



Official Secrets Act 1911

1911 CHAPTER 28 1 and 2 Geo 5

An Act to re-enact the Official Secrets Act 1889 with Amendments. [22nd August 1911]

Modifications etc. (not altering text)

- C1** Act extended with modification by [European Communities Act 1972 \(c. 68\), s. 11\(2\)](#); extended by [Fair Employment \(Northern Ireland\) Act 1976 \(c. 25\), s. 52\(4\)](#) and [Telecommunications Act 1984 \(c. 12, SIF 96\), s. 109, Sch. 4 para. 12\(2\), Sch. 5 para. 45](#)
- C2** Act extended by [S.I. 1972/971, Sch. 1](#)
- C3** Act saved (N.I.)(27.8.1991, temporarily until 15.6.92 unless continued by Order) by [Northern Ireland \(Emergency Provisions\) Act 1991 \(c. 28, SIF 39:2\), ss. 31\(6\), 69\(1\)\(2\)](#)
- C4** Act modified (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 17 para. 2](#) (with [Sch. 18](#)); [S.I. 2003/1900, arts. 1\(2\), 2\(1\), Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142, art. 1\(3\)](#)); [S.I. 2003/3142, art. 3\(2\)](#) (with [art. 11](#))

Commencement Information

- I1** Act wholly in force at Royal Assent

1 Penalties for spying.

- (1) If any person for any purpose prejudicial to the safety or interests of the State—
- (a) approaches, [^{F1}inspects, passes over] or is in the neighbourhood of, or enters any prohibited place within the meaning of this Act; or
 - (b) makes any sketch, plan, model, or note which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy; or
 - (c) obtains, [^{F1}collects, records, or publishes,] or communicates to any other person [^{F1}any secret official code word, or pass word, or] any sketch, plan, model, article, or note, or other document or information which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy;
- he shall be guilty of felony . . . ^{F2}

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- (2) On a prosecution under this section, it shall not be necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and, notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case, or his conduct, or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State; and if any sketch, plan, model, article, note, document, or information relating to or used in any prohibited place within the meaning of this Act, or anything in such a place [^{F1}or any secret official code word or pass word], is made, obtained, [^{F1}collected, recorded, published], or communicated by any person other than a person acting under lawful authority, it shall be deemed to have been made, obtained, [^{F1}collected, recorded, published] or communicated for a purpose prejudicial to the safety or interests of the State unless the contrary is proved.

Textual Amendments

F1 Words inserted by [Official Secrets Act 1920 \(c. 75\), Sch. 1](#)

F2 Words repealed by [Official Secrets Act 1920 \(c.75\), Sch. 2](#)

2 ^{F3}

Textual Amendments

F3 [S. 2](#) repealed by [Official Secrets Act 1989 \(c. 6, SIF 39:2\), s. 16\(4\), Sch. 2](#)

3 Definition of prohibited place.

For the purposes of this Act, the expression “prohibited place” means—

- [^{F4}(a) any work of defence, arsenal, naval or air force establishment or station, factory, dockyard, mine, minefield, camp, ship, or aircraft belonging to or occupied by or on behalf of His Majesty, or any telegraph, telephone, wireless or signal station, or office so belonging or occupied, and any place belonging to or occupied by or on behalf of His Majesty and used for the purpose of building, repairing, making, or storing any munitions of war, or any sketches, plans, models or documents relating thereto, or for the purpose of getting any metals, oil, or minerals of use in time of war];
- (b) any place not belonging to His Majesty where any [^{F5}munitions of war], or any [^{F5}sketches, models, plans] or documents relating thereto, are being made, repaired, [^{F6}gotten,] or stored under contract with, or with any person on behalf of, His Majesty, or otherwise on behalf of His Majesty; and
- (c) any place belonging to [^{F6}or used for the purposes of] His Majesty which is for the time being declared [^{F5}by order of a Secretary of State] to be a prohibited place for the purposes of this section on the ground that information with respect thereto, or damage thereto, would be useful to an enemy; and
- (d) any railway, road, way, or channel, or other means of communication by land or water (including any works or structures being part thereof or connected therewith), or any place used for gas, water, or electricity works or other works for purposes of a public character, or any place where any [^{F5}munitions of war], or any [^{F5}sketches, models, plans] or documents relating thereto, are

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being made, repaired, or stored otherwise than on behalf of His Majesty, which is for the time being declared [^{F5}by order of a Secretary of State] to be a prohibited place for the purposes of this section, on the ground that information with respect thereto, or the destruction or obstruction thereof, or interference therewith, would be useful to an enemy.

