CHAPTER 71

SEDITIOUS PROPAGANDA (PROHIBITION) ORDINANCE

To prohibit the importation, publication, possession and distribution of seditious matter.

(15th September, 1932)*

ORDINANCE XIX of 1932, as amended by Ordinance XXXIII of 1935, XXII of 1936, XVI of 1960; Legal Notice 46 of 1965; Acts: I of 1973, LVIII of 1974; Legal Notice 148 of 1975; Acts: X of 1977, XLIX of 1981, XIII of 1983 and VIII of 1990; and Legal Notice 408 of 2007.

Short title.

1. The short title of this Ordinance is the Seditious Propaganda (Prohibition) Ordinance.

Interpretation. *Substituted by: I.1973.2; Amended by: LVIII.1974.68; L.N. 148 of 1975; XI.1977.2.*

2. In this Ordinance, unless the context otherwise requires -

"Constitution" means the Constitution of Malta;

"force" means any naval, military or airforce of the Government or the Malta Police Force;

"Government" means the Government of Malta;

"Malta" has the same meaning as is assigned to it by article 124 of the Constitution;

"seditious matter" means any printed or written matter, sign or visible representation contained in any newspaper, poster, book, letter, parcel or other document and any gramophone record or recorded tape which is likely or may have a tendency directly or indirectly, whether by inference, suggestion, allusion, metaphor, implication or otherwise -

(*a*) to seduce any member of the forces from his allegiance or his duty or to cause disaffection in these forces towards the State of Malta;

(*b*) to bring into hatred or contempt or to excite disaffection against the person of the President of Malta or against the Government or the Constitution;

(*c*) to incite persons in Malta to take up arms against the Government or to attempt otherwise than by lawful means to compel the Government to change its measures or counsels or to obstruct the exercise of its lawful authority;

(*d*) to raise discontent or disaffection among the inhabitants of Malta; or

(*e*) to promote feelings of ill will and hostility between different classes or races of such inhabitants:

Provided that no such matter, representation, record or tape shall be deemed seditious matter by reason only that it is likely, or

**See* Proclamation No. XXXI of the 15th September, 1932.

may have a tendency, to show that the President of Malta or the Government has been misled or mistaken in the measures, or administrative or other action taken by any of them, or to point out errors or defects in, or to incite persons to attempt by lawful means the alteration of any matter by law established;

"postal article" means any letter, postcard, package, newspaper, printed matter, parcel and any article or thing conveyable by post and shall include a cablegram, radiogram or telex communications.

Interception of suspected postal articles. *Amended by: XXII.1936.2; L.N. 46 of 1965; LVIII.1974.68.*

3. It shall be lawful for the President of Malta by express warrant in writing under his hand, to direct that any postal article suspected of containing any seditious matter shall be intercepted or detained or shall be delivered to any person or persons mentioned in such warrant to be disposed of or dealt with in such manner as the President of Malta may direct. In the case of a postal article, not being a cablegram or radiogram, the said warrant shall be addressed to the Postmaster General.

Search for and detention of seditious matter imported into Malta. *Amended by: L.N. 46 of 1965; LVIII. 1974.68.*

4. Any person authorized by the President of Malta by express warrant in writing under his hand may search, open and detain any package, parcel, letter or any other thing imported or brought into Malta whether by land, sea or air which he suspects to contain seditious matter, and may detain, during such search, any person bringing such package, parcel, letter or any other thing into Malta.

Authority to enter any place to search for seditious matter. *Amended by: L.N. 46 of 1965; LVIII. 1974.68.*

5. Where it appears to the President of Malta that there is reasonable cause to suspect that any seditious matter exists in any building, vessel or place, the President of Malta may by warrant in writing empower any Police officer not below the rank of Superintendent of Police, to enter and if necessary to break into or forcibly enter such building, vessel or place, and to search for and take possession of any seditious matter which may be found there.

Prohibition to print, publish, import, keep or distribute seditious matter.

6. Any person who prints, publishes, imports, whether by land, sea, or air, sells or offers for sale, distributes, exhibits or exposes, or without lawful excuse has in his possession any seditious matter, shall be guilty of an offence against this Ordinance.

Innocent receiver of seditious matter.

7. (1) Any person to whom any seditious matter has been delivered without his knowledge or privity shall forthwith deliver to the Commissioner of Police such seditious matter and in default thereof he shall be guilty of an offence against this Ordinance.

(2) Any person who has complied with the provisions of this article shall not be guilty of the offence of having in his possession any such seditious matter.

Importation of newspapers, etc., may be prohibited. *Added by: XXXIII.1935.2. Amended by: L.N. 46 of 1965; LVIII.1974.68.*

8. (1) The President of Malta may, by Proclamation, prohibit the importation into Malta of any newspaper, book or document, which, in his opinion, contains any seditious matter, and, in the case of any newspaper which is published periodically, may, by the same or any subsequent Proclamation, prohibit the importation of any past or future issue thereof.

(2) Any person who -

(*a*) imports, sells, offers for sale, circulates or reproduces any newspaper, book or document, or any part or extract therefrom which has been declared by the President of Malta to be prohibited to be imported into Malta; or

(*b*) being found in possession of any such newspaper, book or document does not prove to the satisfaction of the court that it came into his possession without his knowledge or privity,

shall be guilty of an offence against this Ordinance.

Packages containing such newspapers, etc., may be detained. *Added by: XXXIII.1935.2. Amended by: XVI. 1960.3; L.N. 46 of 1965; LVIII. 1974.68;*

9. The Postmaster General, the Comptroller of Customs, the Commissioner of Police and any other officer authorized in that behalf by the President of Malta may detain, open and examine any package which he suspects to contain any newspaper, book or document which has been declared by the President of Malta to be prohibited to be imported into Malta.

Penalties. *Amended by: L.N. 46 of 1965; LVIII. 1974.68; L.N. 148 of 1975; XLIX. 1981.4; XIII. 1983.5; VIII. 1990.3; L.N. 408 of 2007.*

10. (1) Any person who is guilty of an offence against this Ordinance shall be liable either -

(*a*) on conviction before the Criminal Court to imprisonment for a term not exceeding four years or to a fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) or to both such imprisonment and fine; or

(*b*) on conviction before a Court of Magistrates to imprisonment for a term not exceeding ten months or to a fine (*multa*) not exceeding forty-six euro and fifty-nine cents (46.59) or to both such imprisonment and fine.

(2) A person who is charged with committing an offence against this Ordinance shall not be liable to be tried by the Criminal Court unless the President of Malta certifies that it is desirable that he should be so tried.