

LAWS OF DOMINICA

**SEDITIONOUS AND UNDESIRABLE
PUBLICATIONS ACT**

CHAPTER 10:03

**Act
16 of 1968**

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**Note
on
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

CHAPTER 10:03

**SEDITIONOUS AND UNDESIRABLE
PUBLICATIONS ACTS**

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CHAPTER 10:03

SEDITIONOUS AND UNDESIRABLE
PUBLICATIONS ACT

16 of 1968. **AN ACT to provide for the punishment of seditious acts and seditious libel, to facilitate the suppression of seditious and undesirable publications, and to provide for the temporary suspension of newspapers containing seditious or undesirable matter.**

Commencement. [1st July 1968]

Short title. 1. This Act may be cited as the –
SEDITIONOUS AND UNDESIRABLE
PUBLICATIONS ACT.

Interpretation. 2. In this Act –

S.I. 1967,
No.223,
S.I. 1978,
No.1027.
“Court” means the Eastern Caribbean Supreme Court established by the Supreme Court Order as modified by the Commonwealth of Dominica Constitution Order or a Judge of the High Court as the case may be;

“newspaper” means a periodical publication containing any public news or comments thereon or any discussion of political matters;

“Minister” means the Minister responsible for Home Affairs;

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

“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 or extract from any publication;

“seditious publication” includes every publication, whether periodical or otherwise, appearing to have a seditious intention.

3. (1) For the purposes of this Act, an intention to effect any of the following purposes is a seditious intention:

Meaning of
seditious
intention.

- (a) to bring the State into hatred or contempt or to excite disloyalty to the State;
- (b) by means of any false statement or wilful misrepresentation of facts or of the motives or intentions of the Government or any officer or Minister of the Government, to excite dislike of or discontent with the Government or Constitution as by law established, of this State, or of any Commonwealth country, or the House of Assembly or the Cabinet of this State, or the administration of justice;
- (c) to excite any person or class of persons to attempt to procure the alteration of any law or any matter in the State by law established, otherwise than by lawful means;
- (d) to incite any person or class of persons to commit unlawful violence or any crime in disturbance of the peace or any misdemeanour or felony;
- (e) by means of any false statement or wilful misrepresentation of facts or of the motives or intentions of any person to create discontent amongst any of the citizens of the State;
- (f) by means of any false statement or wilful misrepresentation of facts or of the motives or intentions of any person to promote feelings of ill-will or hostility between different classes or races of the citizens of the State;
- (g) to advocate, teach, or defend the duty, necessity or propriety of the unlawful assaulting or killing of any officer of organised government or of the unlawful destruction of property;
- (h) to advocate, teach, or defend the use without legal authority of force, violence, terrorism, or physical injury to person or property, or threats of such injury, as a means of accomplishing any governmental, industrial or economic change;
- (i) to seduce any member of any naval or military forces of

the State or of the police from his allegiance to the State or his duty; or

- (j) to induce any public officer by threat of bodily injury to omit or delay to do a lawful act which it is his duty to do or to do an unlawful act.

(2) But an act, speech, or publication is not seditious by reason only that it intends to show that the President, or this or any Government has been misled or mistaken in his or their measures, or to point out errors or defects in the Government or Constitution of the State as by law established, or in legislation or in the administration of justice with a view to their reformation, or to persuade the citizens of the State to attempt by lawful means the alteration of any matter in the State as by law established, or to point out, with a view to their removal by lawful means, matters which are producing or have a tendency to produce, feelings of hatred and ill-will between different classes or races of the citizens of the State.

Determination of
intention.

4. In determining whether the intention with which any act was done, any words were spoken, or any publication was issued, was or was not seditious, every person must be deemed to intend the consequences which would naturally follow from his conduct at the time and under the circumstances in which he so conducted himself.

PUNISHMENT FOR SEDITIOUS ACTS AND SEDITIOUS LIBEL

Punishment for
seditious acts and
libels.

5. (1) Whoever does or attempts to do or conspires with any person to do any act with a seditious intention, and whoever utters any words having a seditious intention shall, on conviction on indictment, be liable to a fine of ten thousand dollars and to imprisonment for six months.

