CHAPTER 30. No. 8.

NEWSPAPERS.

AN ORDINANCE TO MAKE PROVISION FOR THE REGISTRATION AND CONTROL OF NEWSPAPERS.

Ordinance Ch.30. No.8–1940.

[*2nd May*, 1935.]

Commencement.

1. This Ordinance may be cited as the Newspapers Ordinance.

Short title.

2. In this Ordinance—

Interpretation.

" company " means a company formed and registered under the provisions of the Companies Ordinance;

" newspaper " includes every paper or pamphlet containing any public news, intelligence or report of any occurrence or any remarks or observations thereon or upon any political matter, published for sale, distribution or other purpose in parts or numbers at intervals not exceeding one hundred days, but does not include the *Royal Gazette* or any paper, report, matter or thing printed by the Government Printer or published by Government authority, or programmes, notices or printed matter containing only or principally *bona fide* advertisements;

" printer " includes any person who conducts the actual printing of a newspaper;

" proprietor " includes as well the sole proprietor of any newspaper as also in the case of a divided proprietorship the persons who, as partners or otherwise represent and are responsible for any share or interest in the newspaper as between themselves and the

persons in like manner representing or responsible for the other shares or interests therein, and no other person;

"process" means all legal process whatsoever whether civil or criminal and includes all notices under this Ordinance and all summonses, subpœnas, rules and orders of any court.

Statutory declaration required before printing or publication.

3. No person shall print or publish, or cause to be printed or published, any newspaper unless there has been filed with and registered at the office of the Registrar General a statutory declaration, as hereinafter prescribed.

Particulars of statutory declaration.

4. The statutory declaration shall be made and signed by every person named therein as proprietor or printer, or publisher, of the newspaper to which it relates and shall set forth—

(*a*) the correct title or name of the newspaper;

(*b*) the true description of the house or building wherein the newspaper is intended to be printed, and also of the house or building wherein it is intended to be published; and

(*c*) the true names and places of abode of every person who is intended to be the proprietor, printer or publisher of the newspaper.

New statutory declaration when required.

5. Whenever any proprietor, printer or publisher named in such statutory declaration shall be changed or shall change his place of abode, printing house or office, and as often as the title of the newspaper shall be changed, then and in every such case a new statutory declaration which shall contain all the several matters and things required by section 4 shall be made, filed and registered as hereinbefore prescribed.

Bond by proprietor, printer, and publisher of newspaper.

6. No person shall print or publish or cause to be printed or published any newspaper published at intervals not exceeding twenty-six days unless and until the proprietor, printer and publisher thereof have entered into and delivered to and registered with the Registrar General, a bond to His Majesty, His heirs and successors in the sum of one thousand

dollars together with one or more sureties, as may be required and approved by the Registrar General. The conditions of such bond shall be that each proprietor, printer and publisher shall pay to His Majesty every penalty which may at any time be imposed upon or adjudged against him or them upon any conviction for printing or publishing any blasphemous or seditious or other libel at any time after the execution of such bond, and also any damages and costs on every judgment for the plaintiff in any action for libel against such proprietor, printer or publisher and all other penalties whatsoever which may be imposed upon or adjudged by any court against him or them under the provisions of this Ordinance.

Release of surety.

7. A surety shall be released from his bond upon giving written notice to the proprietor, printer and publisher of the newspaper to that effect and filing a copy of such notice with the Registrar General. In such case the surety shall be released from further liability upon the bond from and after the expiration of twenty days from the date of the filing of a copy of the notice as aforesaid:

Provided that notwithstanding any such release such surety shall continue to be liable in respect of all penalties incurred by and all damages and costs adjudged against any such proprietor, printer or publisher in respect of any proceedings commenced within six months of the date of such release for any blasphemous or seditious or other libel printed or published, or for any offence under this Ordinance committed before the date of such release.

Registrar General may call on surety to justify.

8. The Registrar General may at any time during the continuance of a bond call upon the surety or sureties thereof to satisfy him as to means and for that purpose may require a statutory declaration justifying such means. Upon failure of the surety or sureties to satisfy him as aforesaid, the bond shall become null and void and the Registrar General shall thereupon notify in writing the parties to the bond to that effect.

Bond null and void.

9. Whenever any surety has paid the whole of the sum for which he has become surety, or dies, or has been declared

a bankrupt or has executed any deed of composition with his creditors, or is released as provided for in section 7, or upon notification or failure to satisfy the Registrar General as to means as is hereinbefore provided, the bond in any such case shall become null and void.

New bond.

10. No person shall print or publish, or cause to be printed or published, any newspaper the bond in respect of which has become void until a new bond shall have been executed and registered in manner and in the amount as hereinbefore provided.

Statutory declaration and bond by company.

