

CHAPTER 53.

PUBLICATIONS (IMPORT PROHIBITION)

AN ORDINANCE TO PROVIDE FOR THE PROHIBITION BY ORDER OF THE GOVERNOR IN COUNCIL OF THE IMPORTATION INTO THE COLONY OF ANY PUBLICATION.

11 of 1938.
33 of 1949.

[4th June, 1938]

1. This Ordinance may be cited as the Publications (Importation Prohibition) Ordinance. Short title.

2. "Publication" includes all written or printed matter and everything, 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 any publication. Definitions.

"Periodical publication" includes every publication issued periodically or in parts or numbers at intervals whether regular or irregular.

"Import" includes :—

- (a) to bring into the Colony, and
- (b) to bring within the inland waters of the Colony whether or not the publication is brought ashore, and whether or not there is an intention to bring the same ashore.

3. If the Governor is of the opinion that the importation of any publication would be contrary to the public interest he may, in his absolute discretion, by Order in Council prohibit the importation of such publication, and in the case of a periodical publication may, by the same or subsequent Order in Council, prohibit the importation of any past or future issue thereof. Power to prohibit importation of publication.

4. (1) Any person who imports, publishes, sells, offers for sale, distributes, or reproduces any publication, the importation of which has been prohibited under Section 3, or any Offences.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

extract therefrom, shall be guilty of an offence and liable for a first offence to imprisonment for two years or to a fine not exceeding £100 or to both such imprisonment and fine, and for a subsequent offence to imprisonment for three years ; and such publication or extract therefrom shall be forfeited to His Majesty.

(2) Any person who without lawful excuse has in his possession any publication the importation of which has been prohibited under section 3, or any extract therefrom, shall be guilty of an offence and liable for a first offence to imprisonment for one year or to a fine not exceeding £50 or to both such imprisonment and fine, and for a subsequent offence to imprisonment for two years ; and such publication or extract therefrom shall be forfeited to His Majesty.

Delivery of prohibited publication to Chief Constable.

5. (1) Any person to whom any publication the importation of which has been prohibited under section 3, or any extract therefrom, is sent without his knowledge or privity, or in response to a request made before the prohibition of the importation of such publication came into effect, or who has such a publication or extract therefrom in his possession at the time when the prohibition of its importation comes into effect, shall forthwith if or as soon as the nature of its contents have become known to him, or, in the case of a publication or extract therefrom coming into the possession of such person before an Order in Council prohibiting its importation has been made, forthwith upon the coming into effect of an Order in Council prohibiting the importation of such publication, deliver such publication or extract therefrom to the Chief Constable, and in default thereof shall be guilty of an offence and liable to imprisonment for one year or to a fine not exceeding £50 or to both such imprisonment and fine ; and such publication or extract therefrom shall be forfeited to His Majesty.

(2) A person who complies with the provisions of sub-section (1) of this section or is convicted of an offence under that sub-section shall not be liable to be convicted for having imported or having in his possession the same publication or extract therefrom.

Power to examine packages.
33 of 1949.

6. (1) Any of the following officers, that is to say :—

(a) the Postmaster ;

- (b) the Collector of Customs ;
- (c) the Chief Constable ;
- (d) any other official authorized in that behalf by the Governor ;

may detain, open and examine any package or article which he suspects to contain any publication or extract therefrom which it is an offence under the provisions of section 4 to import, publish, sell, offer for sale, distribute, reproduce, or possess, and during such examination may detain any person importing, distributing, or posting such package or article or in whose possession such package or article is found.

(2). If any such publication or extract therefrom is found in such package or article, the whole package or article may be impounded and retained by the officer and the person importing, distributing, or posting it, or in whose possession it is found, may forthwith be arrested and proceeded against for the commission of an offence under section 4 or section 5 as the case may be.