

CHAPTER 111

THE BOOKS AND NEWSPAPERS ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

	<i>Page</i>
1. Classes of Books and Newspapers Excluded.....	3
2. Classes of Persons Excluded.....	5
3. The Books and Newspapers Rules.....	7
4. Directions Under Rules 2 and 3 of the Books and Newspapers Rules.....	15
5. Exclusion of Certain Printers and Publishers From the Provisions as to Bonds.....	17

CLASSES OF BOOKS AND NEWSPAPERS EXCLUDED

[Legal Notice 329 of 1960, Legal Notice 528 of 1960,
Legal Notice 336 of 1963, Legal Notice 144 of 1971]

All books and newspapers published—

- (a) by or on behalf of any employer for distribution solely amongst members of his staff;
 - (b) by or on behalf of any school registered by the Director of Education under the Basic Education Act (Cap. 211), for distribution solely amongst pupils of that school, whether past or present, the parents of such pupils, the governors and staff and persons associated with the school's activities as benefactors, and the libraries of other schools so registered;
 - (c) by or on behalf of any society exempted from registration under the Societies Act (Cap. 108), for distribution solely amongst members of that society;
 - (d) by or on behalf of any Commonwealth commission or foreign consulate.
-

CLASSES OF PERSONS EXCLUDED

[Legal Notice 330 of 1960, Legal Notice 529 of 1960, Legal Notice 335 of 1963, Legal Notice 171 of 1966, Legal Notice 143 of 1971, Legal Notice 33 of 1972, Legal Notice 115 of 1972, Legal Notice 141 of 1973, Legal Notice 47 of 1976]

1. All printers and publishers of newspapers published by or on behalf of—
 - (a) any employer for distribution solely amongst members of his staff;
 - (b) any school registered by the Director of Education under the Basic Education Act (Cap. 211), for distribution solely amongst pupils of that school, whether past or present, the parents of such pupils, the governors and staff and persons associated with the school's activities as benefactors, and the libraries of other schools so registered;
 - (c) any society exempted from registration under the Societies Act (Cap. 108), for distribution solely amongst members of that society;
 - (d) any Commonwealth commission or foreign consulate;
 - (e) East African Academy;
 - (f) the African Medical and Research Foundation;
 - (g) the Kenya Museum Society;
 - (h) the Archdiocese of Nairobi.
2. The following organisations in respect of the publications named—
 - (a) the Kenya Scouts Association: "Kenya Scouts Association Newsletter";
 - (b) Murang'a County Council: "Murang'a Umuthi".

THE BOOKS AND NEWSPAPERS RULES

[Legal Notice 328 of 1960, Legal Notice 63 of 1962, Legal Notice 171 of 1963, Legal Notice 405 of 1963, Legal Notice 129 of 1975, Legal Notice 85 of 1997, Legal Notice 86 of 2003]

- 1. These Rules may be cited as the Books and Newspapers Rules.
- 2. (1) The number of copies of every book printed and published in the Colony which shall be delivered to the Registrar in accordance with the provisions of paragraph (a) of subsection (1) of section 6 of the Act shall be two, and the return in respect thereof shall be in Form 1 in the Schedule.
 - (2) On the delivery of the copies referred to in this Rule, the Registrar shall issue a receipt and certificate of registration in Form 2 in the Schedule.
 - (3) The Registrar shall keep in safe custody one copy of each of the books referred to in this Rule, and shall dispose of the second copy thereof as the Cabinet Secretary may direct.

[L.N. 63/1962, r. 2.]

- 3. The Registrar shall keep in safe custody one copy of each newspaper and supplement thereto delivered or sent to him in accordance with the provisions of subsection (1) of section 7 of the Act, and shall dispose of the second copy of each such newspaper and supplement thereto as the Cabinet Secretary may direct.

[L.N. 63/1962, r. 2.]

- 4. (1) Every return made under subsection (1) of section 8 of the Act shall be in Form 3 in the Schedule.
 - (2) The Registrar shall, on receipt of the return, issue a written receipt therefor in Form 4 in the Schedule.
 - (3) Every return of change of particulars made under subsection (2) of section 8 of the Act shall be in Form 5 in the Schedule.
 - (4) In the event of a publisher ceasing publication of any newspaper, he shall, within fourteen days of cessation, forward to the Registrar a notice in Form 6 in the Schedule.
 - (5) Any publisher ceasing publication of a newspaper who fails to comply with the provisions of paragraph (4) of this Rule shall be guilty of an offence and be liable to a fine not exceeding two thousand shillings.

- 5. The register of returns in respect of books required by section 4 of the Act shall be in Form 7 in the Schedule.

- 6. The register of returns in respect of newspapers required by section 4 of the Act shall be in Form 8 in the Schedule.

