

*UNDESIRABLE PUBLICATIONS (PROHIBITION
OF IMPORTATION)*

1

THE UNDESIRABLE PUBLICATIONS
(PROHIBITION OF IMPORTATION) ACT

Cap. 397.
Law
53 of 1953,
10 of 1954.
Act
42 of 1969
3rd Sch.

[20th June, 1940.]

1. This Act may be cited as the Undesirable Publications (Prohibition of Importation) Act. Short title.

2. In this Act—

“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 any publication; Interpreta-
tion.
42/1969
3rd Sch.

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

“import” includes—

- (a) to bring into Jamaica; and
- (b) to bring within the inland waters of Jamaica whether or not the publication is brought ashore, and whether or not there is an intention to bring such publication ashore.

3.—(1) Where the Minister is of opinion that the importation of any publication would be contrary to the public interest he may, by order prohibit the importation of such publication, and in the case of a periodical publication may, by the same or a subsequent order, prohibit the importation of any past or future issue of such publication. Power to
prohibit im-
portation of
publications.
53/1953
S. 2 (a).

*UNDESIRABLE PUBLICATIONS (PROHIBITION
OF IMPORTATION)*

53/1953
S. 2 (c).

(2) Where the Minister has by an order under subsection (1) prohibited the importation of any publication he may, if in his opinion it would be in the public interest to do so, by a subsequent order prohibit the importation of all or any other publications of the same publisher.

(3) Every order made under this section shall be published in the *Gazette*.

Penalties.

4.—(1) Any person who imports, publishes, sells, offers for sale, distributes, or reproduces any publication, the importation of which has been prohibited under the provisions of section 3, or any extract therefrom, shall be guilty of an offence against this Act and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred dollars or to imprisonment with or without hard labour for a term not exceeding twelve months or to both such fine and imprisonment, and every such publication, or extract therefrom, shall be forfeited to Her Majesty.

(2) Any person who without lawful excuse has in his possession any publication, the importation of which has been prohibited under the provisions of section 3, or any extract therefrom, shall be guilty of an offence against this Act and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred dollars or to imprisonment with or without hard labour for a term not exceeding six months or to both such fine and imprisonment, and every such publication, or extract therefrom, shall be forfeited to Her Majesty.

Delivery up
of prohibited
publication.

5.—(1) Any person—

(a) to whom any publication, the importation of which has been prohibited under the provisions of section 3, or any extract therefrom, is sent without his

*UNDESIRABLE PUBLICATIONS (PROHIBITION
OF IMPORTATION)*

knowledge or privity shall deliver up to the Police such publication or extract so soon as the nature of its contents become known to him;

- (b) to whom any such publication or extract is sent in response to a request made by him before the prohibition of the importation of such publication came into effect, shall deliver up to the Police such publication or extract forthwith upon the receipt by him of the publication or extract;
- (c) who has any such publication or extract in his possession at the time when the prohibition of importation comes into effect, shall deliver up to the Police such publication or extract forthwith upon the coming into effect of the order prohibiting the importation.

(2) The delivery up of a publication or extract in accordance with the requirements of this section shall in every case be made to the officer or sub-officer in charge of the nearest Police Station.

(3) A person who complies with the requirements of this section as to the delivery up of a publication or extract shall not be liable to be convicted of having imported or of having in his possession such publication or extract.

(4) Every person who contravenes or who fails to comply with any of the provisions of this section shall be guilty of an offence against this Act, and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding one hundred dollars or to imprisonment with or without hard labour for a term not exceeding six months or to both such fine and imprisonment, and every such publication or extract shall be forfeited to Her Majesty, but a person convicted under this subsection shall not be liable to be convicted for having imported or for having in

*UNDESIRABLE PUBLICATIONS (PROHIBITION
OF IMPORTATION)*

his possession the publication or extract in respect of which he is so convicted.

Search
warrants.
10/1954
S. 2.

6. If it is made to appear by information on oath before a Justice of the Peace that there is reasonable cause to believe that any person has in his custody or possession or on any premises any publication the importation of which has been prohibited by any order made under the provisions of section 3, or any extract from any such publication, such Justice of the Peace may grant a warrant to search for and seize such publication or extract.

Power to
examine
packages.

7.—(1) The Postmaster-General, the Commissioner of Police and any other responsible officer or person authorized in that behalf by the Minister may detain, open and examine any package or article which he suspects to contain any publication or extract therefrom which it is an offence, under the provisions of section 4, to import, publish, sell, offer for sale, distribute, reproduce, or possess, and during such examination may detain any person importing, distributing, posting such package or article or in whose possession such package or article is found.

(2) If any such publication, or extract therefrom, is found in any such package or article, the whole package or article may be impounded and retained, and the person importing, distributing, or posting it, or in whose possession it is found, may forthwith be proceeded against for the commission of an offence under section 4 or section 5 as the case may be.