
U n o f f i c i a l T r a n s l a t i o n

GOVERNMENT OF MACAU

LAW NO. 7/90/M

dated 6/8/90

THE PRESS ORDINANCE

The freedom of expression of the thought, which the press is a privileged instrument, constitutes a fundamental right of all modern societies.

The press in Macau has a century-old tradition which constitutes the patrimony of the Territory and its cultural diversity, especially reaffirmed in the most recent years by an intervening editorial group consisted of over twenty publications.

This Ordinance seeks to achieve the point in which the interests of the agents of the information and the citizens to which they are addressed, converge in the achievement of the values of a community which recognizes itself as a free, conscious and informed community.

Therefore, it is intended that from the schedule of the laws which are hereby revoked there succeeds a fresh law which, due to its balance and justice, constitutes a durable reference in the dynamic of the right to information.

In order to complement the said law, it is necessary, on the one hand, to give life to an organization which assures the sedimentation of the solutions sanctioned and, on the other hand, to define the compendium of the rights and duties of the journalists. In relation to the latter, it is trusted that the first year of enforcement will be sufficient to create a Press Council, thanks to the enlightened participation of the interested parties. As regards the By-Laws of the Journalists, there is no doubt about the willingness of the professionals and their representative associations for the organization of a regulatory body worthy of their class.

CHAPTER I

FREEDOM OF THE PRESS AND THE RIGHT TO INFORMATION

Article 1

(Scope of the application)

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This Ordinance regulates the practice of the freedom of the press and the right to information and the activity of the journalistic, editorials and news enterprises.

Article 2

(Fundamental concepts)

For the purpose of this law, the under-mentioned words shall have the following meanings:

a) The Press - printed reproductions of texts or images, intended for public diffusion, hereinafter referred to as publications, excluding the government printed forms and those currently used in the social and commercial relationship.

b) Periodic publications - those publications edited or distributed in continuous series, without defined limit of duration, under the same title and comprising determined periods of time.

c) Non-periodical publications - those publications edited or distributed without comprising determined period of time, published only once, in volumes or fascicles, with homogeneous or pre-determined content.

d) Journalistic enterprises - those enterprises which has as their main objective the edition of periodical publications;

e) Editorial enterprises - those enterprises which objective is the edition of non-periodical publications;

f) news enterprises - those enterprises which main objective is the gathering and diffusion of news, comments and images to the public;

g) official notices - those communications made by the Governor on those situations which, by their nature, justifies the need for prompt, generalized and official information, namely those in respect of an emergency or those involving danger for the public security or health;

h) Publicity - published texts or images intended for promotion to the public, either directly or indirectly, of services or initiatives, even without the fulfillment of the tariff of publication adopted by the proprietor of the publishing enterprise.

Article 3

(Right to information)

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1. The right to information consists of the right to inform, to obtain information and to be informed.

2. The right to information is the manifestation of the freedom of expression of the thought and includes:

- a) the freedom of access to the information sources;
- b) the guarantee of professional secrecy;
- c) the guarantee of the independency of the journalists;
- d) the freedom to publication and diffuse;
- e) the freedom to form enterprises.

Article 4

(Freedom of the press)

1. The freedom of expression of the thought by the press shall be practised without subordination to any form of censure, authorization, deposit, surety or previous qualification.

2. Discussions and criticisms, especially as regards the political, social and religious principles, about the laws and acts of the governmental bodies of the Territory, and the public administration, as well as those relating to the conduct of their agents, may be freely held.

3. The limits to the press freedom shall result only from the precepts of this Ordinance and those which the general law imposes for the safety of the moral and physical integrity of the persons, and the competence for its valuation and application rests solely with the Courts.

Article 5

(Freedom to access to the sources of information)

1. The journalists have the right of access to the sources of information, and these include all government departments, the public administration entities, public-owned or mixture enterprises in which the Territory or its departments hold majority

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participation and also those enterprises which manage public assets or those which are concessionaires for public works or services.

2. The right of access to the sources of information shall cede in the following cases:

- a) Legal proceedings in the secrecy of justice;
- b) Facts and documents considered by the competent authorities as state secret;
- c) Facts and documents which are secret by legal imposition;
- d) Facts and documents which refer to the reservation of the intimate private and family life.