- 7. Every bond required under subsection (1) of section 11 of the Act shall be in Form 9 in the Schedule.

- 8. The register of bonds required by section 4 of the Act shall be in Form 10 in the Schedule.

- 9. Subject to any directions which may be given by the Registrar, every return, notice of cessation or other document intended for registration under the Act shall be upon foolscap paper of durable quality and of a size approximately thirteen inches by eight inches and shall have on the left hand edge thereof a margin of approximately two inches.

- 10. The following fees shall be payable to the Registrar—
 - (a) for inspection of any entries in a register kept by the Registrar relating to any one book or newspaper 100
 - (b) for a certified copy of or extract from any entry in a register per folio of 72 words (minimum fee per copy or extract KShs. 100) 40

Books and Newspapers

[Subsidiary]

- (c) for inspection of any one book or newspaper delivered to the Registrar in accordance with the provisions of this Act 100
- (d) for filing an initial or annual return in respect of a newspaper..... 400
- (e) for filing a return of change of particulars of a newspaper 200
- (f) for filing a return in respect of a book 250
- (g) for filing a bond by a printer or publisher 1,200

[L.N. 129/1975, r. 2, L.N. 85/1997, r. 2, L.N. 86/2003, r. 2.]

SCHEDULE

[L.N. 171/1963, r. 2, L.N. 405/1963, r. 2.]

(r. 2 (1))

FORM 1

RETURN OF BOOK

To: The Registrar of Books and Newspapers

- 1. Title of book
 - 2. Language in which book is written
 - 3. Name of author, translator or editor of book, or any part thereof
 - 4. Subject
 - 5. Place of printing
 - 6. Place of publication
 - 7. Name and postal address of printer
 - 8. Name and postal address of publisher
 - 9. Date of issue from press or of publication
 - 10. Number of sheets, leaves or pages
 - 11. Size
 - 12. Number of edition
 - 13. Number of copies of which edition consists
 - 14. If book is not printed, state manner of production (lithographed, cyclostyled, etc.)
 - 15. Price at which book is sold to public
 - 16. Name and address of proprietor of copyright or any portion of copyright
- Dated at this day of, 20

.....
[Signature of publisher]

FORM 2

(r. 2 (2))

RECEIPT AND CERTIFICATE OF REGISTRATION OF A BOOK

To:

I, Registrar of Books and Newspapers, acknowledge receipt of the book entitled the particulars of which have been duly entered in the register of books under registration No.

Dated at this day of, 20

.....
Registrar of Books and Newspapers

FORM 3

(r. 4 (1))

RETURN OF NEWSPAPER

To: The Registrar of Books and Newspapers

*Initial return as at , 20 , being the date of commencement of publication/

*annual return for year ending 31st December, 20

1. Title of newspaper
2. Language in which newspaper is written
3. Name and postal address of printer
4. Place of printing
5. Date of delivery of bond by printer
6. Name and postal address of publisher
7. Place of business of publisher
8. Date of delivery of bond by publisher
9. Frequency of publication
10. Price at which newspaper is sold to public
11. Average circulation during year
12. Date of commencement (this information is required in respect of initial returns only)

.....

Dated at this day of , 20

.....
[Signature of publisher]

*Delete whichever is not applicable

FORM 4 _____ (r. 4 (2))
RECEIPT FOR INITIAL/ANNUAL RETURN OF A NEWSPAPER

I, Registrar of Books and Newspapers, hereby acknowledge receipt of the initial/*annual return of the newspaper, registration No., in accordance with the provisions of the Books and Newspapers Act and the Books and Newspapers Rules.

Nairobi.

....., 20

.....
Registrar of Books and Newspapers

*Delete whichever is not applicable

FORM 5 _____ (r. 4 (3))
RETURN OF CHANGE OF PARTICULARS OF NEWSPAPER

To: The Registrar of Books and Newspapers

The following changes have occurred in the particulars registered under section 8 of the Books and Newspapers Act relating to the newspaper entitled (registration No.), that is to say—

Books and Newspapers

[Subsidiary]

.....
.....

Dated at this day of, 20

.....
[Signature of publisher]

FORM 6 (r. 4 (4))
NOTICE OF CESSATION OF NEWSPAPER

To: The Registrar of Books and Newspapers

Notice is hereby given that the newspaper entitled registered under No. has ceased publication as from the day of, 20

Dated at this day of, 20

.....
[Signature of publisher]

FORM 7 (r. 5)
REGISTER OF BOOKS

.....
Registration No.

