



Republic of Namibia
Annotated Statutes

Newspaper and Imprint Registration Act 63 of 1971 (RSA)

(RSA GG 3159)

brought into force in South Africa and South West Africa
on 1 April 1972 by RSA Proc. R. 80/1972 (RSA GG 3441)
(see section 14 of Act)

APPLICABILITY TO SOUTH WEST AFRICA: Section 1 defines "Republic" to include "the territory of South West Africa". Section 14(1) states that "this Act and any amendment thereof shall also apply in the territory of South West Africa, including the Eastern Caprivi Zipfel".

TRANSFER TO SOUTH WEST AFRICA: The administration of this Act was transferred to South West Africa by the Executive Powers (Interior) Transfer Proclamation, AG 17 of 1978, dated 30 March 1978. As a result, the only amendment to the Act in South Africa after the date of transfer and prior to Namibian independence – the *Registration of Newspapers Amendment Act 98 of 1982 (RSA GG 8280)* – did not apply to South West Africa because it was not made expressly so applicable. (There were no South African amendments to the Act prior to the date of transfer.)

Section 3(2)(c) of the transfer proclamation excluded section 8 of the Act from the operation of section 3(1)(c) of the Executive Powers Transfer (General Provisions) Proclamation, AG 7 of 1977, which concerns the interpretation of the term "Republic".

ACT

To provide for the registration of newspapers and imprints; to regulate certain matters in connection with printed matter; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President)
(Assented to 4th June, 1971)*

ARRANGEMENT OF SECTIONS

1. Definitions
2. Prohibition of printing and publishing of unregistered newspapers
3. Application for registration of a newspaper
4. Registration of newspapers, issue of certificates in connection therewith, and evidential value of certificates
5. Notification of change in particulars furnished in connection with registration
6. Furnishing Minister or Secretary with certain copies of newspaper

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7. Notification of place of publication and names and addresses of proprietor, printer and publisher of newspaper
8. Place of residence of editor of newspaper
9. Notification of name of printer and address of his business on certain printed matter
10. Registration of imprint abbreviation
11. Offences, penalties and onus of proof
12. Delegation of powers
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14. Application of Act in South-West Africa
15. Repeal of Act 14 of 1934, and savings
16. Short title and commencement

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:-

CHAPTER I

DEFINITIONS

Definitions

1. In this Act, unless the context otherwise indicates -

“Minister” means the Minister of the Interior;

“newspaper” means a periodical publication published at intervals not exceeding one month and consisting wholly or for the greater part of political or other news or of articles relating thereto or to other current topics, with or without advertisements, and with or without illustrations, but does not include any publication not intended for public sale or public dissemination;

“prescribed” means prescribed by regulation under this Act;

“printed matter” means any picture or any mark conveying any meaning which has been produced on any material by impressing any other material thereon;

“printer” means any person carrying on or managing a business which produces printed matter;

“registered” means registered in terms of this Act;

“Republic” includes the territory of South-West Africa;

“Secretary” means the Secretary for the Interior;

“this Act” includes the regulations.

CHAPTER II

REGISTRATION OF NEWSPAPERS

Prohibition of printing and publishing of unregistered newspapers

2. No person shall print and publish in the Republic any newspaper unless such newspaper has been registered.

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Application for registration of a newspaper

3. (a) Any person intending to print and publish a newspaper in the Republic or to continue to publish and print in the Republic a newspaper referred to in section 14 (2), shall lodge with the Secretary on the prescribed form an application for the registration of such newspaper.
- (b) Any such application shall contain the prescribed particulars and shall, except in the case of a newspaper referred to in section 14(2), be accompanied by the prescribed fee.

Registration of newspapers, issue of certificates in connection therewith, and evidential value of certificates

4. (1) Upon the receipt by the Secretary of any application in terms of section 3 the Minister shall register the newspaper concerned and issue to the applicant an appropriate certificate of registration: Provided that a newspaper shall not be so registered if it bears the same name as a newspaper already registered or if the Minister is of opinion that the name thereof so closely resembles the name of any newspaper so registered as to be calculated to deceive.

(2) The Secretary shall upon the application of any person and on payment of the prescribed fee furnish such person with a certified copy of such particulars, referred to in section 3(b), in respect of a registered newspaper as he may require.

(3) A certificate of registration purporting to have been issued under subsection (1), and a certified copy purporting to have been furnished under subsection (2), shall, in the absence of proof of fraud or error, upon its mere production, be conclusive evidence that the newspaper therein referred to has been registered in terms of subsection (1) and *prima facie* evidence of any other fact stated in such certificate or, as the case may be, *prima facie* evidence of any fact stated in that copy.

Notification of change in particulars furnished in connection with registration

5. (a) Whenever a change occurs in regard to any of the particulars in respect of any registered newspaper furnished in the relevant application for registration, the proprietor of such newspaper shall within fourteen days after the day on which the change occurred, notify the Secretary in writing of the change.
- (b) Such notice shall contain the prescribed particulars and shall be accompanied by the prescribed fee.
- (c) The Secretary shall thereupon alter appropriately the particulars maintained by him in respect of the newspaper concerned: Provided that if the change of which the Secretary has been so notified, relates to the name of such newspaper, the said particulars shall not be so altered if the changed or new name is the same as that of a newspaper already registered or if the Minister, after the Secretary has submitted the matter to him, is of opinion that the changed or new name so closely resembles the name of such a registered newspaper as to be calculated to deceive.

