

NEWSPAPERS ORDINANCE

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SCHEDULE

5 of 1839,
48 of 1973,
5 of 1976.
18 of 1951,
25 of 1983.

AN ORDINANCE to regulate the printing and publishing of newspapers in Sri Lanka.
[Date of Commencement: *1st February, 1840*]

1. Short title.

This Ordinance may be cited as the Newspapers Ordinance.

2. No person to print or publish a newspaper until a declaration be made and delivered at the office of the Registrar of Books and Newspapers. Fresh declaration to be made in certain cases. Penalty on making false declaration.

No person shall print or publish, or shall cause to be printed or published, any newspaper in Sri Lanka until there shall have been delivered at the office of the Registrar of Books and Newspapers a written declaration substantially in the form set out in the Schedule to this Ordinance, specifying the title of the newspaper to which the same shall relate, and a true description of the house or building wherein such newspaper shall be intended to be printed and published by, for, or on behalf of the proprietor thereof, and also the true name, addition, and place of abode of every person who is intended to be a printer or to conduct the actual printing of such newspaper, and of every person who is intended to be the publisher thereof, and of every person who shall be a proprietor of such newspaper; and every such declaration shall, subject to the provisions of subsection (1) of section 8, be made before some District Judge, and signed by every person named therein, as printer,

publisher, or proprietor of the newspaper to which such declaration shall relate; and whenever and so often as any printer, publisher, or person conducting the actual printing of such newspaper named in such declaration shall be changed or shall change his place of abode and whenever and so often as any proprietor named in such declaration shall be changed or shall intend departing from Sri Lanka, declaration of such change as aforesaid, or of such intended departure from Sri Lanka shall be made before a District Court, and delivered into the office of the Registrar of Books and Newspapers, and also whenever and so often as the title of any such newspaper, or the printing office, or the place of publication thereof shall be changed; and if any person shall knowingly and willfully sign and make any such declaration, in which shall be inserted or set forth the name, addition or place of abode of any person as a proprietor, publisher, printer, or conductor of the actual printing of any newspaper to which such declaration shall relate, who shall not be a proprietor, printer, publisher, or conductor thereof, or from which shall be omitted the name, addition or place of abode of any proprietor, publisher, printer, or conductor of the actual printing of such newspaper, contrary to the true meaning of this Ordinance, or in which any matter or thing by this Ordinance required to be set forth shall be set forth otherwise than according to the truth, or from which any matter or thing required by this Ordinance to be truly set forth shall be omitted, he shall be guilty of an offence and shall, on conviction before a Magistrate, be liable to imprisonment of either description for a term not exceeding two years, or to a fine not exceeding five thousand rupees, or to both such imprisonment and fine.

[S 2 am by s 2 of Act 25 of 1983.]

3. Penalty for printing or publishing a newspaper, such declaration not having been made.

If any person shall knowingly or willfully print or publish, or shall cause to be printed or published, or shall, as a proprietor or otherwise, sell or deliver out any newspaper relating to which such declaration as aforesaid, containing such matters and things as are required by this Ordinance to be therein contained, shall not have been duly signed and made and delivered when and so often as by this Ordinance is required, or any other matter or thing required to be done or performed shall not have been accordingly done or performed, every person in any such case offending shall, on conviction thereof, forfeit for every such act done the sum of two thousand five hundred rupees for every day on which any such newspaper shall be printed or published, sold, or delivered out before or until such declaration shall be signed and made and delivered, or before or until such other matter or thing shall be done or performed, as by this Ordinance is directed.

[S 3 am by s 3 of Act 25 of 1983.]