Textual Amendments

- F4** S. 3(a) substituted by [Official Secrets Act 1920 \(c. 75\)](#), **Sch. 1**
- F5** Words substituted by [Official Secrets Act 1920 \(c. 75\)](#), **Sch. 1**
- F6** Words inserted by [Official Secrets Act 1920 \(c. 75\)](#), **Sch. 1**

Modifications etc. (not altering text)

- C5** S. 3(c) extended by [Civil Aviation Act 1982 \(c. 16, SIF 9\)](#), **s. 18(2)**
- C6** S. 3(c) extended by [Atomic Energy Authority Act 1954 \(c. 32\)](#), **s. 6(3)**, [Nuclear Installations Act 1965 \(c. 57\)](#), **Sch. 1 para. 3**
- C7** S. 3(c) extended by 2001 c. 24, s. 80A (as inserted (26.1.2009) by [Energy Act 2008 \(c. 32\)](#), **ss. 101, 110(2)**; S.I. 2009/45, art. 2(d)(vii))

4 ^{F7}

Textual Amendments

- F7** S. 4 repealed by [Official Secrets Act 1920 \(c. 75\)](#), **Sch. 2**

5 ^{F8}

Textual Amendments

- F8** S. 5 repealed by (E.W.) [Criminal Law Act 1967 \(c. 58\)](#), **Sch. 3 Pt. III** and (N.I.) [Criminal Law Act \(Northern Ireland\) 1967 \(c. 18\)](#), **Sch. 2 Pt. II**

^{F9F10F11} **6 Power to arrest.**

Textual Amendments

- F9** S. 6 repealed (E.W.) (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8)(8), [Sch. 7 para. 12](#), **Sch. 17 Pt. 2**; S.I. 2005/3495, art. 2(1)(m)(u)
- F10** S. 6 repealed (N.I.) (1.3.2007) by [The Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288\)](#), art. 1(2), [Sch. 1 para. 10](#), **Sch. 2**
- F11** S. 6 repealed (S.) (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Consequential and Supplementary Modifications\) Regulations 2017 \(S.S.I. 2017/452\)](#), reg. 1, **sch. para. 2**

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7 Penalty for harbouring spies.

If any person knowingly harbours any person whom he knows, or has reasonable grounds for supposing, to be a person who is about to commit or who has committed an offence under this Act, or knowingly permits to meet or assemble in any premises in his occupation or under his control any such persons, or if any person having harboured any such person, or permitted to meet or assemble in any premises in his occupation or under his control any such persons, [^{F12}wilfully omits or refuses] to disclose to a superintendent of police any information which it is in his power to give in relation to any such person he shall be guilty of a misdemeanour . . . ^{F13}

Textual Amendments

F12 Words substituted by [Official Secrets Act 1920 \(c. 75\), Sch. 1](#)

F13 Words repealed by [Official Secrets Act 1920 \(c. 75\), Sch. 1](#)

8 Restriction on prosecution.

A prosecution for an offence under this Act shall not be instituted except by or with the consent of the Attorney-General:

. . . ^{F14}

Textual Amendments

F14 [S. 8](#) proviso repealed by [Criminal Jurisdiction Act 1975 \(c. 59\), Sch. 6 Pt. I](#)

9 Search Warrants.

- (1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been or is about to be committed, he may grant a search warrant authorising any constable [^{F15}named therein] to enter at any time any premises or place named in the warrant, if necessary, by force, and to search the premises or place and every person found therein, and to seize any sketch, plan, model, article, note, or document, or anything of a like nature or anything which is evidence of an offence under this Act having been or being about to be committed, which he may find on the premises or place or on any such person, and with regard to or in connexion with which he has reasonable ground for suspecting that an offence under this Act has been or is about to be committed.
- (2) Where it appears to a superintendent of police that the case is one of great emergency and that in the interest of the State immediate action is necessary, he may by a written order under his hand give to any constable the like authority as may be given by the warrant of a justice under this section.

Textual Amendments

F15 Words repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\), s. 119\(2\), Sch. 7 Pt. I](#)

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Modifications etc. (not altering text)

- C8** S. 9(1) amended by [Official Secrets Act 1989](#) (c. 6, SIF 39:2), [s. 11\(3\)](#)
S. 9(1) power of seizure extended (*prosp.*) by 2001 c. 16, ss. 50, 52-54, 68, 138(2), [Sch. 1 Pt. I para. 3](#)
S. 9(1) modified (E.W.N.I.) (*prosp.*) by 2001 c. 16, ss. 55, 68, [Sch. 1 Pt. III para. 86](#) (with s. 57(3))
- C9** S. 9(1) modified (1.4.2003) by [Criminal Justice and Police Act 2001](#) (c. 16), ss. 55, 138(2), [Sch. 1 para. 86](#) (with ss. 57(3), 68); S.I. 2003/708, art. 2(a)
- C10** S. 9(1) powers of seizure extended (1.4.2003) by [Criminal Justice and Police Act 2001](#) (c. 16), ss. 50, 138(2), [Sch. 1 para. 3](#) (with ss. 52-54, 68); S.I. 2003/708, art. 2(a)

