

IMPORTATION OF PUBLICATIONS (PROHIBITION) ACT

Act 61 of 1953 – 29 December 1953

ARRANGEMENT OF SECTIONS

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IMPORTATION OF PUBLICATIONS (PROHIBITION) ACT

1. Short title

This Act may be cited as the Importation of Publications (Prohibition) Act.

2. Interpretation

In this Act—

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

“publication” includes all written or printed matter and everything, whether or not of a nature similar to written or printed matter, 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, or extract from, any publication.

3. Importation of publications

(1) Where the President is of the opinion that the importation of any publication is or would be contrary to the public interest, he may, by Proclamation, prohibit the importation into Mauritius of that publication and, in the case of a periodical publication, of any past or future issue of it.

(2) Where the President is of the opinion that the importation of publications or periodical publications generally produced in or procurable from any specified country or produced by or procurable from any specified publisher, editor, firm or other source is or would be contrary to the public interest, the President may, by Proclamation, prohibit the importation into Mauritius of all such publications or periodical publications.

[S. 3 amended by Act 48 of 1991.]

4. Offences

Where any person imports, sells, distributes, posts, prints, publishes, copies, reproduces, or has in his possession, power or control, any publication of which the importation is prohibited by Proclamation under section 3, he shall, subject to section 5, commit an offence and the publication shall be forfeited.

5. Delivery of prohibited publications

(1) Any person to whom a publication, of which the importation is prohibited by Proclamation under section 3, is sent without his knowledge or privity or in execution of an order given before the prohibition on its importation came into effect, or who, at the time when the prohibition on its importation comes into effect, has had such a publication in his possession, power or control for less than 6 months shall forthwith deliver it to the officer in charge of the nearest police station, and, where he fails to do so, shall commit an offence and the publication shall be forfeited.

(2) Any person who, immediately before the time when the prohibition on the importation of any publication comes into effect, has had such publication in his possession, power or control for not less than 6 months, unless he surrenders it in the manner provided in subsection (1), shall not part with it and shall make to the officer in charge of the nearest police station, within 30 days of the effective date of the prohibition, a declaration that he has for the past 6 months had and still has the publication in his possession, power or control, and where he fails to do so, such person shall commit an offence.

(3) Any person who complies with subsection (1) or (2) and is not convicted of a breach of them shall not be fined or imprisoned for having imported the publication or for having it in his possession, power or control.

6. Disposal of suspected postal packet

The Postmaster-General or any person authorised by him who suspects that any postal packet contains a publication, of which the importation is prohibited by Proclamation under section 3, shall dispose of the packet in such manner as the President shall direct.

[S. 6 amended by Act 48 of 1991.]

7. Penalty

Every person who commits an offence under this Act shall, on conviction, be liable to a fine not exceeding 2,000 rupees and to imprisonment for a term not exceeding one year.

8. Information by DPP

No person shall be prosecuted under this Act except upon an information laid by the Director of Public Prosecutions.