



Official Secrets Act 1939

1939 CHAPTER 121

An Act to amend section six of the Official Secrets Act, 1920. [23rd November 1939]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1 Amendment of 10 & 11 Geo. 5. c. s. 6.

For section six of the Official Secrets Act, 1920, there shall be substituted the following section :—

- (1) Where a chief officer of police is satisfied that there is reasonable ground for suspecting that an offence under section one of the principal Act has been committed and for believing that any person is able to furnish information as to the offence or suspected offence, he may apply to a Secretary of State for permission to exercise the powers conferred by this subsection and, if such permission is granted, he may authorise a superintendent of police, or any police officer not below the rank of inspector, to require the person believed to be able to furnish information to give any information in his power relating to the offence or suspected offence, and, if so required and on tender of his reasonable expenses, to attend at such reasonable time and place as may be specified by the superintendent or other officer; and if a person required in pursuance of such an authorisation to give information, or to attend as aforesaid, fails to comply with any such requirement or knowingly gives false information, he shall be guilty of a misdemeanour.
- (2) Where a chief officer of police has reasonable grounds to believe that the case is one of great emergency and that in the interest of the State immediate action is necessary, he may exercise the powers conferred by the last foregoing subsection without applying for or being granted the permission of a Secretary of State, but if he does so shall forthwith report the circumstances to the Secretary of State.

- (3) References in this section to a chief officer of police shall be construed as including references to any other officer of police expressly authorised by a chief officer of police to act on his behalf for the purposes of this section when by reason of illness, absence, or other cause he is unable to do so.”

2 Short title, construction, citation, and application to Northern Ireland.

- (1) This Act may be cited as the Official Secrets Act, 1939, and this Act and the Official Secrets Acts, 1911 and 1920, shall be construed as one, and may be cited together as the Official Secrets Acts, 1911 to 1939.
- (2) It is hereby declared that this Act extends to Northern Ireland; and, in the application thereof to Northern Ireland, this Act shall have effect subject to the following modifications, that is to say, for references to a chief officer of police there shall be substituted references to a district inspector, for references to a Secretary of State there shall be substituted references to the Minister of Home Affairs, and for the reference to the rank of inspector there shall be substituted a reference to the rank of head constable.