.) The Postmaster-General of the Colony or any person in the public service authorized by him who suspects that any postal packet contains a publication of which the importation is for the time being prohibited shall send the packet to the Collector of Customs.

(7.) This section shall have effect as if it formed part of the Customs Ordinance, and a person punishable under that Ordinance and also this Ordinance may be punished under either Ordinance, but shall not be punished twice for the same offence. Ordinance No. 178.

Suspension of Newspapers containing seditious matter.

6.—(1.) Whenever any person is convicted of publishing a seditious libel in any newspaper, the Court may, if it thinks fit, either in lieu of or in addition to any other punishment, make orders as to all or any of the following matters, that is to say Suspension of newspaper containing seditious matter.

(*a*) prohibiting either absolutely or except on conditions to be specified in the order, for any period not exceeding one year from the date of the order the future publication of that newspaper.

(*b*) prohibiting either absolutely or except on the conditions to be specified in the order, for the period aforesaid the publisher, proprietor, or editor of that newspaper, from publishing, editing, or writing for any newspaper, or from assisting, whether with money or money's worth, material, or personal service, or otherwise, in the publication, editing, or production of any newspaper, and

(*c*) that for the period aforesaid any printing press used in the production of the newspaper be used only on conditions to be specified in the order or that it be seized by the Constabulary and detained by them for the period aforesaid.

(2.) If any person contravenes an order made under this section, he shall be guilty of an offence against this Ordinance.

(3.) Nothing in this Ordinance shall affect the power of the Court to punish any person contravening an order made under this section for contempt of Court, but so that a person shall not be punished twice for the same offence.

Power to prohibit circulation of seditious publications.

Power of Court to prohibit circulation of seditious publications.

7.—(1.) Whenever on the application of the Attorney-General it is shown to the satisfaction of the Court that the issue or circulation of a seditious publication is or, if commenced or continued, would be likely to lead to unlawful violence or appears to have the object of promoting feelings of hostility between different classes or races of the community, the Court shall make an order (in this Ordinance called a "prohibition order") prohibiting the issue and circulation of that publication (in this Ordinance called a "prohibited publication") and requiring every person having any copy of the prohibited publication in his possession, power, or control forthwith to deliver every such copy into the custody of the Constabulary.

(2.) An order under this section may be made *ex parte* on the application of the Attorney-General in chambers.

(3.) It shall be sufficient if the order so describes the prohibited publication that it can be identified by a reasonable person who compares the prohibited publication with the description in the prohibition order.

(4.) It shall be the duty of every person on whom a copy of a prohibition order is served by any member of the Constabulary forthwith to deliver to that member every prohibited publication in his possession, power, or control, and, if he fails to do so, he shall be guilty of an offence against this Ordinance.

(5.) It shall be the duty of every person to whose knowledge it shall come that a prohibited publication is in his possession, power or control, forthwith to deliver every such publication to the person in charge of the nearest Constabulary station.

(6.) The Court may, if it thinks fit, either before or after or without service of the prohibition order on any person issue a warrant authorising any member of the Constabulary not below the rank of sergeant and his assistants to break, enter, and search, either by day or night, any building or place specified in the order, and any enclosure, room, box, receptacle, or thing in such building or place, and to seize and carry away every prohibited publication there found, and to use such force as may be necessary for the purpose.

(7.) A copy of the prohibition order and of the search warrant shall be left in a conspicuous position at every building or place so entered.

(8.) The owner of any prohibited publication delivered or seized under this Ordinance may at any time within fourteen days after the delivery or seizure petition the Court for the discharge of the prohibition order, and the Court, if on the hearing of the petition it decides that the prohibition order ought not to have been made, shall discharge the order and shall order the prohibited publication delivered by or seized from the petitioner to be returned to him.

(9.) Every prohibited publication delivered or seized under this section with respect to which a petition is not filed within the time aforesaid or which is not ordered to be returned to the owner shall be taken as forfeited and shall be dealt with in such manner as the Governor may direct.

Supplemental.

Punishment for offences.

8. Unless otherwise provided every person guilty of an offence against this Ordinance shall, on summary conviction before a magistrate, be liable to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for any term not exceeding six months or to both such fine and imprisonment.

Fiat of Attorney-General.

9. A person shall not be prosecuted under this Ordinance without the written consent of the Attorney-General.

Saving of other powers.

10. Nothing in this Ordinance shall prevent a prosecution under the common law or under any Act of Parliament or any other Ordinance, but so that a person shall not be punished twice for the same offence.

Passed in Council this Nineteenth day of March, in the year of Our Lord one thousand nine hundred and twenty.

G. L. GUPPY,
Acting Clerk of the Council.