

South Africa

Telegraph Messages Protection Act, 1963

Act 44 of 1963

Legislation as at 17 May 1963

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Telegraph Messages Protection Act, 1963

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Telegraph Messages Protection Act, 1963

Act 44 of 1963

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Commenced on 17 May 1963

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(Afrikaans text signed by the State President.)

ACT

To consolidate the laws relating to the conferment of temporary exclusive rights in respect of certain telegraphic messages.

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

1. Definitions

In this Act, unless the context otherwise indicates—

“**newspaper**” means any publication which is in terms of section sixteen of the Post Office Act, 1958 ([Act No. 44 of 1958](#)), a newspaper or a supplement to a newspaper;

“**telegraph**” means “telegraph” as defined in section one of the said Post Office Act, 1958;

“**telegraphic message**” means any message transmitted by telegraph from any place within or outside the Republic for the purpose of publication in the Republic and received at any telegraph office of the Department of Posts and Telegraphs or at any other telegraph office authorized to receive any such message;

2. Publication of telegraphic message within certain time, except by the addressee or with his consent, is an offence

- (1) Subject to the provisions of sub-section (2), any person (other than the person to whom any telegraphic message is addressed or any person acting with his written consent or that of his duly authorized agent) who, at any time before the expiry of a period of seventy-two hours as from the time of the first lawful publication of such message, or a period of eighty-four hours as from the time of the receipt of such message at the telegraph office concerned (whichever period expires first), publishes or transmits by telegraph for the purpose of publication such message or the substance thereof or any extract therefrom or any intelligence contained therein, shall be guilty of an offence and liable on conviction to a fine not exceeding, in the case of a first conviction, fifty rand and, in the case of a second or subsequent conviction, one hundred rand, or, in default of payment of such fine, to imprisonment for a period not exceeding three months.
- (2) The provisions of sub-section (1)—
 - (a) shall not apply in respect of the publication of *bona fide* comment on any telegraphic message in any weekly or monthly periodical at any time not less than twelve hours after the publication of such message;

- (b) shall not render it unlawful for any person to publish at any time any message lawfully transmitted and lawfully received by him, or the substance thereof or any extract therefrom or any intelligence contained therein.

3. Proof of certain facts

In any prosecution under section two—

- (a) the production of any document which—
 - (i) purports to be a message transmitted by telegraph;
 - (ii) contains the intelligence published; and
 - (iii) has been delivered to any person entitled to receive it by an officer of the Department of Posts and Telegraphs or by a person employed at any such other telegraph office as is referred to in the definition of "telegraphic message" in section one,shall be *prima facie* proof that the message contained in such document is a telegraphic message;
- (b) if a message has been published in a newspaper and is printed with a heading which indicates that the message has been received by telegraph and which contains a statement of the day or date or time of its receipt that statement, together with the date of the publication of the newspaper, shall be *prima facie* proof of the day or date or time (as the case may be) of the receipt and the publication, respectively, of the message;
- (c) proof that any person is or is acting or appears to be acting as editor, sub-editor, printer or manager of any newspaper in which there has been a publication in contravention of the provisions of section two, shall be *prima facie* proof that such person has contravened those provisions.

4. Repeal of Act

The Telegraph Messages Protection Act, 1917, is hereby repealed: Provided that anything done under any provision of the said Act, shall be deemed to have been done under the corresponding provision of this Act.

5. Short title

This Act shall be called the Telegraph Messages Protection Act, 1963.