ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER N5

NEWSPAPERS ACT

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 16/2006, in force 31 October 2006
Act 7/2010, in force 1 November 2010

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NEWSPAPERS ACT

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SCHEDULE: Declaration

NEWSPAPERS ACT

Declaration by proprietor before publication

1. (1) No person shall print or publish or cause to be printed or published any newspaper before there shall be delivered to the Registrar of the High Court at his office in Anguilla a declaration in writing in the form set forth in the Schedule containing the correct title of the newspaper to which the same shall relate and the true description of the house or building wherein such newspaper is intended to be printed, also of the house or building wherein such newspaper is intended to be published by or for or on behalf of the proprietor thereof.

(2) The declaration shall also contain the true name, addition and place of abode of every person who is intended to be the printer or to conduct such newspaper, and of every person who is intended to be the publisher thereof and of every person who shall be a proprietor or joint proprietor of such newspaper who shall be resident out of Anguilla and also of every person resident in Anguilla who shall be a proprietor or joint proprietor.

(3) Every such declaration shall be made and signed by every person named therein as printer or publisher of the newspaper to which such declaration shall relate, and by such of the persons named therein as proprietors as shall be resident within Anguilla.

(4) A declaration of the like import shall be made, signed and delivered in like manner whenever any share, interest, or property in any newspaper named in any such declaration shall be assigned, transferred, divided or changed by act of the parties or by operation of law, whenever any printer, publisher or proprietor named in any such declaration shall be changed or shall change his

place of abode, whenever the title of any such newspaper or the printing office or the place of publication thereof shall be changed, and also whenever in any case or on any occasion or for any purpose the Registrar shall require such declaration to be made, signed and delivered, and shall cause notice in writing for that purpose to be served upon any person or to be left or posted at any place mentioned in the last preceding declaration delivered as aforesaid, as being a printer, publisher or proprietor of such newspaper, or as being the place of printing or publishing any such newspaper respectively.

(5) Every such declaration shall be made before the Registrar and the Registrar is hereby authorised to take and receive such declaration.

Penalty for making an insufficient or false declaration

2. If any person shall knowingly and wilfully sign and make any declaration under this Act in which shall be inserted or set forth the name, addition, or place of abode of any person as a proprietor, publisher, or printer of any newspaper to which such declaration shall relate, who shall not be a proprietor, printer or publisher thereof, or from which shall be omitted the name, addition, or place of abode of any proprietor, publisher, or printer, of such newspaper, contrary to the true meaning of this Act, or in which any matter or thing by this Act 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 Act to be truly set forth shall be omitted, every such offender is guilty of an offence, and on conviction is liable to imprisonment for a term of 12 months.

Penalty for printing or publishing before delivery of declaration

3. If any person shall knowingly and wilfully print or publish, or shall cause to be printed or published, or, either as a proprietor or otherwise, sell or deliver out any newspaper or other printed paper or pamphlet relating to which such declaration as aforesaid, containing such matters and things as are required by this Act to be therein contained, shall not have been duly signed and made and delivered as by this Act is required, or any other matter or thing required by this Act to be done or performed shall not have been accordingly done or performed, every person in any such case offending shall forfeit for every such act done the sum of $4,800 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 Act is directed.

Declaration to be filed in Registrar's office

4. (1) All declarations under this Act shall be filed and kept in the office of the Registrar of the High Court for the safe custody thereof, and copies thereof certified by the Registrar to be true copies as by this Act is directed shall respectively be admitted in all proceedings, civil and criminal, touching any newspaper mentioned in any such declaration, or touching any publication, matter, or thing contained in any such newspaper, as conclusive evidence of the truth of all such matters set forth in such declaration as are hereby required to be therein set forth, and of their continuance respectively in the same condition down to the time in question, against every person who shall have signed such declaration, unless it shall be proved that previous to such time such person became of unsound mind, or 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 to the Registrar or unless it shall be proved that previous to such occasion as aforesaid a new declaration of the same, or a similar nature respectively, was duly

signed and made and delivered as aforesaid respecting the same newspaper in which the person sought to be affected in such trial did not join.

(Act 16/2006, s. 53)

(2) The Registrar by whom any such declaration shall be kept according to the directions of this Act shall upon application in writing made to him by any person requiring a copy certified according to this Act of any such declaration, deliver such certified copy or cause the same to be delivered to the person applying for the same, upon payment of the sum of 24¢.

Certified copy to be receivable in evidence

5. (1) In all proceedings, civil or criminal, a copy of any declaration under this Act certified to be a true copy under the hand of the Registrar shall be received in evidence against any and every person named in such declaration as a person making or signing the same as sufficient proof of such declaration, and that the same was duly signed and made according to this Act, and of the contents thereof.

(2) Every such copy so produced and certified shall have the same effect for the purposes of evidence against any and every such person named therein to all intents whatsoever, as if the original declaration had been produced in evidence and been proved to have been duly signed and made by the person appearing by such copy to have signed and made the same.

(3) Whenever a certified copy of any such declaration shall have been produced in evidence, and a newspaper shall afterwards be produced in evidence intituled in the same manner as the newspaper mentioned in such declaration is intituled and wherein the name of the proprietor, printer and publisher, and the place of printing shall be the same as the name of the proprietor, 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 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 servants or workmen, or where he may usually carry on the business of printing or publishing such newspaper, or where the same may be usually sold.