4. Declarations to be filed and certified copies to be admitted in evidence against the persons making the same.

All such declarations as aforesaid shall be filed and kept in the office of the Registrar of Books and Newspapers in such manner as the Minister may direct for the safe custody thereof, and copies thereof, certified by the Registrar of Books and Newspapers to be true copies, shall be delivered to any person requiring the same upon payment of the sum of one rupee and fifty cents and no more; and in all proceedings, civil or criminal, and upon every occasion whatsoever touching any newspaper mentioned in any such declaration, or touching any publication, matter, or thing contained in any such newspaper, any certified copy of such declaration as aforesaid shall, on proof only of the signature of the Registrar of Books and Newspapers certifying the same, be conclusive evidence of the truth of all such matters set forth in such declarations as are hereby required to be therein set forth, and of their continuance respectively, in the same condition to the time in question,

against every person who shall have signed such declaration, unless it be proved that previous to the publication in question on such trial such person did duly sign and make a declaration that such person had ceased to be a printer, publisher, or proprietor of such newspaper, and did duly deliver the same at the office of the Registrar of Books and Newspapers, or unless it shall be proved that previous to such occasion as aforesaid a new declaration of the same or a similar nature respectively, or such as may be required by law, was duly signed and made and delivered as aforesaid respecting the same newspaper, in which the person sought to be affected on such trial did not join; and whenever a certified copy of any such declaration as aforesaid shall have been produced in evidence as aforesaid against any person having made and signed such declaration, and a newspaper shall afterwards be produced in evidence instituted in the same manner as the newspaper mentioned in such declaration is instituted, or 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 declaration, or shall purport to be the same, whether such title, name, and place printed upon such newspaper shall be set forth in the same form of words as is contained in the said declaration or in any form of words varying therefrom, it shall not be necessary for the plaintiff, informant or prosecutor in any action, prosecution, or other proceeding, to prove that the newspaper to which such action, prosecution, or other proceeding may relate was purchased of the defendant, or at any house, shop, or office belonging to or occupied by the defendant, or by his servant or workman, or where he may usually carry on the business of printing or publishing such newspaper, or where the same may be usually sold.

5. Service of legal process at the place of printing or publishing mentioned in the declaration shall be deemed sufficient.

In any suit, prosecution, or proceeding, civil or criminal, against any printer, publisher, or proprietor of any newspaper, service at the house or place mentioned in any such declaration as aforesaid as the house or place at which such newspaper is printed or published, or intended so to be, of any notice, summons, *subpoena*, rule, order, writ, or process of what nature soever either to enforce an appearance, or for any other purpose whatsoever, shall be taken to be good and sufficient service thereof respectively upon and against every person named in such declaration as the printer, publisher, or proprietor of the newspaper mentioned in such declaration.

6. Name of printer and other particulars to be printed on newspapers.

At the end of every newspaper, and of any and every supplement sheet thereto, shall be printed the Christian name, surname, and place of abode of the printer and publisher of the same, and also a true description of the house or building where the same is actually printed and published respectively, and the day of the week, month, and year on which the same is published; and if any person shall knowingly and willfully print or publish or cause to be printed or published any newspaper or supplement sheets wherein the several particulars aforesaid shall not be printed, or wherein there shall be printed any false name, addition, place, or day, or wherein there shall be printed any description of the place of printing or publishing such newspaper which shall be different in any respect from the description of the house or building mentioned in the declaration required by this Ordinance to be made relating to such newspaper as the house or building wherein such newspaper is intended to be printed or published, every such person shall on conviction thereof forfeit for any and every such offence the sum of one thousand rupees.

[S 6 am by s 4 of act 25 of 1983.]

7. Copies of newspapers shall be delivered at the office of the Registrar of Books and Newspapers.

(1) The printer or publisher of every newspaper printed in Sri Lanka shall, upon every day on which such newspaper shall be published, or on the day next following which shall not be a holiday, deliver or cause to be delivered at the office of the Registrar of Books and Newspapers one copy of every such newspaper, and of every second or other varied edition or impression thereof so printed or published, with the name and place of abode of the printer or publisher thereof signed and written thereon after the same shall be printed, by his proper hand, and in his accustomed manner of signing, or by some person appointed and authorised by him for that purpose, and of whose appointment and authority due notice in writing signed by such printer or publisher shall be given to the Registrar of Books and Newspapers; and every printer and publisher of such newspaper who shall neglect to deliver or cause to be delivered in manner herein before directed such copy or copies signed as aforesaid, shall, on conviction thereof, forfeit for every such neglect the sum of one thousand rupees during the first week of such neglect and an additional sum of two hundred rupees for every subsequent day thereafter; and in case any person shall require any such newspaper so signed and delivered to be produced in evidence in any proceeding, civil or criminal, the Registrar of Books and Newspapers shall cause such newspaper to be produced in court when required at the expense of the party applying for it, and all copies so delivered as aforesaid shall be evidence against every printer, publisher, and proprietor, of every such newspaper, in all proceedings, civil or criminal, to be commenced or carried on as well touching such newspapers as any matter or thing therein contained, and touching any other newspaper, and any matter or thing therein contained, which shall be of the same title, purport, or effect with such copy so delivered as aforesaid, although such copy may vary in some instances or particulars, either as to title, purport, or effect; and every printer, publisher, or proprietor of any copy so delivered as aforesaid shall to all intents and purposes be deemed to be the printer, publisher, or proprietor respectively of all newspapers which shall be of the same title, purport, or effect with such copies or impressions so delivered as aforesaid, notwithstanding such variance as aforesaid, unless such printer, publisher, or proprietor respectively shall prove that such newspapers were not printed or published by him, nor by nor with his knowledge or private.

