

Am by 56-71

P ✓

CHAPTER 4. No. 6.

SEDITION.

AN ORDINANCE TO PROVIDE FOR THE PUNISHMENT OF SEDITIONARY ACTS AND SEDITIONARY LIBEL, TO FACILITATE THE SUPPRESSION OF SEDITIONARY PUBLICATIONS, AND TO PROVIDE FOR THE TEMPORARY SUSPENSION OF NEWSPAPERS CONTAINING SEDITIONARY MATTER.

Ordinance
Ch. 4. No. 6-
1940.

[9th April, 1920.]

Commence-
ment.

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

2. In this Ordinance—

Interpre-
tation.

“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;

“periodical publication” includes every publication issued periodically, or in parts or numbers at intervals, whether regular or irregular;

“newspaper” means a periodical publication containing any public news or comments thereon or any discussion of political matters;

“seditious publication” includes every publication, whether periodical or otherwise, having a seditious intention;

“Court” means the Supreme Court or a Judge thereof.

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

(a) to bring into hatred or contempt, or to excite

Meaning of
seditious
intention.

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disaffection against the person of His Majesty, or the Government and Constitution of the United Kingdom or the 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.

Limitation.

(2) But an act, speech, or publication is not seditious by reason only that it intends to show 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.

Determina-
tion of
intention.

(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 of four thousand eight hundred dollars or to imprisonment for 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 of four thousand eight hundred dollars, or to imprisonment for two years, or to both such fine and imprisonment.

(3) 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.

5. (1) Whenever the Governor in Council is of opinion that any publication is seditious, the Governor in Council may, if he thinks fit, by proclamation, 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.

Power to prohibit importation of seditious publications.

(2) Every proclamation under this Ordinance may be varied 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 person in charge of the nearest Police 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 last preceding subsection or is convicted of a breach of the provisions of that subsection shall not be fined or

imprisoned for having imported the same publication^{or statement} or for having it in his possession, power, or control.

(6) The Postmaster General or any person in the public service authorised by him who suspects that any postal packet contains a publication^{or statement} of which the importation is for the time being prohibited shall send the packet to the Comptroller of Customs and Excise.

(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.

Suspension of newspapers containing seditious matter.

Suspension of newspaper 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:—

(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, 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 Police 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.

7. 1) Whenever, on the application of the ~~Attorney General~~ ^{Police}, 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 Police.

Power of Court to prohibit circulation of seditious publications.

(2) An order under this section may be made *ex parte* on the application of the ~~Attorney General~~ ^{P.P.} 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 Police ~~Service~~ 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 Police Station.

(6) The Court may, if it thinks fit, either before or after or without service of the prohibition order on any person, ~~issue~~ ^{issue} a warrant authorising any member of the Police ~~Service~~, 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, be liable to a fine of ~~four~~^{five} hundred and ~~eighty~~^{eighty} dollars, or to imprisonment for ~~six~~^{two} months, or to both such fine and imprisonment.

Consent of Attorney General.

9. A person shall not be prosecuted under this Ordinance without the written consent of the ~~Attorney General~~^{A. G.}.

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.

Limitation

11 No prosecution for an offence under section 4 shall be begun except within 12 months after the offence is committed.

Evidence

12 No person shall be convicted of an offence under section 4 on the uncorroborated testimony of one witness.

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