(2) Whoever publishes, sells, offers for sale, distributes or, with a view to its being published, prints, writes, composes, makes, produces, imports or has in his possession, power or control any seditious publication shall on conviction on indictment be liable to a fine of ten thousand dollars and to imprisonment for six months.

(3) A person shall not be convicted under this section for selling, offering for sale, distributing, importing or having in his possession, power or control, a seditious publication if he proves that

he did not know and had no reason to suspect that the publication was seditious, and that on ascertaining that it was seditious, he forthwith delivered the publication to a police officer.

**POWER TO PROHIBIT IMPORTATION OR ISSUE
OF PUBLICATIONS**

6. (1) The Minister may, whenever it is reasonably required to do so for the purposes of defence, public safety, public order or public morality, or for the protection of the reputations, rights and freedoms of persons, or to prevent the dissemination of false statements and wilful misrepresentations of facts which are prejudicial to the public interest, by Order or by notice served on the editor or publisher or proprietor of any newspaper, prohibit the importation or the issue in the State of any such publication; and in case of a periodical publication may by the same or subsequent Order prohibit the importation or issue of any past or future copies thereof.

Power to prohibit
importation or
issue of
publications.

(2) Any Order or notice under this section may from time to time be varied or revoked by an Order or notice made in like manner.

(3) An Order or notice under this section which applies to future issues of a periodical publication shall remain in force for three months or such shorter time as may be prescribed in the Order or notice, but may be renewed by an Order or notice made under this section; but when such an Order or notice has expired or has been revoked, the importation or issue of the publication, which while the Order or notice remained in force was prohibited, shall continue to be prohibited by virtue of that Order or notice unless the Minister by an Order or notice issued in like manner shall otherwise direct.

(4) If any person imports, prints, publishes, copies, reproduces, or has in his possession, power or control, any publication of which the importation or issue is for the time being prohibited by an Order or notice issued under this section, he shall be guilty of an offence, and the publication shall in addition be forfeited to the State.

(5) A person shall not be convicted under this section if –

(a) a publication of which the importation or issue is for the time being prohibited by an Order or notice made under this section is in his possession when the Order or notice takes effect, or is sent to him without his knowledge or privity or in the execution of an Order or notice

given before the Order or notice under this section takes effect and as soon as reasonably possible he delivers the publication to a police officer; or

- (b) he has in his possession, power or control, a publication of which the importation or issue is for the time being prohibited by an Order or notice under this section without knowing or having reason to suspect the nature of the publication and on ascertaining that it is a publication of which the importation or issue is for the time being prohibited by an Order or notice under this section, he forthwith delivers the publication to a police officer.

(6) The Postmaster or any public officer authorised in that behalf by the Minister may detain any postal packet suspected to contain a publication the importation or issue of which is for the time being prohibited, and may open and examine the packet, and any such publication found on such examination shall be forfeited and may be destroyed or otherwise disposed of as the Minister may direct.

SUSPENSION OF NEWSPAPERS CONTAINING SEDITIONOUS MATTER

Suspension of
newspapers
publishing
seditious matter.

7. (1) Whenever on the information of the Attorney General it is shown to the satisfaction of the Court that a newspaper published in the State habitually contains matter having a seditious intention or habitually contains matter, whether amounting to a seditious libel or not, which either taken by itself or when read in conjunction with other matter contained in the same or any previous or subsequent issue of the newspaper, appears to have the object of inciting any person or class of persons to use unlawful violence or of promoting feelings of hostility between different classes of the community, the Court shall, and whenever any person is convicted of publishing a seditious libel in any newspaper, the Court may, if it thinks fit, either in lieu of or in addition to any other punishment, make an order prohibiting for a period not exceeding one year from the date of the order the future publication of that newspaper and prohibiting for a period not exceeding one year the publisher, proprietor, and editor of that newspaper from publishing, editing or writing for any newspaper, or from assisting, whether with money or money's worth, material, or personal service or otherwise, in

the publication, editing or production of any newspaper, and also ordering every printing press used in the production of the newspaper to be seized by the police and detained by them for a period not exceeding one year.

(2) Any person who contravenes an order made under this section is guilty of an offence.

