

CHAPTER 249.

WAR CENSORSHIP.

[XXI of 1915.]

[18th June, 1915.]

Short title.

1. This Ordinance may be cited as the War Censorship Ordinance.

Interpretation.

2. In this Ordinance—

“ newspaper ” includes any newspaper, magazine, book, pamphlet, or other publication, published or circulating in the colony;

“ prohibited information ” includes any information with respect to troops, ships, air-craft, or war material, in the service of or belonging or contracted to be sold or delivered to His Majesty or any of his allies, in whatever part of the world they or any of them may happen to be, or with respect to the plans of the naval or military authorities of the British Empire or any portion thereof, or of any nation in alliance with His Majesty, or with respect to any measures taken for or connected with the defence of the British Empire, or with respect to the movement of any British merchant ships or of any ships sailing under the flag of any nation in alliance with His Majesty, and also includes any statement, comment, or suggestion, calculated directly or indirectly to convey any of that information;

“ time of emergency ” means any period declared to be a time of emergency in manner hereinafter provided;

“ telegraph company ” includes the West India and Panama Telegraph Company (Limited);

“ censor of telegrams,” “ censor of postal packets,” “ censor of news ” include any assistant censor authorised in writing by the particular censor whom he is assisting to exercise any of the powers conferred upon that censor by this Ordinance;

“ postal packet ” has the same meaning as in the Post and Telegraph Ordinance;

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“ vessel ” includes boat;

“ shipowners’ letters ” means any letters of the owners, charterers, or consignees of vessels inward and onward bound, and of the owners, consignees, or shippers of goods on board those vessels.

3.—(1) The Governor may, by warrant under his hand, appoint censors for the purpose of controlling and dealing with telegrams, postal packets, and newspapers, and may appoint by warrant under his hand so many assistant censors as he considers necessary.

Appointment of censors.

(2) Warrants granted under the preceding sub-section shall continue in operation until they are revoked by the Governor by writing under his hand.

CENSORSHIP OF TELEGRAMS.

4.—(1) The censor of telegrams shall have the powers following :—

Powers of censor of telegrams.

- (a) control of the transmission of all messages by any telegraph company;
- (b) control of the offices, station, lines, and plant of all telegraph companies, and of the officers and employees of those companies;
- (c) power to examine every message received for the purpose of delivery, or intended to be transmitted, by a telegraph company, or delivered to any body within the colony for the purpose of being conveyed to any place outside the colony with a view to its transmission by telegraph from that place, or received in that place and conveyed into this colony for the purpose of being delivered there or transmitted therefrom;
- (d) power to stop, eliminate any portion of, delay, or alter, any telegram mentioned in the preceding paragraph of this sub-section.

(2) Anyone who—

- (a) refuses or neglects to carry out any order or direction of the censor of telegrams given in pursuance of the powers conferred upon him under the provisions of the preceding sub-section; or,

(b) being within any premises of a telegraph company, refuses or fails to carry out any order or direction given by the censor of telegrams,

Penalty.

is liable to a penalty not exceeding one thousand dollars or to imprisonment with or without hard labour for any period not exceeding six months.

CENSORSHIP OF POSTAL PACKETS.

Powers of
censor of
postal
packets.

5. The censor of postal packets shall have powers—

(a) to detain, open, examine, and, if he thinks it expedient, destroy, all postal packets addressed or intended to be delivered to, posted by, or written to or by, any subject of a country at war with His Majesty, or any person resident whether temporarily or not in a country at war with His Majesty or directed to be sent to that censor under the provisions of this Ordinance;

(b) to detain, open, examine, and, if he thinks it expedient, destroy, all postal packets addressed or intended to be delivered to, posted by, or written to or by, any person whose correspondence the Governor by warrant in writing under his hand orders to be censored.

Declarations
as to letters
and written
messages :

6.—(1) Everyone who lands or embarks at any place in the colony, or who is an officer or member of the crew of any vessel, shall, if required by a customs officer, make a declaration as to whether or not he is carrying or conveying any letters or other written messages intended to be transmitted by post or telegraph, or to be otherwise in any way delivered, and, if so required by a customs officer, shall produce to him those letters or messages, and the declaration shall expressly state whether he is carrying or conveying any shipowners' letters.

(2) Any customs officer may search any person aforesaid and any baggage with a view to ascertaining whether he or the person to whom the baggage belongs is carrying or conveying any of those letters or messages :

Proviso.

Provided that if the person is a female the customs officer shall cause her to be searched by any authorised female police or customs searcher or by some female authorised by the Governor for that purpose.

