



SAMOA

NEWSPAPERS AND PRINTERS ACT 1993

Arrangement of Provisions

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|--|--|
| 1. Short title | 12. Printer to keep record of employer's name |
| 2. Interpretation | 13. Exemptions from requirements as to marking and as to keeping record of employer's name |
| 3. Unregistered newspapers not to be printed or published | 14. Arrest of persons distributing unauthenticated documents |
| 4. Registration of newspapers | 15. Offences in relation to registration of newspapers |
| 5. Disclaiming affidavit may be lodged | 16. Omission of printer's name |
| 6. Affidavit conclusive evidence of statements | 17. Printer not recording employer's name |
| 7. Register open to public | 18. Penalty for offences |
| 8. Proof of purchase of paper dispensed with | |
| 9. Names of printer and publisher of newspaper to be printed therein | |
| 10. Protection of journalist's sources | Schedule |
| 11. Printer's name to be on every published work | |

NEWSPAPERS AND PRINTERS ACT 1993

1993

No.25

AN ACT to provide for the registration of newspapers and the marking of printed documents.

[Assent and commencement date: 11 February 1993]

1. Short title – This Act may be cited as the Newspapers and Printers Act 1993.

2. Interpretation – In this Act, unless the context otherwise requires:

- “document” includes a book, pamphlet, magazine, periodical, letterpress, or printed reproduction;
- “newspaper” means a paper containing public news or observations thereon which is printed for sale or distribution and is published in Samoa periodically at intervals not exceeding 3 months; but does not include a paper containing only matter wholly of a commercial nature;
- “printer” in relation to a document or newspaper, means the owner of the undertaking by which the document or newspaper is printed;
- “printing” includes the production of copies by a duplicating process, whether letterpress, photographic, lithographic, stencilling, or otherwise; but does not include typewriting; and “to print” has a corresponding meaning;
- “public place” has the same meaning as in section 2 of the Police Offences Ordinance 1961;
- “publisher” in relation to a newspaper, means the proprietor thereof.

3. Unregistered newspapers not to be printed or published – No person shall print or publish a newspaper unless it is for the time being registered under this Act.

4. Registration of newspapers – (1) If a person desires to publish a newspaper, the person shall lodge with the Registrar of the Supreme Court an affidavit in Form 1 in the Schedule to this Act duly sworn and signed by each of the persons intended to be the publishers and printers and editor of the newspaper.

(2) If the publisher or printer is a company, the affidavit is to be sworn and signed on behalf of the company by the manager or by any of its directors.

(3) If the publisher or printer of a newspaper is an incorporated society, the affidavit is to be sworn and signed on behalf of the society by any of its officers.

(4) On receipt of the affidavit, the Registrar shall enter the name of the newspaper in a register, and it shall thereupon be deemed to be registered.

(5) If at any time a change occurs in any of the particulars stated in the affidavit, a further affidavit sworn and signed as

aforesaid and specifying the change is to be lodged by the publisher with the Registrar.

(6) If a newspaper has been registered under this Act, the publisher shall, during the next succeeding month of January and during the month of January in each year thereafter, lodge with the Registrar a notice in Form 2 in the Schedule to this Act signed by the publisher or, where the publisher is a company or an incorporated society, by the manager or a director of the company or an officer of the society, as the case may be.

(7) If the notice referred to in subsection (6) has not been lodged with the Registrar before 1 February in a year, the registration of the newspaper under this Act shall cease to have effect on that date, but the newspaper may be reregistered under this section.

5. Disclaiming affidavit may be lodged – A person who has signed an affidavit under section 4 may lodge with the Registrar a further affidavit stating that the person is no longer connected with the newspaper in the capacity specified in the first-mentioned affidavit, and thereupon the person is, by reason only of the first-mentioned affidavit, taken not to be connected with newspaper in that capacity.

6. Affidavit conclusive evidence of statements – Subject to section 5, an affidavit lodged under section 4 is, except in so far as it is superseded by an affidavit lodged under section 4 (5), in all civil or criminal proceedings relating to the newspaper or anything contained therein, conclusive evidence against a person by or on whose behalf it is signed of the statements therein.

7. Register open to public – The register and the affidavits and notices lodged relating thereto are to be open without charge to public inspection.

