

**政府當局所提交，有關“實施《基本法》
第二十三條的建議 —— 罪行及刑罰的
比較”的比較表(立法會 CB(2)2829/01-
02(01)號文件)內提述的海外法例**

**Relevant overseas legislation referred to
in the comparison table (LC Paper No.
CB(2)2829/01-02(01)) entitled "Proposals
to implement Article 23 of the Basic Law
- Comparison of Offences and Penalties"
provided by the Administration**

英國的有關法例

**Relevant legislation in
the United Kingdom**

LEGISLATION DIRECT, UK Statutes, Official Secrets Act 1911 (1911 c 28)

Official Secrets Act 1911

1911 CHAPTER 28

An Act to re-enact the Official Secrets Act 1889, with Amendments

[22nd August 1911]

1 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 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, [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 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 [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.

NOTES**Initial Commencement*****Royal Assent***

Royal Assent: 22 August 1911: (no specific commencement provision).

Amendment

Words omitted repealed and amendments in square brackets made by the Official Secrets Act 1920, ss 10, 11(2), Schs 1, 2.

Miscellaneous

Felony: all distinction between felony and misdemeanour is abolished and the law and practice in relation to such offences is to be that previously applicable to misdemeanours by virtue of the Criminal Law Act 1967, s 1.

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NOTES**Amendment**

Repealed by the Official Secrets Act 1989, s 16(4), Sch 2.

3 Definition of prohibited place

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

- [(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 [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] 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 [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] 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.

NOTES

Initial Commencement

Royal Assent

Royal Assent: 22 August 1911: (no specific commencement provision).

Amendment

Amended by the Official Secrets Act 1920, s 10, Sch 1.

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Amendment

Repealed by the Official Secrets Act 1920, s 11(2), Sch 2.

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Amendment

Repealed by the Criminal Law Act 1967, s 10(2), Sch 3, Pt III.

6 Power of arrest

Any person who is found committing an offence under this Act . . . 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 . . .

NOTES

Initial Commencement

Royal Assent

Royal Assent: 22 August 1911: (no specific commencement provision).

Amendment

Words omitted repealed by the Criminal Law Act 1967, s 10(2), Sch 3, Part III.

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, [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 . . .

NOTES

Initial Commencement

Royal Assent

Royal Assent: 22 August 1911: (no specific commencement provision).

Amendment

Words omitted repealed and amendment in square brackets made by the Official Secrets Act 1920, ss 10, 11(2), Schs 1, 2.

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:

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Initial Commencement

Royal Assent

Royal Assent: 22 August 1911: (no specific commencement provision).

Amendment

Words omitted repealed by the Criminal Jurisdiction Act 1975, s 14(5), Sch 6, Part 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 . . . 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.

LEGISLATION DIRECT, UK Statutes, Official Secrets Act 1920 (1920 c 75)

Official Secrets Act 1920

1920 CHAPTER 75

An Act to amend the Official Secrets Act 1911

[23rd December 1920]

1 Unauthorised use of uniforms; falsification of reports, 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, within the meaning of the 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) . . . 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), . . . or has in his possession any . . . 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.

(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.

NOTES

Initial Commencement

Royal Assent

Royal Assent: 23 December 1920: (no specific commencement provision).

Amendment

Sub-s (1): words omitted from para (c) repealed by the Forgery and Counterfeiting Act 1981, s 30, Schedule, Part I.

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 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.

NOTES

Initial Commencement

Royal Assent

Royal Assent: 23 December 1920: (no specific commencement provision).

3 Interfering with officers of the police or members of His Majesty's forces

LEGISLATION DIRECT, UK Statutes, Official Secrets Act 1989 (1989 c 6)

Official Secrets Act 1989

1989 CHAPTER 6

An Act to replace section 2 of the Official Secrets Act 1911 by provisions protecting more limited classes of official information

[11th May 1989]

BE IT ENACTED by the Queen'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 Security and intelligence

(1) A person who is or has been—

- (a) a member of the security and intelligence services; or
- (b) a person notified that he is subject to the provisions of this subsection,

is guilty of an offence if without lawful authority he discloses any information, document or other article relating to security or intelligence which is or has been in his possession by virtue of his position as a member of any of those services or in the course of his work while the notification is or was in force.

(2) The reference in subsection (1) above to disclosing information relating to security or intelligence includes a reference to making any statement which purports to be a disclosure of such information or is intended to be taken by those to whom it is addressed as being such a disclosure.

(3) A person who is or has been a Crown servant or government contractor is guilty of an offence if without lawful authority he makes a damaging disclosure of any information, document or other article relating to security or intelligence which is or has been in his possession by virtue of his position as such but otherwise than as mentioned in subsection (1) above.

(4) For the purposes of subsection (3) above a disclosure is damaging if—

- (a) it causes damage to the work of, or of any part of, the security and intelligence services; or
- (b) it is of information or a document or other article which is such that its unauthorised disclosure would be likely to cause such damage or which falls within a class or description of information, documents or articles the unauthorised disclosure of which would be likely to have that effect.

(5) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence he did not know, and had no reasonable cause to believe, that the information, document or article in question related to security or intelligence or, in the case of an offence under subsection (3), that the disclosure would be damaging within the meaning of that subsection.

(6) Notification that a person is subject to subsection (1) above shall be effected by a notice in writing served on him by a Minister of the Crown; and such a notice may be served if, in the Minister's opinion, the work undertaken by the person in question is or includes work connected with the security and intelligence services and its nature is such that the interests of national security require that he should be subject to the provisions of that subsection.

(7) Subject to subsection (8) below, a notification for the purposes of subsection (1) above shall be in force for the period of five years beginning with the day on which it is served but may be renewed by further notices under subsection (6) above for periods of five years at a time.

(8) A notification for the purposes of subsection (1) above may at any time be revoked by a further notice in writing served by the Minister on the person concerned; and the Minister shall serve such a further notice as soon as, in his opinion, the work undertaken by that person ceases to be such as is mentioned in subsection (6) above.

(9) In this section "security or intelligence" means the work of, or in support of, the security and intelligence services or any part of them, and references to information relating to security or intelligence include references to information held or transmitted by those services or by persons in support of, or of any part of, them.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 16(6).

Appointment

Commencement order: SI 1990/199.

2 Defence

(1) A person who is or has been a Crown servant or government contractor is guilty of an offence if without lawful authority he makes a damaging disclosure of any information, document or other article relating to defence which is or has been in his possession by virtue of his position as such.

