



Incitement to Disaffection Act 1934

1934 CHAPTER 56 24 and 25 Geo 5

2 Provisions for the prevention and detection of offences under this Act. **E+W+S**

- (1) If any person, with intent to commit or to aid, abet, counsel, or procure the commission of an offence under section one of this Act, has in his possession or under his control any document of such a nature that the dissemination of copies thereof among members of His Majesty's forces would constitute such an offence, he shall be guilty of an offence under this Act.
- (2) If a judge of the High Court is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been committed, and that evidence of the commission thereof is to be found at any premises or place specified in the information, he may, on an application made by an officer of police of a rank not lower than that of inspector, grant a search warrant authorising any such officer as aforesaid named in the warrant together with any other persons named in the warrant and any other officers of police to enter the premises or place at any time within from the date of the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize anything found on the premises or place or on any such person which the officer has reasonable ground for suspecting to be evidence of the commission of such an offence as aforesaid:

Provided that—

- (a) a search warrant shall only be issued in respect of an offence suspected to have been committed within the three months prior to the laying of the information thereof; and
 - (b) if a search warrant under this Act has been executed on any premises, it shall be the duty of the officer of police who has conducted or directed the search to notify the occupier that the search has taken place, and to supply him with a list of any documents or other objects which have been removed from the premises, and where any documents have been removed from any other person to supply that person with a list of such documents.
- (3) No woman shall, in pursuance of a warrant issued under the last foregoing subsection, be searched except by a woman.

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. *Skip to:* *E+W+S* - England, Wales and Scotland extent *N.I.* - Northern Ireland extent

Changes to legislation: There are currently no known outstanding effects for the Incitement to Disaffection Act 1934, Section 2. (See end of Document for details)

- (4) Anything seized under this section may be retained for a period not exceeding one month, or if within that period proceedings are commenced for an offence under this Act until the conclusion of those proceedings, ^{F2}and subject as aforesaid, and to the provisions of this Act conferring powers on courts dealing with offences, the ^{M1}Police (Property) Act 1897 (which makes provision with respect to the disposal of property in the possession of the police), shall apply to property which has come into the possession of the police under this section as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act. ^{F2}and, in relation to property which has come into the possession of the police under this section, the Police (Property) Act 1897 (which makes provision with respect to the disposal of property in the possession of the police) shall have effect subject to the foregoing provisions of this subsection and to the provisions of this Act conferring powers on courts dealing with offences.]

Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only.

Textual Amendments

- F1** Words in s. 2(2) substituted (E.W.) (1.1.2006) by [Serious Organised Crime and Police Act 2005](#) (c. 15), s. 178(8), [Sch. 16 para. 1](#); [S.I. 2005/3495](#), art. 2(1)(s)
- F2** Words “and, in relation” to “offences” substituted for “and subject as aforesaid” onwards (E.W.) by [Criminal Justice Act 1972](#) (c. 71), [Sch. 5](#)

Marginal Citations

- M1** [1897 c. 30](#).

2 Provisions for the prevention and detection of offences under this Act. **N.I.**

- (1) If any person, with intent to commit or to aid, abet, counsel, or procure the commission of an offence under section one of this Act, has in his possession or under his control any document of such a nature that the dissemination of copies thereof among members of His Majesty’s forces would constitute such an offence, he shall be guilty of an offence under this Act.
- (2) If a judge of the High Court is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been committed, and that evidence of the commission thereof is to be found at any premises or place specified in the information, he may, on an application made by an officer of police of a rank not lower than that of inspector, grant a search warrant authorising any such officer as aforesaid named in the warrant together with any other persons named in the warrant and any other officers of police to enter the premises or place at any time within one month from the date of the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize anything found on the premises or place or on any such person which the officer has reasonable ground for suspecting to be evidence of the commission of such an offence as aforesaid:

Provided that—

- (a) a search warrant shall only be issued in respect of an offence suspected to have been committed within the three months prior to the laying of the information thereof; and

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- (b) if a search warrant under this Act has been executed on any premises, it shall be the duty of the officer of police who has conducted or directed the search to notify the occupier that the search has taken place, and to supply him with a list of any documents or other objects which have been removed from the premises, and where any documents have been removed from any other person to supply that person with a list of such documents.
- (3) No woman shall, in pursuance of a warrant issued under the last foregoing subsection, be searched except by a woman.
- (4) Anything seized under this section may be retained for a period not exceeding one month, or if within that period proceedings are commenced for an offence under this Act until the conclusion of those proceedings, [^{F3}and subject as aforesaid, and to the provisions of this Act conferring powers on courts dealing with offences, [^{F4}section 31 of the Police (Northern Ireland) Act 1998] (which makes provision with respect to the disposal of property in the possession of the police), shall apply to property which has come into the possession of the police under this section as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.][^{F3}and, in relation to property which has come into the possession of the police under this section, [^{F4}section 31 of the Police (Northern Ireland) Act 1998] (which makes provision with respect to the disposal of property in the possession of the police) shall have effect subject to the foregoing provisions of this subsection and to the provisions of this Act conferring powers on courts dealing with offences.]

Extent Information

- E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F3** Words “and, in relation” to “offences” substituted for “and subject as aforesaid” onwards (E.W.) by [Criminal Justice Act 1972 \(c. 71\)](#), [Sch. 5](#)
- F4** Words in s. 2(4) substituted (N.I.)(1.4.1999) by [1998 c. 32, s. 74\(1\)](#), [Sch. 4 para. 1](#); [S.R. 1999/176, art. 3](#)

Status:

There are multiple versions of this provision on screen. These apply to different geographical extents.

Skip to:

- E+W+S - England, Wales and Scotland extent
- N.I. - Northern Ireland extent

Changes to legislation:

There are currently no known outstanding effects for the Incitement to Disaffection Act 1934, Section 2.