

Chapter 151.
Printers and Newspapers Act 1956.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 151.

Printers and Newspapers Act 1956.

ARRANGEMENT OF SECTIONS.

PART I – PRELIMINARY.

1. Interpretation.
2. Exemptions.

PART II – REGISTRATION OF PRINTING PRESSES.

3. Notice of press, etc.
4. Search warrant for unregistered presses.

PART III – REGISTRATION OF NEWSPAPERS.

5. Illegal publication.
6. Declarations as to publication.
7. Disclaimers by statutory declaration.
8. Register of statutory declarations, etc.
9. Names of printer, etc., to be printed in newspapers.
10. Proof of purchase of newspaper at defendant's office, etc.
11. Discovery in cases of libel in newspapers.
12. Service of legal process against printers, etc., of newspapers.
13. Recognizances by printers, etc., of newspapers.
14. Renewal of recognizances.

PART IV – OFFENCES.

15. Unregistered printing.
16. Omission of printer's name from published works.
17. Omission of employer's name, etc.
18. Unregistered newspaper.
19. Publishing newspaper without recognizance.

PART V – MISCELLANEOUS.

20. Certified copies.
21. Regulations.

INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Printers and Newspapers Act 1956,

Being an Act relating to printers and newspapers.

PART I. – PRELIMINARY.

1. INTERPRETATION.

In this Act, unless the contrary intention appears, “**newspaper**” includes a paper or pamphlet that—

- (a) contains—
 - (i) any public news, intelligence or occurrence; or
 - (ii) remarks or observations on any public news, intelligence or occurrence, or on political matter; and
- (b) is published for sale periodically, or in parts or numbers, at intervals not exceeding 26 days between the publication of two such papers, pamphlets, parts or numbers,

but does not include a document—

- (c) published in the course of his duty by a Government Printer; or
- (d) published by the authority of a Department of the Government; or
- (e) containing only matter of a commercial nature.

2. EXEMPTIONS.

This Act does not apply to—

- (a) the impression of an engraving; or

- (b) the printing by letterpress of the name, or the name and address or business or profession, of a person and of the articles in which he deals; or
- (c) a paper for the sale of land or chattels by auction or otherwise; or
- (d) a bank note, bill of exchange or promissory note; or
- (e) a bond or other security for the payment of money; or
- (f) a bill of lading, policy of insurance, letter of attorney, deed or agreement; or
- (g) a receipt for money or goods; or
- (h) a legal instrument or proceeding in a court; or
- (i) a paper printed by the authority of a Department of the Government; or
- (j) a circular or letter from a company, corporation, society or association to its directors, shareholders or members that bears the true name and address or place of business of the secretary or other officer of the company, corporation, society or association; or
- (k) a circular notice or letter that bears the true name and address of the person issuing it.

PART II. – REGISTRATION OF PRINTING PRESSES.

3. NOTICE OF PRESS, ETC.

(1) A person who owns, uses or has a printing press or types for printing shall, as prescribed, give the Registrar-General the notice in the prescribed form and containing the prescribed particulars.

(2) Where a change is at any time made in the particulars prescribed under Subsection (1), or when directed in writing by the Registrar-General, the person owning, using or having a printing press or types for printing shall cause a fresh notice to be given to the Registrar-General under that subsection.

(3) The Registrar-General shall–

- (a) file all notices received under this section; and
- (b) give the person concerned a certificate in the prescribed form.

4. SEARCH WARRANT FOR UNREGISTERED PRESSES.

(1) If, from information on oath, a justice has reason to suspect that a printing press or types for printing is or are used or kept for use–

- (a) without a notice being given or a certificate being obtained as required by this Act; or
- (b) in a house or place that is not included in a notice or certificate referred to in Paragraph (a),

he may by his warrant direct a commissioned officer of the Police Force, with his assistants (if any), to enter in the daytime into the house or place and search for a printing press or types for printing.

(2) A commissioned officer of the Police Force directed under Subsection (1) and his assistants may–

- (a) enter into the house or place in the daytime; and
- (b) seize–
 - (i) every printing press found in the house or place; and
 - (ii) all the types and other articles belonging to the printing press or printing presses; and
 - (iii) all printed papers found in the house or place,

and take them before the nearest District Court.

(3) After such notice (if any) and to such persons (if any) as it thinks proper to direct, the District Court may order that an article brought before it under Subsection (2)–

- (a) be forfeited to the State; or
- (b) be returned to the person from whom it was taken.