(2) For the purposes of subsection (1) above a disclosure is damaging if—

- (a) it damages the capability of, or of any part of, the armed forces of the Crown to carry out their tasks or leads to loss of life or injury to members of those forces or serious damage to the equipment or installations of those forces; or
- (b) otherwise than as mentioned in paragraph (a) above, it endangers the interests of the United Kingdom abroad, seriously obstructs the promotion or protection by the United Kingdom of those interests or endangers the safety of British citizens abroad; or
- (c) it is of information or of a document or article which is such that its unauthorised disclosure would be likely to have any of those effects.

(3) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence he did not know, and had no reasonable cause to believe, that the information, document or article in question related to defence or that its disclosure would be damaging within the meaning of subsection (1) above.

(4) In this section "defence" means—

- (a) the size, shape, organisation, logistics, order of battle, deployment, operations, state of readiness and training of the armed forces of the Crown;
- (b) the weapons, stores or other equipment of those forces and the invention, development, production and operation of such equipment and research relating to it;
- (c) defence policy and strategy and military planning and intelligence;
- (d) plans and measures for the maintenance of essential supplies and services that are or would be needed in time of war.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 16(6).

Appointment

Commencement order: SI 1990/199.

3 International relations

(1) A person who is or has been a Crown servant or government contractor is guilty of an offence if without lawful authority he makes a damaging disclosure of—

- (a) any information, document or other article relating to international relations; or
- (b) any confidential information, document or other article which was obtained from a State other than the United Kingdom or an international organisation,

being information or a document or article which is or has been in his possession by virtue of his position as a Crown servant or government contractor.

(2) For the purposes of subsection (1) above a disclosure is damaging if—

- (a) it endangers the interests of the United Kingdom abroad, seriously obstructs the promotion or protection by the United Kingdom of those interests or endangers the safety of British citizens abroad; or
- (b) it is of information or of a document or article which is such that its unauthorised disclosure would be likely to have any of those effects.

(3) In the case of information or a document or article within subsection (1)(b) above—

- (a) the fact that it is confidential, or
- (b) its nature or contents,

may be sufficient to establish for the purposes of subsection (2)(b) above that the information, document or article is such that its unauthorised disclosure would be likely to have any of the effects there mentioned.

(4) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence he did not know, and had no reasonable cause to believe, that the information, document or article in question was such as is mentioned in subsection (1) above or that its disclosure would be damaging within the meaning of that subsection.

(5) In this section “international relations” means the relations between States, between international organisations or between one or more States and one or more such organisations and includes any matter relating to a State other than the United Kingdom or to an international organisation which is capable of affecting the relations of the United Kingdom with another State or with an international organisation.

For the purposes of this section any information, document or article obtained from a State or organisation is confidential at any time while the terms on which it was obtained require it to be held in confidence or while the circumstances in which it was obtained make it reasonable for the State or organisation to expect that it would be so held.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 16(6).

Appointment

Commencement order: SI 1990/199.

4 Crime and special investigation powers

(1) A person who is or has been a Crown servant or government contractor is guilty of an offence if without lawful authority he discloses any information, document or other article to which this section applies and which is or has been in his possession by virtue of his position as such.

(2) This section applies to any information, document or other article—

(a) the disclosure of which—

(i) results in the commission of an offence; or

(ii) facilitates an escape from legal custody or the doing of any other act prejudicial to the safekeeping of persons in legal custody; or

(iii) impedes the prevention or detection of offences or the apprehension or prosecution of suspected offenders; or

(b) which is such that its unauthorised disclosure would be likely to have any of those effects.

(3) This section also applies to—

(a) any information obtained by reason of the interception of any communication in obedience to a warrant issued under section 2 of the Interception of Communications Act 1985 [or under the authority of an interception warrant under section 5 of the Regulation of Investigatory Powers Act 2000], any information relating to the obtaining of information by reason of any such interception and any document or other article which is or has been used or held for use in, or has been obtained by reason of, any such interception; and

(b) any information obtained by reason of action authorised by a warrant

issued under section 3 of the Security Service Act 1989 [or under section 5 of the Intelligence Services Act 1994 or by an authorisation given under section 7 of that Act], any information relating to the obtaining of information by reason of any such action and any document or other article which is or has been used or held for use in, or has been obtained by reason of, any such action.

(4) It is a defence for a person charged with an offence under this section in respect of a disclosure falling within subsection (2)(a) above to prove that at the time of the alleged offence he did not know, and had no reasonable cause to believe, that the disclosure would have any of the effects there mentioned.

(5) It is a defence for a person charged with an offence under this section in respect of any other disclosure to prove that at the time of the alleged offence he did not know, and had no reasonable cause to believe, that the information, document or article in question was information or a document or article to which this section applies.

(6) In this section "legal custody" includes detention in pursuance of any enactment or any instrument made under an enactment.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 16(6).

Appointment

Commencement order: SI 1990/199.

Amendment

Sub-s (3): in para (a) words from "or under the authority" to "Investigatory Powers Act 2000" in square brackets inserted by the Regulation of Investigatory Powers Act 2000, s 82(1), Sch 4, para 5.

Date in force: 2 October 2000: see SI 2000/2543, art 3.

Sub-s (3): in para (b) words in square brackets inserted by the Intelligence Services Act 1994, s 11(2), Sch 4, para 4.

5 Information resulting from unauthorised disclosures or entrusted in confidence

(1) Subsection (2) below applies where—

(a) any information, document or other article protected against disclosure by the foregoing provisions of this Act has come into a person's possession as a result of having been—

(i) disclosed (whether to him or another) by a Crown servant or government contractor without lawful authority; or

(ii) entrusted to him by a Crown servant or government contractor on terms requiring it to be held in confidence or in circumstances in which the

Crown servant or government contractor could reasonably expect that it would be so held; or

(iii) disclosed (whether to him or another) without lawful authority by a person to whom it was entrusted as mentioned in sub-paragraph (ii) above; and

- (b) the disclosure without lawful authority of the information, document or article by the person into whose possession it has come is not an offence under any of those provisions.

(2) Subject to subsections (3) and (4) below, the person into whose possession the information, document or article has come is guilty of an offence if he discloses it without lawful authority knowing, or having reasonable cause to believe, that it is protected against disclosure by the foregoing provisions of this Act and that it has come into his possession as mentioned in subsection (1) above.

(3) In the case of information or a document or article protected against disclosure by sections 1 to 3 above, a person does not commit an offence under subsection (2) above unless—

- (a) the disclosure by him is damaging; and
- (b) he makes it knowing, or having reasonable cause to believe, that it would be damaging;

and the question whether a disclosure is damaging shall be determined for the purposes of this subsection as it would be in relation to a disclosure of that information, document or article by a Crown servant in contravention of section 1(3), 2(1) or 3(1) above.

