

CHAPTER 113.**UNDESIRABLE PUBLICATIONS.****ARRANGEMENT OF SECTIONS.**

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CHAPTER 113.**UNDESIRABLE PUBLICATIONS.**

8 of 1939.
8 of 1955.

An Ordinance to prohibit the Importation and Publication of Undesirable Literature.

[24TH JUNE, 1939.]

Short title.

1. This Ordinance may be cited as the Undesirable Publications Ordinance, and shall apply to the Colony and Protectorate.

Interpreta-
tion.

2. In this Ordinance, unless the context otherwise requires,—
“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;

“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;

“Colony” includes Protectorate.

3. (1) If the Governor in Council 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, prohibit the importation of such publication, and in the case of a periodical publication may, by the same or a subsequent Order, prohibit the importation of any past or future issue thereof.

Power to prohibit importation of publications. S of 1955.

(2) Where the Governor in Council has by an Order under sub-section (1) of this section prohibited the importation of any publication he may, if in his opinion it would be in the public interest to do so, by a subsequent Order prohibit the importation of all or any other publications of the same publisher.

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 extract therefrom, shall be guilty of an offence and liable for a first offence to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or to both such imprisonment and fine, and for a subsequent offence to imprisonment for a term not exceeding three years; and such publication or extract therefrom shall be forfeited to Her Majesty.

Offences.

(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 a term not exceeding one year or to a fine not exceeding fifty pounds or to both such imprisonment and fine, and for a subsequent offence to imprisonment for a term not exceeding two years; and such publication or extract therefrom shall be forfeited to Her Majesty.

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 has 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 officer in charge of the nearest Police

Delivery of prohibited publication to Police Station or District Office.

Station, or District Office, and in default thereof shall be guilty of an offence and liable to imprisonment for a term not exceeding one year or to a fine not exceeding fifty pounds or to both such imprisonment and fine; and such publication or extract therefrom shall be forfeited to Her 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.

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

(a) the Postmaster-General;

(b) any officer of the Customs Department not below the rank of Collector;

(c) any Police Officer not below the rank of Assistant Superintendent;

(d) any other official authorised 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.