3. In case of failure to indicate the origin of the information, it is assumed that it has been obtained by the author, and the director of the publication should be considered as such author; whenever the written document or image is not signed.

Article 6

(Guarantee of professional secrecy)

1. It is recognized the right of the journalists to maintain the respective sources of information under secrecy, and such journalists shall not suffer any direct or indirect sanction therefrom.

2. The directors and editors of the publications, as well as the journalistic, editorial and news enterprises shall not be obliged to reveal their sources of information.

3. The guarantee of professional secrecy shall only cede, by judicial determination, when facts with penal relevancy relative to criminal associations or criminals are in cause.

Article 7

(Guarantee of independence of the journalists)

The journalists shall enjoy guarantees of independence in the course of their duties, pursuant to the terms of this Ordinance and the By-Laws of the Journalists.

Article 8

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(Freedom of publication and diffusion)

No one shall, under whatever pretext or reason, apprehend any publications which do not infringe the provisions of the applicable laws, or embarrass their composition, printing, distribution and free circulation.

Article 9

(Freedom to incorporate)

1. The constitution of journalistic, editorial and news enterprises may be freely done, provided that it is in accordance with the law.

2. The enterprises referred to in the previous paragraph should have actual address in Macau and may only be owned by single or collective persons residing in or with head offices in the Territory.

3. The journalistic, editorial and news enterprises shall not have as object the engagement of activities which are not inherent or complementary to their main objective.

4. The activity of the journalistic, editorial and news enterprises with head offices abroad shall be allowed, provided that such enterprises maintain a permanent correspondent, delegation or representation in the Territory.

CHAPTER II

ORGANIZATION OF THE PUBLICATIONS AND REGISTRATION OF THE PRESS

Article 10

(Organization of the publications)

1. Periodical publications should have, compulsorily, at least one responsible person living in the Territory, who shall assume the function of director.

2. Only persons enjoying full civic and political rights may appointed to be in charge periodical publications.

Article 11

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(Representation of the publication)

The person in charge, in his capacity as the director, shall represent the publication, either inside the Court or otherwise.

Article 12

(Editorial rule)

The publications shall adopt an editorial rule which defines their orientation and objectives, such editorial rule should be inserted in the first number.

Article 13

(Freedom of competition)

1. The prices for the sale to the public, the tariffs of advertisement and the business margins of the publications shall be freely established by the enterprises.

2. The modification of the sale prices to the public of periodical publications should be communicated to the Government Information Department at least five days in advance.

Article 14

(Compulsory mentions)

1. Periodical publications should refer in their first page the title, the name of the person in charge, the date and the unit price.

2. Periodical publications should also mention the name of the proprietor, the address of the head office as well as the identification and address of the printing company.

3. Non-periodical publications should also contain the mention of the author and editor, the identification and address where such publications have been printed, the number of copies of the edition and the date of printing.

Article 15

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(Registration of the press)

1. The Government Information Department shall create a register of the press, which should include: .

a) Registration of periodical publications, with the identification of the person in charge and indication of the title and periodicity;

b) Registration of the parties owning the journalistic, editorial and news enterprises, with the indication of the respective company name, permanent addresses, composition of the boards and shareholding;

c) Registration of the correspondents and other forms of representation of the news enterprises with head offices outside the Territory, with the mention of their complete identification and of the news enterprises where such correspondents are employed.

2. The activity of the entities referred to in sub-paragraphs b) and c) of the previous paragraph should only commence upon the completion of the registration referred to in the said paragraph.

3. The modifications superseding the particulars subject to registration should be notified to the Government Information Department within fifteen days as from the date of the modification.

Article 16

(Legal Deposit)

1. The directors of periodical publications or the editors of non-periodical publications should arrange to deliver by hand or send by post, within five days after their publication, two copies of the said publications to the following entities:

a) Government Information Department;

b) National Library of Macau;

c) Office of the Attorney-General of Macau.

2. The mailing of the publications referred to in the previous paragraph shall be free of postage.

Article 17

(Publicity)

1. No one may lawfully impose the insertion, in any publication, of written documents or images for publicity purposes.

2. All publications, written or in graphic form, which as such are not immediately identifiable, should be marked by the word “publicity” or unequivocal abbreviation, in a prominent manner, at the beginning of the advertisement, and should also contain, whenever not evident, the name of the advertiser.

