



# Official Secrets Act 1920

## 1920 CHAPTER 75 10 and 11 Geo 5

### **1 Unauthorised use of uniforms; falsification of reports, forgery, personation, and false documents.**

If any person for the purpose of gaining admission, or of assisting any other person to gain admission, to a prohibited place, within the meaning of the <sup>M1</sup>Official Secrets Act 1911 (hereinafter referred to as “the principal Act”), or for any other purpose prejudicial to the safety or interests of the State within the meaning of the said Act—

- (a) uses or wears, without lawful authority, any naval, military, air-force, police, or other official uniform, or any uniform so nearly resembling the same as to be calculated to deceive, or falsely represents himself to be a person who is or has been entitled to use or wear any such uniform; or
- (b) orally, or in writing in any declaration or application, or in any document signed by him or on his behalf, knowingly makes or connives at the making of any false statement or any omission; or
- (c) [<sup>F1</sup>forges, alters, or] tampers with any passport or any naval, military, air-force, police, or official pass, permit, certificate, licence, or other document of a similar character (hereinafter in this section referred to as an official document), [<sup>F1</sup>or uses] or has in his possession any [<sup>F1</sup>such] forged, altered, or irregular official document; or
- (d) personates, or falsely represents himself to be a person holding, or in the employment of a person holding, office under His Majesty, or to be or not to be a person to whom an official document or secret official code word or pass word has been duly issued or communicated, or with intent to obtain an official document, secret official code word or pass word, whether for himself or any other person, knowingly makes any false statement; or
- (e) uses, or has in his possession or under his control, without the authority of the Government Department or the authority concerned, any die, seal, or stamp of or belonging to, or used, made or provided by any Government Department, or by any diplomatic, naval, military, or air-force authority appointed by or acting under the authority of His Majesty, or any die, seal or stamp so nearly resembling any such die, seal or stamp as to be calculated to deceive, or counterfeits any such die, seal or stamp, or uses, or has in his possession, or under his control, any such counterfeited die, seal or stamp;

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he shall be guilty of a misdemeanour.

(2) If any person—

- (a) retains for any purpose prejudicial to the safety or interests of the State any official document, whether or not completed or issued for use, when he has no right to retain it, or when it is contrary to his duty to retain it, or fails to comply with any directions issued by any Government Department or any person authorised by such department with regard to the return or disposal thereof; or
- (b) allows any other person to have possession of any official document issued for his use alone, or communicates any secret official code word or pass word so issued, or, without lawful authority or excuse, has in his possession any official document or secret official code word or pass word issued for the use of some person other than himself, or on obtaining possession of any official document by finding or otherwise, neglects or fails to restore it to the person or authority by whom or for whose use it was issued, or to a police constable; or
- (c) without lawful authority or excuse, manufactures or sells, or has in his possession for sale any such die, seal or stamp as aforesaid;

he shall be guilty of a misdemeanour.

(3) In the case of any prosecution under this section involving the proof of a purpose prejudicial to the safety or interests of the State, subsection (2) of section one of the principal Act shall apply in like manner as it applies to prosecutions under that section.

#### Textual Amendments

**F1** Words repealed (E.W.N.I.) by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:1\)](#), **Sch. Pt. I**

#### Marginal Citations

**M1** 1911 c. 28.

## 2 Communications with foreign agents to be evidence of commission of certain offences.

(1) In any proceedings against a person for an offence under section one of the principal Act, the fact that he has been in communication with, or attempted to communicate with, a foreign agent, whether within or without the United Kingdom, shall be evidence that he has, for a purpose prejudicial to the safety or interests of the State, obtained or attempted to obtain information which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy.

(2) For the purpose of this section, but without prejudice to the generality of the foregoing provision—

- (a) a person shall, unless he proves the contrary, be deemed to have been in communication with a foreign agent if—
  - (i) he has, either within or without the United Kingdom, visited the address of a foreign agent or consorted or associated with a foreign agent; or
  - (ii) either, within or without the United Kingdom, the name or address of, or any other information regarding a foreign agent has been found in

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his possession, or has been supplied by him to any other person, or has been obtained by him from any other person:

- (b) the expression “foreign agent” includes any person who is or has been or is reasonably suspected of being or having been employed by a foreign power either directly or indirectly for the purpose of committing an act, either within or without the United Kingdom, prejudicial to the safety or interests of the State, or who has or is reasonably suspected of having, either within or without the United Kingdom, committed, or attempted to commit, such an act in the interests of a foreign power:
- (c) any address, whether within or without the United Kingdom, reasonably suspected of being an address used for the receipt of communications intended for a foreign agent, or any address at which a foreign agent resides, or to which he resorts for the purpose of giving or receiving communications, or at which he carries on any business, shall be deemed to be the address of a foreign agent, and communications addressed to such an address to be communications with a foreign agent.

### 3 Interfering with officers of the police or members of His Majesty’s forces.

No person in the vicinity of any prohibited place shall obstruct, knowingly mislead or otherwise interfere with or impede, the chief officer or a superintendent or other officer of police, or any member of His Majesty’s forces engaged on guard, sentry, patrol, or other similar duty in relation to the prohibited place, and, if any person acts in contravention of, or fails to comply with, this provision, he shall be guilty of a misdemeanour.

