

Jersey Law 15/1952

OFFICIAL SECRETS (JERSEY) LAW, 1952.

A LAW to apply to the Island provisions analogous to those of the Official Secrets Acts, 1911 to 1939, sanctioned by Order of Her Majesty in Council of the

23rd day of MAY, 1952.

(Registered on the 21st day of June, 1952).

STATES OF JERSEY.

The 24th day of January, 1952.

THE STATES, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law: -

ARTICLE 1

INTERPRETATION

In this Law, unless the context otherwise requires –

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

Expressions referring to communicating or receiving include any communicating or receiving, 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 or received; 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 “misdemeanour” means a “délit”;

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

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

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

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

ARTICLE 2

DEFINITION OF PROHIBITED PLACE

For the purpose of this Law, the expression “prohibited place” means –

- (a) any work of defence, arsenal, naval, military 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; and
- (b) any place not belonging to His Majesty where any munitions of war, or any sketches, models, plans or documents relating thereto, are being made, repaired, 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 or used for the purposes of His Majesty which is for the time being declared by order of a Secretary of State or the Lieutenant-Governor to be a prohibited place for the purposes of this Article 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 munitions of war, or any sketches, models, plans or documents relating thereto, are being made, repaired or stored otherwise than on behalf of His Majesty, which is for the time being declared by order of a Secretary of State or the Lieutenant-Governor to be a prohibited place for the purposes of this Article, on the ground that information with respect thereto, or the destruction or obstruction thereof, or interference therewith, would be useful to an enemy.

ARTICLE 3

PENALTIES FOR SPYING

(1) If any person for any purpose prejudicial to the safety or interests of the State –

- (a) approaches, inspects, passes over or is in the neighbourhood of, or enters any prohibited place within the meaning of this Law; 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, collects, records or publishes, or communicates to any other person, 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.

(2) On a prosecution under this Article, 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 Law, or anything in such a place, or any secret official code word or pass word, is made, obtained, 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, collected, recorded, published or communicated for a purpose prejudicial to the safety or interests of the State unless the contrary is proved.

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(3) In any proceedings against a person for an offence under this Article, the fact that he has been in communication with, or attempted to communicate with, a foreign agent, whether within or without the Island, 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.

(4) For the purposes of this Article, but without prejudice to the generality of paragraph (3) thereof –

- (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 Island, visited the address of a foreign agent or consorted or associated with a foreign agent; or
 - (ii) either within or without the Island, the name and address of, or any other information regarding, a foreign agent has been found in 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 Island, prejudicial to the safety or interests of the State, or who has or is reasonably suspected of having, either within or without the Island, committed or attempted to commit, such an act in the interests of a foreign power;
- (c) any address, whether within or without the Island, 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.

(5) Where the Attorney General is satisfied that there is reasonable ground for suspecting that an offence under this Article has been committed and for believing that any person is able to furnish information as to the offence or suspected offence, he may authorize a Constable or Centenier 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 Constable or Centenier; and if a person required in pursuance of such an authorization 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.

ARTICLE 4

WRONGFUL COMMUNICATION, ETC., OF INFORMATION

(1) If any person having in his possession or control any secret official code word or pass word, or any sketch, plan, model, article, note, document or information which relates to or is used in a prohibited place or anything in such a place, or which has been made or obtained in contravention of this Law or which has been entrusted in confidence to him by any person holding office under His Majesty or which he has obtained or to which he has had access owing to his position as a person who holds or has held office under His Majesty, or as a person who holds or has held a contract made on behalf of His Majesty, or as a person who is or has been employed under a person who holds or has held such an office or contract –

- (a) communicates the code word, pass word, sketch, plan, model, article, note, document or information to any person, other than a person to whom he is authorized to communicate it, or a person to whom it is in the interest of the State his duty to communicate it; or

- (b) uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety or interests of the State; or
- (c) retains the sketch, plan, model, article, note or document in his possession or control when he has no right to retain it or when it is contrary to his duty to retain it or fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or
- (d) fails to take reasonable care of, or so conducts himself as to endanger the safety of, the sketch, plan, model, article, note, document, secret official code or pass word or information;

that person shall be guilty of a misdemeanour.

(2) If any person having in his possession or control any sketch, plan, model, article, note, document or information which relates to munitions of war, communicates it directly or indirectly to any foreign power, or in any other manner prejudicial to the safety or interests of the State, that person shall be guilty of a misdemeanour.

(3) If any person receives any secret official code word or pass word, or sketch, plan, model, article, note, document or information, knowing or having reasonable ground to believe, at the time when he receives it, that the code word, pass word, sketch, plan, model, article, note, document or information is communicated to him in contravention of this Law, he shall be guilty of a misdemeanour, unless he proves that the communication to him of the code word, pass word, sketch, plan, model, article, note, document or information was contrary to his desire.

ARTICLE 5

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 Article 3 or 4 of this

Law, 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, wilfully omits or refuses to disclose to a Constable or Centenier any information which it is in his power to give in relation to any such person, he shall be guilty of a misdemeanour.

ARTICLE 6

PERSON CHARGED WITH FELONY MAY BE CONVICTED OF MISDEMEANOUR

Any person charged with an offence under Article 3 of this Law, may, if the circumstances warrant such a finding, be found guilty of an offence under Article 4 of this Law.