Article 18

(Official notices and compulsory communications)

1. The publications of weekly periodicity or less should not refuse the insertion, in any one of the two numbers published, subsequent to their receipt, of official notices issued by the Governor, sent to the said publications by the Government Information Department.

2. It is compulsory the insertion of communications, notices or advertisements of the legal proceedings ordered by the Court pursuant to the law, or whenever requested in fulfillment of the legal provisions, irrespective of their correlation with the infractions committed through the press.

CHAPTER III

THE RIGHT TO RESPONSE, DENIAL OR
RECTIFICATION AND THE RIGHT TO EXPLANATION

Article 19

(Right to response)

1. Any single or collective person, who considers aggrieved by the insertion of written text or image in a periodical publication which constitutes or contains direct affront or references to untrue or erroneous fact, susceptible of affecting his or her good name or reputation, may exercise the right of response, denial or rectification.

2. The right to response, denial or rectification is independent of the civil or criminal proceedings, if applicable, and should not be prejudiced by the spontaneous correction of the written text or image in question.

Article 20

(Exercise of the right to response)

1. The right to response, deny or rectify may be assumed by the holder, his representative or any of his heirs, within ten days, in case of a publication of weekly periodicity or less, or thirty days, in case of a publication with longer periodicity, as from the date of insertion of the written text or image or as from the date of the knowledge of the fact.

2. The right to response, deny or rectify should be exercised through a request sent by any proper means, duly evidenced, addressed to the person in charge of the publication, in which the subscriber should objectively refer to the offensive, untrue or erroneous fact, and indicate the content of the response, denial or rectification intended.

3. The signature of whoever has the legitimacy to assume the right to response, deny or rectify should be verified by notary, save if the request is personally delivered to the head office of the publication by the holder of the said right.

4. The responsibility for the content of the response may only be demanded from its author.

Article 21

(Decision on the insertion of the response)

1. The director may refuse the insertion of the response, denial or rectification due to any of the following reasons:

- a) No offensive, untrue or erroneous fact has occurred;
- b) There is no direct and useful relation with the written text or image which has originated the said response, denial or rectification;
- c) The response, denial or rectification contains impolite expressions or involves civil or criminal liability.

2. If there is no reason for the refusal, the response, denial or rectification should be inserted in any one of the two numbers subsequent to its receipt, if it refers to a daily publication, or in the first number thereafter, for the remaining cases.

Article 22

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(Insertion of the response)

1. The insertion of the response, denial or rectification should be done free of charge, in the same place and with identical prominence as the written text of image which has provoked it, only once, and without interpolations or interruptions.

2. The response, denial or rectification shall not exceed one hundred and fifty words or two hundred Chinese characters, or the dimension equivalent to that of the written text or image which has provoked it, if larger.

3. If the response, denial or rectification exceeds the limits referred to in the previous paragraph, the excess part shall be inserted as publicity, with payment demanded in advance.

4. The director may insert next to the response a brief note, without giving it larger prominence, with the sole purpose of pointing out the inaccuracy, mistake in the interpretation or new content therein contained, which may originate a new response, denial or rectification.

5. The insertion of the response, denial or rectification should include the mention of the entity which has ordered it.

Article 23

(Judicial effectiveness of the right to response)

1. If the periodical publication, within the deadline established in paragraph 2 of article 21 fails to insert the response, denial or rectification, the interested party may apply to the Court to order the service of notice to the director to include the insertion of the said response, denial or rectification within two days, in the case of a daily publication, or in the first number subsequent to the notification, for the remaining cases.

2. The petition should enclose a copy of the publication referred to in the response.

3. With regard to the case referred to in paragraph 1, the judge shall hear the director of the periodical publication so that, within two days, the latter may justify the non-satisfaction of the request initially made.

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4. Only documentary evidence may be admitted; all documents should be attached to the initial petition and to the justification referred to in the previous paragraph.

5. Upon presenting the justification or after the expiry of the deadline stipulated for its presentation, the case should be presented to the Department of Justice, within two days.

6. The judge should decide within two days.

7. In the decision which decrees the refusal as groundless, the fine provided for in sub-paragraph g) of paragraph 1 of article 41 shall be applied;

8. No appeal shall be entertained as regards the decision of the judge on the matter referred to in paragraph 1, however, as far as the penalty is concerned, there shall be a bill of review under the general terms.