### 4 Power to require the production of telegrams.

F2

#### Textual Amendments

F2 S. 4 repealed by [Interception of Communications Act 1985 \(c. 56, SIF 96\)](#), s. 11(4)(5)

### 5 Registration and regulation of persons carrying on the business of receiving postal packets.

- (1) Every person who carries on, whether alone or in conjunction with any other business, the business of receiving for reward letters, telegrams, or other postal packets for delivery or forwarding to the persons for whom they are intended, shall as soon as may be send to the chief officer of police for the district, for registration by him, notice of the fact together with the address or addresses where the business is carried on, and the chief officer of police shall keep a register of the names and addresses of such persons, and shall, if required by any person who sends such a notice, furnish him on payment of a fee of [<sup>F3</sup>38p][<sup>F4</sup>37½p] with a certificate of registration, and every person so registered shall from time to time furnish to the chief officer of police notice of any change of address or new address at which the business is carried on, and such other information as may be necessary for maintaining the correctness of the particulars entered in the register.

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- (2) Every person who carries on such a business as aforesaid shall cause to be entered in a book kept for the purpose the following particulars—
- (a) the name and address of every person for whom any postal packet is received, or who has requested that postal packets received may be delivered or forwarded to him;
  - (b) any instructions that may have been received as to the delivery or forwarding of postal packets;
  - (c) in the case of every postal packet received, the place from which the postal packet comes, and the date of posting (as shown by the post-mark) and the date of receipt, and the name and address of the sender if shown on the outside of the packet, and, in the case of a registered packet, the date and office of registration and the number of the registered packet;
  - (d) in the case of every postal packet delivered, the date of delivery and the name and address of the person to whom it is delivered;
  - (e) in the case of every postal packet forwarded, the name and address to which and the date on which it is forwarded; and shall not deliver a letter to any person until that person has signed a receipt for the same in such book as aforesaid, nor, if that person is not the person to whom the postal packet is addressed, unless there is left with him instructions signed by the last-mentioned person as to the delivery thereof, and shall not forward any postal packet to another address unless there is left with him written instructions to that effect signed by the addressee.
- (3) The books so kept and all postal packets received by a person carrying on any such business, and any instructions as to the delivery or forwarding of postal packets received by any such person, shall be kept at all reasonable times open to inspection by any police constable.
- (4) If any person contravenes or fails to comply with any of the provisions of this section, or furnishes any false information or makes any false entry, he shall be guilty of an offence under this Act, and shall, for each offence, be liable on conviction under the Summary Jurisdiction Acts to imprisonment . . . <sup>F5</sup> for a term not exceeding one month, or to a fine not exceeding [<sup>F6</sup>level 1 on the standard scale], or to both such imprisonment and fine.
- (5) Nothing in this section shall apply to postal packets addressed to any office where any newspaper or periodical is published, being postal packets in reply to advertisements appearing in such newspaper or periodical.
- (6) Nothing in this section shall be construed as rendering legal anything which would be
- [<sup>F7</sup>(a) in contravention of the exclusive privilege conferred on the Post Office by section 66(1) of the <sup>M2</sup> British Telecommunications Act 1981; or
  - (b) an offence under section 5 of the Telecommunications Act 1984.]

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#### Textual Amendments

**F3** Words substituted (E.W.) by S.I. 1970/1954, **Sch.**

**F4** Words substituted (S.) by virtue of S.I. 1968/248, **Sch.** and Decimal Currency Act 1969 (c. 19), **s. 10(1)**

**F5** Words omitted by virtue of (E.W.) Criminal Justice Act 1948 (c. 58), **s. 1(2)** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21), **s. 221(2)**

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- F6** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#), (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [s. 289G](#) and (N.I.) by S.I. 1984/703 (N.I. 3), [art. 5](#)
- F7** [S. 5\(6\)\(a\)\(b\)](#) substituted for words beginning " in contravention of" and ending "1920" by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, Sch. 4 para. 14(2), [Sch. 5 para. 45](#)

**Modifications etc. (not altering text)**

- C1** [S. 5](#) excluded by [Post Office Act 1969 \(c. 48\)](#), [Sch. 4 para. 21\(2\)](#)
- C2** [S. 5](#) excluded by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, Sch. 4 para. 14(1), [Sch. 5 para. 45](#)
- C3** Power to amend s. 5(1) conferred by (E.W.) [Local Government Act 1966 \(c. 42\)](#), s. 35(2), [Sch. 3 Pt. II](#) and (S.) [Local Government \(Scotland\) Act 1966 \(c. 51\)](#), s. 42(2), [Sch. 4 Pt. II](#)

**Marginal Citations**

- M2** [1981 c. 38\(96\)](#).

[<sup>F8</sup>**6** **Duty of giving information as to commission of offences.**

- (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 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.]

