

chapter J-1

**NEWSPAPER DECLARATION ACT**

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**DIVISION I**

**DECLARATION OF PRINTERS, ETC.**

**1.** No person shall print or publish, or cause to be printed or published in Québec, any newspaper, pamphlet or other paper containing public news, or serving the purpose of a newspaper, or used for posting up or general circulation in detached pieces as a newspaper, until a declaration under oath, made and signed as hereinafter mentioned, containing the matters hereinafter mentioned, has been delivered to the clerk of the Court of Québec for the district in which such newspaper, pamphlet or other paper is printed or published.

R. S. 1964, c. 49, s. 1; 1992, c. 61, s. 371.

**2.** Such declaration shall set forth the title of such newspaper, pamphlet or other paper, the real name, style, description and place of abode of every person who is, or who is intended to be, the printer or publisher thereof, and of all the proprietors of the same, if the number of such proprietors, exclusive of the printer and publisher, does not exceed two, and if the same exceeds two, then of two such proprietors, exclusive of the printer and publisher; and also the amount of the proportional shares of such proprietors in the ownership of the newspaper, pamphlet or other paper, and the true description of the house or building wherein it is intended to be printed.

R. S. 1964, c. 49, s. 2.

**3.** Whenever the number of such proprietors, exclusive of the printer and publisher, exceeds two, the names of two proprietors, the amount of each of whose proportional shares in the ownership of such newspaper, pamphlet or other paper is not less than the proportional share of any other proprietor, exclusive of the printer and publisher, shall be specified and set forth in such declarations.

R. S. 1964, c. 49, s. 3.

**4.** A similar declaration under oath shall be made, signed and given in like manner, as often as any of the printers, publishers or proprietors named in such declaration are changed, or change their respective places of abode, or their printing house, place or office, and as often as the title of the newspaper, pamphlet or other paper is changed.

R. S. 1964, c. 49, s. 4.

**5.** Every such declaration shall be in writing, and signed by the persons making the same, and shall be taken before any justice of the peace for the district in which such newspaper, pamphlet or other paper is printed or published.

R. S. 1964, c. 49, s. 5.

**6.** Where the printers and publishers of any newspaper, pamphlet or other such paper, together with such number of proprietors as are hereinbefore required to be named in the declaration aforesaid, do not altogether exceed four persons, the declaration required shall be sworn to and signed by all the said persons who are adults; and when the number of such persons exceeds four, the same shall be signed and sworn by four such other persons, if so many of them are adults, or by so many of them as are adults; and the same shall contain the real name, description and domicile of every person who is, or is intended to be, the printer or publisher, and of so many of the proprietors as are hereinbefore for that purpose mentioned.

The person or persons so signing and swearing to the truth of such declaration in the last mentioned case shall give notice within eight days after such declaration is so delivered as aforesaid, to each person not signing and swearing to such declaration, but named therein as a proprietor, printer or publisher of such newspaper, pamphlet or other paper as aforesaid, that he is so named therein; and in case of neglect to give such notice, each person who has signed and sworn to such declaration shall be liable to a fine of \$80.

R. S. 1964, c. 49, s. 6.

**DIVISION II**

**DEPOSIT OF SUCH DECLARATIONS, ITS EFFECT**

**7.** All such declarations under oath shall be filed and kept by the clerk of the Court of Québec for the district in which the newspaper, pamphlet or other paper to which they relate is printed or published.

R. S. 1964, c. 49, s. 7; 1992, c. 61, s. 371.

**8.** The same, or copies thereof, certified to be true copies as hereinafter mentioned, shall respectively, in all cases or proceedings, civil or criminal, touching any newspaper or other such pamphlet or paper as aforesaid, mentioned in any such declaration, matter or thing contained in any such newspaper, pamphlet or paper, be admitted as conclusive evidence of the truth of all matters set forth in such declaration, against every person who has signed and sworn to the same. They shall also be admitted in like manner as sufficient evidence of the truth of all such matters against every person who has not signed and sworn to the same, but who is mentioned therein to be a proprietor, printer and publisher of such newspaper, pamphlet or other paper, unless the contrary shall be satisfactorily proved.

