

Newspapers and Printers Act 1955

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Schedule 9

An Act to consolidate and amend the law relating to the registration of newspapers and the marking of printed documents.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1 Short Title.

This Act may be cited as the Newspapers and Printers Act 1955.

2 Interpretation.

1908, No. 148, s. 2

In this Act, unless the context otherwise requires,—

“Document” includes any book, pamphlet, magazine, periodical, letterpress, or printed reproduction:

“Newspaper” means any paper containing public news or observations thereon which is printed for sale or distribution and is published in New Zealand periodically at intervals not exceeding forty days; but does not include any paper containing only matter wholly of a commercial nature:

“Printer”, in relation to any document or newspaper, means the owner of the undertaking by which the document or newspaper is printed:

“Printing” includes the production of copies by any 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 forty of the Police Offences Act 1927:

“Publisher”, in relation to any newspaper, means the proprietor thereof.

*Registration of Newspapers***3 Unregistered newspapers not to be printed or published.**

1908, No. 148, s. 9

No person shall print or publish any newspaper unless it is for the time being registered under the provisions of this Act.

4 Registration of newspapers.

1908, No. 148, ss. 10, 17

- (1) Where any person desires to publish a newspaper he shall lodge with the Registrar of the Supreme Court office nearest to the place where the newspaper is intended to be published 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) Where the publisher or printer is a company, the affidavit shall be sworn and signed on behalf of the company by the manager or by a director thereof.
- (3) Where the publisher or printer of a newspaper is an incorporated society, the affidavit shall be sworn and signed on behalf of the society by an officer thereof.
- (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) Where at any time any change occurs in any of the particulars stated in the affidavit, a further affidavit sworn and signed as aforesaid and specifying the change shall be lodged by the publisher with the Registrar.
- (6) Where 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) Where the notice referred to in subsection six of this section has not been lodged with the Registrar before the first day of February in any year, the registration of the newspaper under this Act shall cease to have effect on that date, but the newspaper may be reregistered under the provisions of this section.

5 Disclaiming affidavit may be lodged.

1908, No. 148, s. 12

Any person who has signed an affidavit under section four of this Act may lodge with the Registrar a further affidavit stating that he is no longer connected with the newspaper in the capacity specified in the first-mentioned affidavit, and thereupon he shall not by reason only of the first-mentioned affidavit be deemed to be connected with the newspaper in that capacity.

6 Affidavit conclusive evidence of statements.

1908, No. 148, s. 11

Subject to the provisions of section five of this Act, every affidavit lodged under section four of this Act shall, except in so far as it is superseded by an affidavit lodged under subsection five of section four of this Act, in all civil or

criminal proceedings relating to the newspaper or anything contained therein be conclusive evidence against every person by or on whose behalf it is signed of the statements therein.

7 Register open to public.

1908, No. 148, s. 13

The register and the affidavits and notices lodged relating thereto shall be open without charge to public inspection.

8 Proof of purchase of paper dispensed with.

1908, No. 148, s. 15

If in any civil or criminal proceedings relating to any newspaper or anything therein contained against any person by or on whose behalf an affidavit has been lodged under section four of this Act—

- (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 shall not be necessary to prove that the newspaper to which the proceedings relate was purchased at any house, shop, or office belonging to or occupied by the defendant or his servants, or where he 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.

1908, No. 148, s. 14

- (1) At the end of every newspaper and of every 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 any printer or publisher of the newspaper.

10 Discovery in case of defamation in newspaper.

1908, No. 148, s. 16

Where in any proceedings the plaintiff claims discovery of the name of the printer or publisher of any newspaper or of any matter relating to the printing or publishing thereof, in order to enable him more effectually to bring or continue an action for damages on the ground of any defamatory statement therein concerning him, the defendant shall not be permitted to dispute that claim, but shall be compellable to make the discovery thereby required:

Provided that no discovery shall be used for any purpose in any proceeding other than that in and for the purposes of which the discovery is made.

Marking of Documents

11 Printer's name to be on every published work.

1908, No. 148, s. 4

- (1) Every person who prints any document for sale or distribution shall print in legible characters on the document, or, if the document has more than one leaf, on the first and last leaf of the document, his name and the name of the place (including the street or road and the number, if any, in the street or road) in which his usual place of business is situated.
- (2) If the document is printed by a company or incorporated society, the place (including 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.