(3) Before anyone is so searched he may require to be taken with all reasonable despatch before the censor, a magistrate, or the Comptroller of Customs, or other superior officer of customs, who shall, if he sees no reasonable cause for search, discharge the person, but if otherwise direct that the person be searched.

(4) The customs officer may examine any letters or other messages so produced to him or found on the search, and, unless satisfied that they are of an innocent nature, shall transmit them to the censor of postal packets, who shall, if he thinks that the letters or messages contain any message which is intended to be sent by telegraph either from this colony or elsewhere, transmit them to the censor of telegrams.

(5) Anyone who makes a declaration under this section which is in any way false, or refuses or neglects to produce if so required any of the letters or messages aforesaid, or hinders or obstructs any customs officer in the performance of his duty under this section, is liable to a penalty not exceeding five hundred dollars or to imprisonment with or without hard labour for any period not exceeding six months. Penalty.

7. No one shall send or attempt to send any shipowners' letters out of the colony unless they have been initialled by the censor of postal packets; and everyone found guilty of a breach of this section shall be liable to a penalty not exceeding one hundred dollars or to imprisonment with or without hard labour for any period not exceeding two months. Shipowners' letters.
Penalty for transmission.

8.—(1) No one arriving in the colony whether officer, member of the crew of any vessels, or other person, shall land, or deliver or cause to be landed or delivered to another, any letter or written communication except through the Postmaster General: Shipowners' and other unposted letters:

Provided that— Proviso:

- (a) this provision shall not apply to shipowners' letters; and
- (b) the censor of postal packets or a customs officer may permit the personal delivery by anyone to another of any letter or written communication which is initialled by the censor of postal packets or the customs officer granting the permission.

(2) No one embarking from the colony whether officer, member of the crew of any vessel, or other person, shall carry or convey, or cause to be carried or conveyed, any letter or written communication for another, whether on board any vessel in the colony or for anyone beyond the limits of the colony, except through the Postmaster General; and no one in the colony shall cause to be carried or conveyed to anyone on board any vessel in the colony, or to or for anyone outside the colony, any letter or written communication except through the Postmaster General :

Proviso.

Provided that—

- (a) this provision shall not apply to shipowners' letters; and
- (b) the censor of postal packets or a customs officer may permit anyone to carry or convey, or cause to be carried or conveyed, any letter or written communication to or for any person, which is initialled by the censor of postal packets or the customs officer granting the permission.

(3) Every master of a vessel bound from any port in the colony for any port outside the colony shall give the Comptroller of Customs, or principal officer of customs, not less than two hours' notice in writing of his intention to leave the port.

Penalty.

(4) Everyone found guilty of a breach of this section shall be liable to a penalty not exceeding five hundred dollars or to imprisonment with or without hard labour for any period not exceeding six months.

CENSORSHIP OF NEWSPAPERS.

Proclamation
of a time of
emergency.

9.—(1) The Governor may declare by proclamation in the Gazette that as from a date to be named therein a time of emergency shall be deemed to exist, and during the existence of that time the provisions of the last preceding section and of this and the next following section of this Ordinance shall apply but not otherwise.

(2) The proclamation in the preceding sub-section mentioned shall remain in operation until revoked by proclamation to be published in the Gazette.

(3) A copy of the Gazette purporting to contain a copy of any proclamation aforesaid shall be evidence of the due making and tenor thereof.

10. During a time of emergency no owner, publisher, printer, or editor, of any newspaper may knowingly publish or allow to be published in the newspaper any prohibited information without the consent in writing of the censor of news first had and obtained, and anyone hereinbefore mentioned who contravenes the provisions of this section is liable to a fine not exceeding five hundred dollars or to imprisonment, with or without hard labour, for any period not exceeding six months, or to both the fine and the imprisonment.

Publication
of prohibited
information.

Penalty.

11. Anyone who, during a time of emergency and without first obtaining the consent in writing of the censor,—

(a) furnishes or allows or causes to be furnished any prohibited information to any person with intent that that prohibited information shall be published in a newspaper; or

(b) sells, transmits by post, or distributes, any newspaper knowing that it contains prohibited information,

Furnishing
prohibited
information
or selling or
distributing
newspaper
containing it.

is liable to a fine not exceeding two hundred and fifty dollars or to imprisonment with or without hard labour for any time not exceeding three months or to both the fine and the imprisonment.

Penalty.

12. All offences under this Ordinance may be prosecuted summarily before a magistrate.

Prosecution
for offences.