Penalty for making a false certificate

6. If any person, not being the Registrar of the High Court, shall give any certificate purporting to be a certificate under section 4 or shall presume to certify any of the matters or things by this Act directed to be certified by such Registrar or which such Registrar is hereby empowered or entrusted to certify, or if any such Registrar shall knowingly and wilfully falsely certify under his hand that any such declaration as is required to be made by this Act was duly signed and made before him the same not having been so signed and made, or shall knowingly and wilfully falsely certify that any copy of any declaration is a true copy of the declaration of which the same is certified to be such copy, the same not being such true copy, such Registrar and every person so offending is guilty of an offence and on conviction is liable to imprisonment for a term of 12 months.

Service of process

7. 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 declaration under this Act

as the house or place at which such newspaper is printed or published, or intended so to be, of any notice or other matter required, or directed by this Act to be given or left, or of any summons, subpoena, rule, order, writ or process of any nature, 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.

Inspection of register

8. The Registrar of the High Court shall cause to be entered in a book to be kept at his office the title of every newspaper registered at the office and also the names of the printers and publishers thereof as the same appear in the declaration required by this Act to be made relating to such newspapers, and all persons shall have free liberty to search and inspect the book during the hours of business at the office, on payment of the fee of 24¢.

Printer to deliver to Registrar a copy of every newspaper as soon as printed

9. (1) The printer or publisher of every newspaper printed or published in Anguilla shall, upon every day on which such newspaper shall be published, or on the day next following which shall not be a holiday, between the hours of 10 a.m. and 3 p.m. on each day, deliver or cause to be delivered to the Registrar of the High Court at his office 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 notice in writing, signed by such printer or publisher in the presence of and attested by the Registrar, shall be given to the Registrar.

(2) The same copies shall be carefully kept by the Registrar in the office and such printer or publisher shall be entitled to demand and receive from the Consolidated Fund once in every quarter the amount of the ordinary price of the newspaper so delivered on a certificate of the Registrar.

(Act 7/2010, s. 26)

(3) Every printer and publisher of such newspaper who shall neglect to deliver or cause to be delivered in manner hereinbefore directed such copy or copies, signed as aforesaid, shall for every such neglect respectively forfeit the sum of $1,920.

(4) In case any person shall make application in writing to the Registrar in order that any newspaper so signed may be produced in evidence in any proceeding, civil or criminal, the Registrar shall at the expense of the party applying, at any time within 2 years from the publication thereof cause such newspaper to be produced in the Court in which, and at the time when the same is required to be produced, and all copies so delivered shall be evidence against every printer, publisher and proprietor of every such newspaper respectively in all proceedings, civil or criminal, to be commenced and carried on, as well touching such newspaper 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.

(5) Every printer, publisher and proprietor of any copy so delivered shall to all intents and purposes so deemed to be the printer, publisher and proprietor respectively of all newspapers which shall be of the same title, purport, or effect, with such copies or impressions so delivered, 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 privity.

Imprint to be at the end of every newspaper, etc.

10. (1) At the end of every newspaper and of any and every supplement sheet, pamphlet or piece of printed paper, shall be printed the christian name and the surname, addition and place of abode of the printer and publisher, and a true description of the house or building wherein the same is actually printed and published respectively, and the day of the week, month and year on which the same is published.

(2) If any person shall knowingly and wilfully print or publish, or cause to be printed or published any newspaper or supplement thereto or any pamphlet or piece of printed paper whereon the several particulars aforesaid shall not be printed or whereon there shall be printed any false name, addition, place, or day, or whereon 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 Act to be made relating to newspapers as the house or building wherein a newspaper is intended to be printed or published, every such person shall for every such offence forfeit the sum of $1,920.

Discovery

11. If any person shall file any bill in any court for the discovery of the name of any person concerned as printer, publisher or proprietor of any newspaper, or of any matters relative to the printing or publishing of any newspaper in order the more effectively to bring or carry on any suit or action for damages alleged to have been sustained by reason of any slanderous or libellous matter contained in any such newspaper respecting such person it shall not be lawful for the defendant to plead or demur to such bill but such defendant shall be compellable to make the discovery required, but such discovery shall not be made use of as evidence or otherwise in any proceeding against the defendant save only in that proceeding for which the discovery is made.

Penalties may be sued for in the name of the Attorney General

12. All pecuniary penalties under this Act may be sued or prosecuted for and recovered for the use of Her Majesty, in the name of Her Majesty's Attorney General by action of debt or information in the High Court.

Citation

13. This Act may be cited as the Newspapers Act, Revised Statutes of Anguilla, Chapter N5.

SCHEDULE

(Section 1(1))

DECLARATION

I, ……., in Anguilla, do hereby declare that I am the proprietor (*or where the person making the declaration is not the proprietor* that …….……..... is the proprietor) of the .....……...……..... newspaper (*here insert the correct title*) …….....….…..... printed and published (or intended to be published) by or on behalf of ….....….…….…..... (*name proprietor*) at ……...……..... in Anguilla on the ...……..... day of the week *(insert day of publication)* and I also declare that .....…….....…….....…….