

Seychelles

Newspaper Act

Act 20 of 1935

Legislation as at 30 June 2012

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Newspaper Act
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Newspaper Act

Act 20 of 1935

Commenced on 15 November 1935

[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]

[Act 20 of 1935; Act [4 of 1956](#); Act [3 of 1959](#); SI. 95 of 1975; SI. 72 of 1976; Act [23 of 1976](#)]

1. Short title

This Act may be cited as the Newspaper Act.

2. Interpretation

In this Act—

"**newspaper**" means any paper containing public news, intelligence, reports of occurrences, or any remarks, observations or comments in relation to such news, intelligence or occurrences, or to any other matter of public interest, printed in any language and published in Seychelles for sale or free distribution at regular or irregular intervals; but does not include any newspaper published by or under the authority of the Government of Seychelles, or any paper containing only lists of prices current, or intelligence as to state of the market, or accounts of the arrival, sailing, or other circumstances relating to merchant ships or vessels or advertisements of a commercial or like nature.

3. Affidavit required from the proprietor, printer, publisher and editor of newspaper and bond may be required from publisher

As from the commencement of this Act, no person shall print or publish or cause to be printed or published any newspaper unless the proprietor, printer, publisher and editor shall each have previously made, signed and sworn before a judge and registered at the Ministry an affidavit containing the several matters and things 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 real and true names and places of abode of the persons intended to be the proprietor, printer, publisher and editor of the newspaper;

or unless the publisher, if so required by the Minister by notice served upon him, shall have given and executed and registered at the Ministry a bond in the form in the schedule in a sum not exceeding two thousand rupees with one or more sureties as may be required and approved by the Attorney General. A guarantee by a bank or an assurance company may be accepted in lieu of such bond.

4. Affidavit and bond by company

When a company is the proprietor, printer or publisher of a newspaper the affidavit required by [section 3](#) shall be made, signed and sworn by the secretary or one of the directors of the company, and the bond if required shall be given and executed by such company under its title of incorporation and under the hand of the secretary and any two directors and under the common or corporate seal of such company, and by such sureties as the Attorney General may require and approve.

5. New affidavit, when required

Whenever any proprietor, printer, publisher or editor named in such affidavit shall be changed or shall change his printing house, place of abode or office and as often as the title of the newspaper shall be changed, then and in every such case the proprietor, printer, publisher and editor shall make, sign, swear and register as aforesaid a new affidavit which shall contain all the several matters and things required by [section 3](#) to be contained in the affidavit in such section mentioned.

6. Execution of bond

Every bond required by this Act shall be executed in the presence of a Justice of the Peace, and of one witness at least not being a party thereto, and the Justice of the Peace and such witness shall each of them subscribe his name, with the addition of his place of abode or business, and his profession, occupation, or condition in life.

7. New bond in certain cases

When any surety under any bond required by this Act—

- (a) shall have paid the whole or any part of the sum for which such surety shall have become bound; or
- (b) shall die; or
- (c) shall have been declared bankrupt or shall have been discharged under any law of bankruptcy for the time being in force in Seychelles; or
- (d) shall have left Seychelles without leaving sufficient property therein to satisfy any sum for which he shall have become bound; or
- (e) shall have withdrawn from such surety ship in manner hereinafter provided, the newspaper in relation to which such bond shall have been given shall not be printed or published for more than thirty days unless a new bond shall have been given, executed and registered to the amount and in the manner hereinbefore provided.

8. Withdrawal of surety

If any surety shall be desirous of withdrawing from a bond given under this Act and being discharged from his suretyship thereunder, he shall be entitled so to withdraw and be discharged at the expiration of twenty days after service of a notice in writing of such withdrawal on the Secretary to the Ministry and on the publisher for whom such surety shall have become bound:

Provided that notwithstanding any such discharge such surety shall continue to be liable in respect of all penalties incurred by, and all damages and costs adjudged against, any such publisher in respect of any proceedings commenced before the date of such discharge.

9. Penalty for publishing, etc., newspaper in contravention of [section 3](#) or [7](#) knowingly selling such newspaper

Any person who—

- (a) shall print or publish or cause to be printed or published any newspaper in contravention of [section 3](#) or [section 7](#); or
- (b) shall sell or freely distribute any newspaper which he knows or has reason to believe has been printed and published in contravention of [section 3](#) or [section 7](#),

shall be liable to a fine not exceeding one thousand rupees.

10. Copies of affidavit, evidence

Every affidavit registered as hereinbefore provided, or copies thereof, certified to be true copies as hereinafter mentioned, shall in all proceedings, civil and criminal, touching any newspaper which is mentioned in any such affidavit, 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 affidavit as are hereby required to be set forth against every person who shall have signed and sworn such affidavit, 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 to be a proprietor, printer, publisher or editor of such newspaper unless the contrary shall be satisfactorily proved:

Provided that, if any person against whom any such affidavit, or any copy thereof, shall be offered in evidence, shall prove that he signed, swore and registered with the Secretary to the Ministry previous to the day or date of publication of the newspaper to which the proceedings shall relate, an affidavit that he had ceased to be the proprietor, printer, publisher or editor of such newspaper, such person shall not be deemed by reason of any former affidavit so registered as aforesaid to be the proprietor, printer, publisher or editor of such newspaper after the day on which such last mentioned affidavit shall have been registered as aforesaid.

11. When proof of purchase of newspaper unnecessary

After production in evidence of any such affidavit, or a certified copy thereof, against the person who signed and made such affidavit, or is therein named, and after the newspaper has been produced in evidence having the same title or name as that contained in such affidavit, 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 mentioned in such affidavit or copy thereof, it shall not be necessary for the informant or prosecutor to prove that the newspaper to which such 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 such newspaper, or where the same is usually sold.

