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Proscribed Publications Act No. 17 of 1968

Act 17 of 1968

Legislation as at 1 December 1998

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Proscribed Publications Act No. 17 of 1968

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Proscribed Publications Act No. 17 of 1968 Act 17 of 1968

Assented to on 20 August 1968

Commenced on 23 August 1968

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

An Act to proscribe certain publications and to provide that they may only be imported or possessed under licence.

1. Short title

This Act may be cited as the Proscribed Publications Act No. 17 of 1968.

2. Interpretation

In this Act—

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

"**publication**" includes—

- (a) any newspaper, book, periodical, pamphlet, poster or other printed matter; or
- (b) a writing or typescript which has in any manner been reproduced or made available to the public or any section of the public; or
- (c) any drawing, picture, illustration, painting, woodcut or similar representation; or
- (d) any film negative, print, photograph, engraving or lithograph; or
- (e) a figure, cast, carving, statue or model; or
- (f) any record or other material, contrivance or device by means of which any words or images can be reproduced either in sound or light;

"**proscribed publication**" means publication which has been proscribed by the Minister in terms of section 3.

3. Power to notify proscribed publications

- (1) The Minister may, by notice published in the *Gazette*, declare—

- (a) any publication or series of publications, or
 - (b) any publication—
 - (i) dealing with any specified subject; or
 - (ii) printed, published, manufactured, made or produced by a person (whose name shall be specified in the notice) and whether or not yet in existence;

to be a proscribed publication, if the publication is prejudicial or potentially prejudicial to the interests of defence, public safety, public order, public morality or public health.

- (2) A proscription made under this section shall take effect from the date of the notice or such other date as the Minister may specify therein.

4. Prohibition of importation, etc., of proscribed publications

- (1) Unless permitted to do so by licence issued under the hand of an officer deputed by the Minister, a person who—
 - (a) imports or attempts to import; or
 - (b) distributes, displays, exhibits, exchanges, gives, lends or offers or keeps for sale; or
 - (c) prints, publishes, manufactures, makes or produces; or
 - (d) has in his custody or control (unless he satisfies the court that such custody or control was not exercised by him for any of the aforesaid purposes);a proscribed publication shall be guilty of an offence and liable, on conviction, to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding twelve months, or both.
- (2) A court which convicts a person of an offence under this Act may order the destruction of any proscribed publication in respect of which the person is convicted.

5. Savings

- (1) The provisions of this Act shall not apply to—
 - (a) the publication of any pleading, transcript of evidence or other document for use in connexion with any judicial proceedings or their communication to persons concerned in the proceedings; or
 - (b) the publication of—
 - (i) a notice or report in pursuance of the directions of a court; or
 - (ii) any matter in any separate volume or part of any *bona fide* series of law reports which does not form a part of any other publication and consists solely of reports of proceedings in courts; or
 - (iii) any matter in a publication of a technical, scientific or professional nature *bona fide* intended for the advancement of or for use in any particular profession or branch of art, literature or science; or
 - (iv) any matter in any publication of a *bona fide* religious character;and in any prosecution for an offence under this Act the onus of proving the bona fides referred to in sub-paragraphs (ii), (iii) and (iv) shall rest upon the accused.
- (2) The Minister may, on such conditions as he deems fit, exempt any person or institution from section 4 and may at any time withdraw or amend such exemption.

6. Prosecution only on authority of Attorney-General

No prosecution in respect of an offence under this Act shall be instituted except with the written permission of the Attorney-General.

[L.N. 1/1969]

Schedule (under Section 3)

Title	Publishers
"Africana Bulletin"	University of Warsaw
"The African Communist"	South African Communist Party
"The African Worker"	African Affairs Division Trades Union Congress
"China Reconstructs"	China Welfare Institute
"China Pictorial"	China Pictorial
"Albania Today" (L'Albanie d'aujourd'hui)	Bulletin of the Albanian Telegraphic Agency
"Bulletin of the World Council of Peace"	
"Information Bulletin of the German Democratic Republic Peace Movement"	
"Information Bulletin of the Documents of the Communist & Workers Parties Articles and Speeches"	Peace and Socialism Publishers, Prague
"Morning Star"	Communist Press of Great Britain
"News Bulletin"	Issued by the Embassy of Peoples Republic of China in Tanzania
"Peking Review"	Peking Review (weekly)
"Peace, Freedom & Socialism" "Problems of Peace & Socialism" "The World Marxist Review"	Published by S.C. Easton of Communist Party of Great Britain, Head Quarters or Peace and Socialism Publishers, Prague
"The Polish Review"	Interpress, Warsaw
"The Pyonyang Times"	Korea

"Peace and the Sciences"	North Vietnam
"Review of the World Federation of Trade Unions"	World Federation of Trade Unions
"Selected Works of Mao Tse-Tung"	Foreign Languages Press (Volumes, I, II, III & IV)
"Solidarity — Magazine for Prague Relations"	Orbis Publishing House, Czechoslovak/ African
"Soviet Woman"	Soviet Women's Committee and the Central Council of Trade Unions of the Union of Soviet Socialist Republics
"Tricontinental"	(Bi-monthly) Organisation of Solidarity of the Peoples of Africa, Asia and Latin America.
"World Trade Union Movement"	Review of World Federation of Trade Unions
"Trade Union Press — International"	
"Bulletin of the Trade Union and Working Class Press"	
"World Youth"	
"W.F.D.Y. News"	
"W.F.D.Y. Diary"	
"World Student News"	
All publications of the Foreign Languages Press, Peking	
All publications of the World Federation of Trade Unions or any of its departments	
All publications of Progress Publications, Moscow	
All publications of the World Council of Peace	
All publications of the International Union of Students	

All publications of the International Organisation of Journalists, (Afro-Asian Journalists)	
All publications of the New China News Agency.	