

THE PRINTED PUBLICATIONS ACT, 1968

No. 15



of 1968

ARRANGEMENT OF SECTIONS

Section

1. Short Title
2. Interpretation
3. Appointment of Registrar
4. Register
5. Particulars to be Registered
6. Imprints on Publications Printed in Botswana
7. Copy of Publications to be retained by Printer
8. Exemptions
9. Newspapers printed outside Botswana
10. Certified copies to be evidence
11. Power to seize certain publications and to search premises
12. Regulations
13. Penalties.

AN ACT TO MAKE PROVISION FOR THE REGISTRATION OF NEWSPAPERS, FOR THE IMPOSITION OF CERTAIN DUTIES ON PRINTERS AND PUBLISHERS, AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH.

Date of Assent: 6.3.68.

Date of Commencement: 8.3.68.

ENACTED by the Parliament of Botswana.

Short Title

1. This Act may be cited as the Printed Publications Act, 1968.

Interpretation

2. In this Act unless the context otherwise requires —

“editor” shall include the person or persons actually and finally responsible for the collation or inclusion in any newspaper of the contents thereof, whether such person or persons are expressly employed for such purposes or not;

“newspaper” means any publication containing news, intelligence, reports of occurrences, or any remarks, observations or comments in relation to such news, intelligence or occurrences or to any other matters of public interest or any comments of a political nature relating to Botswana or persons or events therein, which is printed or published for sale or free distribution at regular or irregular intervals within Botswana;

“printed” means produced by any process of reproduction;

“publication” means a document which is or is intended to be published;

“published” means issued for distribution, by sale or otherwise, to the public or any section thereof;

“Register” means the Register of Newspapers established under section 4;

“Registrar” means the Registrar of Newspapers appointed under section 3.

Appointment of Registrar

3. The Minister shall by notice in the *Gazette*, appoint a public officer to be Registrar of Newspapers for the purposes of this Act.

Register

4. The Registrar shall cause to be established and maintained a Register of Newspapers wherein shall be entered every return made under the provisions of this Act.

Particulars to be Registered

5. (1) No newspaper shall be printed in Botswana and no newspaper printed in Botswana shall be published unless —
 - (a) in the case of a newspaper which has been printed or published prior to the commencement of this Act, within one month of such commencement; or
 - (b) in the case of a newspaper which has not been printed and published prior to the commencement of this Act, prior to its publication the proprietor has lodged with the Registrar a return containing the following particulars —

- (i) the title of the newspaper;
- (ii) the name and place of residence of the editor thereof;
- (iii) the name, place of business and place of residence, if any, of the proprietor thereof;
- (iv) the name, place of business and place of residence, if any, of the publisher thereof; and
- (v) the name, place of business and place of residence, if any, of the printer thereof.

(2) Whenever —

- (a) the title of any newspaper registered under this Act is changed; or
- (b) any person acquires the proprietorship or any interest in the proprietorship of any newspaper registered under this Act;
- (c) the editor, publisher or printer of any such newspaper is changed,

the proprietor of such newspaper shall lodge notice of such change or acquisition with the Registrar, who shall cause to be made such correction to the Register as may be necessary.

(3) Every return and notice mentioned in this section, except a notice in relation to the change in title of any newspaper, shall be signed by every person therein named.

(4) Any person who —

- (a) knowingly lodges or causes to be lodged with the Registrar any return or notice under the provisions of this section which is false in any material particular; or
- (b) prints or publishes any newspaper in contravention of or without complying with the provisions of this section;

shall be guilty of an offence and shall be liable on conviction to the penalties prescribed in section 13.

(5) In any proceedings in any court of justice for failure to comply with the provisions of this section the editor of any newspaper shall until and unless the contrary is proved be deemed to be the proprietor thereof.

Imprints on Publications Printed in Botswana

6. (1) Any person who within Botswana prints a publication which he knows or has reason to believe is intended to be published either in Botswana or elsewhere shall print on one page thereof in legible type —

- (i) the full and correct name of the printer and the address where the publication was printed:

Provided that the printer may in lieu of such name and address use such imprint as the Minister may approve by notice in the *Gazette* ;

- (ii) in cases where the printer is not the publisher of the publication the full and correct name of the publisher and his business address ; and
- (iii) the year of publication.

(2) Any person who prints or publishes or causes to be printed or published any publication not containing the particulars required by this section shall be guilty of an offence and shall be liable to the penalties prescribed in section 13.