(4) A person does not commit an offence under subsection (2) above in respect of information or a document or other article which has come into his possession as a result of having been disclosed—

- (a) as mentioned in subsection (1)(a)(i) above by a government contractor;
or
- (b) as mentioned in subsection (1)(a)(iii) above,

unless that disclosure was by a British citizen or took place in the United Kingdom, in any of the Channel Islands or in the Isle of Man or a colony.

(5) For the purposes of this section information or a document or article is protected against disclosure by the foregoing provisions of this Act if—

- (a) it relates to security or intelligence, defence or international relations within the meaning of section 1, 2 or 3 above or is such as is mentioned in

section 3(1)(b) above; or

- (b) it is information or a document or article to which section 4 above applies;

and information or a document or article is protected against disclosure by sections 1 to 3 above if it falls within paragraph (a) above.

(6) A person is guilty of an offence if without lawful authority he discloses any information, document or other article which he knows, or has reasonable cause to believe, to have come into his possession as a result of a contravention of section 1 of the Official Secrets Act 1911.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 16(6).

Appointment

Commencement order: SI 1990/199.

6 Information entrusted in confidence to other States or international organisations

(1) This section applies where—

- (a) any information, document or other article which—

(i) relates to security or intelligence, defence or international relations;
and

(ii) has been communicated in confidence by or on behalf of the United Kingdom to another State or to an international organisation,

has come into a person's possession as a result of having been disclosed (whether to him or another) without the authority of that State or organisation or, in the case of an organisation, of a member of it; and

- (b) the disclosure without lawful authority of the information, document or article by the person into whose possession it has come is not an offence under any of the foregoing provisions of this Act.

(2) Subject to subsection (3) below, the person into whose possession the information, document or article has come is guilty of an offence if he makes a damaging disclosure of it knowing, or having reasonable cause to believe, that it is such as is mentioned in subsection (1) above, that it has come into his possession as there mentioned and that its disclosure would be damaging.

(3) A person does not commit an offence under subsection (2) above if the information, document or article is disclosed by him with lawful authority or has previously been made available to the public with the authority of the State or organisation concerned or, in the case of an organisation, of a member of it.

(4) For the purposes of this section "security or intelligence", "defence" and "international relations" have the same meaning as in sections 1, 2 and 3 above and the question whether a disclosure is damaging shall be determined as it would be in relation to a disclosure of the information, document or article in question by a Crown servant in contravention of section 1(3), 2(1) and 3(1) above.

(5) For the purposes of this section information or a document or article is communicated in confidence if it is communicated on terms requiring it to be held in confidence or in circumstances in which the person communicating it could reasonably expect that it would be so held.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 16(6).

Appointment

Commencement order: SI 1990/199.

7 Authorised disclosures

(1) For the purposes of this Act a disclosure by—

(a) a Crown servant; or

(b) a person, not being a Crown servant or government contractor, in whose case a notification for the purposes of section 1(1) above is in force,

is made with lawful authority if, and only if, it is made in accordance with his official duty.

(2) For the purposes of this Act a disclosure by a government contractor is made with lawful authority if, and only if, it is made—

(a) in accordance with an official authorisation; or

(b) for the purposes of the functions by virtue of which he is a government contractor and without contravening an official restriction.

(3) For the purposes of this Act a disclosure made by any other person is made with lawful authority if, and only if, it is made—

- (a) to a Crown servant for the purposes of his functions as such; or
- (b) in accordance with an official authorisation.

(4) It is a defence for a person charged with an offence under any of the foregoing provisions of this Act to prove that at the time of the alleged offence he believed that he had lawful authority to make the disclosure in question and had no reasonable cause to believe otherwise.

(5) In this section "official authorisation" and "official restriction" mean, subject to subsection (6) below, an authorisation or restriction duly given or imposed by a Crown servant or government contractor or by or on behalf of a prescribed body or a body of a prescribed class.

(6) In relation to section 6 above "official authorisation" includes an authorisation duly given by or on behalf of the State or organisation concerned or, in the case of an organisation, a member of it.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 16(6).

Appointment

Commencement order: SI 1990/199.

Transfer of Functions

Functions under this section: functions under sub-s (5) are transferred, in so far as they are exercisable in or as regards Scotland, to the Scottish Ministers, by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 1999, SI 1999/1750, art 2, Sch 1.

8 Safeguarding of information

(1) Where a Crown servant or government contractor, by virtue of his position as such, has in his possession or under his control any document or other article which it would be an offence under any of the foregoing provisions of this Act for him to disclose without lawful authority he is guilty of an offence if—

- (a) being a Crown servant, he retains the document or article contrary to his official duty; or
- (b) being a government contractor, he fails to comply with an official direction for the return or disposal of the document or article,

or if he fails to take such care to prevent the unauthorised disclosure of the document or article as a person in his position may reasonably be expected to take.

(2) It is a defence for a Crown servant charged with an offence under subsection (1)(a) above to prove that at the time of the alleged offence he believed that he was acting in accordance with his official duty and had no reasonable cause to believe otherwise.

(3) In subsections (1) and (2) above references to a Crown servant include any person, not being a Crown servant or government contractor, in whose case a notification for the purposes of section 1(1) above is in force.

(4) Where a person has in his possession or under his control any document or other article which it would be an offence under section 5 above for him to disclose without lawful authority, he is guilty of an offence if—

- (a) he fails to comply with an official direction for its return or disposal; or
- (b) where he obtained it from a Crown servant or government contractor on terms requiring it to be held in confidence or in circumstances in which that servant or contractor could reasonably expect that it would be so held, he fails to take such care to prevent its unauthorised disclosure as a person in his position may reasonably be expected to take.

(5) Where a person has in his possession or under his control any document or other article which it would be an offence under section 6 above for him to disclose without lawful authority, he is guilty of an offence if he fails to comply with an official direction for its return or disposal.

(6) A person is guilty of an offence if he discloses any official information, document or other article which can be used for the purpose of obtaining access to any information, document or other article protected against disclosure by the foregoing provisions of this Act and the circumstances in which it is disclosed are such that it would be reasonable to expect that it might be used for that purpose without authority.

(7) For the purposes of subsection (6) above a person discloses information or a document or article which is official if—

- (a) he has or has had it in his possession by virtue of his position as a Crown servant or government contractor; or
- (b) he knows or has reasonable cause to believe that a Crown servant or government contractor has or has had it in his possession by virtue of his position as such.

(8) Subsection (5) of section 5 above applies for the purposes of subsection (6) above as it applies for the purposes of that section.

(9) In this section "official direction" means a direction duly given by a Crown servant or government contractor or by or on behalf of a prescribed body or a body of a prescribed class.

NOTES**Initial Commencement*****To be appointed***

To be appointed: see s 16(6).