1908, No. 148, s. 5

Every person who prints any document for or on behalf of any other person (whether for reward or not) shall keep a copy of the document for six 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 has printed the document.

13 Exemptions from requirements as to marking and as to keeping record of employer's name.

1908, No. 148, s. 8

Nothing in section eleven or section twelve of this Act shall apply with respect to—

- (a) Any document printed by or on behalf of any Government Department or local authority; or

- (b) Any document containing only matter of a purely judicial, religious, social, professional, scientific, scholastic, commercial, business, advertising, trading, or sporting character; or
- (c) Any document which is wholly a catalogue or programme issued in respect of any exhibition, performance, game, or sport.

14 Arrest of persons distributing unauthenticated documents.

1908, No. 148, s. 6

Where any person sells or offers for sale, or distributes or offers to distribute, or leaves in any public place or otherwise exposed to public view, any document on which the name and address of the printer is not printed as required by section eleven of this Act or on which a fictitious or false name or address is printed, any constable in whose presence any such act is done, and who has reasonable grounds for suspecting that the distribution or publication of the document constitutes an offence against any other enactment, may apprehend him without warrant and take him, as soon as practicable, before a Justice to be dealt with according to law.

Offences

15 Offences in relation to registration of newspapers.

1908, No. 148, s. 21

Every person commits an offence who—

- (a) Wilfully prints or publishes or sells or distributes any 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 any notice referred to in subsection six of section four of this Act which contains any statement which is false; or
- (c) Wilfully prints or publishes or sells or distributes any newspaper or supplement thereto whereon the particulars required by section nine of this Act 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.

16 Omission of printer's name.

1945, No. 40, s. 65

Every person commits an offence who—

- (a) Prints any document and omits to print therein his name and address as required by section eleven of this Act or prints therein any fictitious or false name or address; or

- (b) Sells or offers for sale, or distributes or offers to distribute, or leaves in any public place or otherwise exposed to the public view, or assists any other person in so doing, any document on which the name and address of the printer are not printed as required by section eleven of this Act or on which a fictitious or false name or address is printed.

17 Printer not recording employer's name.

1908, No. 148, s. 20

Every person commits an offence who prints any document for or on behalf of any other person (whether for reward or not), being a document to which section twelve of this Act applies, and—

- (a) Neglects to keep a copy of the document for six 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 any constable who within six months after the date of the printing of the document requires to see it.

18 Penalty for offences.

1908, No. 148, ss. 20, 21 1945, No. 40, s. 65

Every person who commits an offence against this Act is liable on summary conviction to a fine not exceeding one hundred pounds.

Repeals and Savings

19

- (1) The following enactments are hereby repealed, namely:
 - (a) The Printers and Newspapers Registration Act 1908:
1945, No. 40
 - (b) Section sixty-five of the Statutes Amendment Act 1945.
- (2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or anything whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if

that provision had been in force when the document was made or the thing was done.

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 1955, 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 said 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 said society is the proprietor thereof. The registered office of the society is at .
2. The intended printer of the said newspaper is E. F. of .
(Or, in the case of a company) The intended printer of the said 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 said 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 said newspaper is G. H. of .
4. The intended place of printing the said 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 19 .

A. B.

C. D.

E. F.

G. H.

A Solicitor (Registrar *or* Deputy Registrar) of the Supreme Court of New Zealand.

Form 2

Annual Notice as to Particulars in Affidavit for Registration of Newspaper

Section 4(6)

To the Registrar of the Supreme Court at .

In the matter of [*Name*] newspaper.

Pursuant to the Newspapers and Printers Act 1955, notice is hereby given that the particulars relating to the publishers, printers, and editor and the place of printing of the above-mentioned newspaper as specified in the affidavit for registration thereof lodged on the day of 19 (as amended by the affidavit(s) lodged on the day of 19) are the true particulars as at this date.

Dated this day of 19 .

A. B., Publisher.

(Or, where the publisher is a company or incorporated society).

A. B.

Manager (*or* Director *or* Officer) of [*Name of company or society*], Publisher.