

CHAPTER 179.

NEWSPAPERS.

AN ORDINANCE RELATING TO NEWSPAPERS.

*Ordinance
No. 112.*

[31st October, 1894.]

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

2. In this Ordinance—
 - “Affidavit” includes statutory declaration; Interpre-
tation.
 - “Company” means a joint stock company duly incorporated under and subject to the provisions of the Companies Ordinance; Cap. 180.
 - “Newspaper” means any paper containing public news, intelligence, or occurrences, or any remarks, observations, or comments in relation to such news, intelligence, or occurrences, printed for sale and published in the Colony periodically, or in parts or numbers at intervals not exceeding twenty-six days between the publication of any two such papers, parts, or numbers; and includes also any paper printed in order to be dispersed, and made public, weekly or oftener, or at intervals not exceeding twenty-six days, containing only or principally advertisements;
 - “Process” means all legal process whatsoever, whether civil or criminal, and includes all notices under this Ordinance, and all summonses, subpoenas, rules, and orders of any Court.

3. No person shall print or publish, or cause to be printed or published, within the Colony any newspaper unless he shall have previously—
 - (1) made, signed, and sworn before a Judge of the Supreme Court or a Commissioner of Affidavits, Affidavit and
bond
required.

and registered in the office of the Registrar-General, an affidavit containing—

- (a) the correct title or name of the newspaper; and
 - (b) a true description of the house or building wherein such newspaper is intended to be printed; and
 - (c) the real and true names and places of abode of all and every the person and persons who is and are intended to be the printer or printers, publisher or publishers, proprietor or proprietors of the same; and
- (2) given and executed, and registered in the office of the Registrar-General, a bond in the sum of two hundred pounds, with one or more sureties as may be required and approved by the Attorney-General, conditioned that such printer, publisher, or proprietor 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 any judgment for the plaintiff in any action for libel against such printer, publisher, or proprietor, 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.

Bond by
company.

4. Whenever any newspaper shall belong to a company, no affidavit under section 3 of this Ordinance shall be required, and the bond shall be given and executed by such company under its title of incorporation, and under the hand of the secretary and any two directors of such company, and under the common or corporate seal of such company, and by such surety or sureties as the Attorney-General may require and approve.

New affidavit
when
required.

5. Whenever any of the printers, publishers, or proprietors named in any such affidavit shall be changed, or shall change their printing house, place, or office, and as often as the title of the newspaper shall be changed, there

shall be made, signed, sworn, and registered as aforesaid a new affidavit which shall contain all and every the several matters and things required by section 3 of this Ordinance to be contained in the affidavit in such section mentioned.

6. Every affidavit registered as hereinbefore provided, or copies thereof certified to be true copies as is hereinafter mentioned, shall, in all proceedings, civil and criminal, touching any newspaper which is mentioned in any such affidavit, or touching any publication, matter, or thing contained in any such newspaper, be received and admitted as conclusive evidence of the truth of all such matters set forth in such affidavit as are by this Ordinance required to be set forth, against every person who shall have signed and sworn such affidavit, and shall also be received and admitted in like manner as sufficient evidence of the truth of all such matters against all and every person who shall not only have signed or sworn the same, but who shall be therein mentioned to be a proprietor, printer, or publisher of such newspaper, unless the contrary shall be satisfactorily proved :

Copies of
affidavit
evidence.

Provided always, that if any person against whom any such affidavit, or any copy thereof, shall be offered in evidence shall prove that he signed, swore, and delivered to the Registrar-General, previous to the day or date of publication of the newspaper to which the proceedings, civil or criminal, shall relate, an affidavit that he had ceased to be the printer, publisher, or proprietor of such newspaper, such person shall not be deemed, by reason of any former affidavit so registered as aforesaid, to be the printer, publisher, or proprietor of such newspaper after the day on which such last mentioned affidavit shall have been registered as aforesaid.

7. After production in evidence of any such affidavit, or a certified copy thereof, against the person who signed and made such affidavit or is therein named according to this Ordinance, and after a newspaper has been produced in evidence having the same title or name as that contained in such affidavit or copy thereof, and wherein the name of the printer and publisher and the place of printing shall be the same as the name of the printer and publisher

When proof
of purchase
of news-
paper
unnecessary.

and the place of printing mentioned in such affidavit, it shall not be necessary for the informant or prosecutor to prove that the newspaper to which such trial relates was purchased at any house, shop, or office belonging to or occupied by the defendant, or by his agent or servant, or where such printer or publisher usually carries on the business of printing and publishing such newspaper, or where the same is usually sold.

Copies of affidavit and bond to be evidence.

8. Certified copies of every affidavit and bond under this Ordinance shall be received in evidence in all Courts as sufficient proof of the making, signing, swearing, and registration of such affidavit, and of the giving and execution of such bond.

Registrar-General to deliver copies.

9. The Registrar-General, upon application, shall deliver to any person who may require it a copy certified under his hand of any affidavit or bond registered under the provisions of this Ordinance.

Execution of bond.

10. Every bond required by this Ordinance shall be executed in Trinidad in the presence of the Attorney-General, and in Tobago in the presence of the Warden, and of one witness at least not being a party thereto, and such witness shall subscribe his name, with the addition of his place of abode or business, and his profession, occupation, or condition in life. It shall not be necessary that such bond should bear the certificate of any barrister, advocate, or certificated conveyancer as having been prepared by him.