11. When a company is the proprietor, printer or publisher of a newspaper, any statutory declaration required by this Ordinance shall be made and signed by the secretary or one of the directors of the company, and the bond required by this Ordinance shall be given and executed by such company under its seal and by such surety or sureties as the Registrar General may require and approve.

Penalty for printing, publishing, selling or distributing newspaper in contravention of the Ordinance.

12. Every person who—

(*a*) prints or publishes or causes to be printed or published any newspaper in contravention of sections 3, 6 or 10, or

(*b*) sells or distributes any newspaper which he knows or has reason to believe has been printed or published in contravention of any of the aforementioned sections,

shall be liable to a fine of two hundred and fifty dollars.

Particulars to be printed on newspaper.

13. (1) At the foot of the last page of every newspaper and of every supplement issued therewith, shall be printed the christian name and surname, occupation and place of abode of its proprietor, printer and publisher, and in the case of a company its corporate name and also a true description of the house or building wherein it is actually printed and published respectively, and at some place in the newspaper the day of the week, month and year on which it is published.

(2) Every person who knowingly and wilfully prints or publishes or causes to be printed or published, any newspaper or supplement thereto, whereon the several particulars aforesaid are not set forth, or are falsely set forth, shall be liable to a fine of one hundred dollars. False particulars.

14. (1) The printer or publisher of every newspaper in the Colony shall, within six days after each publication of the newspaper, deliver, or cause to be delivered, at the office of the Registrar General one copy of that newspaper free of cost, with the name and place of abode of the printer or publisher thereof signed and written thereon by his proper hand and in his accustomed manner of signing, or by some person appointed and authorised by him for that purpose, of whose appointment and authority notice in writing signed by the printer or publisher has been delivered at the office of the Registrar General. Delivery of signed copies of newspapers.

(2) Every printer or publisher of a newspaper who fails or neglects to deliver or cause to be delivered, in manner hereinbefore directed, a copy signed as aforesaid shall be liable to a fine of fifty dollars for every such failure or neglect to deliver. Penalty.

15. (1) The proprietor and publisher of every newspaper shall file or cause to be filed in the month of January in every year with the Registrar General a return of the following particulars— Annual returns of particulars of newspapers.

(*a*) the title of the newspaper;

(*b*) the names of all the proprietors of the newspaper with their respective occupations, places of business, if any, places of abode; and

(*c*) the yearly circulation for the previous calendar year ending on the 31st of December.

(2) Every proprietor and publisher failing to file such return as aforesaid shall be liable to a fine of one hundred dollars.

16. The Registrar General shall cause to be entered in a book kept for that purpose in his office, the title of every newspaper registered at his office and also the names of the proprietors, printers and publishers thereof, as they Registration of titles of newspapers and names of proprietors, printers and publishers.

appear in the statutory declaration required by this Ordinance to be made relating to those newspapers respectively.

Fees. Schedule.

17. There shall be paid to the Registrar General the fees specified in the Schedule hereto in respect of the several matters therein specified.

Making false or defective statutory declaration.

18. Notwithstanding anything contained in the Perjury Ordinance in that behalf every person who knowingly and wilfully signs and makes any statutory declaration required by this Ordinance—

(*a*) in which there is inserted or set forth the name of any person as a proprietor, printer or publisher of any newspaper to which the statutory declaration relates who is not the proprietor, printer or publisher thereof, or

(*b*) from which there is omitted the name or place of abode of any proprietor, printer or publisher of the newspaper, contrary to the provisions of this Ordinance, or

(*c*) in which any matter or thing by this Ordinance required to be set forth is falsely set forth, or

(*d*) from which any matter or thing required by this Ordinance to be set forth is omitted,

shall be liable to a fine of two hundred and fifty dollars.

Service of process on proprietor, etc., of newspaper

19. In any civil or criminal proceedings against any proprietor, printer or publisher of any newspaper, service at the house or building mentioned in any statutory declaration aforesaid as the house or building at which that newspaper is printed, or published, of any notice or other matter required or directed by this Ordinance to be given or left, or of any process whatsoever, shall be taken to be good and sufficient service thereof respectively upon and against every person named in the statutory declaration as the proprietor, printer or publisher of that newspaper.

Recovery of penalties.

20. (1) All penalties under this Ordinance may be recovered on summary conviction on complaint laid by the Registrar General.

(2) All penalties recoverable under any bond given under this Ordinance shall be recovered by the Attorney General as Crown debts.

SCHEDULE.

(Section 17.)

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For filing Statutory Declaration	1.20
For Registration of Bond	4.80
For every search of Register	.60
For inspecting file of documents (other than newspaper files) ...	.60
For filing any document (other than a newspaper not otherwise provided for in this Schedule)	.60