



**BERMUDA**  
**1971 : 79**

**PRINTED PUBLICATIONS ACT 1971**

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[15 July 1971]

*[preamble and words of enactment omitted]*

**PART I**  
**PRELIMINARY**

**Interpretation**

1 In this Act, unless the context otherwise requires—

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"book" includes every part or division of a book, pamphlet, newspaper or sheet of printed matter, separately published; but does not include bona fide price lists, business annual reports, trade circulars, trade advertisements or other bona fide legal or business documents;

"editor" means the person responsible for the contents of any newspaper, whether such person is expressly employed for such purpose or not;

"newspaper" includes any periodical publication containing any public news, intelligence or report of any occurrence or any remarks or observations thereon or upon any political matter, published for sale, distribution or other purpose in editions, parts or numbers at intervals not exceeding one hundred days;

"print" includes any mechanical mode of reproduction;

"printer" means the person responsible for the printing of a book or newspaper;

"publisher" means the person responsible for the initial issue of a book for sale or general distribution;

"Registrar" means the Registrar of Newspapers designated under section 2; and cognate expressions shall be construed accordingly.

### **Registrar of Newspapers**

2 (1) The Governor may from time to time by notice published in the Gazette designate any officer in the public service as Registrar of Newspapers.

*[The Registrar was so designated by GN 1971/262]*

(2) The Registrar shall discharge such functions as may be vested in him by this Act or other statutory provision.

## **PART II**

### **PROVISIONS APPLICABLE TO BOOKS GENERALLY**

#### **Publisher's imprint**

3 (1) Every book printed or published in Bermuda shall bear an imprint in legible type showing the name and surname, occupation and place of abode or business address of its printer and publisher and also a true description of the house or building wherein it is actually printed and published respectively and the year of publication, and, in the case of a newspaper, the name and place of abode or business address of the proprietor thereof.

(2) Where under subsection (1) a book is required to bear an imprint showing the name, surname and occupation of any person it shall be sufficient—

- (a) in the case of a partnership to show the name, surname and occupation of every partner (or, if there are more than five, not less than five responsible representative partners) who is not a special partner for the purposes of the Limited Partnership Act 1883 [*title 17 item 24*];
- (b) in the case of a body corporate to show its full corporate style and the place of incorporation;
- (c) in the case of an unincorporated association of persons to show the name, surname and occupation of every member for the time being of the committee of management or who is otherwise vested with the management of the association or, if there are more than five such members, not less than five responsible representative members of the committee of management or, as the case may be, of those who are otherwise vested with the management of the association.

(3) In the case of a newspaper the imprint referred to in subsection (1) shall be in some prominent place in such newspaper and in every supplement issued therewith and such supplement and such newspaper shall also contain at some place within it the day of the week and month on which it is published.

(4) Every person who prints, publishes, distributes or who causes to be printed, published or distributed, any book printed or published in Bermuda whereon the several particulars required to be printed under this section are not set forth, or are falsely set forth, commits an offence:

Punishment on summary conviction: imprisonment for 6 months or a fine of \$500 or both such imprisonment and fine.

(5) Where a person is charged with distributing or causing to be distributed any book in contravention of subsection (4) such book shall be deemed to be both printed and published in Bermuda until and unless the contrary is established.

**Evidence**

4 In any proceedings, civil or criminal, in any court, any statement in a book whether published within or outside Bermuda as to its proprietor, printer, editor or publisher and place of publication, and of the respective addresses thereof, and any statement as to the date of publication shall, on production of such book, be admissible in evidence

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and such statement shall be deemed to be true until and unless the contrary is established.

*[Section 5 amended by 1996:9 effective 1 July 2006; repealed by 2008:30 s.12 effective 21 July 2008]*

### **PART III**

#### **PROVISIONS APPLICABLE TO NEWSPAPERS**

##### **Declaration to Registrar**

6 (1) No person shall, in Bermuda, print or publish, or cause to be printed or published, any newspaper unless the proprietor, printer or publisher of such newspaper has first made a declaration to the Registrar setting forth—

- (a) the correct title or name of the newspaper; and
- (b) the true description of the house or building wherein the newspaper is intended to be printed, and also of the house or building wherein it is intended to be published; and
- (c) the true names and places of abode of every person who is intended to be the proprietor, editor, publisher or printer.

(2) Whenever any proprietor, printer, editor or publisher named in the declaration made in accordance with subsection (1) is changed or alters his name or shall change his place of abode, printing house or office, and as often as the title of the newspaper shall be changed, a new declaration shall be made by the proprietor, printer or publisher to the Registrar in the manner prescribed in subsection (1) within one week of the event giving rise to the obligation under this subsection.