(4) Where criminal proceedings are pending, an order for the forfeiture or return of an article relating to the proceedings shall not be made until the proceedings are completed.

(5) An article that is forfeited shall be dealt with as directed by the Head of State, acting on advice, and pending a direction may be detained in such custody as the District Court directs.

PART III. – REGISTRATION OF NEWSPAPERS.

5. ILLEGAL PUBLICATION.

A person shall not print or publish a newspaper, without statutory declarations having been registered and recognizances entered into as required by this Part.

6. DECLARATIONS AS TO PUBLICATION.

(1) Where—

- (a) a person desires to publish a newspaper; or
- (b) a change is made in the particulars of a newspaper already registered, that are required by this Part to be stated; or
- (c) on a written direction from the Registrar-General,

the publisher of the newspaper must deposit with the Registrar-General a statutory declaration in the prescribed form made and signed by the proprietors, and by the person intended to be the printer and publisher, respectively, of the newspaper.

(2) Where a company is the proprietor of a newspaper, the statutory declaration must—

- (a) be in the prescribed form and be made and signed by—
 - (i) the secretary, manager or managing director; and
 - (ii) the chairman of directors of the company; and
- (b) state the name of some natural person as printer and publisher of the newspaper.

(3) In all civil or criminal proceedings concerning a newspaper or anything in a newspaper, a statutory declaration made under this section is conclusive evidence, as against every person signing it, of the truth of the statements in it.

7. DISCLAIMERS BY STATUTORY DECLARATION.

If a person who has made a statutory declaration under Section 6 deposits with the Registrar-General a statutory declaration declaring that he is no longer connected with the newspaper in the capacity stated in the first-mentioned declaration, he shall not, from the date on which he deposits the statutory declaration, be taken by reason of the first-mentioned statutory declaration only, to be connected with the newspaper.

8. REGISTER OF STATUTORY DECLARATIONS, ETC.

(1) The Registrar-General shall cause all statutory declarations and recognizances deposited with him under this Act to be registered.

(2) The register shall at all reasonable times be open, without charge, to public inspection.

9. NAMES OF PRINTER, ETC., TO BE PRINTED IN NEWSPAPERS.

A newspaper must contain printed in some convenient part—

- (a) the current name, occupation and place of abode of its printer and its publisher; and
- (b) a true description of the place where the newspaper is printed.

10. PROOF OF PURCHASE OF NEWSPAPER AT DEFENDANT'S OFFICE, ETC.

If in any civil or criminal proceedings concerning a newspaper, or anything in newspaper, against a person who has made a statutory declaration under Section 6—

- (a) the statutory declaration, or a certified copy of it, is produced in evidence; and
- (b) a newspaper is produced—
 - (i) that is intituled in the same manner as the newspaper referred to in the statutory declaration or copy; and
 - (ii) in which the names of the printers and publishers and the place of printing are the same as the names of the printers and publishers and the place of printing referred to in the statutory declaration or copy,

it is not necessary to prove that the newspaper to which the proceedings relate was purchased at a house, shop or office—

- (c) belonging to or occupied by the defendant or his servants; or
- (d) where he or they severally carry on the business of printing and publishing; or
- (e) where the newspaper is sold.

11. DISCOVERY IN CASES OF LIBEL IN NEWSPAPERS.

(1) Where a person commences proceedings in the National Court for the discovery of—

- (a) the name of a person concerned in the property of or in a newspaper as printer, publisher or otherwise; or
- (b) matter relating to the printing or publishing of a newspaper,

in order to enable him the more effectually to bring or carry on proceedings for damages alleged by him to have been sustained by reason of libellous matter concerning him contained in the newspaper, the defendant—

- (c) shall not be permitted to plead or demur to the claim; and

(d) is compellable to make the discovery required.

(2) The discovery referred to in Subsection (1) shall not be used for any purpose in proceedings other than proceedings in aid of which the discovery is made.

12. SERVICE OF LEGAL PROCESS AGAINST PRINTERS, ETC., OF NEWSPAPERS.

In order to enforce an appearance in any civil or criminal proceedings against a printer, publisher or proprietor of a newspaper, the service, at the house or place referred to in the statutory declaration deposited under Section 6 as the house or place at which the newspaper is intended to be printed, of a writ, pleading, notice, summons, subpoena, rule, order or other proceedings is good and sufficient service against the person named in the statutory declaration as—

- (a) the proprietor; or
- (b) the printer; or
- (c) the publisher,

of the newspaper.