10 Extent of Act and place of trial of offence.

- (1) This Act shall apply to all acts which are offences under this Act when committed in any part of His Majesty's dominions, or when committed by British Officers or subjects elsewhere.
- (2) An offence under this Act, if alleged to have been committed out of the United Kingdom, may be inquired of, heard, and determined, in any competent British court in the place where the offence was committed, or . . . ^{F16} in England . . . ^{F17}
- (3) An offence under this Act shall not be tried . . . ^{F18} by the sheriff court in Scotland, nor by any court out of the United Kingdom which has not jurisdiction to try crimes which involve the greatest punishment allowed by law.
- (4) ^{F19}

Textual Amendments

- F16** Words repealed by [Criminal Justice Act 1948](#) (c. 58), [Sch. 10 Pt. I](#)
- F17** Words repealed by (E.W.) [Criminal Justice Act 1948](#) (c. 58), [Sch. 10 Pt. I](#); [Criminal Law Act 1967](#) (c. 58), [Sch. 3 Pt. I](#) and (N.I.) [Criminal Law Act \(Northern Ireland\) 1967](#) (c. 18), [Sch. 2 Pt. I](#)
- F18** Words repealed by (E.W.) [Criminal Law Act 1967](#) (c. 58), [Sch. 3 Pt. II](#) and (N.I.) [Statute Law Revision \(Northern Ireland\) Act 1973](#) (c. 55), [Sch. Pt. I](#)
- F19** S. 10(4) repealed by [Northern Ireland \(Emergency Provisions\) \(Amendment\) Act 1975](#) (c. 62), [Sch. 3](#)

11 Saving for laws of British possessions.

If by any law made before or after the passing of this Act by the legislature of any British possession provisions are made which appear to His Majesty to be of the like effect as those contained in this Act, His Majesty may, by Order in Council, suspend the operation within that British possession of this Act, or of any part thereof, so long as that law continues in force there, and no longer, . . . ^{F20}.

Provided that the suspension of this Act, or of any part thereof, in any British possession shall not extend to the holder of an office under His Majesty who is not appointed to that office by the Government of that possession.

Textual Amendments

- F20** Words repealed by [Statute Law \(Repeals\) Act 1986](#) (c. 12), s. 1(1), [Sch. 1 Pt. XII](#)

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12 Interpretation.

In this Act, unless the context otherwise requires,—

Any reference to a place belonging to His Majesty includes a place belonging to any department of the Government of the United Kingdom or of any British possessions, whether the place is or is not actually vested in His Majesty;

The expression “Attorney-General” means the Attorney ^{F21}. . .-General for England; and as respects Scotland, means the Lord Advocate; and as respects Ireland, means the [^{F22}Advocate General for Northern Ireland] ; and, if the prosecution is instituted in any court out of the United Kingdom, means the person who in that court is Attorney-General, or exercises the like functions as the Attorney-General in England;

Expressions referring to communicating . . . ^{F23}include any communicating . . . ^{F23}, whether in whole or in part, and whether the sketch, plan, model, article, note, document, or information itself or the substance, effect, or description thereof only be communicated . . . ^{F23}; expressions referring to obtaining or retaining any sketch, plan, model, article, note, or document, include the copying or causing to be copied the whole or any part of any sketch, plan, model, article, note, or document; and expressions referring to the communication of any sketch, plan, model, article, note or document include the transfer or transmission of the sketch, plan, model, article, note or document;

The expression “document” includes part of a document;

The expression “model” includes design, pattern, and specimen;

The expression “sketch” includes any photograph or other mode of representing any place or thing;

[^{F24}The expression “munitions of war” includes the whole or any part of any ship, submarine, aircraft, tank or similar engine, arms and ammunition, 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;]

The expression “superintendent of police” includes any police officer of a like or superior rank [^{F25}and any person upon whom the powers of a superintendent of police are for the purposes of this Act conferred by a Secretary of State];

The expression “office under His Majesty” includes any office or employment in or under any department of the Government of the United Kingdom, or of any British possession;

The expression “offence under this Act” includes any act, omission, or other thing which is punishable under this Act.

Textual Amendments

- F21** Words in s. 12 repealed (30.9.1997) by 1997 c. 60, s. 3(2)(3), **Sch.**
- F22** Words in s. 12 substituted (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), s. 87(1), **Sch. 7 para. 24**; S.R. 2010/113, art. 2, Sch. para. 19(d)
- F23** Words repealed by Official Secrets Act 1989 (c. 6, SIF 39:2), s. 16(4), **Sch. 2**
- F24** Definition inserted by Official Secrets Act 1920 (c. 75), s. 9(2)
- F25** Words inserted by Official Secrets Act 1920 (c. 75), **Sch. 1**

13 †Short title and repeal.

- (1) This Act may be cited as the Official Secrets Act 1911.

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(2) F26

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Textual Amendments

F26 S. 13(2) repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

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Modifications etc. (not altering text)

C11 Unreliable marginal note

Status:

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