

REPUBLIC OF KIRIBATI
(No. 9 of 1997)

I assent,

Beretitentj
Assented: 7th July 1997

AN ACT TO AMEND THE NEWSPAPER REGISTRATION ACT 1988

Commencement:
1997

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

Short title

1. This Act may be cited as the Newspapers Registration (Amendment) Act 1997.

Amendment of section 2

2. Section 2 of the Newspaper Registration Act 1988 (hereinafter referred to as “principal Act”) is hereby amended by inserting between the definitions of “newspaper” and “Registrar” the following definition:

“proprietor” includes, where the proprietor is a body corporate, the Directors or board members of that body corporate;”

Amendment of section 10

3. Section 10 of the principal Act is hereby amended by deleting from the end of the section the words –

“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.”

and substituting the following words –

“commits an offence under this Act and shall be liable upon conviction, where the person is a natural person, to a fine not exceeding \$1000 or to imprisonment for a term not exceeding 2 years, and where the offender is a body corporate, to a fine not exceeding \$3000.”

New section 12

14. The principal Act is hereby amended by adding after section 11 the following sections:

“Requirement to publish correcting statement

12. (1) If any articles, item, report, letter or advertisement (hereinafter called the original Article) about or concerning any person, organisation or group, is published in any newspaper and that person, organisation or group is of the opinion that any facts contained in the original article is false or distorted, that person organisation or group may, by written notice delivered to the principal officer or to the proprietor of the newspaper, require to be published, without charge, in an issue of the same newspaper, a statement (hereinafter called the “correcting statement”) containing facts considered by that person, organisation group to be true:

Provided that –

- (a) the correcting statement as far as possible shall not contain more words than the original article and in case shall contain more than double the number of words in the original article; and
- (b) the correcting statement shall be in the same language as the original article; and
- (c) the correcting statement shall not contain any comment or expression of opinion; and
- (d) the newspaper proprietor shall not be required to publish any word or words contained in the correcting statement which are defamatory of any living person.

(2) Any newspaper proprietor who receives notice requiring him to publish a correcting statement shall do so in the next issue of the newspaper in which the original article appeared or within the space of two months whichever is the lesser time period.

Offence not to publish correcting statement

13. If the correcting statement is not published as required under the provisions of section 12, each proprietor of the newspaper shall, subject to the provisions of section 15 be guilty of an offence under this Act.

Order to publish correcting statement

14. (1) A court on convicting a person under the provisions of section 13 may, in addition to any punishment, make an order that the correcting statement shall be

published in the newspaper in respect of which the conviction has been entered in an issues to be specified and in as prominent a position and manner as that in which the original article appears.

(2) If the correcting statement is not published in accordance with an order made under the provision of subsection (1), each proprietor of the newspaper, and where the proprietor of a newspaper is a body corporate the directors or board members of that body corporate, shall be liable to a term of imprisonment not exceeding 2 years.

Offences

15. It shall be a good defence in a prosecution under section 13 of this Act to prove or show to the satisfaction of the court –

- (a) that the original article was true and not distorted; or
- (b) that the correcting statement is not true; or
- (c) that the correcting statement contains more words than are provided for in paragraph (a) of the proviso to section 13; or
- (d) that the correcting statement contains comment or an expression of opinion; or
- (e) that the correcting statement is not in the same language as the original article; or
- (f) where the defendant is other than a body corporate –
 - (i) that the defendant endeavoured to the best of his ability to ensure publication of the correcting statement and that the non-publication was not due to his fault; or
 - (ii) that the defendant was outside Kiribati on the date of delivery of the correcting statement at the principal office of the newspaper and prior to the date upon which the correcting statement should have been published did not know and had no reason to believe that such a correcting statement had been or might have been so delivered.”

THE NEWSPAPER REGISTRATION (AMENDMENT) ACT 1997

EXPLANATORY MEMORANDUM

This Act makes amendments to the Newspaper Act 1988 by enacting new sections to provide a right reply to any person or organisation about whom factual information is published in a newspaper.

Section 2 inserts a definition in the principal Act of “proprietor” so as to include directors or board members of proprietors who are bodies corporate.

Section 3 amends section 10 of the Act to increase the penalties for offences against the Act.

Section 4 adds new sections to the principal Act as follows:-

Section 12 provides that any person or organisation may require a correcting statement to be published in a newspaper in response to any matter published which is false or distorted,

Section 13 makes it an offence not to publish a correcting statement.

Section 14 gives the Court power on conviction of any person for failure to publish a correcting statement to order newspaper proprietors to publish a correcting statement and for a penalty for persons who disobey such an order.

Section 15 sets out various defences which may be raised in a prosecution under section 13 of the principal Act.

Michael N. Takabwe
The Attorney General
28 May 1996