



## ST. CHRISTOPHER AND NEVIS

### CHAPTER 4.34

# SEDITION AND UNDESIRABLE PUBLICATIONS ACT and Subsidiary Legislation

#### Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

This edition contains a consolidation of the following laws—

#### SEDITION AND UNDESIRABLE PUBLICATIONS ACT

**Act 11 of 1938** ... in force 14th December 1938

Amended by: Act 12 of 1967

Act 6 of 1976

Act 7 of 1976

Act 9 of 1976

Act 6 of 2000

#### PROHIBITED PUBLICATIONS ORDER – Section 7

S.R.O. 32/1956

Amended by: S.R.O. 27/1964

Page

3

10



**CHAPTER 4.34**

**SEDITION AND UNDESIRABLE PUBLICATIONS ACT**

ARRANGEMENT OF SECTIONS

1. Short title
  2. Interpretation
  3. Meaning of seditious intention
  4. Offences in respect of sedition
  5. Limitation of proceedings under section 4
  6. Corroborative evidence required
  7. Power to prohibit the importation of undesirable publications
  8. Offences in respect of prohibited publications
  9. Limitation of proceedings under Section 8
  10. Innocent possession of prohibited publication
  11. Power to examine suspected packages
  12. Power to grant search warrants
  13. Obstruction, etc.
  14. Seditious and prohibited publications forfeited
  15. Summary trial
- SCHEDULE: Prohibited Publications Order



**CHAPTER 4.34****SEDITION AND UNDESIRABLE PUBLICATIONS ACT**

AN ACT TO PROVIDE FOR OFFENCES RESPECTING SEDITION; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

**Short title.**

1. This Act may be cited as the Sedition and Undesirable Publications Act.

**Interpretation.**

2. In this Act—

“import” includes—

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

“Minister” means the Minister responsible for National Security;

*(Inserted by Act 6 of 1976 and amended by Act 6 of 2000)*

“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;

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

“prohibited publication” means any publication the importation of which has been prohibited by Order under section 7;

“seditious publication” means a publication having a seditious intention;

“seditious words” means words having a seditious intention.

**Meaning of seditious intention.**

3. (1) A “seditious intention” is an intention—

- (a) to bring into hatred or contempt or to excite disaffection against the person of the Crown or the Government of the State as by law established;

*(Amended by Act 6 of 1976)*

- (b) to excite any person to attempt to procure the alteration, otherwise than by lawful means, of any other matter in the State as by law established;

*(Amended by Act 6 of 1976)*

- (c) to bring into hatred or contempt or to excite disaffection against the administration of justice in the State; or

- (d) to raise discontent or disaffection amongst the inhabitants of the State; or

*(Amended by Act 6 of 1976)*

(e) to promote feelings of ill-will and hostility between different classes of the population of the State.

(2) An act, speech or publication is not seditious by reason only that it intends—

(a) to show that the Government has been misled or mistaken in any of its measures;

*(Amended by Act 6 of 1976)*

(b) to point out errors or defects in the government or constitution of the State as by law established or in legislation or in the administration of justice with a view to the remedying of such errors or defects;

(c) to persuade the inhabitants of the State to attempt to procure by lawful means the alteration of any matter in the State as by law established; or

*(Amended by Act 6 of 1976)*

(d) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of the population of the State.

(3) In determining whether the intention with which any act was done, any words were spoken, or any document was published, was or was not seditious, every person shall be deemed to intend the consequences which would naturally follow from his or her conduct at the time and under the circumstances in which he or she so conducted himself or herself.

*(Amended by Act 6 of 1976)*

#### **Offences in respect of sedition.**

4. (1) A person who—

(a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act with a seditious intention;

(b) utters any seditious words;

(c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication;

(d) imports any seditious publication, unless he or she has no reason to believe that it is seditious,

commits an offence and shall be liable, for a first offence, to imprisonment with or without hard labour for a term not exceeding two years or to a fine not exceeding one thousand five hundred dollars or to both, and for a subsequent offence, to imprisonment with or without hard labour for a term not exceeding three years.

(2) A person who, without lawful excuse, has in his or her possession any seditious publication commits an offence and shall be liable, for a first offence, to imprisonment with or without hard labour for a term not exceeding one year or to a fine not exceeding one thousand five hundred dollars or to both, and for a subsequent offence, to imprisonment with or without hard labour for a term not exceeding two years.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

**Limitation of proceedings under section 4.**

5. (1) No prosecution for an offence under section 4 shall be begun except within six months after the offence is committed.

(2) A person shall not be prosecuted for an offence under section 4 without the written consent of the Director of Public Prosecutions.

*(Amended by Act 12 of 1967)*

**Corroborative evidence required.**

6. No person shall be convicted of an offence under section 4 on the uncorroborated testimony of one witness.

**Power to prohibit the importation of undesirable publications.**

7. The Governor-General, if satisfied that the importation of any publication would be contrary to the public interest, may, in his or her absolute discretion, 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 thereof.

*(Amended by Act 6 of 1976)*

**Offences in respect of prohibited publications.**

8. (1) Any person who imports, publishes, sells, offers for sale, distributes, or reproduces any prohibited publication, or any extract therefrom, commits an offence and shall be liable, for a first offence, to imprisonment with or without hard labour for a term not exceeding two years or to a fine not exceeding one thousand five hundred dollars or to both, and for a subsequent offence to imprisonment for a term not exceeding three years.