13. RECOGNIZANCES BY PRINTERS, ETC., OF NEWSPAPERS.

(1) Subject to Subsection (4), before the publication of a newspaper the printer and the publisher of the newspaper shall enter into a recognizance before and to the satisfaction of one of the persons referred to in Subsection (2) in the sum of K1,000.00, with two sufficient sureties in the same sum in the whole, conditioned that the printer or publisher pay—

- (a) any fine or penalty afterwards inflicted on him on a conviction; and
- (b) any damages and costs afterwards recovered against him,

for printing or publishing a libel in the newspaper at any time after the date of the recognizance.

(2) A recognizance entered into under Subsection (1) may be taken before one of the following persons:—

- (a) a Judge; or
- (b) the Provincial Administrator of the province in which the newspaper is intended to be printed and published; or
- (c) a person appointed by the Head of State, acting on advice, for the purpose.

(3) The person before whom a recognizance is entered into shall transmit it without delay to the Registrar-General.

(4) A Judge may at any time dispense with one or both of the sureties required by Subsection (1), on such terms and conditions and for such period as he thinks proper.

(5) If a surety who desires to withdraw from his recognizance gives written notice of his desire to the Registrar-General and to the person for whom he is surety, he is not, after 20 days from the day on which the last of the notices was served, liable on the recognizance, except in respect of any penalty incurred before that day and for which he would otherwise have been liable.

14. RENEWAL OF RECOGNIZANCES.

Subject to Section 13(4), where a surety—

- (a) becomes insolvent and the Registrar-General, by a written notice, requires the person for whom the insolvent is surety to renew his recognizance; or
- (b) withdraws from his recognizance,

the person for whom the surety has been bound must not print or publish a newspaper until he enters into a new recognizance with sufficient sureties in the same manner and in the same amount as in the case of his original recognizance.

PART IV. – OFFENCES.

15. UNREGISTERED PRINTING.

A person who—

- (a) keeps or uses a printing press or types for printing without having delivered the notice and received the certificate provided for by Section 3; or
- (b) after the delivery and receipt uses a printing press or type for printing in a house or place other than the house or place referred to in the notice,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

16. OMISSION OF PRINTER'S NAME FROM PUBLISHED WORKS.

(1) A person who prints a paper or book for publication or dispersion, whether gratuitously or for money, must print his name and place of abode in legible characters—

- (a) on the front if it contains only one leaf; and
- (b) on the first and the last leaves if it contains more than one leaf.

Penalty: A fine not exceeding K200.00.

(2) A person who publishes or disperses or assists in publishing or dispersing, whether gratuitously or for money, a paper or book in which the name and place of abode of the printer of the paper or book is not printed as required by Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(3) A person who—

- (a) sells or offers for sale; or
- (b) gratuitously delivers or offers so to deliver; or
- (c) leaves in any public place; or
- (d) otherwise exposes to public view,

a printed paper or book on which the name and place of abode of the printer is not printed as required by Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K100.00.

17. OMISSION OF EMPLOYER'S NAME, ETC.

A person who prints a paper or book for or in the expectation of hire, gain or profit and who—

- (a) neglects to write or print on a copy of the paper or book the name and the place of abode of the person by whom he has been employed to print the paper or book; or
- (b) neglects to keep the copy for a period of six months after the printing of the paper or book; or
- (c) refuses or neglects to produce and show the copy to a justice who, within that period of six months, requires to see the copy,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

18. UNREGISTERED NEWSPAPER.

(1) A person who—

- (a) wilfully—
 - (i) sells or delivers; or
 - (ii) prints or publishes,

a newspaper in respect of which the statutory declaration required by Section 6 has not been deposited either originally or as often as this Act requires; or

- (b) wilfully prints or publishes a newspaper without causing the particulars required to be printed by Section 9 to be printed in the newspaper,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(2) In any proceeding against the printer or publisher of a newspaper for an offence against Subsection (1)(b), the omission of the particulars or of a part of the particulars referred to in Section 9 is, *prima facie* evidence of wilful default.

19. PUBLISHING NEWSPAPER WITHOUT RECOGNIZANCE.

A person who wilfully prints or publishes a newspaper without having entered originally or by way of renewal into the recognizance required by this Act is guilty of an offence.

Penalty: A fine not exceeding K200.00.

PART V. – MISCELLANEOUS.

20. CERTIFIED COPIES.

All copies of declarations and other instruments required to be certified for the purposes of this Act may be certified under the hand of the Registrar-General.

21. REGULATIONS.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing the forms to be used and the fees to be paid for any matter or thing under this Act.

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