Appointment

Commencement order: SI 1990/199.

Transfer of Functions

Functions under this section: functions under sub-s (9) are transferred, in so far as they are exercisable in or as regards Scotland, to the Scottish Ministers, by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 1999, SI 1999/1750, art 2, Sch 1.

9 Prosecutions

(1) Subject to subsection (2) below, no prosecution for an offence under this Act shall be instituted in England and Wales or in Northern Ireland except by or with the consent of the Attorney General or, as the case may be, the Attorney General for Northern Ireland.

(2) Subsection (1) above does not apply to an offence in respect of any such information, document or article as is mentioned in section 4(2) above but no prosecution for such an offence shall be instituted in England and Wales or in Northern Ireland except by or with the consent of the Director of Public Prosecutions or, as the case may be, the Director of Public Prosecutions for Northern Ireland.

NOTES**Initial Commencement*****To be appointed***

To be appointed: see s 16(6).

Appointment

Commencement order: SI 1990/199.

10 Penalties

(1) A person guilty of an offence under any provision of this Act other than section 8(1), (4) or (5) shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both;
- (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

(2) A person guilty of an offence under section 8(1), (4) or (5) above shall be liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding level 5 on the standard scale or both.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 16(6).

Appointment

Commencement order: SI 1990/199.

11 Arrest, search and trial

(1) ...

(2) Offences under any provision of this Act other than section 8(1), (4) or (5) and attempts to commit them shall be arrestable offences within the meaning of section 2 of the Criminal Law Act (Northern Ireland) 1967.

(3) Section 9(1) of the Official Secrets Act 1911 (search warrants) shall have effect as if references to offences under that Act included references to offences under any provision of this Act other than section 8(1), (4) or (5); and the following provisions of the Police and Criminal Evidence Act 1984, that is to say—

- (a) section 9(2) (which excludes items subject to legal privilege and certain other material from powers of search conferred by previous enactments); and
- (b) paragraph 3(b) of Schedule 1 (which prescribes access conditions for the special procedure laid down in that Schedule),

shall apply to section 9(1) of the said Act of 1911 as extended by this subsection as they apply to that section as originally enacted.

(4) Section 8(4) of the Official Secrets Act 1920 (exclusion of public from hearing on grounds of national safety) shall have effect as if references to offences under that Act included references to offences under any provision of this Act other than section 8(1), (4) or (5).

(5) Proceedings for an offence under this Act may be taken in any place in the United Kingdom.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 16(6).

Appointment

Commencement order: SI 1990/199.

Amendment

Sub-s (1): amends the Police and Criminal Evidence Act 1984, s 24(2).

12 “Crown servant” and “government contractor”

(1) In this Act “Crown servant” means—

- (a) a Minister of the Crown;
- [(aa) a member of the Scottish Executive or a junior Scottish Minister;]
- (b) ...
- (c) any person employed in the civil service of the Crown, including Her Majesty’s Diplomatic Service, Her Majesty’s Overseas Civil Service, the civil service of Northern Ireland and the Northern Ireland Court Service;
- (d) any member of the naval, military or air forces of the Crown, including any person employed by an association established for the purposes of [Part XI of the Reserve Forces Act 1996];
- (e) any constable and any other person employed or appointed in or for the purposes of any police force [(including the Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve)] [or of the National Criminal Intelligence Service or the National Crime Squad];
- (f) any person who is a member or employee of a prescribed body or a body of a prescribed class and either is prescribed for the purposes of this paragraph or belongs to a prescribed class of members or employees of any such body;
- (g) any person who is the holder of a prescribed office or who is an employee of such a holder and either is prescribed for the purposes of this paragraph or belongs to a prescribed class of such employees.

(2) In this Act “government contractor” means, subject to subsection (3) below, any person who is not a Crown servant but who provides, or is employed in the provision of, goods or services—

- (a) for the purposes of any Minister or person mentioned in paragraph (a) or (b) of subsection (1) above, [of any office-holder in the Scottish Administration,] of any of the services, forces or bodies mentioned in that subsection or of the holder of any office prescribed under that subsection;
- [(aa) for the purposes of the National Assembly for Wales;] or
- (b) under any agreement or arrangement certified by the Secretary of State

LEGISLATION DIRECT, UK Statutes, Treason Felony Act 1848 (1848 c 12)

Treason Felony Act 1848

1848 CHAPTER 12

An Act for the better Security of the Crown and Government of the United Kingdom

[22nd April 1848]

1...

...

NOTES

Amendment

Repealed by the Statute Law Revision Act 1875.

2...

...

NOTES

Amendment

Repealed by the Crime and Disorder Act 1998, s 120(2), Sch 10.

Date in force: 30 September 1998: see SI 1998/2327, art 2(1)(aa), (3)(e).

3 Offences herein mentioned declared to be felonies

... If any person whatsoever shall, within the United Kingdom or without, compass, imagine, invent, devise, or intend to deprive or depose our Most Gracious Lady the Queen, ... from the style, honour, or royal name of the imperial crown of the United Kingdom, or of any other of her Majesty's dominions and countries, or to levy war against her Majesty, ... within any part of the United Kingdom, in order by force or constraint to compel her ... to change her ... measures or counsels, or in order to put any force or constraint upon or in order to intimidate or overawe both Houses or either House of Parliament, or to move or stir any foreigner or stranger with force to invade the United Kingdom or any other of her Majesty's dominions or countries under the obedience of her Majesty, ... and such compassings, imaginations, inventions, devices, or intentions, or any of them, shall express, utter, or declare, by publishing any printing or writing, ... or by any overt act or deed, every person so offending shall be guilty of felony, and being convicted thereof shall be liable, ... to be transported beyond the seas for the term of his or her natural life ...

NOTES

Amendment

Words omitted repealed by the Statute Law Revision Act 1891 and the Statute Law Revision Act 1892.

Miscellaneous

Transported beyond the seas for the term of his or her natural life: this punishment is now imprisonment for life or any shorter term by virtue of the Penal Servitude Act 1857, s 2, Criminal Justice Act 1948, s 1(1).

Felonies: all distinction between felony and misdemeanour is abolished and the law and practice in relation to such offences is to be that previously applicable to misdemeanours by virtue of the Criminal Law Act 1967, s 1.

4 ...

NOTES

Amendment

Repealed by the Statute Law Revision Act 1891.

5 ...

NOTES

Amendment

Repealed by the Indictments Act 1915, s 9, Sch 2.

