

CHAPTER 32

SEDITION

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CHAPTER 32

SEDITION

AN ACT TO PROVIDE FOR THE PUNISHMENT OF SEDITIOUS ACTS AND SEDITIOUS LIBEL AND
TO CONTROL SEDITIOUS PUBLICATIONS AND THE IMPORTATION OF PUBLICATIONS
CONTRARY TO THE PUBLIC INTEREST

2 of 1940
6 of 1953
15 of 1960
4 of 1968
LN 46A of 1978
LN 88 of 1978

[11th March 1940.]

1. This Act may be cited as the Sedition Act.

Short title

2. In this Act unless the context otherwise requires-

Interpretation
6 of 1953, Sched
15 of 1960, s. 2
LN 46A of 1973

"import" includes-

(a) to bring into Solomon Islands; and

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

"newspaper" means a periodical publication containing any public news or comments thereon or any discussion of political matters;

"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 of a nature similar to written or printed matter or not, containing any visible representation or any recording of the human voice or of instrumental music or of sounds or any cinematographic film or anything which by its form, shape or in any manner is capable of suggesting words or ideas, and every copy and reproduction of any publication;

"seditious publication" means a publication having a seditious intention;

"seditious words" means words having a seditious intention.

3.-(1) A "seditious intention" is an intention-

Seditious intention
LN 46A of 1978

(i) to bring into hatred or contempt or to excite disaffection against the person of Her Majesty, Her heirs or successors, or the Government of Solomon Islands as by law established; or

(ii) to excite Her Majesty's subjects or inhabitants of Solomon Islands to attempt to procure the alteration, otherwise than by lawful means, of any matter in Solomon Islands as by law established; or

(iii) to bring into hatred or contempt or to excite disaffection against the administration of justice in Solomon Islands; or

(iv) to raise discontent or disaffection amongst Her Majesty's subjects or inhabitants of Solomon Islands; or

(v) to promote feelings of ill-will and hostility between different classes of the population of Solomon Islands

But an act, speech or publication is not seditious by reason only that it intends-

- (a) to show that Her Majesty has been misled or mistaken in any of her measures; or
- (b) to point out errors or defects in the government or constitution of Solomon Islands as by law established or in legislation or in the administration of justice with a view to the remedying of such errors or defects; or
- (c) to persuade Her Majesty's subjects or inhabitants or Solomon Islands to attempt to procure by lawful means the alteration of any matter in Solomon Islands as by law established; or
- (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 Solomon Islands.

(2) 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 conduct at the time and under the circumstances in which he so conducted himself.

4.-(1) Any person who-

Offences

- (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 has no reason to believe that it is seditious;

shall be guilty of an offence and liable for a first offence to imprisonment for two years or to a fine of two hundred dollars or to both such imprisonment and fine, and for a subsequent offence to imprisonment for three years; and any seditious publication shall be forfeited to Her Majesty.

(2) Any person who without lawful excuse has in his possession any seditious publication shall be guilty of an offence and liable for a first offence to imprisonment for one year or to a fine of one hundred dollars or to both such imprisonment and fine, and

for a subsequent offence to imprisonment for two years; and such publication shall be forfeited to Her Majesty.

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

Legal proceedings
6 of 1953, Sched
LN 46A of 1978

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

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

6.-(1) Whenever any person is convicted of publishing in any newspaper matter having a seditious intention the Court may, if it thinks fit, either in lieu of or in addition to any other punishment, make orders as to all or any of the following matters, that is to say-

(a) prohibiting, either absolutely or except on conditions to be specified in the order, for any period not exceeding one year from the date of the order, the future publication of that newspaper;

(b) prohibiting, either absolutely or except on conditions to be specified in the order, for the period aforesaid, the publisher, proprietor, or editor of that newspaper from publishing, editing, or writing for any newspaper, or from assisting, whether with money or money's worth, material, personal service, or otherwise, in the publication, editing, or production of any newspaper; and

(c) that for the period aforesaid any printing press used in the production of the newspaper be used only on conditions to be specified in the order, or that it be seized by the Police and detained by them for the period aforesaid.

(2) Any person who contravenes an order made under this section shall be guilty of an offence and shall be liable on summary conviction to imprisonment for six months or to a fine of fifty dollars or to both such imprisonment and fine.

(3) Nothing in this Act shall affect the power of the Court to punish any person contravening an order made under this section for contempt of Court:

Provided that no person shall be punished twice for the same offence.