(2) Any person who, without lawful excuse has in his or her possession any prohibited publication, or any extract therefrom, commits an offence and shall be liable, for a first offence, to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand five hundred dollars or to both, and for a subsequent offence to imprisonment with or without hard labour for a term not exceeding two years.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

**Limitation of proceedings under Section 8.**

9. (1) No prosecution for an offence under Section 8 shall be begun except within six months after the offence is committed.

(2) A person shall not be prosecuted for an offence under section 8 without the written consent of the Director of Public Prosecutions.

*(Amended by Act 12 of 1967)*

**Innocent possession of prohibited publication.**

10. (1) Any person to whom any prohibited publication, or any extract therefrom, is sent without his or her knowledge or privity or in response to a request made before the prohibition of the importation of such publication came into effect, or who has such a publication or extract therefrom in his or her possession at the time when the prohibition of its importation comes into effect, shall forthwith, if, or as soon as

the nature of its contents have become known to him or her, or in the case of a publication or extract therefrom coming into the possession of such person before an order prohibiting its importation has been made forthwith upon the coming into effect of an order prohibiting the importation of such publication, deliver such publication or extract therefrom to the officer in charge of the nearest Police Station, and in default thereof shall be liable, on summary conviction, to imprisonment for a term not exceeding twelve months, or to a fine not exceeding one thousand five hundred dollars or both.

(2) A person who complies with the provisions of subsection (1) or is convicted of an offence under that subsection shall not be liable to be convicted for having imported or having in his or her possession the same publication or extract therefrom.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

#### **Power to examine suspected packages.**

11. (1) Any Government Officer authorised in that behalf by the Minister, may detain, open and examine any package or article which he or she suspects to contain any prohibited publication or extract therefrom, and during such examination may detain any person importing, distributing or posting such package or article or in whose possession such package or article is found.

(2) If the prohibited publication or extract therefrom is found in such package or article, the whole package or article may be impounded and retained by the officer, and the person importing, distributing, or posting it, or in whose possession it is found, may forthwith be arrested and proceeded against for the commission of an offence under section 8 or section 10, as the case may be.

#### **Power to grant search warrants.**

12. If a Magistrate is satisfied by information on oath that there is reasonable cause to believe that any publication in respect of which any conviction under this Act has been recorded, or any prohibited publication, is in any place or places, he or she may grant a warrant authorising any police officer not below the rank of sergeant to search such place or places and to seize and detain any such publication found therein.

#### **Obstruction, etc.**

13. Any person who hinders or obstructs any other person acting in the execution of his or her duty under the provisions of this Act shall be liable, on summary conviction, to imprisonment with or without hard labour for a term not exceeding six months or to a fine not exceeding one thousand five hundred dollars, or to both such imprisonment and fine.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

#### **Seditious and prohibited publications forfeited.**

14. Any seditious or prohibited publication seized or detained in pursuance of the provisions of this Act or in respect of which any conviction has been recorded shall be forfeited to the Crown and shall be destroyed or otherwise disposed of in accordance with the directions of the Minister.



**Summary trial.**

**15.** Notwithstanding anything contained in this Act, any person charged with an offence under section 4 or section 8 may, if the Magistrate hearing the case is of opinion that it is a proper case for summary trial, elect to be tried summarily and thereupon shall be liable, on conviction, to imprisonment with or without hard labour for a term not exceeding twelve months or to a fine not exceeding one thousand five hundred dollars or to both, but so that a person shall not be punished twice for the same offence.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

---

**SCHEDULE***(Section 7)***PROHIBITED PUBLICATIONS ORDER****Short title.**

1. This Order may be cited as the Prohibited Publications Order.

**Prohibition of Importation of Undesirable Publications.**

2. The importation of the following publications, being publications the importation of which the Governor-General is satisfied would be contrary to the public interest, is hereby prohibited—

- (a) the publications set out in Schedule 1 to this Order;
- (b) the present issues of the publications set out in Schedule 2 to this Order and any past or future issues thereof.

**SCHEDULE 1 TO THE ORDER**

1. The Book of Magical Art, Hindoo Magic and Indian Occultism, published by de Laurence Scott and Company of Chicago in the United States of America.
2. India's Hood Unveiled, published by de Laurence Scott and Company of Chicago in the United States of America.
3. The Sixth and Seventh Books of Moses, published by de Laurence Scott and Company of Chicago in the United States of America.
4. The Book of Black Magic, published by de Laurence Scott and Company of Chicago in the United States of America.
5. The Book of the Secret Magic of Abra-Malin, the Mage, published by the de Laurence Company, Incorporated, of Chicago in the United States of America.
6. The Magic Key, published by the de Laurence Company, Incorporated, of Chicago in the United States of America.
7. The Great Book of Magical Art, published by the de Laurence Company, Incorporated, of Chicago in the United States of America.

**SCHEDULE 2 TO THE ORDER**

1. Progressive Youth.
  2. World Trade Union Movement. Fortnightly Review.
  3. Soviet Weekly.
  4. Soviet News.
  5. World Student News.
- \_\_\_\_\_