



THE REPUBLIC OF KENYA

LAWS OF KENYA

TELEGRAPHIC PRESS MESSAGES ACT

CHAPTER 512

Revised Edition 2012 [1983]

Published by the National Council for Law Reporting
with the Authority of the Attorney-General

www.kenyalaw.org

CHAPTER 512

TELEGRAPHIC PRESS MESSAGES ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title.
 2. Interpretation.
 3. Temporary protection of certain telegraphic messages from publication.
 4. Transmission of protected messages for publication prohibited.
 5. Presumptions in prosecutions.
 6. Penalties.
-

CHAPTER 512

TELEGRAPHIC PRESS MESSAGES ACT

[Date of commencement: 15th November, 1934.]

An Act of Parliament to confer temporary exclusive rights in respect of telegraphic press messages

[Act No. 45 of 1934, Cap. 312 (1948), L.N. 2/1964.]

1. Short title

This Act may be cited as the Telegraphic Press Messages Act.

2. Interpretation

In this Act, except where the context otherwise requires—

“**telegraph**” means a line, wire or other apparatus used for the purpose of telegraphic or telephonic communication, and includes a pneumatic tube, submarine or other cable and any apparatus for transmitting or receiving messages or other communications by means of signals, whether with or without the aid of wires;

“**telegraph office**” includes any structure, room, place or receptacle of any kind, appointed by authority of the Managing Director of the Kenya Posts and Telecommunications Corporation or used by a telegraph company for the receipt, dispatch or delivery of telegraphic messages;

“**telegraphic message**” includes a message or other communication sent by telegraph;

“**time of publication**” means the moment when the first copies leave the premises in which they have been printed.

3. Temporary protection of certain telegraphic messages from publication

(1) When a person publishes in a newspaper or other printed paper published or circulated in Kenya, or supplies for publication, a message for the right to publish which payment or equivalent consideration has been given and which has been transmitted by telegraph from a place within or outside Kenya and lawfully received by him, no other person shall, without the written consent of the first-mentioned person or his agent thereto lawfully authorized, print or publish, or cause to be printed or published, that message or the substance thereof or any extract therefrom until a period of eighty-four hours has elapsed from the time of first publication; and the publication of the whole or any part of that message or the substance thereof shall be deemed to be a publication of it.

(2) For the purposes of subsection (1)—

- (a) the period referred to shall not extend beyond ninety-six hours from the time when the message was received at a telegraph office;
- (b) the publication of a similar message lawfully received by any other person shall not be deemed or taken to be a publication of the first-mentioned message within the meaning of this Act;

- (c) no telegraphic message published shall be protected unless it is printed with a heading which indicates that the message has been received by telegraph and unless the time and the date of its receipt at a telegraph office are stated in the heading, which heading, together with the date of publication of the newspaper, shall be *prima facie* evidence of the time of receipt and date of publication, respectively, of the message;
- (d) *bona fide* comment on the message by a weekly or monthly publication shall not be considered an infringement of this section, so long as that comment does not appear within twelve hours after publication of the message.

4. Transmission of protected messages for publication prohibited

During the period in which a telegraphic message is protected from publication under section 3, no person shall, without the written consent of the person whose consent is necessary under that section, tender for transmission for purposes of publication the intelligence contained in that message or the substance thereof or any extract therefrom.

5. Presumptions in prosecutions

In a prosecution under this Act the production of a document which—

- (a) purports to be a telegraphic message;
- (b) contains the intelligence published or supplied for publication; and
- (c) is addressed to and has been delivered to the person publishing or to some person on his behalf by an officer of the Kenya Posts and Telecommunications Corporation or a telegraph company,

shall be *prima facie* evidence that the message published or supplied for publication is a message published under the protection of this Act; and proof that any person is the responsible editor of a newspaper in which there has been publication contrary to the provisions of this Act shall be *prima facie* evidence that that person willfully caused the unlawful publication.

6. Penalties

Any person who contravenes any provision of this Act shall be guilty of an offence and liable to a fine not exceeding four hundred shillings; and in the case of a second or subsequent conviction to a fine not exceeding one thousand shillings.