(3) Where under this section a declaration is required to set forth the name of a person it shall be sufficient—

- (a) in the case of a partnership to set forth the name of every partner (or, if there are more than five, not less than five responsible representative partners) who is not a special partner for the purposes of the Limited Partnership Act 1883 [*title 17 item 24*];
- (b) in the case of a body corporate to set forth its full corporate style and the place of incorporation;
- (c) in the case of an unincorporated association of persons to set forth the name of every member for the time being of the committee of management or who is otherwise

vested with the management of the association or, if there are more than five such members, not less than five responsible representative members of the committee of management or, as the case may be, of those who are vested with the management of the association.

- (4) Any person who—
- (a) prints or publishes or causes to be printed or published any newspaper in contravention of the provisions of subsection (1) ; or
  - (b) sells, distributes or has in his possession any newspaper which he knows or has reason to believe has been printed or published in contravention of subsection (1) ; or
  - (c) knowingly makes a declaration under the provisions of this section which is false or misleading in any material particular,

commits an offence

Punishment on summary conviction: imprisonment for 12 months or a fine of \$1,000 or both such imprisonment and fine.

(5) Where no new declaration is made under the provisions of subsection (2), the proprietor, printer and publisher shall be each guilty of an offence:

Punishment on summary conviction: imprisonment for 12 months or a fine of \$1,000 or both such imprisonment and fine.

(6) It shall be a defence to any charge under subsection (5) to show that the change or alteration took place without the knowledge of the person charged or, as the case may be, that the failure to make a new declaration was not due to his wilful default.

**Register; evidence**

7 (1) The Registrar shall keep a register in which shall be entered the particulars declared to him under the provisions of section 6.

(2) The production of any extract from the register, purporting to be signed by the Registrar, in any proceedings, civil or criminal, in any court, shall be sufficient proof of the facts therein stated.

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### PART IV SUPPLEMENTARY

#### **Search warrants; seizure**

8 (1) If it appears to a magistrate or to a Justice of the Peace, on complaint made on oath by a police officer of or above the rank of Inspector, that there are reasonable grounds for suspecting that there is in any house, vessel or place—

- (a) anything with respect to which any offence under this Act has been, or is suspected, on reasonable grounds, to have been committed; or
- (b) anything as to which there are reasonable grounds for believing that it will afford evidence as to the commission of any such offence; or
- (c) anything as to which there are reasonable grounds for believing that it is intended to be used for the purpose of committing any such offence,

then the magistrate or Justice of the Peace may issue his warrant directing a police officer or police officers named or all police officers to search such house, vessel or place, and seize any such thing (and where such thing is a book, any apparatus used in the printing, collating or binding such book or preparing such book for publication) and to take it before a magistrate to be dealt with according to law.

(2) Any such warrant is to be executed by day unless the magistrate or Justice of the Peace, by the warrant, specifically authorizes it to be executed at night, in which case it may be so executed.

(3) Where any police officer acting under the authority of a warrant finds any book, in relation to which he has reasonable grounds for believing an offence under this Act has been committed, he may seize such book, and any apparatus used in printing, collating or binding such book or preparing such book for publication and may take such property before a magistrate to be dealt with according to law.

(4) A magistrate may, where he is satisfied that an offence under this Act has been committed by the printer or publisher in relation to any book and that the printing, publication, sale, distribution or possession of such book constitutes or would constitute an offence against any other provision of law, whether or not any person has been found guilty of such offences, direct that such book and any apparatus used in printing, collating or binding such book or preparing such book for publication, shall be forfeited to the Crown, and if he does so direct, then such book and such apparatus shall be so forfeited.

(5) Before giving a direction pursuant to subsection (4) the magistrate shall give to any person appearing to the magistrate to have an interest in the book or apparatus an opportunity to be heard.

(6) A person aggrieved by a direction of a magistrate made under subsection (4) may appeal to the Supreme Court and, where the direction is made otherwise than in the course of criminal proceedings, the direction shall be deemed to be an order of a court of summary jurisdiction for the purposes of the Civil Appeals Act 1971 [*title 8 item 85*].

**Offences by bodies corporate**

9 Where any body corporate is guilty of an offence against this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who is purporting to act in any such capacity, he, as well as the body corporate, commits that offence and shall be liable to be proceeded against and punished accordingly.

**Consent of Director of Public Prosecutions**

10 A person shall not be prosecuted for an offence under this Act without the written consent of the Director of Public Prosecutions.

*[Section 10 amended by 1999:8 s.2 & Sch 1 effective 1 April 1999]*

**Crown and Government**

11 This Act shall not bind the Crown nor shall this Act apply in relation to any book printed or published by the Government.

**Books printed and published abroad**

12 Nothing in this Act shall apply to any book printed and published outside Bermuda.

**Repeal**

13 *[omitted]*

**Commencement**

14 *[omitted]*

*[This Act was brought into operation on 1 September 1971 by SR&O 1971/51]*

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[Amended by:

1996 : 9

1999 : 8

2008 : 30]