6 Saving as to 25 Edw 3 stat 5 c 2

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LEGISLATION DIRECT, UK Statutes, Treason Act 1351 (25 Edw 3 Stat 5 c 2)

Treason Act 1351

25 Edw 3 Stat 5 c 2

Declaration what offences shall be adjudged treason

Item, whereas divers opinions have been before this time in what case treason shall be said, and in what not; the King, at the request of the lords and of the commons, hath made a declaration in the manner as hereafter followeth, that is to say; when a man doth compass or imagine the death of our lord the King, or of our lady his Queen or of their eldest son and heir; or if a man do violate the King's companion, or the King's eldest daughter unmarried, or the wife the King's eldest son and heir; or if a man do levy war against our lord the King in his realm, or be adherent to the King's enemies in his realm, giving to them aid and comfort in the realm, or elsewhere, and thereof be probably attainted of open deed by the people of their condition: . . . and if a man slea the chancellor, treasurer, or the King's justices of the one bench or the other, justices in eyre, or justices of assise, and all other justices assigned to hear and determine, being in their places, doing their offices: and it is to be understood, that in the cases above rehearsed, that ought to be judged treason which extends to our lord the King, and his royal majesty: . . .

NOTES

Amendment

First words omitted repealed by 2 & 3 Will 4 c 34, s 1, and the Forgery Act 1830, s 31; second words omitted repealed by 9 Geo 4 c 31, s 1, 10 Geo 4 c 34, s 1, the Escheat (Procedure) Act 1887 Sch, the Statute Law Revision Act 1948, and the Criminal Law Act 1967, Sch 3, Part I.

end of selection

美國的有關法例

**Relevant legislation in
the United States of America**

Relevant legislation in the United States of America

US Code as of: 01/26/98

Sec. 792. Harboring or concealing persons

Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under sections 793 or 794 of this title, shall be fined under this title or imprisoned not more than ten years, or both.

penalty

US Code as of: 01/26/98

Sec. 793. Gathering, transmitting or losing defense information

- (a) Whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, fueling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, research laboratory or station or other place connected with the national defense owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers, departments, or agencies, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, stored, or are the subject of research or development, under any contract or agreement with the United States, or any department or agency thereof, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place so designated by the President by proclamation in time of war or in case of national emergency in which anything for the use of the Army, Navy, or Air Force is being prepared or constructed or stored, information as to which prohibited place the President has determined would be prejudicial to the national defense; or
- (b) Whoever, for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts to copy, take, make, or obtain, any sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or
- (c) Whoever, for the purpose aforesaid, receives or obtains or agrees or attempts to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts to receive or obtain it, that it has been or will be obtained, taken, made, or disposed of by any person contrary to the provisions of this chapter; or
- (d) Whoever, lawfully having possession of, access to, control over, or being entrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted or attempts to communicate, deliver, transmit or cause to be communicated, delivered or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or
- (e) Whoever having unauthorized possession of, access to, or control over any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be

used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it; or

- (f) Whoever, being entrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, note, or information, relating to the national defense, (1) through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, or (2) having knowledge that the same has been illegally removed from its proper place of custody or delivered to anyone in violation of its trust, or lost, or stolen, abstracted, or destroyed, and fails to make prompt report of such loss, theft, abstraction, or destruction to his superior officer - Shall be fined under this title or imprisoned not more than ten years, or both. pa
- (g) If two or more persons conspire to violate any of the foregoing provisions of this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy.
- (h)
 - (1) Any person convicted of a violation of this section shall forfeit to the United States, irrespective of any provision of State law, any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, from any foreign government, or any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, as the result of such violation. For the purposes of this subsection, the term "State" includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.
 - (2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1) of this subsection.
 - (3) The provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)-(p)) shall apply to -
 - (A) property subject to forfeiture under this subsection;
 - (B) any seizure or disposition of such property; and
 - (C) any administrative or judicial proceeding in relation to such property, if not inconsistent with this subsection.
 - (4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund in the Treasury all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.

US Code as of: 01/26/98

Sec. 798. Disclosure of classified information

- (a) Whoever knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States any classified information -
 - (1) concerning the nature, preparation, or use of any code, cipher, or cryptographic system of the United States or any foreign government; or
 - (2) concerning the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by the United States or any foreign government for cryptographic or communication intelligence purposes; or
 - (3) concerning the communication intelligence activities of the United States or any foreign government; or
 - (4) obtained by the process of communication intelligence from the communications of any foreign government, knowing the same to have been obtained by such processes -

Shall be fined under this title or imprisoned not more than ten years, or both.

penalty

- (b) As used in subsection (a) of this section -

The term "classified information" means information which, at the time of a violation of this section, is, for reasons of national security, specifically designated by a United States Government Agency for limited or restricted dissemination or distribution;

The terms "code," "cipher," and "cryptographic system" include in their meanings, in addition to their usual meanings, any method of secret writing and any mechanical or electrical device or method used for the purpose of disguising or concealing the contents, significance, or meanings of communications;

The term "foreign government" includes in its meaning any person or persons acting or purporting to act for or on behalf of any faction, party, department, agency, bureau, or military force of or within a foreign country, or for or on behalf of any government or any person or persons purporting to act as a government within a foreign country, whether or not such government is recognized by the United States;

The term "communication intelligence" means all procedures and methods used in the interception of communications and the obtaining of information from such communications by other than the intended recipients;

The term "unauthorized person" means any person who, or agency which, is not authorized to receive information of the categories set forth in subsection (a) of this section, by the President, or by the head of a department or agency of the United States Government which is expressly designated by the President to engage in communication intelligence activities for the United States.

- (c) Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America, or joint committee thereof.
- (d)
 - (1) Any person convicted of a violation of this section shall forfeit to the United States

irrespective of any provision of State law -

- (A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and
 - (B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.
- (2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).
 - (3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)-(p)), shall apply to -
 - (A) property subject to forfeiture under this subsection;
 - (B) any seizure or disposition of such property; and
 - (C) any administrative or judicial proceeding in relation to such property, if not inconsistent with this subsection.
 - (4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.
 - (5) As used in this subsection, the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

ITE-

18 USC Sec. 1751

01/02/01

-EXCITE-

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE

PART I - CRIMES

CHAPTER 84 - PRESIDENTIAL AND PRESIDENTIAL STAFF ASSASSINATION,
KIDNAPPING, AND ASSAULT

-HEAD-

Sec. 1751. Presidential and Presidential staff assassination,
kidnapping, and assault; penalties

-STATUTE-

(a) Whoever kills (1) any individual who is the President of the United States, the President-elect, the Vice President, or, if there is no Vice President, the officer next in the order of succession to the Office of the President of the United States, the Vice President-elect, or any person who is acting as President under the Constitution and laws of the United States, or (2) any person appointed under section 105(a)(2)(A) of title 3 employed in the Executive Office of the President or appointed under section 106(a)(1)(A) of title 3 employed in the Office of the Vice President, shall be punished as provided by sections 1111 and 1112 of this title.