[S 7 renumbered as s 7 (1) by s 2; am by s 2 of Law 5 of 1976; s 5 of Act 25 of 1983.]

(2) In addition to the signed copies of newspapers required to be furnished by the printer or publisher of every newspaper under subsection (1), such printer or publisher shall also at the same time deliver or cause to be delivered at the office of the Registrar of Books and Newspapers an additional unsigned copy of every such newspaper, and such Registrar shall, upon receipt of such unsigned copy, transmit it to the Sri Lanka National Library Services Board.

[S 7(2) ins by s 2 of Law 5 of 1976.]

8. Declarations and offences by incorporated companies and other corporations.

(1) Where the person who is required to make a declaration under this Ordinance is an incorporated company or any other corporation, an officer of that company or other corporation shall make and sign that declaration on behalf of that company or other corporation.

(2) Where an offence under this Ordinance is committed by an incorporated company or any other corporation, every person who at the time of the commission of that offence was a director, manager or secretary of that company or was an officer of that other corporation, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that that offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of that offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

9. Interpretation.

(1) Whenever in this Ordinance the word "newspaper" is used, such word shall be understood and construed to include any paper containing public news, intelligence, or occurrences printed in Sri Lanka, in whatever way or form the same may be printed or published.

(2) In this Ordinance "Registrar of Books and Newspapers" means the Director of the Department of National Archives, and includes an Assistant Director of the Department of National Archives.

[S 9(2) am by s 21 of Law 48 of 1973.]

10. Government Gazette and papers published by authority of Government exempted.

Provided always that nothing in this Ordinance contained shall extend to the *Government Gazette*, or to any Proclamation, notice, or other public paper printed and published by authority of Government, or to any papers containing only lists of prices current, or the state of the markets, or accounts of the arrival, sailing, or other circumstances relating to merchant ships or vessels, or advertisements of a commercial or like nature, or advertisements previously published in the *Government Gazette*.

11. Trial of offences and recovery of fines and forfeitures.

(1) A Magistrate shall have power to try summarily any person who commits a breach of any of the provisions of this Ordinance and to impose the full penalties prescribed by this Ordinance, anything in the provisions of the Code of Criminal Procedure Act, No. 15 of 1979 to the contrary notwithstanding.

(2) All penalties and forfeitures payable under this Ordinance may be recovered as if they were fines imposed by a Magistrate's Court.

SCHEDULE

[SECTION 2]

FORM OF DECLARATION

I,...../We,.....hereby declare as follows—

(1) The title of the newspaper to which this declaration relates is..

(2) The aforesaid newspaper is intended to be printed and published in the house or building bearing assessment number....and situated at....;

(3) The name, addition, and place of abode of every person who is intended to be a printer or to conduct the actual printing of the aforesaid newspaper are as follows—

(4) The name, addition, and place of abode of every person who is intended to be the publisher of the aforesaid newspaper are as follows—

(5) The name, addition, and place of abode of every person who shall be a proprietor of the aforesaid newspaper are as follows—

Date:.....Signature of every person named in this declaration as printer, publisher, or proprietor of the aforesaid newspaper—

This declaration was made before me,

..... District Judge of

on the.....day

of.....,20....

Signature of District Judge.