9. The provisions of the previous paragraphs shall apply, with the necessary adaptations, as regards the insertion of response in a manner different from that established in paragraph 1 of article 22.

10. The director who fails to fulfill the judicial decision, by failing to make the insertion or making it in a different manner, shall be liable to the sanction provided for in article 30.

Article 24

(Right to explanation)

1. Whenever, in a periodical publication, there are references, allusions or equivocal words which may imply libel or affront to anyone, whoever feels affected may apply to the Court for the purpose of serving notice to the director and author, if the latter is known, in order to unequivocally declare in writing if such references, allusions or equivocal words refer to him and indicate the reason.

2. The declaration and explanation should be inserted in the same place of the periodical publication and with identical prominence, in any one of the two subsequent numbers, in the case of a daily, or in the first number subsequent to the notification, for remaining cases.

3. The notified party should attach to the legal proceedings, within five days as from the date of publication, a copy of the declaration and explanations requested.

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4. Upon hearing the petitioner, the judge shall decide whether the notified party has provided the requested declaration and explanation in a satisfactory manner.

5. If the notified party has unequivocally explained the references, allusions or sentences and declared that such references, allusions or sentences do not refer to the petitioner, nor contain any injurious intention or libel, the said party should be inhibited from bringing civil and criminal proceedings.

6. If the notified party has failed to make the declaration or explanation or inserted the declaration or explanation in a manner considered not satisfactory or different from that indicated in paragraphs 1 and 2, the judge may order the publication of the declaration and explanation and apply the sanction referred to in sub-paragraph h) of article 41.

7. The disrespect of the order referred to in the previous number will incur their authors in the sanction provided for in article 30, without prejudice to the judge being entitled to, according to the gravity of the circumstances, suspend the publication for a period not over three months, irrespective of any other judicial proceedings as the case may require.

8. The civil or criminal proceedings shall not depend upon the exercise of the faculty referred to in paragraph 1.

CHAPTER IV

THE PRESS COUNCIL

Article 25

(Attributions)

The Press Council is hereby created, and its attributions shall be to guarantee:

- a) The independency of the press, namely in relation to the political and economic power;
- b) The pluralism and the freedom of expression of the thought by the press;
- c) The defense of the rights of the public to obtain information.

Article 26

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(Competences)

The Council of the Press shall have the following competences:

- a) To issue opinion on matters of its attributions, on its own initiative or at the request of the Governor, the President of the Legislative Assembly or three members of the Legislative Assembly;
- b) To consider the claims presented by the journalists, directors, editors or owners of the publications or any other persons, in respect of the conducts which contradicts the provisions of this Ordinance;
- c) To consider the claims lodged by persons who feel prejudiced in their rights;
- d) To issue opinion, of a consultative character, on the drafts of new laws on matters of its attributions;
- e) To present proposals and give recommendations within the scope of their attributions;
- f) To request the directors or owners of the journalistic, editorial or news enterprises explanations in respect of the matters on which they should give opinion;
- g) To deliberate on the constitution of inquiry committees to investigate facts relating with their attributions and competencies;
- h) To prepare, on an annual basis, a report on the situation of the press in the Territory;
- i) To issue opinion on matters of deontology and matters in respect of professional secrecy.

Article 27

(Irresponsibility)

The members of the Press Council shall not be responsible, either in the civil, criminal or disciplinary sense, for the votes and opinions which they issue in the exercise of their functions.

CHAPTER V

RESPONSIBILITY FOR ILLICIT ACTS

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Article 28

(Forms of responsibility)

1. The infractions of a penal nature committed through the press shall be subject to the provisions of this Ordinance and the common penal legislation.

2. The right to indemnification for damages suffered in consequence of an illicit act committed through the press shall be regulated by the provisions of this Ordinance and, subsidiarily, by the provisions of the Civil Right, irrespective of the related criminal responsibility.

Article 29

(Crimes of abuse of press freedom)

Those acts which harm the interests protected by the Penal Code, committed through the publication or edition of written texts or images through the press shall be considered as crimes of abuse of press freedom.

