

NEWSPAPERS ACT**Principal Act****Act. No. 1946-12***Commencement* 1.11.1946*Assent* 18.10.1946

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AN ACT TO MAKE PROVISION FOR THE REGISTRATION OF NEWSPAPERS AND FOR OTHER PURPOSES IN CONNECTION THEREWITH.

Short title.

1. This Act may be cited as the Newspapers Act.

Interpretation.

2. In this Act, unless the context otherwise requires,—

“newspaper” means any paper containing public news, intelligence or occurrences or any remarks or observations thereon or upon any political matter, published for sale, distribution or other purpose periodically or in parts or numbers, but does not include the Gazette or any paper, report, matter or thing published by or under the authority of the Government.

Statutory declaration required before printing or publication.

3. No person shall print or publish, or cause to be printed or published, any newspaper unless the proprietor, printer and publisher shall each have previously made and signed, and registered in the office of the Deputy Governor, a statutory declaration containing the several matters following—

- (a) the correct title or name of the newspaper;
- (b) a true description of the house or building wherein such newspaper is intended to be printed ; and
- (c) the true names and places of abode of every person who is intended to be the proprietor, printer and publisher of the newspaper.

Statutory declaration by company.

4. When a company is the proprietor, printer or publisher of a newspaper the statutory declaration required by section 3 shall be made and signed by the secretary or one of the directors of the company.

New statutory declaration when required.

5. Whenever any of the proprietors, printers or publishers named in the statutory declaration shall be changed or shall change their printing house, place of abode or office, and as often as the title of the newspapers shall be

changed, then and in every such case the proprietors, printers and publishers shall make, sign and register a new statutory declaration which shall contain all the several matters required by section 3 to be contained in the statutory declaration in that section mentioned.

Penalty for offences in relation to section 3.

6. A person who—

- (a) prints or publishes, or causes to be printed or published any newspaper in contravention of the provisions of section 3 ; or
- (b) sells, offers for sale or distributes any newspaper which he knows or has reason to believe has been printed or published in contravention of those provisions,

is guilty of an offence and is liable on summary conviction to a fine of £50.

Statutory declarations to be evidence of matters therein set forth.

7. Every statutory declaration registered as hereinbefore provided, or a copy thereof purporting to be certified under the hand of the Deputy Governor to be a true copy, shall, in all proceedings, civil or criminal, touching any newspaper which is mentioned in such statutory declaration, 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 statutory declaration as are by this Act required to be set forth against every person who shall have made and signed the statutory declaration, and shall also be received and admitted in like manner as sufficient evidence of the truth of all such matters against every person who shall be therein mentioned as being a proprietor, printer or publisher of such newspaper unless the contrary shall be satisfactorily proved:

Provided that, if any person against whom any such statutory declaration or copy thereof shall be offered in evidence shall prove that he made and signed, and registered with the Deputy Governor, previous to the day or date of publication of the newspaper to which the proceedings relate a further statutory declaration that he had ceased to be the proprietor, printer or publisher of such newspaper, that person shall not be deemed by reason of any former statutory declaration so registered to be the proprietor, printer or publisher of that newspaper after the day on which such further statutory declaration shall have been registered.

When proof of purchase of newspaper unnecessary.

8. After production in evidence of a statutory declaration required by the provisions of section 3 or section 5, or a certified copy thereof, against the

person who made and signed the statutory declaration or is therein named, and after a newspaper has been produced in evidence having the same title or name as that contained in that statutory declaration 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 and the place of printing in that statutory declaration or copy thereof, it shall not be necessary for the informant or prosecutor to prove that the newspaper to which the 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 the newspaper, or where the newspaper is usually sold.

Name and address of printer and publisher to be printed in newspaper.

9.(1) At the foot of the last page of each copy of every newspaper, and at the foot of the last page of each copy of every supplement issued therewith, there shall be printed the true name and place of abode of the printer and publisher and a true description of the place of printing of the newspaper or supplement, as the case may be.

(2) A person who prints or publishes, or causes to be printed or published, any newspaper or supplement not containing such particulars is liable on summary conviction to a fine of £50.

(3) A person who sells any newspaper or supplement not containing such particulars knowing or having reason to believe that the newspaper or supplement, as the case may be, was printed in Gibraltar is for each such sale guilty of an offence and liable on summary conviction to a fine of £5.

Delivery of copies of newspapers to Deputy Governor.

10.(1) The proprietor of every newspaper shall, upon every day upon which the newspaper is published, deliver or send by post to the Deputy Governor one copy of that newspaper and of every supplement thereto free of cost, and that copy shall be filed and kept by the Deputy Governor.

(2) The proprietor of a newspaper who fails to comply with the provisions of this section is guilty of an offence and is liable on summary conviction to a fine of £5 for each such failure.

Non-delivery after notice.

11.(1) Notwithstanding any failure to comply with the provision of section 10, and notwithstanding any proceedings taken against the proprietor of a newspaper under that section, the Deputy Governor may by notice under his hand addressed to such proprietor require him to deliver or send to him copies of every newspaper, or supplement which the proprietor shall have

failed to deliver or send, or which has not arrived at the office of the Deputy Governor.

(2) A person upon whom a notice has been served under this section who fails to comply forthwith with the requirements of the notice, is guilty of an offence and is liable on summary conviction to a fine of £10 for every day on which he shall fail so to comply.

Copies of statutory declaration to be evidence of certain facts.

12. Copies, purporting to be certified under the hand of the Deputy Governor to be true copies, of every statutory declaration registered under the provisions of this Act shall be received in evidence in all courts as sufficient proof of the making, signing and registration of such statutory declaration.

Issue of certified copies by Deputy Governor.

13. The Deputy Governor shall, upon application by any person and upon payment of the prescribed fee, issue to that person a certified copy of any statutory declaration registered under the provisions of this Act.

Service of process.

14. Service of any process in any civil or criminal proceedings or of any notice under this Act upon any proprietor, printer or publisher of a newspaper shall be good and sufficient service if it is delivered to any person at the house or building wherein that newspaper is printed, or, if there is no person in that house or building, if it is fixed to the door of that house or building.

Regulations.

15 The Governor may make regulations prescribing the fees to be paid on registration of statutory declarations and for the issue of certified copies thereof under this Act, and generally for giving effect to the purposes of this Act.