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## Books and Newspapers Act, No. 20 of 1963

Act 20 of 1963

Legislation as at 1 December 1998

FRBR URI: /akn/sz/act/1963/20/eng@1998-12-01

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PDF created on 21 February 2024 at 17:16.

*Collection last checked for updates: 1 December 1998.*

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# Books and Newspapers Act, No. 20 of 1963

## Act 20 of 1963

Commenced on 1 September 1963

*[This is the version of this document at 1 December 1998.]*

**An Act to make new provision as to the registration of newspapers and also to make provision as to the deposit of books and newspapers and for connected matters.**

### Part I – Preliminary

#### 1. Short title

This Act may be cited as the Books and Newspapers Act, No. 20 of 1963.

#### 2. Interpretation

In this Act, unless the context otherwise requires—

"**book**" includes any volume, encyclopaedia, magazine, review, gazette, pamphlet, leaflet, sheet of letter-press, sheet of music, map, plan and chart, which is separately published and a part or division thereof but does not include a newspaper, visiting or business card, billhead, letterheading, price list, annual report, trade circular, trade advertisement or other legal or trade or business document;

"**Minister**" means the Minister for Public Service and Information;

"**newspaper**" includes any printed matter containing news, or intelligence, or reports of occurrences of interest to the public or any section thereof, or any views, comments or observations thereon printed for sale or distribution and published periodically or in parts or numbers at intervals not exceeding one month but does not include a visiting or business card, billhead, letter-head, price list, annual report, trade circular, trade advertisement or other legal or trade or business document;

"**offence**" means an offence under this Act;

"**police officer**" means a member of the police force established under the Police Act [No. 29 of 1957](#);

"**print**" means to produce or reproduce words or pictures in visible form by printing, writing, typewriting, duplicating, cyclostyling, lithography, photography or other mode of representing them in visible form but does not include the representation of words or pictures by means of cinematography or television;

"**public officer**" means an officer in the service of the Government;

"**register**" means the register kept pursuant to [section 6](#), and "registration" has a corresponding meaning;

"**registrar**" means the public officer appointed under [section 3](#) to be the Registrar of Books and Newspapers.

#### 3. Registrar of Books and Newspapers

The Minister shall, by notice published in the *Gazette*, appoint a public officer to be the Registrar of Books and Newspapers to perform the duties and exercise the powers by or under this Act imposed or conferred on the registrar.

## Part II – Registration of newspapers

### 4. Unregistered newspaper not to be published

- (1) No person shall print or publish any newspaper within Swaziland unless the editor, or acting editor, or if there is more than one editor, the responsible or chief editor thereof is resident within Swaziland and there has been issued, in respect of the newspaper, a certificate under [section 6](#).
- (2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred emalangeni or, in default of payment thereof, to imprisonment for a period not exceeding six months.

### 5. Application for registration of newspaper

- (1) Any person intending to print or publish a newspaper within Swaziland shall make written application to the registrar for a certificate of registration in respect of that newspaper.
- (2) The application shall set forth—
  - (a) the full and correct name of the newspaper;
  - (b) the full and correct address at which it is to be published;
  - (c) the full and correct names and residential addresses of the proprietor, printer, publisher, manager and editor or acting editor, or, if there is more than one editor, the chief or responsible editor of the newspaper; and,
  - (d) in the case of a newspaper the property of, or to be printed or persons, corporate or unincorporate, the full and correct names and residential addresses of the manager, chairman, or other chief officer, and every director, trustee or member of committee or board of the association.
- (3) Save in the case of a newspaper registered under the law in force prior to the commencement of this Act, the prescribed fee for registration shall accompany the application.
- (4) Any person who makes a false statement when giving any particular required by sub-section (2) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred emalangeni or, in default of payment thereof, to imprisonment for a period not exceeding six months.

### 6. Registration of newspaper and certification

- (1) Subject to sub-section (2) the registrar shall, upon receipt of an application made in accordance with [section 5](#), cause the particulars set forth in the application to be entered in a register to be kept for the purpose and issue to the applicant a certificate of registration under his hand.
- (2) A certificate shall not be issued in respect of a newspaper bearing a name identical with the name of a newspaper already appearing in the register or so nearly resembling that name as to be likely to deceive, unless—
  - (a) it is proved to the satisfaction of the registrar that the newspaper, in respect of which the application is made, was published, at and prior to the commencement of this Act, under the name set forth in the application; or
  - (b) the proprietor of the newspaper the name of which is already registered signifies in writing his consent to the issue of the certificate.
- (3) Upon the application of any person and upon payment of the prescribed fee, the registrar shall furnish him with a certified extract of any entry in the register.