Article 30

(Crimes of qualified disobedience)

The infractions to the provisions referred to in paragraph 10 of article 23, paragraph 7 of article 24 and paragraphs 2 and 3 of article 38 of this Ordinance, as well as the publication of the periodical which suspension has been judicially decreed shall constitute crimes of qualified disobedience.

Article 31

(Offense or menace against the public authority)

The injury, libel or menace against the public authority shall be considered as made in its presence, when committed through the press.

Article 31

(Authorship)

1. The following entities of periodical publications should respond, successively, for crimes of abuse of press freedom:

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a) The author of the written text or image, save for non-consented reproductions, in which case the party which has promoted the reproductions should respond, and the director of the publication or his substitute, unless if it is proved that said person is unaware of the written or image published or that the said person is unable to deter the publication;

b) The director of the publication or his substitute, in the case of unsigned written texts or images, or if the author is not susceptible of responsibility, and same has not exonerated from such responsibility in the manner provided for in the previous sub-paragraph;

c) The person responsible for the insertion, in the case of unsigned written texts, published without the knowledge of the director or his substitute, or when they are unable to deter the publication.

2. As regards the non-periodical publications, the author of the written text or image and the editor shall be criminally liable, save for non-consented reproductions, in which case the person who has promoted the said publication should be held liable.

3. For the purposes of criminal liability, it is assumed as the author of the unsigned written text or image, the director of the publication or his substitute, unless the same exonerates his responsibility in the manner provided for in no. 1.

Article 33

(Major penalties)

The penalties applicable to the crimes of abuse of press freedom are those established by the common penal law, aggrieved by of one third of its maximum limit, save if it is established in the said law especially aggrieved penalties for infractions committed through the press, in which case the latter should be applied.

Article 34

(Substitution of prison by penalty)

When the infractor has not suffered previous conviction for crime of abuse of press freedom, the prison sentence may be substituted by fine.

Article 35

(Proof of the truth of the facts)

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1. In a libel case, the proof of the truth of the facts accused shall be admitted.
2. In an injury case, the proof to be made shall only be admitted after the author of the written text or image, at the request of the offended party or of its representative, has substantiated the facts in which the offense has been based upon.
3. However, the evidence of the truth of the facts shall not be admitted:
 - a) When the affected person is the President of the Republic or the Governor;
 - b) When, in the case of the Head of State of another country, reciprocal treatment has been established;
 - c) When the accused facts refer to the private or family life of the offended person and the accusation has not created legitimate public interest.
4. If the author of the offense has not presented evidence of the accused facts, when admitted, said person shall be punished as a calumniator and punishable by jail confinement of up to two years, however never less than three months, non-redeemable, and corresponding fine, besides the indemnification for damages which the judge shall fix at \$10,000.00, without the need to present any evidence, or at the amount fixed by the Court, which should never lower than the former, in the offended person has claimed higher amount.

Article 36

(Exemption of punishment)

Punishment shall be exempted:

- a) For those who has presented evidence of the accused facts, when admitted;
- b) For those who has presented in the Court explanations of the libel or offense which he is accused of, before judgment is passed, if the offended person or his representative in this case, has accepted such explanations as satisfactory.

Article 37

(Accessory Penalties)

For abuse of press freedom, the Court may apply, in the conviction judgment, the following accessory penalties:

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- a) Publication of the conviction decision;
- b) Surety for good conduct;
- c) Temporary interdiction for the exercise of the activity or function.

Article 38

(Publication of the conviction decision)

1. The Court may order the publication of the judgment in the periodical itself, free of charge and within an established deadline.

2. The publication referred to in the previous paragraph shall be made through an extract containing the proved facts, the identity of the offended and convicted parties, the applicable sanctions and the indemnifications fixed.

3. If the said publication is no longer published, the conviction decision shall be inserted, at the expenses of the responsible parties, in any one of the largest-circulation periodicals of the Territory.

4. In the publication of the conviction decision, the name of the offended party may be omitted, if so requested, until the termination of the legal proceedings.

Article 39

(Surety for good conduct)

1. The judgment may direct that the infractor provide, to the order of the Court, as surety for good conduct, an amount not lower than \$5,000.00 nor higher than \$25,000.00, for a period ranging from six months two years.

2. The surety shall be declared as lost in favour of the Territory, if during the established period, the infractor has committed any crime referred to in this Ordinance.