Furnishing Minister or Secretary with certain copies of newspaper

6. (1) The proprietor of a newspaper shall transmit to the Secretary, free of charge, a copy of the first issue of such newspaper after the issue of a certificate of registration in respect thereof under section 4(1).

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(2) Upon the written request of the Minister the proprietor of a registered newspaper shall transmit to the Minister, free of charge, a copy of any issue of such newspaper specified in the request.

Notification of place of publication and names and addresses of proprietor, printer and publisher of newspaper

7. The printer of a registered newspaper shall ensure that the full and correct address at which the newspaper is published, and the full and correct names and addresses of the proprietor, printer and publisher thereof are printed in legible type and in either of the official languages of the Republic upon the front, penultimate or back page of every copy of any issue of such newspaper.

[The term “official languages” refers to the period before independence when English and Afrikaans were both official languages of “South West Africa”. The only official language of Namibia is English (Namibian Constitution, Art 3(1)).]

Place of residence of editor of newspaper

8. No person shall print and publish in the Republic any newspaper unless the editor or acting editor or, in the event of there being more than one editor, the responsible or chief editor thereof is resident in the Republic.

[Section 3(2)(c) of the Executive Powers (Interior) Transfer Proclamation, AG 17 of 1978, excluded section 8 of the Act from the operation of section 3(1)(c) of the Executive Powers Transfer (General Provisions) Proclamation, AG 7 of 1977, which concerns the interpretation of the term “Republic” – with the result that, prior to independence, “Republic” in this section retained the meaning it was given in the definition section of the Act (South Africa and South West Africa).]

CHAPTER III

PRINTED MATTER

Notification of name of printer and address of his business on certain printed matter

9. The printer of any printed matter, other than a newspaper, printed and published in the Republic, shall ensure that his full and correct name and the full and correct address at which he conducts his business of printing are printed in legible type and in either of the official languages of the Republic on all such printed matter: Provided that the Minister may on the application of any printer grant permission to him, in accordance with the provisions of section 10, to use an abbreviation instead of such name and address: Provided further that the Minister may by notice in the *Gazette* exempt any kind of printed matter from the provisions of this section.

[The term “official languages” refers to the period before independence when English and Afrikaans were both official languages of “South West Africa”. The only official language of Namibia is English (Namibian Constitution, Art 3(1)).]

Registration of imprint abbreviation

10. (1) A printer who desires to use an abbreviation instead of his full name and address as contemplated in section 9 shall lodge with the Secretary an application therefor on the prescribed form.

(2) Any such application shall contain the prescribed particulars and shall be accompanied by the prescribed fee.

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(3) The Secretary shall keep a record of the particulars of the application and shall notify the applicant in writing of the Minister's decision thereon.

(4) No person other than the printer to whom the Minister has in terms of section 9 granted consent to use an abbreviation, shall use that abbreviation in connection with any printed matter.

(5) (a) Whenever a change occurs in regard to any of the particulars furnished in any application in terms of subsection (1), the printer concerned shall within fourteen days after the day on which the change occurred, notify the Secretary in writing of the change.

(b) Such notice shall contain the prescribed particulars and shall be accompanied by the prescribed fee.

(6) The Secretary shall thereupon alter appropriately the record referred to in subsection (3).

(7) The Secretary shall upon the application of any person and on payment of the prescribed fee furnish such person with a certified copy of such particulars of that record as he may require.

CHAPTER IV

PENAL AND GENERAL PROVISIONS

Offences, penalties and onus of proof

11. (1) Any person who contravenes or fails to comply with any provision of this Act, or who makes any false statement or furnishes any false particulars for the purposes of this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(2) If in any proceedings under this Act the question arises whether or not any publication is intended for public sale or public dissemination, it shall be presumed to be so intended until the contrary is proved.

Delegation of powers

12. The Minister may delegate to any officer or officers of the Department of the Interior any of the powers conferred upon him by this Act.

Regulations

13. (1) The Minister may make regulations as to -

(a) the amount of the fees payable in terms of sections 3, 4, 5 and 10;

(b) the procedure to be followed in connection with the registration of newspapers and abbreviations of the names of printers;

(c) the particulars which shall accompany any application or notice;

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(d) any other matter which in terms of this Act is required or permitted to be prescribed.

(2) A regulation contemplated in subsection (1)(a) may only be made after consultation with the Minister of Finance.

Application of Act in South-West Africa

14. (1) Subject to the provisions of subsection (2) this Act and any amendment thereof shall also apply in the territory of South-West Africa, including the Eastern Caprivi Zipfel.

(2) Until the expiration of three months from the commencement of this Act the provisions of section 2 shall not apply in respect of a newspaper printed and published in the said territory at such commencement.

Repeal of Act 14 of 1934, and savings

15. (1) Subject to the provisions of subsection (2) the Newspaper and Imprint Act, 1934, is hereby repealed.

(2) Anything done under a provision of the said Act and which could be done under any provision of this Act, shall be deemed to have been done under the last-mentioned provision.

Short title and commencement

16. This Act shall be called the Newspaper and Imprint Registration Act, 1971, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.