Suspension of
newspaper containing
seditious matter

7.-(1) Whenever on the application of the Commissioner of Police it is shown to the satisfaction of the Court that the issue or circulation of a seditious publication is, or if commenced, or continued would be, likely to lead to unlawful violence, or appears to have the object of promoting feelings of hostility between different classes or races of the community, the Court shall make an order (in this section called a "prohibition order") prohibiting the issuing and circulation of that publication (in this section called a "prohibited publication") and requiring every person having any copy of the prohibited publication in his possession, power, or control forthwith to deliver every such copy into the custody of the Police.

Power of court to prohibit circulation of seditious publications
LN 88 of 1978

(2) An order under this section may be made *ex parte* on the application of the Commissioner of Police in Chambers.

(3) It shall be sufficient if the order so describes the prohibited publication that it can be identified by a reasonable person who compares the prohibited publication with the description in the prohibition order.

(4) Every person on whom a copy of a prohibition order is served by any member of the Police Force shall forthwith deliver to that member every prohibited publication in his possession, power, or control, and if he fails to do so he shall be guilty of an offence and shall be liable to imprisonment for one year or to a fine of one hundred dollars or to both such imprisonment and fine.

(5) Every person to whose knowledge it shall come that a prohibited publication is in his possession, power, or control shall forthwith deliver every such publication into the custody of the Police.

4 of 1968, Sched

(6) The Court may, if it thinks fit, either before or after or without service of a prohibition order on any person, issue a warrant authorising any police officer of or above the rank of Inspector and his assistants to break, enter, and search, either by day or night, any building or place specified in the order, and any enclosure, room, box, receptacle, or thing in such building or place, and to seize and carry away every prohibited publication there found, and to use such force as may be necessary for the purpose.

(7) A copy of the prohibition order and of the search warrant shall be left in a conspicuous position at every building or place so entered.

(8) The owner of any prohibited publication delivered or seized under this section may, at any time within fourteen days after the delivery or seizure, petition the Court for the discharge of the prohibition order and the Court, if, on the hearing of the petition, it decides that the prohibition order ought not to have been made, shall discharge the order and shall order the prohibited publication delivered by or seized from the petitioner to be returned to him.

(9) Every prohibited publication delivered or seized under this section with respect to which a petition is not filed within the time aforesaid or which is not ordered to be returned to the owner shall be deemed to be forfeited to Her Majesty.

8. If the Prime Minister is of opinion that the importation of any publication would be contrary to the public interest he may, in his absolute discretion, by order prohibit the importation of such publication, and in the case of a periodical publication may, by the same or subsequent order, prohibit the importation of any past or future issue thereof.

Power to prohibit importation of publication
4 of 1968, Sched.
LN 46A of 1978

9.-(1) Any person who imports, publishes, sells, offers for sale, distributes, or reproduces any publication, the importation of which has been prohibited under section 8, or any extract therefrom, shall be guilty of an offence and liable for a first offence to imprisonment for two years or to a fine of two hundred dollars or to both such imprisonment and fine, and for a subsequent offence to imprisonment for three years; and such publication or extract therefrom shall be forfeited to Her Majesty.

Offences

(2) Any person who without lawful excuse has in his possession any publication the importation of which has been prohibited under section 8, or any extract therefrom, shall be guilty of an offence and liable for a first offence to imprisonment for one year or to a fine of one hundred dollars or to both such imprisonment and fine and for a subsequent offence to imprisonment for two years; and such publication or extract therefrom shall be forfeited to Her Majesty.

Delivery of prohibited publication to police station
4 of 1968, Sched

10.-(1) Any person to whom any publication the importation of which has been prohibited under section 8, or any extract therefrom, is sent without his 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 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, in the case of such 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 guilty of an offence and liable to imprisonment for one year or to a fine of one hundred dollars or to both such imprisonment and fine; and such publication or extract therefrom shall be forfeited to Her Majesty.

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

11.-(1) Any of the following officers, that is to say-

Power to examine
packages
LN 46A of 1978
LN 88 of 1978

(a) the Comptroller of Customs and Excise, the Commissioner of Police, the Comptroller of Posts and Telecommunications, or any officer authorised in that behalf in writing by any one of them; or

(b) any other officer authorised in that behalf by the Prime 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 9 to import, publish, sell, offer for sale, distribute, reproduce, or possess, 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 any such 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 9 or section 10 as the case may be.

12. Nothing under this Act shall prevent a prosecution under the Common Law or under any Imperial Act or any other Act:

Saving of other power

Provided that no person shall be punished twice for the same offence.

(No Subsidiary Legislation)