Article 40

(Temporary interdiction for the exercise of the activity and function)

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1. The publication which has diffused written texts or images that have originated five convictions for crime of abuse of press freedom during a period of four years, may be suspended:

- a) In the case of a daily, up to one month;
- b) In the case of a weekly, up to three months;
- c) In the case of a monthly, or of periodicity over one year, up to one year;

d) In the case of publication of intermediary periodicity, up to a maximum period calculated by the proportional application of the periods established in the previous sub-paragraphs.

2. The director of the publication which, for the fifth time in five years has been convicted for crime of abuse of press freedom, shall be interdicted from the practice of the journalistic activity, for a period ranging from one to five years.

Article 41

(Infractions)

1. The infractions to the provisions of this Ordinance, when no other more serious sanctions have been especially provided for, shall be punishable under the terms of the following sub-paragraphs:

a) For infractions to paragraphs 2 and 3 of article 9, penalty ranging from \$6,500.00 to \$16,000.00, applicable to the owner of the publication

b) For infractions to article 10, penalty ranging from \$3,000.00 to \$8,000.00, applicable to the director or editor of the publication;

c) For infractions to article 12, penalty ranging from \$4,000.00 to \$10,000.00, applicable to the director or editor of the publication;

d) For infractions to articles 14 and 15, penalty ranging from \$3,000.00 to \$8,000.00, applicable to the director or editor of the publication;

e) For infractions to paragraph 1 of article 16, penalty ranging from \$800.00 to \$3,000.00, applicable to the director or editor of the publication;

f) For infractions to paragraph 2 of article 17 and article 18, penalty ranging from \$1,500.00 to \$5,000.00, applicable to the director or editor of the publication;

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g) For infractions to paragraph 2 of article 21 and paragraph 1 of article 22, penalty ranging from \$3,000.00 to \$8,000.00, applicable to the director of the publication.

h) For infractions to paragraph 6 of article 24, penalty ranging from \$2,500.00 to \$5,00.00, applicable to the director of the publication or to the author of the written text or image.

2. The payment of the penalties shall not exempt the infractors from the civil liability to answer for the infractions committed.

3: The fines shall constitute as income of the Territory.

Article 42

(Joint and several responsibility)

1. The payment of the penalties or indemnifications applied to the agents of the infractions referred to in this Ordinance shall be joint and several to the owner of the publishing company of the publication in which the infractions have been committed.

2. The company which pays the penalties or indemnifications referred to in the previous paragraph shall have the right to claim back from the infractors for the amounts actually paid.

3. The provisions of the previous paragraph shall be applicable to the regular as well as irregular companies and associations

CHAPTER VI

JUDICIAL PROCEEDINGS

Article 43

(Jurisdiction and competence)

1. The penalties referred to in Chapter V shall always be applied by the ordinary court of the common jurisdiction.

2. The Courts of Macau are competent to acknowledge the crimes of abuse of press freedom when the offended party or the proprietor of the publication have their

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address in Macau, as well as when the publication or circulation of the publication is made inside the Territory.

Article 44

(Form of proceedings)

1. The penal proceedings for the crimes of abuse of press freedom shall be exercised under the terms established by the Code of Criminal Procedure and complementary legislation relating to correctional proceedings, with the particulars contained in the following articles.

2: Without prejudice to the provisions of the previous paragraph, upon the indictment order or equivalent, the same manner as that of the proceedings of the complaint should be applied, as long as the parties declare that they do not prescind from the appeal, or if the amount of the indemnization requested exceeds the jurisdiction of the Intermediate Court.

Article 45

(Accusation)

With regards to private crimes, the accusation should be filed by way of a petition containing all the relevant facts and attaching thereto a copy of the publication where the written text or image was inserted; and the offended party may also request any means of proof.

Article 46

1. The crimes of abuse of press freedom shall be investigated by a preliminary inquiry, irrespective of the circumstances and its value, without prejudice to the competence of the judge in all matters related with the prison of the defendant, if applicable, and the exercise of other jurisdictional acts.

2. The preliminary inquiry shall be concluded within thirty days, but may be extended for equal periods by validated order .

3. During the preliminary inquiry, the call for the various services may be made by telephone, without prejudice to the utilization of other means provided for in the legislation of penal procedures, if no delay will arise therefrom. The requisition provided for in article 85 of the Code of Penal Procedure Code should be immediately confirmed in writing.

