

CYPRUS

SEDITIONS PUBLICATIONS

CHAPTER 164 OF THE LAWS

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CHAPTER 164.

SEDITIONOUS PUBLICATIONS.

ARRANGEMENT OF SECTIONS.

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1949
Cap. 156.

TO FACILITATE THE SUPPRESSION OF SEDITIONOUS
PUBLICATIONS.

[13th April, 1921.]

Short title.

1. This Law may be cited as the Seditious Publications Law.

Interpre-
tation.

2. In this Law—

“ periodical publication ” includes every publication issued periodically, or in parts or numbers at intervals, whether regular or irregular ;

“ publication ” includes all written or printed matter and every thing, whether of a nature similar to written or printed matter or not, containing any visible representation, or by its form, shape, or in any manner capable of suggesting words or ideas, and every copy and reproduction of or extract from any publication ;

“ seditious publication ” includes every publication, whether periodical or otherwise, having a seditious intention.

Meaning
of seditious
intention.

3. For the purposes of this Law a seditious intention is an intention—

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(a) to bring into hatred or contempt or to excite disaffection against the person of Her Majesty, Her Heirs or Successors or the Government of the Colony as by law established ; or

- (b) to bring about a change in the sovereignty of the Colony ; or
- (c) to excite Her Majesty's subjects or inhabitants of the Colony to attempt to procure the alteration, otherwise than by lawful means, of any other matter in the Colony as by law established ; or
- (d) to bring into hatred or contempt or to excite disaffection against the administration of justice in the Colony ; or
- (e) to raise discontent or disaffection amongst Her Majesty's subjects or inhabitants of the Colony ; or
- (f) to promote feelings of ill will and hostility between different classes of the population of the Colony :

Provided that it shall be lawful for any person—

(i) to endeavour in good faith to show that Her Majesty has been misled or mistaken in any of her measures ; or

(ii) to point out in good faith errors or defects in the government or constitution of the Colony as by law established or in legislation or in the administration of justice, with a view to the reformation of such errors or defects ; or

(iii) to persuade in good faith Her Majesty's subjects, or inhabitants of the Colony to attempt to procure by lawful means the alteration of any matter in the Colony as by law established other than that referred to in paragraph (b) of this section ; or

(iv) to point out in good faith, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill will and enmity between different classes of the population of the Colony.

4. (1) Whenever the Governor in Council is of opinion that any publication is seditious, the Governor in Council may, if he thinks fit, by proclamation published in the *Gazette*, prohibit the importation into Cyprus of that publication and also, in the case of a periodical publication, of any past or future issue of that publication.

Power to prohibit importation of seditious publications.

2 of 18/44.

(2) Every proclamation made under subsection (1) of this section shall remain in force for a period of twelve months from the date of its publication in the *Gazette* and no longer unless renewed for such further period or periods, not exceeding twelve months at any one time, as the Governor in Council may direct by proclamation published in the *Gazette*.

(3) If any person imports, prints, publishes, copies, reproduces, or has in his possession, power or control, any publication of which the importation is for the time being prohibited by proclamation, he shall be guilty of an offence against this Law, and the publication shall be forfeited to Her Majesty.

(4) Any person to whom a publication of which the importation is for the time being prohibited by proclamation is sent without his knowledge or privity or in execution of an order given before the prohibition on its importation came into effect, or who has such a publication in his possession, power, or control, at the time when the prohibition on its importation comes into effect shall forthwith deliver it to the officer in charge of the nearest police station, and, if he fails to do so shall be guilty of an offence against this Law.

(5) Any person who complies with the provisions of the immediately preceding subsection of this section or is convicted of a breach of the provisions of that subsection shall not be fined or imprisoned for having imported the same publication or for having it in his possession, power, or control.

2 of 18/44.

(6) The Postmaster-General or any person in the public service authorised by him who suspects that any postal packet contains a publication the importation of which is for the time being prohibited shall forward the packet to the Chief Constable.

2 of 18/44.

(7) Nothing in this section shall prevent proceedings being taken in respect of any such publication against any person under any Law relating to customs in force for the time being for importing or attempting to import any prohibited goods, but so that he shall not be punished twice for the same offence.

5. (1) Whenever on the application of the Attorney-General it is shown to the satisfaction of the Court that the issue or circulation of a seditious publication is contemplated or intended or that a seditious publication has been issued or circulated, the Court shall make an order (in this Law called a "prohibition order") prohibiting the issue or circulation of such publication (in this Law called a "prohibited publication") and requiring every person having in his possession power or control any copy of the prohibited publication forthwith to deliver every such copy into the custody of the officer in charge of the nearest police station.

Power of Court to prohibit circulation of seditious publications. 3 of 68/33.

(2) An order under this section may be made *ex parte* on the application of the Attorney-General.

(3) It shall be sufficient if the order so describes the prohibited publication that it can be identified by a reasonable person who compares the prohibited publication with the description in the prohibition order.

(4) A prohibition order shall be published in the *Gazette* and thereafter every person who has in his possession power or control any copy of the prohibited publication shall forthwith deliver every such copy into the custody of the officer in charge of the nearest police station, and if he fails to do so he shall be guilty of an offence against this Law.

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(5) The Court may, if it thinks fit, issue a warrant authorising any member of the police not below the rank of sergeant and his assistants to break, enter, and search, either by day or night, any building or place specified in the order, and any enclosure, room, box, receptacle, or thing in such building or place, and to seize and carry away every prohibited publication there found, and to use such force as may be necessary for the purpose.

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(6) A copy of the prohibition order and of the search warrant shall be left in a conspicuous position at every building or place so entered.

(7) The owner of any prohibited publication delivered or seized under this Law may at any time within fourteen days after the delivery or seizure apply to the Court for the discharge of the prohibition order, and the Court, if on the hearing of the application it decides that the prohibition order ought not to have been made, shall

discharge the order and shall order the prohibited publication delivered by or seized from the applicant to be returned to him.

(8) Every prohibited publication delivered or seized under this section with respect to which an application is not filed within the time aforesaid or which is not ordered to be returned to the owner shall be taken as forfeited and shall be dealt with in such manner as the Governor may direct.

(9) For the purposes of this section the Court means the Supreme Court or a Judge thereof.

Punishment
for offences.

6. Unless otherwise provided every person guilty of an offence against this Law shall be liable to a fine not exceeding one hundred pounds or to imprisonment for any term not exceeding six months or to both such fine and imprisonment.

Fiat of
Attorney-
General.

7. A person shall not be prosecuted under this Law without the written consent of the Attorney-General.

Saving of
other
powers.

8. Nothing in this Law shall be deemed to repeal or affect the provisions of any other Law, but so that a person shall not be punished twice for the same offence.