- (4) A certificate of registration purporting to have been issued under sub-section (1), or a certified extract purporting to have been furnished under sub-section (3), shall, upon its mere production, be *prima facie* evidence of the facts set out in the certificate.

## 7. Registration of changes

- (1) Whenever a change occurs in regard to any of the particulars entered in the register, the publisher for the time being of the newspaper in respect of which such change occurs shall, within fourteen days of the date thereof, give the registrar written notification of such change.
- (2) Every notification shall be accompanied by the prescribed fee.
- (3) Unless the prescribed fee is paid, the registrar shall not cause the register to be amended.
- (4) Section 6(2) shall also apply *mutatis mutandis* to a change of name of a newspaper.
- (5) Any person who contravenes sub-section (1) or who makes any false statement when giving a particular required by sub-section (1), shall be guilty of an offence and liable on conviction to the penalties mentioned in section 5(4).

## Part III – Deposit of books and newspapers

### 8. Application

- (1) This Part shall not apply in respect of a book or newspaper printed or published by or on behalf of the Government.
- (2) The Minister may, by notice in the *Gazette*, exclude any book or newspaper or any class thereof from the operation of all or any of the provisions of this Part, either absolutely or subject to such conditions as he may think fit.

### 9. Delivery of copies of books

- (1) The publisher of every book printed and published in Swaziland shall—
  - (a) before or within a period of fourteen days after the date of publication of the book, deliver at his own expense to the registrar two copies thereof; and,
  - (b) if so required by the registrar by notice in writing not later than one year after the date of publication of the book, deliver to the registrar at the publisher's own expense and within a period of one month after receipt of that notice, so many additional copies, not exceeding three in number, as may be specified in the notice.
- (2) In the case of an encyclopaedia, magazine, review, gazette or other book (not being a newspaper) published periodically, or in a series of numbers or parts, a notice under sub-section (1)(b) may relate to all or any issues, numbers or parts thereof which the publisher to whom the notice is addressed, may subsequently publish in Swaziland.
- (3) All copies of a book delivered under sub-section (1) shall be copies of the whole, book, with all maps, prints or other illustrations belonging to it finished and coloured in the same manner as in the best copies thereof published in Swaziland and shall be bound, sewed or stitched together and of the best paper on which the book is printed.
- (4) Nothing in this section shall apply to a second or subsequent edition of a book the required number of copies of the first or any preceding edition of which have been delivered to the registrar under this section, unless the second or subsequent edition contains any addition or alteration, whether in the letterpress or in the maps, prints or other illustrations belonging thereto.
- (5) Upon receipt of a copy of a book delivered under this section, the registrar shall issue a written receipt therefor.

- (6) The copies of books delivered to the registrar under sub-section (1)(a) shall be kept for the purpose of record in such place or manner or otherwise dealt with or disposed of in such manner or for such purposes as the Minister may direct.
- (7) The copies of books delivered to the registrar under sub-section (1)(b) shall be sent by the registrar to such persons or institutions as the Minister may direct.
- (8) Any person who publishes any book printed in Swaziland and fails to comply with any provision of this section shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand emalangeni or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

## 10. Delivery of copies of newspapers

- (1) The publisher of every newspaper printed in Swaziland shall, upon every day upon which the newspaper is published deliver at his own expense or send by registered post to the registrar two copies of the newspaper and every supplement thereto.
- (2) The copies referred to in sub-section (1) shall be of the paper on which the largest number of copies of the newspaper are printed and published and shall be in the like condition as the copies prepared for sale or distribution.
- (3) The copies delivered to the registrar under this section shall be kept for the purpose of record in such place or manner or otherwise dealt with or disposed of in such manner or for such purposes as the Minister may direct.
- (4) Any person who published a newspaper printed in Swaziland and fails to comply with any provision of this section shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand emalangeni or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

## Part IV – Bonds

### 11. Application

- (1) This Part shall not apply to or in respect of the printing or publication of a newspaper by or on behalf of the Government.
- (2) The Minister may, by notice in the *Gazette*, exclude any specified person or class of persons from the operation of all or any of the provisions of this Part either absolutely or subject to such conditions as he may think fit.

### 12. Execution of bond

- (1) Subject to the provisions of this section, no person shall print any newspaper in Swaziland and no person shall publish any newspaper printed in Swaziland unless there is in force, duly executed, registered and delivered by him to the registrar in the manner provided by this section, a bond in the prescribed form in the sum of one thousand emalangeni, with one or more sureties as may be required and approved by the registrar—
  - (a) as security for or towards the payment of any monetary penalty which may at any time be imposed upon or adjudged against him upon his conviction for any offence under this Act or any other law committed after the execution of the bond, and relating to the printing or publication of that newspaper or of any matter therein, and
  - (b) for the payment of any damages and costs awarded against him in respect of any libel printed or published in the newspaper after the execution of the bond.