**Textual Amendments**

- F8** [S. 6](#) substituted by [Official Secrets Act 1939 \(c. 121\)](#), [ss. 1, 2\(2\)](#)

**7 Attempts, incitements, &c.**

Any person who attempts to commit any offence under the principal Act or this Act, or solicits or incites or endeavours to persuade another person to commit an offence, or aids or abets and does any act preparatory to the commission of an offence under the principal Act or this Act, shall be guilty of a felony or a misdemeanour or a summary

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offence according as the offence in question is a felony, a misdemeanour or a summary offence, and on conviction shall be liable to the same punishment, and to be proceeded against in the same manner, as if he had committed the offence.

## 8 Provisions as to trial and punishment of offences.

- (1) Any person who is guilty of a felony under the principal Act or this Act shall be liable to penal servitude for a term of not less than three years and not exceeding fourteen years.
- (2) Any person who is guilty of a misdemeanour under the principal Act or this Act shall be liable on conviction on indictment to imprisonment, . . . <sup>F9</sup> for a term not exceeding two years, or, on conviction under the Summary Jurisdiction Acts, to imprisonment, . . . <sup>F9</sup> for a term not exceeding three months or to a fine not exceeding fifty pounds, or both such imprisonment and fine:  
Provided that no misdemeanour under the principal Act or this Act shall be dealt with summarily except with the consent of the Attorney General.
- (3) For the purposes of the trial of a person for an offence under the principal Act or this Act, the offence shall be deemed to have been committed either at the place in which the same actually was committed, or at any place in the United Kingdom in which the offender may be found.
- (4) In addition and without prejudice to any powers which a court may possess to order the exclusion of the public from any proceedings if, in the course of proceedings before a court against any person for an offence under the principal Act or this Act or the proceedings on appeal, or in the course of the trial of a person for felony or misdemeanour under the principal Act or this Act, application is made by the prosecution, on the ground that the publication of any evidence to be given or of any statement to be made in the course of the proceedings would be prejudicial to the national safety, that all or any portion of the public shall be excluded during any part of the hearing, the court may make an order to that effect, but the passing of sentence shall in any case take place in public.
- (5) Where the person guilty of an offence under the principal Act or this Act is a company or corporation, every director and officer of the company or corporation shall be guilty of the like offence unless he proves that the act or omission constituting the offence took place without his knowledge or consent.

### Textual Amendments

- F9** Words omitted by virtue of (E.W.) [Criminal Justice Act 1948 \(c. 58\), s. 1\(2\)](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), s. 221\(2\)](#)

### Modifications etc. (not altering text)

- C4** Reference to sentence of penal servitude to be construed as reference to sentence of imprisonment for term not exceeding fourteen years: (E.W.) [Criminal Justice Act 1948 \(c. 58\), s. 1\(1\)](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), s. 221\(1\)](#)
- C5** [S. 8\(4\)](#) amended by [Official Secrets Act 1989 \(c. 6, SIF 39:2\), s. 11\(4\)](#)

## 9 Amendments of principal Act in relation to munitions of war.

The principal Act shall have effect as though—

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(1) ..... <sup>F10</sup>

(2) In section twelve, after the definition of “sketch” the following definition were inserted :

“The expression “munitions of war” includes the whole or any part of a ship, submarine, aircraft, tank or similar engine, arms and munition, torpedo, or mine, intended or adapted for use in war, and any other article, material, or device, whether actual or proposed, intended for such use.”

**Textual Amendments**

**F10** S. 9(1) repealed by [Official Secrets Act 1989 \(c. 6, SIF 39:2\)](#), s. 16(4), [Sch. 2](#)

**Modifications etc. (not altering text)**

**C6** The text of s. 9(2), s. 10 and Schedules 1 and 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**10 Minor amendments of principal Act.**

The amendments specified in the second column of the First Schedule to this Act (which relate to minor details) shall be made in the provisions of the principal Act specified in the first column of that schedule.

**Modifications etc. (not altering text)**

**C7** The text of s. 9(2), s. 10 and Schedules 1 and 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**11 Short title, construction, and repeal.**

(1) This Act may be cited as the Official Secrets Act 1920, and shall be construed as one with the principal Act, and the principal Act and this Act may be cited together as the Official Secrets Acts 1911 and 1920:

Provided that—

<sup>F11</sup>(a) .....

(b) nothing in the principal Act shall be construed as preventing an offence under this Act which is to be tried summarily being tried in Scotland by the sheriff.

[<sup>F12</sup>(1A) For the purposes of this Act as it extends to Northern Ireland, the expression “chief officer of police” means a superintendent or chief superintendent of the Royal Ulster Constabulary.]

(2) ..... <sup>F13</sup>

<sup>F14</sup>(3) .....

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#### **Textual Amendments**

- F11** S. 11(1)(a) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. I**
- F12** S. 11(1A) inserted (5.11.1993) by 1993 c. 50, s. 1(2), **Sch. 2 para.21**
- F13** S. 11(2) repealed by Statute Law Revision Act 1927 (c. 42)
- F14** S. 11(3) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. I**



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