(b) Whoever kidnaps any individual designated in subsection (a) of this section shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section shall be punished by imprisonment for any term of years or for life.

(d) If two or more persons conspire to kill or kidnap any

individual designated in subsection (a) of this section and one or more of such persons do any act to effect the object of the conspiracy, each shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

(e) Whoever assaults any person designated in subsection (a)(1) shall be fined under this title, or imprisoned not more than ten years, or both. Whoever assaults any person designated in subsection (a)(2) shall be fined under this title, or imprisoned not more than one year, or both; and if the assault involved the use of a dangerous weapon, or personal injury results, shall be fined under this title, or imprisoned not more than ten years, or both.

(f) The terms "President-elect" and "Vice-President-elect" as used in this section shall mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2.

(g) The Attorney General of the United States, in his discretion is authorized to pay an amount not to exceed \$100,000 for information and services concerning a violation of subsection (a)(1). Any officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall not be eligible for payment under this subsection.

(h) If Federal investigative or prosecutive jurisdiction is asserted for a violation of this section, such assertion shall suspend the exercise of jurisdiction by a State or local authority, under any applicable State or local law, until Federal action is

terminated.

(i) Violations of this section shall be investigated by the Federal Bureau of Investigation. Assistance may be requested from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

(j) In a prosecution for an offense under this section the Government need not prove that the defendant knew that the victim of the offense was an official protected by this section.

(k) There is extraterritorial jurisdiction over the conduct prohibited by this section.

- United States Code

- TITLE 18 - CRIMES AND CRIMINAL PROCEDURE

- **PART I - CRIMES**

- **CHAPTER 115 - TREASON, SEDITION, AND SUBVERSIVE ACTIVITIES**

checked at 2/1/00
(as at 2/1/00)

checked 12/7/0
(as at 12/6/02)
LORES HARRIS

- 2381. Treason.
- 2382. Misprision of treason.
- 2383. Rebellion or insurrection.
- 2384. Seditious conspiracy.
- 2385. Advocating overthrow of Government.
- 2386. Registration of certain organizations.
- 2387. Activities affecting armed forces generally.
- 2388. Activities affecting armed forces during war.
- 2389. Recruiting for service against United States.
- 2390. Enlistment to serve against United States.

2381. Treason

✓ Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States. pen

2382. Misprision of treason

✓ Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both. penal

2383. Rebellion or insurrection

✓ Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined under this title or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States. pen

2384. Seditious conspiracy

✓ If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both. penal

2385. Advocating overthrow of Government

✓ Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District or Possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or

✓ Whoever, with intent to cause the overthrow or destruction of any such government, prints publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or

✓ Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purposes thereof -

Shall be fined under this title or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction. penal

If two or more persons conspire to commit any offense named in this section, each shall be fined under this title or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction. penal

As used in this section, the terms "organizes" and "organize", with respect to any society, group, or assembly of persons, include the recruiting of new members, the forming of new units, and the regrouping or expansion of existing clubs, classes, and other units of such society, group, or assembly of persons.

2386. Registration of certain organizations

(A) For the purposes of this section: "Attorney General" means the Attorney General of the United States;

"Organization" means any group, club, league, society, committee, association, political party, or combination of individuals, whether incorporated or otherwise, but such term shall not include any corporation, association, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes

"Political activity" means any activity the purpose or aim of which, or one of the purposes or aims of which, is the control by force or overthrow of the Government of the United States or a political subdivision thereof, or any State or political subdivision thereof;

An organization is engaged in "civilian military activity" if:

- (1) it gives instruction to, or prescribes instruction for, its members in the use of firearms or other weapons or any substitute therefor, or military or naval science; or
- (2) it receives from any other organization or from any individual instruction in military or naval science; or
- (3) it engages in any military or naval maneuvers or activities; or
- (4) it engages, either with or without arms, in drills or parades of a military or naval character; or
- (5) it engages in any other form of organized activity which in the opinion of the Attorney General constitutes preparation for military action; An organization is "subject to foreign control" if:

- (a) it solicits or accepts financial contributions, loans, or support of any kind, directly or indirectly, from, or is affiliated directly or indirectly with, a foreign government or a political subdivision thereof, or an agent, agency, or instrumentality of a foreign government or political subdivision thereof, or a political party in a foreign country, or an international political organization; or
- (b) its policies, or any of them, are determined by or at the suggestion of, or in collaboration with, a foreign government or political subdivision thereof, or an agent, agency, or instrumentality of a foreign government or a political subdivision thereof, or a political party in a foreign country, or an international political organization.

(B)(1) The following organizations shall be required to register with the Attorney General:

Every organization subject to foreign control which engages in political activity;

Every organization which engages both in civilian military activity and in political activity;

Every organization subject to foreign control which engages in civilian military activity; and

Every organization, the purpose or aim of which, or one of the purposes or aims of which, is the establishment, control, conduct, seizure, or overthrow of a government or subdivision thereof by the use of force, violence, military measures, or threats of any one or more of the foregoing.

Every such organization shall register by filing with the Attorney General, on such forms and in such detail as the Attorney General may by rules and regulations prescribe, a registration statement containing the information and documents prescribed in subsection (B)(3) and shall within thirty days after the expiration of each period of six months succeeding the filing of

such registration statement, file with the Attorney General, on such forms and in such detail as the Attorney General may by rules and regulations prescribe, a supplemental statement containing such information and documents as may be necessary to make the information and documents previously filed under this section accurate and current with respect to such preceding six months' period. Every statement required to be filed by this section shall be subscribed, under oath, by all of the officers of the organization.

(2) This section shall not require registration or the filing of any statement with the Attorney General by:

- (a) The armed forces of the United States; or
- (b) The organized militia or National Guard of any State, Territory, District, or possession of the United States; or
- (c) Any law-enforcement agency of the United States or of any Territory, District or possession thereof, or of any State or political subdivision of a State, or of any agency or instrumentality of one or more States; or
- (d) Any duly established diplomatic mission or consular office of a foreign government which is so recognized by the Department of State; or
- (e) Any nationally recognized organization of persons who are veterans of the armed forces of the United States, or affiliates of such organizations.