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4. If there is reason to believe that the defendant shun to receive the notice or if the same has not appeared at court after been served notice, an order should be issued for the defendant's appearance under custody. The execution of the writ of attendance may only be postponed pursuant to article 304 of the Code of Penal Procedures, and the statements should taken be immediately, without the defendant be detained in prison.

5. The sending or rogatory letters during the preliminary inquiry should not be admitted, except for the interrogation of the defendant residing outside the jurisdiction of Macau, and the fulfillment date should not exceed thirty days, after which the proceedings shall continue.

Article 47

(Request for judgment)

1. After the conclusion of the preliminary inquiry or after the expiry of the deadline referred to in paragraph 2 of the previous article, and if it is found from the judicial proceedings that there exists sufficient circumstantial evidence of punishable fact, the Department of Justice shall, within five days, deduce accusation and request for judgment.

2. The persons with legitimacy to intervene as private prosecutor may, within five days from the date of serving notice to the offended party, request for judgment.

3. Within the deadline for the filing of the accusation, the offended party may submit a request for indemnization against the defendant, the director and the owner of the publication.

4. The persons against whom there has been lodged a request for indemnization, will be served notice to contest within five days. The failure to contest shall have not the effects provided for in articles 484 and 794 of the Code of Civil Procedure.

5. The request for indemnification and reply should be articulated and all evidences should be mentioned therein.

6. The justice tax due for the request for indemnification shall be fixed at between 1/6 and 1/2 of the tax corresponding to a civil action of the same value and shall have the destination of justice tax in respect of criminal proceedings.

7. No prepayment of costs should be made.

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8. After receipt of the accusation and if the request for indemnization, if any, does not exceed the jurisdiction of the Intermediate Court, the service of notice referred to in paragraph 3 of article 44 should be ordered.

Article 48

(Evidence of the truth of facts)

The defendant may request the production of evidence of truth of the facts imposed, if such request is not prevented by law, upon compliance of the provisions of articles 590 onwards of the Code of Penal Procedure.

Article 49

(Trial)

1. The defendant will be served notice with the express obligation to appear at the trial, save if such defendant lives outside the jurisdiction of Macau and the Court has dispensed his or her presence.

2. The judgment may be postponed only once, due to the absence of the defendant, witness or of the declarant if same could not be waived.

3. After the postponement due to the non-appearance of the defendant, the latter will be served notice with the admonition referred to in paragraph 1 of article 566 of the Code of Penal Procedure.

Article 50

(Appeals)

1. The final decision on conviction or acquittal may be subject to appeal if the parties have not prescinded from the appeal pursuant to number 2 of article 44, or if the value of the indemnization requested is higher than that of the jurisdiction of the Intermediate Court, or if jail sentence has been passed on the defendant.

2. The time-limit for the receipt or rejection of the appeal and for the completion of the respective secretarial works is forty eight hours, and the notices should be served within three days, if no other deadline has not been stipulated in the order.

3. The bills of review for orders which contain no challenges against major nullities shall be filed with the higher Court.

U n o f f i c i a l T r a n s l a t i o n

4. The remaining appeals shall be retained, the first one should go up immediately, and in the proper judicial proceedings.

Article 51

(Judicial Apprehension)

1. Only the Court may order the apprehension of the publication which contains the written text or image considered as offensive and determine the measures which it deems adequate to prevent their diffusion, as a preparatory act or incident of the respective legal proceedings.

2. The Court may, at the request of the Justice Department or of the offended party, decree the temporary apprehension of the publication which contains written text or image considered as offensive or take the necessary measures to prevent the respective diffusion, when it deems that irreparable damages or damages of difficult reparation will arise therefrom.

3. The apprehension or the measures referred to in the previous paragraphs shall depend upon the presentation of a request where it should mention the suspicion of the exercise of illicit criminal acts and the possibility that irreparable damages or damages of difficult repair may incur.

4. If deemed indispensable, the judge may proceed to gather judiciary evidence, in order to decide on the granting or denial of the precaution.

5. The evidence referred to in the previous paragraph may not be in writing.

6. If the applicant for the services referred to in this article acts with bad faith, same shall incur in civil liability, under the general terms, for any damages caused.