Withdrawal of surety.

11. If any surety shall be desirous of withdrawing from such bond and being discharged from his suretyship thereunder, he shall be entitled so to withdraw and be discharged at the expiration of twenty days after service of a notice in writing of such his withdrawal to the Attorney-General, and to the printer or publisher or to the secretary of the company, as the case may be, for whom such surety shall have become bound: Provided always, that notwithstanding any such discharge, such surety shall continue to be liable in respect of all penalties incurred by, and all damages and costs adjudged against, any such printer, publisher, or proprietor before the date of such discharge.

12. (1) The printer and publisher of every newspaper, or his agent duly authorized by power of attorney registered in the office of the Registrar-General, if the same shall not belong to or be printed or published by a company, shall, upon every day upon which such newspaper shall be published, or within six days after, deliver to the Registrar-General a copy of every paper so published, and of every supplement thereto, upon each such day, signed by the printer and publisher thereof or his agent as aforesaid, with the name and place of abode of such printer and publisher, and the same shall be filed and kept by the Registrar-General.

Delivery of signed copies.

(2) Whenever any newspaper shall belong to a company, the secretary for the time being of such company, or person acting as such, if such newspaper be printed and published by the company, or where such newspaper shall not be printed and published by such company, the person printing and publishing the same for such company, shall, upon every day upon which such newspaper is published, or within six days after, deliver to the Registrar-General a copy of every paper so published, and of every supplement thereto, upon each such day, signed by the secretary of the company, or by the person printing and publishing for the company, as the case may be.

(3) There shall be paid to such secretary, printer, or publisher by the Treasurer, under the warrant of the Governor, in quarterly payments, the amount of the subscription to each such newspaper so delivered.

13. Service of any process under this Ordinance shall be good, valid, and effectual whenever served by delivering the same to the secretary of any company at the registered office of any such company, or to the printer and publisher of any newspaper at the house or building where the newspaper is printed, or by delivering the same to any person actually being in such registered office or place of printing, as the case may be, or, in the absence of any such secretary or printer or publisher or other person as aforesaid, by affixing the same on the door of any such registered office or place of printing as aforesaid.

Service of notice.

14. It shall be lawful for the Registrar-General to charge such fees as may be fixed by the Governor in Executive Council for the registration of affidavits and bonds under this Ordinance.

Registration fees.

New bond in certain cases.

15. In every case where any surety under any bond required by this Ordinance—

- (1) shall have paid the whole or any part of the sum for which he shall have become bound; or
- (2) shall die; or
- (3) shall have been declared a bankrupt, or shall have been discharged under any law of bankruptcy for the time being in force in the Colony; or
- (4) shall have left the Colony without leaving sufficient property therein to satisfy any sum for which he shall have become bound; or
- (5) shall have withdrawn from such suretyship in manner hereinbefore provided,

then and in every such case the person or company for whom such surety shall have been bound shall not print or publish any newspaper until such person or company shall have executed and registered a new bond to the amount and in manner hereinbefore prescribed.

Publication without affidavit, etc.

16. If any person shall print or publish, or cause to be printed or published, or sell or offer for sale, any newspaper without having first complied with the provisions of this Ordinance as to affidavit and bond, every such person or the secretary of any company, as the case may be, shall be liable to a penalty not exceeding twenty-five pounds for each and every such act done and committed.

Name and address of printer, etc., to be printed on newspaper.

17. (1) At the foot of the last page of each copy of every newspaper published in the Colony, and at the foot of the last page of each copy of every supplement, there shall be printed the true and real name and place of abode of the printer and publisher, and the true and real description of the place of printing of such newspaper and supplement.

(2) If any person or company shall print or publish any newspaper not containing the particulars aforesaid, such person, and in the case of a company, the secretary thereof, shall for every such publication be liable to a penalty not exceeding fifty pounds.

Penalty for non-delivery.

18. If the printer and publisher, or the secretary of any company, or the person printing and publishing for any company, shall not deliver to the Registrar-General a copy

of every such newspaper or supplement so published in manner hereinbefore required, every such printer or publisher, or secretary, or person printing and publishing for any company, shall be liable to a penalty not exceeding five pounds for every such neglect to deliver.

19. (1) Provided that notwithstanding such failure to deliver such paper as aforesaid, and notwithstanding any proceedings had and taken against any printer and publisher for the recovery of any penalty incurred by reason of any failure to deliver as last aforesaid, and notwithstanding the payment of any such penalty, it shall be lawful for the Registrar-General, by notice under his hand addressed to such person or persons liable to deliver newspapers in manner aforesaid, to require such person to deliver to him copies of every newspaper which such person shall have failed to deliver, signed in manner required by this Ordinance.

Non-delivery
after notice.

(2) If any person liable to deliver as aforesaid, after proof of service upon him of such notice, shall within six days fail to deliver the copies of such newspapers as he may in such notice have been required to deliver, he shall be liable to a penalty not exceeding fifty pounds for every day on which he shall fail to comply with such notice.

20. (1) All penalties under section 18 of this Ordinance may be recovered on summary conviction before a Magistrate on complaint laid by the Registrar-General.

Recovery of
penalties.

(2) All penalties under any other section of this Ordinance may be recovered by the Registrar-General by action brought in the Supreme Court.

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