(3) Every registration statement required to be filed by any organization shall contain the following information and documents:

- (a) The name and post-office address of the organization in the United States, and the names and addresses of all branches, chapters, and affiliates of such organization;
- (b) The name, address, and nationality of each officer, and of each person who performs the functions of an officer, of the organization, and of each branch, chapter, and affiliate of the organization;
- (c) The qualifications for membership in the organization;
- (d) The existing and proposed aims and purposes of the organization, and all the means by which these aims or purposes are being attained or are to be attained;
- (e) The address or addresses of meeting places of the organization, and of each branch, chapter, or affiliate of the organization, and the times of meetings;
- (f) The name and address of each person who has contributed any money, dues, property, or other thing of value to the organization or to any branch, chapter, or affiliate of the organization;
- (g) A detailed statement of the assets of the organization, and of each branch, chapter, and affiliate of the organization, the manner in which such assets were acquired, and a detailed statement of the liabilities and income of the organization and of each branch, chapter, and affiliate of the organization;
- (h) A detailed description of the activities of the organization, and of each chapter, branch, and affiliate of the organization;
- (i) A description of the uniforms, badges, insignia, or other means of identification prescribed by the organization, and worn or carried by its officers or members, or any of such officers or members;
- (j) A copy of each book, pamphlet, leaflet, or other publication or item of written, printed, or graphic matter issued or distributed directly or indirectly by the organization, or by any chapter, branch, or affiliate of the organization, or by any of the members of the organization under its authority or within its knowledge, together with the name of its author or authors and the name and address of the publisher;
- (k) A description of all firearms or other weapons owned by the organization, or by any chapter, branch, or affiliate of the organization, identified by the manufacturer's number thereon;
- (l) In case the organization is subject to foreign control, the manner in which it is so subject;
- (m) A copy of the charter, articles of association, constitution, bylaws, rules, regulations, agreements, resolutions, and all other instruments relating to the organization, powers, and purposes of the organization and to the powers of

the officers of the organization and of each chapter, branch, and affiliate of the organization; and

(n) Such other information and documents pertinent to the purposes of this section as the Attorney General may from time to time require.

All statements filed under this section shall be public records and open to public examination and inspection at all reasonable hours under such rules and regulations as the Attorney General may prescribe.

(C) The Attorney General is authorized at any time to make, amend, and rescind such rules and regulations as may be necessary to carry out this section, including rules and regulations governing the statements required to be filed.

(D) Whoever violates any of the provisions of this section shall be fined under this title or imprisoned not more than five years, or both.

Whoever in a statement filed pursuant to this section willfully makes any false statement or willfully omits to state any fact which is required to be stated, or which is necessary to make the statements made not misleading, shall be fined under this title or imprisoned not more than five years, or both.

2387. Activities affecting armed forces generally

(a) Whoever, with intent to interfere with, impair, or influence the loyalty, morale, or discipline of the military or naval forces of the United States:

(1) advises, counsels, urges, or in any manner causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States; or

(2) distributes or attempts to distribute any written or printed matter which advises, counsels, or urges insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States - Shall be fined under this title or imprisoned not more than ten years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction. penalty

(b) For the purposes of this section, the term "military or naval forces of the United States" includes the Army of the United States, the Navy, Air Force, Marine Corps, Coast Guard Naval Reserve, Marine Corps Reserve, and Coast Guard Reserve of the United States and, when any merchant vessel is commissioned in the Navy or is in the service of the Army or the Navy, includes the master, officers, and crew of such vessel

2388. Activities affecting armed forces during war

(a) Whoever, when the United States is at war, willfully makes or conveys false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies; or

Whoever, when the United States is at war, willfully causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or willfully obstructs the recruiting or enlistment service of the United States to the injury of the service or the United States, or attempts to do so -

Shall be fined under this title or imprisoned not more than twenty years, or both. penalty

(b) If two or more persons conspire to violate subsection (a) of this section and one or more such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in said subsection (a).

(c) Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this section, shall be fined under this title or imprisoned not more than ten years, or both.

(d) This section shall apply within the admiralty and maritime jurisdiction of the United States, and on the high seas, as well as within the United States

2389. Recruiting for service against United States

Whoever recruits soldiers or sailors within the United States, or in any place subject to the jurisdiction thereof, to engage in armed hostility against the same; or

Whoever opens within the United States, or in any place subject to the jurisdiction thereof, a recruiting station for the enlistment of such soldiers or sailors to serve in any manner in armed hostility against the United States -

Shall be fined under this title or imprisoned not more than five years, or both.

2390. Enlistment to serve against United States

Whoever enlists or is engaged within the United States or in any place subject to the jurisdiction thereof, with intent to serve in armed hostility against the United States, shall be fined under this title (FOOTNOTE 1) or imprisoned not more than three years, or both.

(FOOTNOTE 1) See 1994 Amendment note below.

Sec. 783. Offenses

- (a) Communication of classified information by Government officer or employee

It shall be unlawful for any officer or employee of the United States or of any department or agency thereof, or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, to communicate in any manner or by any means, to any other person whom such officer or employee knows or has reason to believe to be an agent or representative of any foreign government, any information of a kind which shall have been classified by the President (or by the head of any such department, agency, or corporation with the approval of the President) as affecting the security of the United States, knowing or having reason to know that such information has been so classified, unless such officer or employee shall have been specifically authorized by the President, or by the head of the department, agency, or corporation by which this officer or employee is employed, to make such disclosure of such information.

- (b) Receipt of, or attempt to receive, by foreign agent or member of Communist organization, classified information

It shall be unlawful for any agent or representative of any foreign government knowingly to obtain or receive, or attempt to obtain or receive, directly or indirectly, from any officer or employee of the United States or of any department or agency thereof or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, any information of a kind which shall have been classified by the President (or by the head of any such department, agency, or corporation with the approval of the President) as affecting the security of the United States, unless special authorization for such communication shall first have been obtained from the head of the department, agency, or corporation having custody of or control over such information.

- (c) Penalties for violation

Any person who violates any provision of this section shall, upon conviction thereof, be punished by a fine of not more than \$10,000, or imprisonment for not more than ten years, or by both such fine and such imprisonment, and shall, moreover, be thereafter ineligible to hold any office, or place of honor, profit, or trust created by the Constitution or laws of the United States.

- (d) Limitation period

Any person may be prosecuted, tried, and punished for any violation of this section at any time within ten years after the commission of such offense, notwithstanding the provisions of any other statute of limitations: Provided, That if at the time of the commission of the offense such person is an officer or employee of the United States or of any department or agency thereof, or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, such person may be prosecuted, tried, and punished for any violation of this section at any time within ten years after such person has ceased to be employed as such officer or employee.