(3) Where any publication has been produced in evidence in any proceedings civil or criminal before any court of justice and such publication bears an imprint in conformity with the provisions of subsection (1), the imprint shall be *prima facie* evidence as to the printer and publisher of the publication.

Copy of Publications to be retained by printer

7. (1) Every person who prints any publication of or at the request of another person for gain or reward shall keep one copy at least of every publication so printed for a period of three months and shall write or cause to be written upon every such copy the name and place of business and place of residence, if any, of the person on behalf of whom or at whose request such publication was printed.

(2) Every person to whom subsection (1) of this section applies shall on demand being made by a police officer of the rank of Inspector or above produce to such police officer for his inspection the copy of any paper or document required to be kept in accordance with the provisions of such subsection.

(3) Any person who contravenes or fails to comply with any of the provisions of subsection (1) or subsection (2) of this section shall be guilty of an offence and shall be liable on conviction to the penalties prescribed in section 13.

Exemptions

8. (1) The Minister may in his discretion by notice in the *Gazette* declare any newspaper not to be a newspaper for the purpose of this Act and thereupon the provisions of this Act relating to newspapers shall not apply to such newspaper.

(2) The Minister may in his discretion by notice in the *Gazette* exempt any person from all or any of the provisions of this Act or may declare that all or any of the provisions of this Act shall not apply to any newspaper or publication.

Newspapers printed outside Botswana

9. If the Minister —

- (a) is satisfied that any publication which if it had been printed and published within Botswana would be a newspaper for the purposes of this Act ; and

(b) is of the opinion that such publication is, by reason of its contents, intended primarily for circulation within Botswana or likely to be so circulated,

he may by notice in the *Gazette* and served by post upon the proprietor, printer and publisher of such publication, declare that such publication is a newspaper for the purposes of this Act notwithstanding that such publication is printed outside Botswana, and thereupon the provisions of this Act shall apply to such publication.

Certified copies to be evidence

10. (1) Extracts from the Register and copies of any return or notice required by the provisions of this Act to be lodged or registered, as the case may be, purporting to be certified under the hand of the Registrar, shall be admissible in evidence in any proceedings, civil or criminal in any court of justice as *prima facie* proof of the facts therein stated in regard to the names of the proprietors, editors, printers or publishers of the newspaper therein named.

(2) Where any newspaper has been produced in evidence in any proceedings, civil or criminal, before any court of justice, and the name of that newspaper is substantially the same as any newspaper registered under the provisions of this Act, the newspaper so produced shall be deemed, unless the contrary is proved, to be the newspaper so registered.

(3) The Registrar shall upon payment of such fee as may be prescribed deliver to any person who applies therefor a copy certified under his hand of any entry in the Register and of any return or notice lodged or registered under the provisions of the Act.

Power to seize certain publications and to search premises

11. (1) Any police officer of the rank of Inspector or above may seize any publication or newspaper, wherever found, which has been printed or published, or which he reasonably suspects has been printed or published, in contravention of the provisions of this Act.

(2) Any magistrate may by warrant authorise any police officer of the rank of Inspector or above, with or without assistance, to enter and search any place where it is reasonably suspected that —

(a) any publication or newspaper printed or published in contravention of the provisions of this Act is being kept; or

(b) any other offence under this Act has been, is being or is about to be committed;

and to seize any publication or newspaper found therein which he reasonably suspects has been so printed or published, together with any other evidence of the commission of an offence under the provisions of this Act which may be there found.

(3) Any publication, newspaper or other thing seized under the provisions of this section shall be brought as soon as practicable before a magistrate who may give such directions for the custody thereof pending the determination of the proceedings as he may think fit, so, however that if such publication, newspaper or other thing is not exhibited in any proceedings before a court within three months of the date of seizure it shall be returned to the person from whom it was seized.

(4) Any person who wilfully obstructs any person in the exercise of any of the powers conferred by this section shall be guilty of an offence and shall be liable on conviction to the penalties prescribed in section 13.

Regulations

12. The Minister may make regulations —

- (a) prescribing anything which in terms of this Act is to or may be prescribed;
- (b) prescribing the form of any return or notice required under the provisions of this Act;
- (c) prescribing the fees to be paid for anything to be done under this Act;
- (d) generally for the better carrying out of the provisions of this Act.

Penalties

13. A person who contravenes the provisions of this Act shall be liable to a fine not exceeding R500 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Passed by the National Assembly this day, the 17th January, 1968.

G.T. MATENGE,
Clerk of the National Assembly.