(3) Nothing in this Act shall affect the power of the Court to punish any person contravening an order made under this section for contempt of court, but so that a person shall not be punished twice for the same offence.

(4) Any person aggrieved by an order made under this section may appeal from the same to the Court of Appeal.

Right of appeal
to Court of
Appeal.

POWER TO PROHIBIT CIRCULATION OF SEDITIONOUS PUBLICATION

8. (1) Whenever on the application of the Attorney General it is shown to the satisfaction of the Court that the issue or circulation of a seditious publication is likely, or if commenced or continued would be likely, to lead to unlawful violence or appears to have the object of promoting feelings of hostility between different classes of the community, the Court shall make an order (in this Act called a "prohibition order") prohibiting the issue and circulation of that publication (in this Act called a "prohibited publication") and requiring every person having any copy of the prohibited publication in his possession, power or control, forthwith to deliver every such copy into the custody of the police.

Power of Court
to prohibit
circulation of
seditious
publications.

(2) An order under this section may unless the Court otherwise directs be made *ex parte* on the application of the Attorney General to a Judge in Chambers.

(3) It shall be sufficient if the orders so describes the prohibited publication that it can be identified by a reasonable person who compares the prohibited publication with the description in the prohibition order.

(4) It shall be the duty of every person on whom a copy of a prohibition order is served by any police officer forthwith to deliver to that officer every prohibited publication in his possession, power or control, and if he fails to do so he is guilty of an offence.

(5) If a copy of a prohibition order is published in the *Gazette* or a local newspaper, it shall be the duty of every person having the prohibited publication in his possession, power or control, to deliver every such publication to the nearest police station within seven days after the date of the *Gazette* or local newspaper in which the prohibition order is first published, and if he fails to do so he is guilty of an offence.

(6) The Court may, if it thinks fit, either before or after or without service of the prohibition order on any person or publication of the prohibition order in the *Gazette* or local newspaper, issue a warrant authorising any police officer not below the rank of sergeant and his assistants to break, enter and search either by day or night, any building or place specified in the order, and any enclosure, room, box, receptacle or thing in the building or place, and to seize and carry away every prohibited publication there found, and to use such force as may be necessary for the purpose.

(7) A copy of the prohibition order and of the search warrant shall be left in a conspicuous position at every building or place so entered.

(8) The owner of any prohibited publication delivered or seized under this Act may at any time within fourteen days after the delivery or seizure petition the Court for the discharge of the prohibition order, and the Court, if on the hearing of the petition decides that the prohibition order ought not to have been made, shall discharge the order and shall order the prohibited publication delivered by or seized from the petitioner to be returned to him.

(9) Every prohibited publication delivered or seized under this section with respect to which a petition is not filed within the time mentioned above or which is not ordered to be returned to the owner shall be taken as forfeited and shall be dealt with in such manner as the Minister may direct.

Power to grant
search warrants.

9. If a Magistrate is satisfied by information on oath that there is reasonable cause to believe that any prohibited publication or any publication in respect of which any conviction under this Act has been recorded is in any place, he may grant a warrant authorising any police officer not below the rank of sergeant to search that place and to seize and detain any such publication found therein.

Obstruction, etc.

10. Any person who hinders or obstructs any other person acting in the execution of his duty under this Act is liable on summary conviction to a fine of three thousand dollars and to imprisonment for six months.

11. (1) No prosecution for an offence under this Act shall be begun except within six months after the offence is committed. Fiat of Attorney General.

(2) A person shall not be prosecuted for an offence under this Act without the written consent of the Attorney General.

**PROCEDURE AND PUNISHMENT NOT
OTHERWISE SPECIFIED**

12. (1) Unless otherwise provided every person guilty of an offence against this Act shall, on summary conviction, be liable for a first offence to a fine of three thousand dollars and to imprisonment for three months, and for a second or subsequent offence to a fine of five thousand dollars or to imprisonment for six months, but a person shall not be punished twice for the same offence. Punishment for offences.

(2) Nothing in this Act shall prevent a prosecution under the common law or under any law or statute, but a person shall not be punished twice for the same offence. Saving of other powers.