8. Proof of purchase of paper dispensed with – If in a civil or criminal proceedings relating to a newspaper or anything therein contained against a person by or on whose behalf an affidavit has been lodged under section 4:

- (a) the affidavit or a certified copy thereof is produced in evidence; and

(b) a newspaper is so produced bearing the same name as the newspaper mentioned in the affidavit, – it is not necessary to prove that the newspaper to which the proceedings relate was purchased at a house, shop, or office belonging to or occupied by the defendant or his or her servants, or where he or she or they severally carry on the business of printing and publishing, or where the newspaper is sold.

9. Names of printer and publisher of newspaper to be printed therein – (1) At the end of a newspaper and of a supplement sheet thereof there shall be printed:

- (a) the full name and place of business of its printer and publisher, or, where its printer or publisher is a company or an incorporated society, the place of the registered office of the company or society, as the case may be; and
- (b) a true description of the place where the newspaper is printed and published respectively; and
- (c) the day of the week, month, and year on which the newspaper is published.

(2) The omission of any of those particulars shall, in the absence of proof to the contrary, be evidence of wilful default on the part of a printer or publisher of the newspaper.

10. Protection of journalist's sources - (1) A journalist is not compellable in a civil or criminal proceeding to answer any question or produce any document that would disclose the identity of the informant.

(2) Subsection (1) does not apply if a court is satisfied that the public interest in the disclosure of evidence of the identity of the informant outweighs:

- (a) any likely adverse effect of the disclosure on the informant or any other person; and
- (b) the public interest in the communication of facts and opinion to the public by the news media and, accordingly also, in the ability of the news media to access sources of facts.

(3) In this section:

“informant” means a person who gives information to a journalist in the normal course of the journalist's

work in the expectation that the information may be published in the news media;

“news media” means news media for the dissemination to the public or a section of the public of news and observations on news;

“public interest in the disclosure of evidence” includes, in a criminal proceeding, the defendant’s right to present an effective defence.

11. Printer’s name to be on every published work – (1) A person who prints a document for sale or distribution shall print in legible characters on the document, or, if the document has more than 1 leaf, on the first and last leaf of the document, his or her name and the name of the place (including the village and the street or road and the number, if any, in the street or road), in which his or her usual place of business is situated.

(2) If the document is printed by a company or incorporated society, the place (including the village and the street or road and the number, if any, in the street or road) of the registered office of the company or society shall appear instead of the place of business of the printer.

12. Printer to keep record of employer’s name – A person who prints a document for or on behalf of any other person (whether for reward or not) shall keep a copy of the document for 6 months after the date of the printing thereof, and shall write or print thereon the date on which the document was printed and the name and address of the person for or on whose behalf he or she has printed the document.

13. Exemptions from requirements as to marking and as to keeping record of employer’s name – Nothing in section 11 or 12 applies to:

- (a) a document printed by or on behalf of a Government Department or local authority; or
- (b) a document containing only matter of a purely judicial, religious, social, professional, scientific, scholastic, commercial, business, advertising, trading, or sporting character; or

- (c) a document which is wholly a catalogue or programme issued in respect of an exhibition, performance, game, or sport.

14. Arrest of persons distributing unauthenticated documents – If a person:

- (a) sells or offers for sale; or
- (b) distributes or offers to distribute; or
- (c) leaves in a public place or otherwise exposed to public

view, –

a document on which the name and address of the printer is not printed as required by section 11 or on which a fictitious or false name or address is printed, a constable in whose presence any such act is done, and who has reasonable grounds for suspecting that the distribution or publication of the documents constitutes an offence against any other enactment, may apprehend the person without warrant and take the person, as soon as practicable, before a Justice to be dealt with according to law.

15. Offences in relation to registration of newspapers – A person commits an offence who:

- (a) wilfully prints or publishes or sells or distributes a newspaper which is not for the time being registered under this Act or in respect of which the affidavit required by this Act has not been lodged either originally or as often as this Act requires; or
- (b) signs a notice referred to in section 4(6) which contains a statement which is false; or
- (c) wilfully prints or publishes or sells or distributes a newspaper or supplement thereto whereon the particulars required by section 9 are not printed or whereon there are printed any such particulars which are false or which differ from the particulars in the affidavit lodged in respect of that newspaper; or
- (d) wilfully or deliberately destroys conceals or fails to produce any items required under section 10.

16. Omission of printer's name – A person commits an offence who:

- (a) prints a document and omits to print therein his or her name and address as required by section 11 or prints therein a fictitious or false name or address; or
- (b) sells or offers for sale, or distributes or offers to distribute, or leaves in a public place or otherwise exposed to the public view, or assists any other person in so doing, a document on which the name and address of the printer are not printed as required by section 11 or on which a fictitious or false name or address is printed.

