

CHAPTER 131.

UNDESIRABLE PUBLICATIONS (PROHIBITION OF IMPORTATION).

ARRANGEMENT OF SECTIONS.

SECTION.

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CHAPTER 131.

UNDESIRABLE PUBLICATIONS (PROHIBITION OF IMPORTATION).

4 of 1953.

An Ordinance to make provision for prohibiting the importation of undesirable publications and for matters in connection therewith.

[17TH MARCH, 1953.]

Short title.

1. This Ordinance may be cited as the Undesirable Publications (Prohibition of Importation) Ordinance.

Interpretation.

2. In this Ordinance—

“ die ” includes any plate, type, tool, or implement whatsoever, and also any part of any die, plate, type, tool or implement, and any stamp or impression thereof or any part of such stamp or impression ;

“ postal packet ” includes any letter, postcard, newspaper, book, document, pamphlet, pattern or sample parcel or package, or other article whatsoever transmissible by post ;

“ publication ” includes—

(a) all written or printed matter ;

(b) anything whether of a nature similar to printed matter or not containing any visible representation

capable of suggesting words or ideas by its form or shape or in any other manner ;

(c) any recording of the human voice ; and

(d) any cinematograph film ;

“ periodical publication ” includes every publication issued periodically or in parts or numbers at intervals, whether regular or irregular ;

“ to import ” includes—

(a) to bring into the Colony ; or

(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. (1) Where the Governor in Council is of opinion that the importation of any publication, engraving or die would be contrary to the public interest, he may, by order published in the Gazette, prohibit the importation of such publication, engraving or die and in the case of a periodical publication may, by the same or any subsequent order, prohibit the importation of any past or future issue of such publication.

Power to prohibit importation of publication.

(2) Any order made under this section may be varied or revoked by any subsequent order.

4. (1) Any person who imports, publishes, sells, offers for sale, distributes or reproduces any publication, engraving, or die the importation of which has been prohibited under section 3 of this Ordinance, or any extract from any such publication, shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five hundred dollars or to imprisonment not exceeding twelve months, or to both such fine and imprisonment, and every such publication, engraving or die or extract from any such publication shall be forfeited.

Offences.

(2) Any person who, without lawful excuse, has in his possession any publication, engraving or die the importation of which has been prohibited under the provisions of section 3 of this Ordinance, or any extract from any such publication, shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding two hundred and fifty dollars or to imprisonment not exceeding six months or to both such fine and imprisonment, and every such publication, engraving or die or extract from any such publication shall be forfeited.

Delivery of
prohibited
publication.

5. (1) Any person—

(a) to whom any publication, engraving or die, the importation of which has been prohibited under the provisions of section 3 of this Ordinance, or any extract from any such publication is sent without his knowledge or privity, shall deliver up to the Police such publication, engraving or die or extract from such publication so soon as the nature of its contents becomes known to him ;

(b) to whom any such publication, engraving or die or extract from such publication is sent in response to a request made by him before the prohibition of the importation of such publication, engraving or die came into effect, shall deliver up to the Police such publication, engraving or die or extract from such publication forthwith upon the receipt by him of the publication, engraving or die or extract from such publication ;

(c) who has any such publication, engraving or die or extract from such publication in his possession at the time when the prohibition of importation comes into effect, shall deliver up to the Police such publication, engraving or die or extract from such publication forthwith upon the coming into effect of the order prohibiting the importation.

(2) The delivery up of a publication, engraving or die or extract from such publication in accordance with the requirements of this section shall be made to the officer or sub-officer in charge of the nearest Police Station.

(3) A person who complies with the requirements of this section as to the delivery up of a publication, engraving or die shall not be liable to be convicted of having imported or having in his possession such publication, engraving or die or extract from such publication.

(4) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding two hundred and fifty dollars or to imprisonment not exceeding six months or to both such fine and imprisonment, and such publication, engraving or die or extract from such publication shall be forfeited.

(5) Any person convicted under the provisions of subsection (4) of this section shall not be liable to be convicted for having imported or for having in his possession the publication, engraving or die or extract of such publication in respect of which he is so convicted.

6. (1) The Postmaster General, the Comptroller of Customs, the Commissioner of Police or any person authorised in that behalf by the Governor may detain, open and examine any postal packet, package or article which he suspects to contain any publication, engraving or die or extract from such publication which it is an offence under the provisions of section 4 of this Ordinance to import, publish, sell, offer for sale, distribute, reproduce or possess, and during such examination may detain any person importing, distributing or posting such postal packet, package or article, or in whose possession such postal packet, package or article is found.

Power to
examine
packages.

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

7. The detaining, opening, examination, impounding or retention by the Comptroller of Customs of any publication, postal packet, package or article prior to the commencement of this Ordinance but not before the 1st February, 1952, shall be, and is hereby declared to be, valid.

Validation
of certain
acts of the
Comptroller
of Customs.