12. Name and address of printer, etc., to be printed on newspaper

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, there shall be added and printed the true and real name and place of abode of the printer and publisher and the editor and the true and real description of the place of printing and of publication of every such newspaper and supplement.

Any person who shall print or publish or shall cause to be printed or published any newspaper not containing the particulars aforesaid shall for every such publication be liable to a fine not exceeding one thousand rupees and any person who shall sell or freely distribute any newspaper not containing the particulars aforesaid knowing or having reason to believe that such newspaper has been printed in Seychelles shall for each sale be liable to a fine not exceeding one thousand rupees.

13. Delivery of signed copies

The printer and publisher of every newspaper shall, upon every day upon which such newspaper shall be published, deliver or send by post to the Secretary of the Ministry direct and free of expense to Government two copies of every paper so published, and of every supplement thereto and one copy shall be filed and kept by the Secretary of the Ministry.

Penalty: A fine not exceeding two thousand rupees for each failure by a printer and publisher.

14. Non-delivery after notice

If any printer or publisher shall fail to deliver or send such paper as required by [section 13](#) and notwithstanding any proceedings taken against any printer or publisher by reason of such failure as

aforesaid the Secretary to the Ministry may by notice under this hand addressed to the printer or publisher require him to deliver or send to him copies of every newspaper which such person shall have failed to deliver or send, or which have not arrived at the office of the Secretary.

If any person liable to deliver or send as aforesaid shall fail forthwith to deliver or send the copies of such newspaper as he may in such notice have been required to deliver, he shall be liable to a fine not exceeding one thousand rupees for every day on which he shall fail to comply with such notice.

15. Copies of affidavit and of bond to be evidence

Certified copies of every affidavit and bond under this Act shall be received in all courts as sufficient proof —

- (a) of the making, signing, swearing and registration of such affidavit; and
- (b) of the giving and execution of such bond.

16. Secretary to the Ministry to deliver copies

The Secretary to the Ministry upon application shall application shall deliver to any person who may require it a copy certified under his hand of any such affidavit or bond registered under the provisions of this Act.

17. Proceedings on bond

If the condition of a bond given under this Act shall not have been fulfilled, the Attorney general, or any officer authorised by him on that behalf, may put the bond in suit as against all or any of the persons who shall have executed the same.

The amount recovered in any such suit shall be paid into general revenue, except that the Attorney General may, when the bond has been put in suit by reason of the non-payment of damages and costs to a plaintiff, first deduct and pay to the person entitled thereto the amount of such costs and damages.

Proceedings on any such bond shall not prevent any other proceedings being taken to enforce the payment of the balance of any penalties, damages or costs, when the amount of such penalties, damages or costs exceeds the amount recovered on such bond.

18. Service of process

Service of process or notice under this Act upon any proprietor, printer, publisher or editor of a newspaper shall be good, valid and effectual if it is delivered to any person at the house or building wherein such newspaper is printed, or, if there is no person in such house or building, if it is fixed to the door of such house or building.

19. Publication of official communications

- (1) The editor of a newspaper shall publish free of charge and textually in the first issue of the newspaper after receipt thereof all official communications sent to him for publication by or on behalf of the President.
- (2) For the purpose of this section "official communication" shall mean any communication of which the publication is, in the opinion of the President, necessary in the public interest and which shall be so certified under his hand.

20. Penalty for failure to publish official communication

The editor to a newspaper who fails to publish any official communication which he is required to publish under [section 19](#) shall be liable on conviction to a fine not exceeding five hundred rupees.

21. Suspension of newspaper by a court

- (1) Whenever any person is convicted of printing or publishing or causing or permitting to be printed or published in any newspaper any seditious or other libel, the court before whom such person is tried may, if it thinks fit, either in lieu of or in addition to any other punishment, make orders as to all or any of the following matters, that is to say:—
 - (a) prohibiting either absolutely or except on conditions to be specified in the order, for such period not exceeding three years as is mentioned in the order, the future publication of the newspaper;
 - (b) prohibiting either absolutely or except on conditions to be specified in the order, for such period not exceeding three years as is mentioned in the order, the proprietor or editor 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;
 - (c) that for the period aforesaid any printing press used in the production of the newspaper be used only on conditions to be specified in the order or that it be seized by the police and closed by them for the period aforesaid;
 - (d) that a copy of such conviction as aforesaid shall at the expense of the person so convicted be published in such newspapers, if the publication thereof has not been prohibited hereunder, and in such other newspaper as specified in the order.
- (2) The court may, under subsection (1), impose as a condition the increase of the amount of the bond required by [section 3](#) to an amount not exceeding five thousand rupees.
- (3) If any person contravenes an order made under this section, he shall be guilty of an offence and on conviction thereof shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand rupees or to both such penalties.
- (4) 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.

22. Power to make regulations

The Ministry may make regulations prescribing the fee to be paid on the registration of affidavits and bonds and for certified copies of affidavits and bonds registered under this Act, and generally to give effect to the purposes of this Act.

Schedule (Section 3)

Form of bond to be given by the publisher of a newspaper

Know all men by these presents that we _____ hereby bind ourselves jointly and severally to the Government in the sum of _____ rupees.

Dated this ____ day of ____ 19.

Now the condition of this obligation is such, that if the above-named (publisher) shall pay every penalty which may be imposed on him under the Newspaper Act, and also pay every penalty which may be imposed on him under any other law by reason of the publication of any matter or thing published in the aforesaid newspaper, and shall also pay all damages and costs which may be awarded to the plaintiff in any action for libel brought against him for any matter or thing published in the aforesaid newspaper, then this obligation to be void otherwise to be and remain in full force and effect.

Signed and delivered

in the presence of _____