ARTICLE 7

POWER TO ARREST

Any person who is found committing an offence under Article 3, 4 or 5 of this Law, whether that offence is a felony or not, or who is reasonably suspected of having committed, or having attempted to commit, or being about to commit, such an offence, may be apprehended and detained in the same manner as a person who is found committing a felony.

ARTICLE 8

RESTRICTION ON PROSECUTION

A prosecution for an offence under Article 3, 4 or 5 of this Law shall not be instituted except by or with the consent of the Attorney General:

Provided that a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that

the consent of the Attorney General to the institution of a prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.

ARTICLE 9

SEARCH WARRANTS

(1) If the Bailiff is satisfied by information on oath that there is reasonable ground for suspecting that an offence under Article 3, 4 or 5 of this Law has been or is about to be committed, he may grant a search warrant authorizing any officer of police, whether honorary or paid, 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 such an offence 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 such an offence has been or is about to be committed.

(2) Where it appears to a Constable or Centenier that the case is one of great emergency and that in the interests of the State immediate action is necessary, he shall have the like authority to exercise any of the powers set out in paragraph (1) of this Article as such authority had been given by a warrant granted by the Bailiff under this Article.

ARTICLE 10

UNAUTHORIZED USE OF UNIFORMS; FALSIFICATION OF REPORTS. FORGERY, PERSONATION AND FALSE DOCUMENTS

(1) If any person for the purpose of gaining admission, or of assisting any other person to gain admission, to a prohibited place, or for any other purpose prejudicial to the safety or interests of the State –

- (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) 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 (hereafter in this Article referred to as an “official document”), or uses or has in his possession any 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;

he shall be guilty of a misdemeanour.

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- (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 authorized 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 an officer of police, whether honorary or paid; 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 Article involving the proof of a purpose prejudicial to the safety or interests of the State, paragraph (2) of Article 3 of this Law shall apply in like manner as it applies to prosecutions under that Article.

ARTICLE 11

**INTERFERING WITH OFFICERS OF 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, any officer of police, whether honorary or paid, 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.

ARTICLE 12

POWER TO REQUIRE THE PRODUCTION OF TELEGRAMS

(1) Where it appears to a Secretary of State that such a course is expedient in the public interest, he may, by warrant under his hand, require any person who owns or controls any telegraphic cable or wire, or any apparatus for wireless telegraphy, used for the sending or receipt of telegrams to or from any place out of the Island, to produce to him, or to any person named in the warrant, the originals and transcripts, either of all telegrams, or of telegrams of any specified class or description, or of telegrams sent from or addressed to any specified person or place, sent or received to or from any place out of the Island by means of any such cable, wire or apparatus, and all other papers relating to any such telegram as aforesaid.

(2) Any person who, on being required to produce any such original or transcript or paper as aforesaid, refuses or neglects to do so, shall be guilty of an offence under this Law, and shall, for each offence, be liable on conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding fifty pounds sterling, or to both such imprisonment and fine.

(3) In this Article, the expression "telegram" shall have the same meaning as in the Telegraph Act, 1869, and the expression "wireless telegraphy" shall have the same meaning as in the Wireless Telegraphy Act, 1904.

ARTICLE 13

**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 Attorney General, for registration by him, notice of the fact together with the address or addresses where the business is carried on, and the Attorney General 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 one shilling with a certificate of registration, and every person so registered shall from time to time furnish to the Attorney General 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.

(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;

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- (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 are 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 are 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 officer of police, whether honorary or paid.

(4) If any person contravenes or fails to comply with any of the provisions of this Article, or furnishes any false information or makes any false entry, he shall be guilty of an offence under this Law, and shall, for each offence, be liable on conviction to imprisonment for a term not exceeding one month, or to a fine not exceeding ten pounds sterling, or to both such imprisonment and fine.

(5) Nothing in this Article 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 Article shall be construed as rendering legal anything which would be in contravention of the exclusive privilege of the Postmaster General under the Post Office Acts, 1908 to 1920, or the Telegraph Acts, 1863 to 1920.

ARTICLE 14

ATTEMPTS, INCITEMENTS, ETC

Any person who attempts to commit any offence under this Law, or solicits or incites or endeavours to persuade another person to commit an offence, or aids or abets or does any act preparatory to the commission of an offence under this Law, shall be guilty of the same offence, and on conviction liable to the same punishment, and to be proceeded against in the same manner, as if he had committed the offence.

ARTICLE 15

PROVISIONS AS TO TRIAL AND PUNISHMENT OF OFFENCES

(1) Any person who is guilty of a felony under this Law 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 this Law shall be liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding fifty pounds sterling, or to both such imprisonment and fine.

(3) 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 this Law or the proceedings on appeal, or in the course of the trial of a person for felony or misdemeanour under this Law, 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.

(4) Where the person guilty of an offence under this Law is a company or corporation, every director and officer of the company or

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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.

ARTICLE 16

SHORT TITLE AND REPEAL

(1) This Law may be cited as the Official Secrets (Jersey) Law, 1952.

(2) The “Loi réglant l’application à cette Ile des prescriptions de l’Acte de Parlement intitulé ‘An Act to re-enact the Official Secrets Act, 1889, with Amendments’ ”, confirmed by Order of His Majesty in Council of the 28th March, 1912,¹ is hereby repealed.

¹ Tome V (1935 edition), page 290.