7. The appeal on the decision which has decided the incident shall have simple returning effect.

Article 52

(Transgressions)

U n o f f i c i a l T r a n s l a t i o n

The proceedings in respect of the breaches referred to in article 41 shall follow the terms provided for in the Code of Penal Procedure in respect of transgression procedures, save for those instances referred to in the provisions of this Ordinance.

Article 53

(Celerity of the procedures)

1. The judicial proceedings for crime of abuse of press freedom shall be considered as of urgent nature, and there shall be no contest of the finding of facts.

2. The time-limits shall be reduced to half of those established in the general law, however no time-limit should be shorter than forty eight hours.

3. Articles 55 to 58 and 60 of the Code of Penal Procedure shall not be applied, except for cases of transgression.

4. During the judgment stage, if it is necessary to inquire witnesses or take statements from the offended parties or other persons who live outside the jurisdiction of the Macau Court, rogatory or official letters or telegrams should be sent for this purpose, in order that such parties may be heard before fixing the date for judgment; under no circumstances should the time-limit for fulfillment exceed thirty days, without prejudice to the letters be taken into account if such letters have been returned before the expiry of the time-limit for the trial.

5. If any of the measures referred to in the previous paragraph is required, the order which has fixed the date for the trial shall be considered as null and void.

6. After the end of the time-limit referred to in paragraph 4, the date for the trial will be fixed and the proceedings shall continue

Article 54

(Justice tax)

1. The justice tax due for the appointment of the private prosecutor and which subjects the condition for the admission to appeal, may be delivered by hand to the section of judicial proceedings, within forty eight hours after the filing of the respective petition.

2. The civil servant who receives the amount referred to in the previous paragraph shall post the account in the respective books and deposit the amount within forty eight hours.

U n o f f i c i a l T r a n s l a t i o n

3. The petitioner or appellant who does not use the faculty referred to in paragraph 1 shall wait until the section of legal proceedings issue the vouchers, pursuant to the legislation on judicial costs.

CHAPTER VII

FINAL AND TRANSITORY PROVISIONS

Article 55

(Transitory procedures)

1. As regards the judicial proceedings in abeyance at the effective date of this Ordinance, the notice referred to in no. 3 of article 44 should be immediately fixed.

2. If a statement referred to in no. 3 of article 44 has been made, the case should be immediately sent for reviews.

3. The enclosures already ordered under articles 55 to 58 and 60 of the Code of Civil Procedure should maintained.

Article 56

(By-Laws of the Journalist)

The Governor, upon hearing the professionals in the field and their respective associations, if any, shall publish within one hundred and eighty days as from the effective date of this Ordinance, the By-Laws of the Journalist.

Article 57

(Form of registration of the press)

The register of the press referred to in article 15 should be regulated by “*Portaria*” (Administrative Rule), to be published within sixty days as from the effective date of this Ordinance.

Article 58

(Official support)

U n o f f i c i a l T r a n s l a t i o n

1. The Governor, by order to be published within ninety days as from the effective date of this Ordinance, shall determine the adequate measures to support the periodical publications.

2. The measures referred to in the previous paragraph shall have as their objective to contribute for the reinforcement of the independence of the right to information in view, namely, of the political and economic powers.

Article 59

(Enterprises already formed)

The journalistic, editorial and news enterprises already formed should fulfill the requirements of this Ordinance, within ninety days as from the date of its validity.

Article 60

(Composition and working method of the Press Council)

1. The composition and working method of the Press Council will be defined by law to be published before the end of the time-limit referred to in the following paragraph.

2. The articles 25 to 27 of Chapter IV shall become effective within one year as from the effective day of this Ordinance.

Article 61

(Revocation)

The following laws are hereby revoked:

- a) Decree no. 27495, dated 27th January, 1937.
- b) Decree-Law no. 33015, dated 9th March, 1946;
- c) Decree-Law no. 46833, dated 5th February, 1966;
- d) Decree no. 49 064, dated 5th July, 1969.

Approved on 19th June, 1990.

U n o f f i c i a l T r a n s l a t i o n

The President of the Legislative Assembly, *Carlos Augusto Correia Paes d'Assumpção*.

Enacted on 7th July, 1990.

For publication.

The Governor, *Carlos Montez Melancia*.