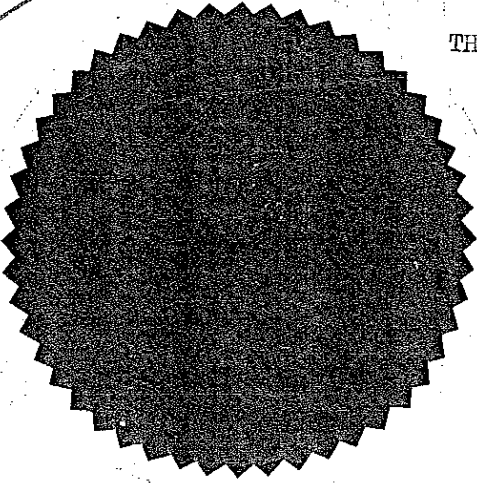


THE REPUBLIC OF KIRIBATI  
(No. 13 of 1988)



I assent,

*N. Tabai*  
Beretitenti:  
13/11/1988

AN ACT TO REGULATE THE PRINTING AND PUBLISHING  
OF NEWSPAPERS AND FOR CONNECTED PURPOSES

Commencement: 1988/

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short title

1. This Act may be cited as the Newspaper Registration Act 1988.

Interpretation

2. In this Act unless the context otherwise requires -

"newspaper" means any paper containing public news, intelligence, occurrences, advertisements or any remarks or observations therein printed for sale or distribution to the public or otherwise and published in Kiribati, but does not include any document published by the "Government printer" in the course of his duty;

Cap. 10A

"Registrar" means the Registrar of Companies appointed under section 5 of the Companies Ordinance.

All newspapers to be subject to Act

3. No person shall print or publish any newspaper unless and until the affidavit referred to under section 4 of this Act has been registered in accordance with the provisions of this Act.

Affidavits of publication to be registered

4. Before any person commences the business of publishing a newspaper, there shall be deposited with the Registrar an affidavit duly sworn to and signed respectively by -

- (a) the proprietor of such newspaper;
- (b) the person intended to be the printer of such newspaper; and
- (c) the person intended to be the publisher of such newspaper,

and such affidavit shall be in the form or as near thereto as may be and shall contain the statement specified in the Schedule.

Affidavits to be registered and to be open to the public

5(1) The Registrar shall keep and maintain a register of affidavits referred to under section 4 of this Act and such register shall at all reasonable times be open without charge to public inspection.

(2) The registrar shall register or cause to be registered an affidavit deposited with him under section 4 of this Act.

Changes in particulars of affidavits registered to be notified

6. Where in the case of a newspaper already registered in accordance with sections 4 and 5 of this Act -

(a) any change is at any time made in any of the particulars by this Act required to be stated respecting the same; or

(b) any event at any time occurs whereby such particulars cease to be accurate or true,

the proprietor, printer and publisher shall deposit a supplementary affidavit with the Registrar notifying such change or event aforesaid.

Affidavit conclusive evidence of its statements

7. In all court proceedings civil or criminal involving any such newspaper or anything therein contained such affidavit shall be conclusive evidence against every person signing the same of the truth of all such particulars or matters as are, in accordance with this Act, therein set forth.

Disclaiming affidavit to be registered

8(1) Where any person has made any such affidavit as is referred to in sections 4, 5 and 6 of this Act, such person may at any time deposit with the Registrar another affidavit stating that he is no longer connected with the newspaper in the capacity set forth in such first-mentioned affidavit.

(2) With effect from the date on which such person deposits such other affidavit as is referred to in subsection (1) of this section with the Registrar, such person shall not be taken by reason of the first mentioned affidavit only to be connected with such newspaper.

Names of proprietor and publisher of newspaper to be printed therein

9(1) Every newspaper shall contain printed in some convenient thereof the true name, any addition thereto and place of abode of its proprietor, printer and publisher and a true description of the place where the newspaper is printed.

(2) Failure to comply with all or any of the requirements of subsection (1) of this section shall be prima facie evidence of wilful default against any such proprietor, printer or publisher.

Offence

10. Any publisher, printer or other person who wilfully -

(a) prints, publishes, sells, distributes, whether for valuable consideration or otherwise, any newspaper in respect of which the affidavit required by this Act has not been registered in accordance with this Act; or

(b) prints or publishes any newspaper without the names required by this Act to be printed therein; or

(c) otherwise fails to comply with the provisions of this Act,

commits an offence and shall be liable upon conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 12 months.

Limitation of proceedings

11. Proceedings for an offence against this Act may not be brought after 3 years from the date of the alleged offence.

SCHEDULE  
(Section 4)

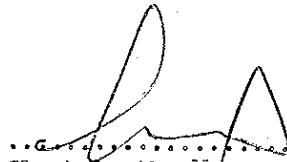
In the matter of the ..... newspaper I/we .....  
....., ....., .....

do make oath, and say as follows:-

- (1) ..... and ..... propose to carry on the business of publishing and vending a newspaper named the ..... and are the proprietors thereof.
- (2) The intended printer of the said newspaper is ..... of .....
- (3) The intended publisher of the same is ..... of .....
- (4) The intended place of printing the same is .....
- (5) The above-mentioned names, additions, and places of abode, and descriptions of premises, are the true and real names, additions, and places of abode, and descriptions of the several persons to whom, and of the premises to which, they respectively refer.  
.....  
.....  
.....  
.....

Sworn before me, this ..... day of ..... 19....

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 12/12/88 and is found by me to be a true and correctly printed copy of the said Bill.

  
.....  
Clerk to the Maneaba ni Maungatabu

Published by exhibition -

(a) at the Public Office of the Beretitenti on the day of 12/11, 1988.

  
.....  
Secretary to the Cabinet

(b) at the Maneaba ni Maungatabu on the day of , 1988.

.....  
Clerk to the Maneaba ni  
Maungatabu

NEWSPAPER REGISTRATION ACT 1988

EXPLANATORY MEMORANDUM

The main object of this Act is to regulate the printing and publishing of newspapers by imposing a duty (under pain of fine and/or imprisonment) on proprietors, printers and publishers of such newspapers to -

- (a) furnish certain particulars relating to themselves as such by means of a sworn affidavit; and
- (b) disclosing their names, places of abode and a true description of the place where the newspaper is printed in the newspaper.

It is considered that it is in the interest of the public that the identity of such proprietors, printers and publishers should be known: it will enable any member of the public who wishes to have any matter published in a newspaper to know where to go; and whom to contact. It will also make it possible for any member of the public who feels he or she has been libelled by a newspaper to know whom to seek redress from.

This Act will not be peculiar to Kiribati: England enacted a similar legislation as far back as 1881 and other countries both developed and developing have similar legislation.

This Act was modelled closely on the Newspaper Registration Act of Fiji which came into force in 1895 as amended up to 1971.

Michael Neaua Takabwebwe  
The Attorney General

LEGAL REPORT

I hereby certify my opinion that none of the provisions of the above Act conflict with the Constitution and that the Beretitenti may properly assent to the Act.

Michael N. Takabwebwe  
Attorney-General