17. Printer not recording employer's name – A person commits an offence who prints a document for or on behalf of any other person (whether for reward or not), being a document to which section 12 applies, and:

- (a) neglects to keep a copy of the document for 6 months after the date on which it was printed; or
- (b) neglects to write or print thereon the date on which the document was printed or the name or address of the person for or on whose behalf the document was printed; or
- (c) writes or prints on the document any such particulars which are false or fictitious; or
- (d) refuses or neglects to produce and show the copy to a constable who within 6 months after the date of the printing of the document requires to see it.

18. Penalty for offences – A person who is convicted of an offence against this Act is liable to a fine not exceeding 50 penalty units or imprisonment for a term not exceeding 3 months.

**SCHEDULE
(Section 4(1))**

FORM 1

AFFIDAVIT FOR REGISTRATION OF NEWSPAPER

In the matter of the (Name) newspaper:

PURSUANT to the Newspapers and Printers Act 1993, we A.B., C.D., E.F., and G.H., of (Place of abode and occupation) severally make oath and say as follows:

- 1. A.B. and C.D. propose to carry on the business of publishing a newspaper named the (Name), and are the proprietors thereof.

(Or, in the case of a company) (Name) Limited, of which A.B. is manager (or a director), proposes to carry on the business of publishing a newspaper named the (Name), and the company is the proprietor thereof. The registered office of the company is at (Or, in the case of an incorporated society) (Name) Incorporated, of which A.B. is an officer, proposes to carry on the business of publishing a newspaper named the (Name), and the society is the proprietor thereof. The registered office of the society is at.....

- 2. The intended printer of the newspaper is E.F. of

(Or, in the case of a company) The intended printer of the newspaper is (Name) Limited of which E.F. is manager (or a director). The registered office of the company is at

(Or, in the case of an incorporated society) The intended printer of the newspaper is (Name) Incorporated, of which E.F. is an officer. The registered office of the society is at ...

- 3. The intended editor of the newspaper is G.H. of

- 4. The intended place of printing the newspaper is at

- 5. The above-mentioned names, addresses, occupations, and descriptions of premises are the true and real names, addresses, and occupations of the several persons (and companies and societies) to whom and of the premises to which they respectively refer.

Severally sworn before me at this day of
20

A Solicitor (Registrar or Deputy Registrar) of the Supreme Court of Samoa.

FORM 2
ANNUAL NOTICE AS TO PARTICULARS IN
AFFIDAVIT FOR REGISTRATION OF NEWSPAPER

To the Registrar of the Supreme Court:

In the matter of (Name) newspaper:

PURSUANT to the Newspapers and Printers Act 1993, notice is hereby given that the particulars relating to the publishers, printers, and editor and the place of printing of the above-mentioned newspapers as specified in the affidavit for registration thereof lodged on the day of 20..... (as amended by the affidavit(s) lodged on the day of..... 20) are true particulars as at this date.

Dated this day of 20... .

A.B., Publisher
(or, where the publisher is a company or incorporated society).

A.B.
Manager (or Director of Officer) of (Name)
of company or society), Publisher

REVISION NOTES 2008 – 2020/3 March 2021

This is the official version of this Act as at 3 March 2021.

This Act has been revised by the Legislative Drafting Division from 2008 – 2020/3 March 2021 respectively under the authority of the Attorney General given under the *Revision and Publication of Laws Act 2008*.

The following general revisions have been made:

- (a) Insertion of the commencement date
- (b) Other minor editing has been done in accordance with the lawful powers of the Attorney General, where appropriate:
 - (i) “Every” and “any” changed to “a/an”
 - (ii) Present tense drafting style
 - o “shall be” changed to “is/are” or “is/are to be”

10

Newspapers and Printers Act 1993

- “shall be deemed” changed to “is/are taken/regarded as”
- “shall have” changed to “has”
- (iii) Removal of superfluous terms
 - “with respect”
- (iv) Section 14 paragraphed.
- (v) “where” changed to “if”

The following amendments are made to this Act since the publication of the *Consolidated and Revised Statutes of Sāmoa 2007*:

By the Media Council Act 2015, No. 25 (commenced on 9 July 2015):

Section 10: Deleted and substituted with a new section 10.

*This Act is administered by
the Ministry of Justice and Courts Administration.*