- 1. Title of book
- 2. Language in which book is written
- 3. Name of author, translator or editor of book, or any part thereof
.....
- 4. Subject
- 5. Place of printing
- 6. Place of publication
- 7. Name and postal address of printer
- 8. Name and postal address of publisher
- 9. Date of issue from press or of publication
- 10. Number of sheets, leaves or pages
- 11. Size
- 12. Number of edition
- 13. Number of copies of which edition consists
- 14. If book is not printed, state manner of production (lithographed, cyclostyled, etc.)
.....
- 15. Price at which book is sold to public
- 16. Name and address of proprietor of copyright or any portion of copyright
.....
- 17. Date on which registered

.....
[Registrar of Books and Newspapers]

**FORM 8
REGISTER OF NEWSPAPERS**

(r. 6)

Registration No.

- 1. Title of newspaper
- 2. Language in which newspaper is written
- 3. Name and postal address of printer
- 4. Place of printing
- 5. Date of delivery of bond by printer
- 6. Name and postal address of publisher
- 7. Place of business of publisher
- 8. Date of delivery of bond by publisher
- 9. Frequency of publication
- 10. Price at which newspaper is sold to public
- 11. Date of commencement of publication
- 12. Date on which registered
- 13. Average circulation shown in annual returns:
 20 20 20 20 20 20 20
 .
 .
 20 20 20 20 20 20 20
 .
 .

.....
[Registrar of Books and Newspapers]

**FORM 9
BOND**

(r. 7)

[L.N. 171/1963, r. 2, L.N. 405/1963, r. 2.]

Registration No.

BY THIS BOND I/We, of acknowledge myself/
ourselves jointly and severally bound in the sum of ten thousand shillings in respect of (each
of) the following newspaper(s), that is to say the newspaper(s) known as

.....
.....

as security for or towards the payment of any monetary penalty which may at any time be
imposed upon or adjudged against me/us upon my/our conviction for any offence under the
Books and Newspapers Act, or under any other written law, committed after the execution of
this bond and relating to the printing or publication by me/us of the aforesaid newspaper(s) or
of any matter therein, and also for the payment of any damages and costs awarded against
me/us in respect of any libel printed or published by me/us in that/those newspaper(s) after
the execution of this bond.

As witness whereof I/we have hereunto set my/our hand(s)/the common seal of the
company has been hereunto affixed this day of, 20

Books and Newspapers

[Subsidiary]

Signed by the said }
 }
 in the presence of:}
 1. Name }
 Address }
 Profession }
 2. Name }
 Address }
 }
Magistrate }
 or }
 Sealed with the common seal of }
 }
 in the presence of: }
 1. }
 2. }

SURETY BOND

BY THIS BOND I/We of hereby declare myself/ ourselves jointly and severally bound as surety/sureties for the payment of the said sum of ten thousand shillings in respect of (each of) the following newspaper(s), that is to say the newspaper(s) known as

by the said if called upon to do so by a Court.

As witness whereof I/we have hereunto set my/our hand(s)/the Common Seal of the Company was hereunto affixed this day of, 20.

Signed by the said }
 }
 in the presence of:}
 1. Name }
 Address }
 Profession }
 2. Name }
 Address }
 }
Magistrate }
 or }
 Sealed with the common seal of }
 }
 in the presence of: }
 1. }
 2. }

NOTES

- (a) In the case of execution by an individual, the bond or surety must be signed in the presence of one witness and a magistrate, neither being parties to the bond or surety, each of whom shall subscribe his name and add his address and occupation or profession.
- (b) In the cases of execution by a limited company, the Common Seal of the company must be affixed in the presence of a director and the secretary or two directors, or otherwise in accordance with the company’s articles of association, and each witness shall subscribe his name and add his address and designation.
- (c) This bond or surety must be registered under the Registration of Documents Act before it is delivered to the Registrar.

**FORM 10
REGISTER OF BONDS**

_____ (r. 8)

Registration
No.

- 1. Name of obligor
- 2. Address of obligor
- 3. Date of bond
- 4. Name of newspaper to which bond relates
- 5. Names and addresses of sureties
- 6. Date on which registered
- 7. If new bond registered, number of new bond
- 8. If new bond, number of old bond

.....
[Registrar of Books and Newspapers]

**DIRECTIONS UNDER RULES 2 AND 3 OF
THE BOOKS AND NEWSPAPERS RULES**

[Legal Notice 386 of 1962]

The Cabinet Secretary has directed that the second copy of each of the books referred to in rule 2 and the second copy of each newspaper and supplement thereto referred to in rule 3 shall be disposed of by the Registrar delivering them to the librarian of the University of Nairobi.

**EXCLUSION OF CERTAIN PRINTERS AND
PUBLISHERS FROM THE PROVISIONS AS TO BONDS**

[Legal Notice 81 of 2009]

In exercise of the powers conferred by section 10(2) of the Books and Newspapers Act (Cap. 111), the Attorney-General excludes all printers and publishers from the provisions of Part III of the Act (which deals with bonds) in respect of the newspaper "PR Week Report".