- (2) A bond shall be executed—
  - (a) where the person required to execute it is a company, under the common seal of the company;
  - (b) in other cases, in the presence of a judicial officer and one other witness not being a party to it, each of whom shall subscribe his name, his place of residence or business and his office, profession or occupation.
- (3) Every bond shall be delivered to the registrar for custody.
- (4) A person required to execute a bond under this section may request the Minister to review any decision of the registrar as to the number of sureties required in excess of one or disapproving a surety offered by that person.
- (5) Where, immediately prior to the commencement of this Act, any person habitually and lawfully printed a newspaper in Swaziland or published a newspaper printed in Swaziland, that person shall be allowed a period of one month after such commencement within which to comply with the provisions of this section in respect of the newspaper.
- (6) No person referred to in sub-section (5) who so complies with those provisions within that period shall be guilty of an offence under [section 15](#) in respect of the continued printing or publication of that newspaper after the commencement of this Act and before he has so complied with those provisions.
- (7) A bond entered into under this section may be enforced before a court established under the Subordinate Court Proclamation (Cap.20), in the same manner as recognizance taken on the admission of an accused person to bail under Part VIII of the Criminal Procedure and Evidence Act, [No. 67 of 1938](#).

### 13. Withdrawal of Surety

- (1) Subject to the provisions of sub-section (2), where a surety desires to withdraw from a bond and gives to the registrar and all other persons bound by the bond not less than one month's notice in writing of that desire, he shall, on the expiration of the period of such notice, be discharged from his suretyship under the bond.
- (2) The surety shall continue to be liable under the bond in respect of any penalties, damages or costs imposed, adjudged or awarded for and in respect of any offence committed or any libel printed or published, before his discharge as aforesaid.

### 14. New Bond

- (1) Subject to the provisions of sub-section (2), where a surety—
  - (a) pays the whole or a part of the sum for which he is bound as a surety; or
  - (b) gives notice, under [section 13](#), of his desire to withdraw from a bond; or
  - (c) leaves Swaziland without leaving property therein sufficient and available to satisfy the full sum for which he is bound as a surety; or
  - (d) has a sequestration order made against him; or
  - (e) dies;

or where a bond under this Part is enforced against a printer or publisher liable under it as a principal, the printer or publisher, as the case may be, shall, within one month thereafter, execute, register and deliver to the registrar, in the manner provided by [section 12](#), a new bond for the same purpose and in the same sum, and upon the completion of such execution, registration and delivery, the old bond shall be thereby discharged.

- (2) All persons liable, whether as principals or sureties, under the old bond shall continue to be liable thereunder in respect of any penalties, damages or costs imposed, adjudged or awarded for and in respect of any offence committed or any libel printed or published before the discharge of the old bond as aforesaid.

#### **15. Penalty for printing or publishing without bond**

Subject to [section 12\(5\)](#) and (6), a person who prints a newspaper in Swaziland or publishes a newspaper printed in Swaziland, without having complied with [section 12](#) or, as the case may be, [section 14](#), shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand emalangeni or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

### **Part V – General**

#### **16. Imprint of printer and publisher of book or newspaper**

- (1) Every book and every newspaper printed within Swaziland shall have printed legibly in the English language on its first or last printed page—
  - (a) the name and address of its printer and of its publisher, and
  - (b) the name of the place in which it is printed and of the place in which it is published.
- (2) Any person who prints, publishes, sells, distributes or assists in selling or distributing any book or newspaper not complying with the requirements of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred emalangeni or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.
- (3) In addition to imposing such a penalty, the court may order the forfeiture or destruction of all copies of the book or newspaper in the custody of the court or in the possession of the offender.

#### **17. Offences by corporations, societies, etc**

Where an offence is committed by a company or other body corporate, or by a society, association or body of persons, every person charged with or concerned or acting in the control or management of the affairs or activities of the company, body corporate, society, association or body of persons shall be guilty of that offence and liable to be punished accordingly, unless he proves that—

- (a) through no act or omission on his part he was not aware that the offence was being or was intended or was about to be committed; or
- (b) he took all reasonable steps to prevent its commission.

#### **18. Regulations**

- (1) The Minister may make regulations for giving effect generally to the purposes of this Act.
- (2) Without prejudice to the generality of the foregoing, the regulations may prescribe anything which, under this Act, requires to be prescribed.