If any such person against whom any such declaration, or any copy thereof, is offered in evidence, proves that he has made, signed and delivered to the clerk of the Court of Québec of the district, previous to the date of the publication of the newspaper, pamphlet or other paper to which the proceedings civil or criminal relate, a declaration under oath that he has ceased to be printer, proprietor or publisher of such newspaper, pamphlet or paper, such person shall not be considered, by reason of any former declaration so delivered as aforesaid, to have been printer or publisher of such newspaper, pamphlet or other paper, after the day on which such last-mentioned declaration was delivered to the clerk of the Court of Québec.

R. S. 1964, c. 49, s. 8; 1992, c. 61, s. 371; 1999, c. 40, s. 163.

**9.** It shall not be necessary, after any such declaration under oath, or a certified copy thereof, has been produced in evidence as aforesaid, against the persons who made and signed such declaration or are therein named, or any of them, and after a newspaper, pamphlet or other such paper is produced in evidence, intituled in the same manner as the newspaper, pamphlet or other paper mentioned in such declaration or copy is intituled, and wherein the name of the printer and publisher, and of the place of printing are the same as the name of the printer and publisher and the place of printing mentioned in such declaration, for the plaintiff to prove that the newspaper, pamphlet or paper to which the suit or trial relates, was purchased at any house, shop or office belonging to or occupied by the defendant or by his servants or workmen, or where he or his servants or workmen usually carry on the business of printing or publishing such newspaper, pamphlet or other such paper, or where the same is usually sold.

R. S. 1964, c. 49, s. 9; 1990, c. 4, s. 528.

**10.** In all cases a copy of any such declaration under oath, certified to be a true copy under the hand of the clerk of the Court of Québec having the custody of the same, shall be received in evidence as sufficient proof of such declaration and of the contents thereof, and that the same was duly made. Any such copy so produced and certified shall also be received as evidence that the declaration of which it purports to be a copy has been sworn according to this Act, and shall have the same effect for the purposes of evidence as if the original declaration had been produced and had been proved to have been so duly certified and made by the person or persons appearing by such copies to have made the same.

R. S. 1964, c. 49, s. 10; 1992, c. 61, s. 371.

**11.** The clerk of the Court of Québec of each district, by whom any declaration is kept, shall, upon application made to him by any person requiring a certified copy of any such declaration, deliver to the applicant such certified copy, he paying for the same \$0.20 and no more.

R. S. 1964, c. 49, s. 11; 1992, c. 61, s. 371.

### DIVISION III

#### PENAL PROVISIONS

1990, c. 4, s. 529.

**12.** Any person knowingly or wilfully printing or publishing or causing to be printed or published, or knowingly and wilfully, either as a proprietor thereof or otherwise, selling or delivering any newspaper, pamphlet or other such paper, such declaration, containing such matters and things as are required to be therein contained, not having been duly made, signed to and delivered, and as often as by this Act is required, or any other matter or thing required by this Act to be done or performed not having been done or performed, shall incur a fine of \$20.

R. S. 1964, c. 49, s. 12.

**13.** In some part of every newspaper, pamphlet or other paper there shall be printed the real name, occupation and domicile of every printer and publisher thereof, and also a true description of the place where the same is printed; and any person knowingly and wilfully printing or publishing, or causing to be printed or published, any such newspaper, pamphlet or other paper not containing the particulars aforesaid, shall incur a fine of \$80.

R. S. 1964, c. 49, s. 13; 1990, c. 4, s. 530.

**14.** *(Repealed).*

R. S. 1964, c. 49, s. 14; 1986, c. 95, s. 174.

**15.** *(Repealed).*

R. S. 1964, c. 49, s. 15; 1990, c. 4, s. 531.

### DIVISION IV



*This Division ceased to have effect on 17 April 1987.*

**16.** *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 49 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed effective from the coming into force of chapter J-1 of the Revised Statutes.