- (e) Forfeiture of property

- (1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law -

- (A) any property constituting, or derived from, any proceeds

- the person obtained, directly or indirectly, as the result of such violation; and
- (B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.
- (2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).
- (3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 853 of title 21 shall apply to -
 - (A) property subject to forfeiture under this subsection;
 - (B) any seizure or disposition of such property; and
 - (C) any administrative or judicial proceeding in relation to such property, if not inconsistent with this subsection.
- (4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund established under section 10601 of title 42 all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.
- (5) As used in this subsection, the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

新加坡的有關法例

**Relevant legislation in
Singapore**

SEDITION ACT

(CHAPTER 290)

(as at 15.7.02)
Singapore

Base Versions	M Ordinance 14 of 1948	→	Reprint 3 of 1966	→	1970 Ed. Cap. 106	→	REVISED EDITION 1985		
Amended By	21 of 1973	→	LN's	→	332/58	→	149/64	→	S15/66

An Act for the punishment of sedition.

[28th May 1964]

Arrangement of Provisions

- ┐ 1 Short title.
- ┐ 2 Interpretation.
- ┐ 3 Seditious tendency.
- ┐ 4 Offences.
- ┐ 5 Legal proceedings.
- ┐ 6 Evidence.
- ┐ 7 Innocent receiver of seditious publication.
- ┐ 8 Issue of search warrant.
- ┐ 9 Suspension of newspaper containing seditious matter.
- ┐ 10 Power of Court to prohibit circulation of seditious publications.
- ┐ 11 Arrest without warrant.

Short title.

1. This Act may be cited as the Sedition Act.

Interpretation.

2. In this Act —

"publication" includes all written or printed matter and everything whether of a nature similar to written or printed matter or not containing any visible representation or by its form, shape or in any other manner capable of suggesting words or ideas, and every copy and reproduction or substantial reproduction of any publication;

"seditious" when applied to or used in respect of any act, speech, words, publication or other thing qualifies such act, speech, words, publication or other thing as one having a seditious tendency;

"words" includes any phrase, sentence or other consecutive number or combination of words, oral or written.

Seditious tendency.

3. —(1) A seditious tendency is a tendency —

- (a) to bring into hatred or contempt or to excite disaffection against the Government;
- (b) to excite the citizens of Singapore or the residents in Singapore to attempt to procure in Singapore, the alteration, otherwise than by lawful means, of any matter as by law established;
- (c) to bring into hatred or contempt or to excite disaffection against the administration of justice in Singapore;
- (d) to raise discontent or disaffection amongst the citizens of Singapore or the residents in Singapore;
- (e) to promote feelings of ill-will and hostility between different races or classes of the population of Singapore.

4. Notwithstanding subsection (1), any act, speech, words, publication or other thing shall not be deemed to be seditious by reason only that it has a tendency —

- (a) to show that the Government has been misled or mistaken in any of its measures;
- (b) to point out errors or defects in the Government or the Constitution as by law established or in legislation or in the administration of justice with a view to the remedying of such errors or defects;
- (c) to persuade the citizens of Singapore or the residents in Singapore to attempt to procure by lawful means the alteration of any matter in Singapore; or
- (d) to point out, with a view to their removal, any matters producing or having a tendency to produce feelings of ill-will and enmity between different races or classes of the population of Singapore,

if such act, speech, words, publication or other thing has not otherwise in fact a seditious tendency.

(3) For the purpose of proving the commission of any offence under this Act, the intention of the

person charged at the time he did or attempted to do or made any preparation to do or conspired with any person to do any act or uttered any seditious words or printed, published, sold, offered for sale, distributed, reproduced or imported any publication or did any other thing shall be deemed to be irrelevant if in fact such act had, or would, if done, have had, or such words, publication or thing had a seditious tendency.

Offences.

4. —(1) Any person who —

(a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act which has or which would, if done, have a seditious tendency;

(b) utters any seditious words;

(c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication; or

(d) imports any seditious publication,

shall be guilty of an offence and shall be liable on conviction for a first offence to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both, and, for a subsequent offence, to imprisonment for a term not exceeding 5 years; and any seditious publication found in the possession of that person or used in evidence at his trial shall be forfeited and may be destroyed or otherwise disposed of as the court directs.

(2) Any person who without lawful excuse has in his possession any seditious publication shall be guilty of an offence and shall be liable on conviction for a first offence to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 18 months or to both, and, for a subsequent offence, to imprisonment for a term not exceeding 3 years, and such publication shall be forfeited and may be destroyed or otherwise disposed of as the court directs.

Legal proceedings.

5. —(1) No prosecution for an offence under section 4 shall be begun except within 6 months after the offence is committed:

Provided that for the purposes of this subsection a prosecution shall be deemed to be begun against any person when a warrant or summons has been issued in respect of any charge made against that person and based on the facts or incident in respect of which the prosecution afterwards proceeds.

(2) No person shall be prosecuted for an offence under section 4 without the written consent of the Public Prosecutor. In such written consent the Public Prosecutor may designate any court to be the court of trial.

Evidence.

6. —(1) Notwithstanding anything to the contrary in the Evidence Act, no person shall be convicted of an offence under section 4 on the uncorroborated testimony of one witness.

Cap. 97.

(2) No person shall be convicted of any offence referred to in section 4 (1) (c) or (d) if such person proves that the publication in respect of which he is charged was printed, published, sold, offered for sale, distributed, reproduced or imported (as the case may be) without his authority, consent and knowledge and without any want of due care or caution on his part or that he did not know and had no reason to believe that the publication had a seditious tendency.

Innocent receiver of seditious publication.

7. Any person to whom any seditious publication is sent without his knowledge or privity shall forthwith as soon as the nature of its contents has become known to him deliver the publication to the officer in charge of a police division and any person who complies with this section shall not be liable to be convicted for having in his possession that publication:

Provided that in any proceedings against such person the court shall presume until the contrary is shown that that person knew the contents of the publication at the time it first came into his possession.

Issue of search warrant.

8. —(1) A Magistrate may issue a warrant empowering any police officer, not below the rank of sergeant, to enter upon any premises where any seditious publication is known or is reasonably suspected to be and to search therein for any seditious publication.

21/73.

(2) Whenever it appears to any police officer, not below the rank of sergeant, that there is reasonable cause to believe that in any premises there is concealed or deposited any seditious publication, and he has reasonable grounds for believing that, by reason of the delay which would be entailed by obtaining a search warrant, the object of the search is likely to be frustrated, he may enter and search the premises as if he were empowered to do so by a warrant issued under subsection (1).

21/73.

Suspension of newspaper containing seditious matter.

9. —(1) Whenever any person is convicted of publishing in any newspaper matter having a seditious tendency, the court may, if it thinks fit, either in lieu of or in addition to any other punishment, make orders as to all or any of the following matters:

(a) prohibiting, either absolutely or except on conditions to be specified in the order, for any period not exceeding one year from the date of the order, the future publication of that newspaper;

(b) prohibiting, either absolutely or except on conditions to be specified in the order, for the period aforesaid, the publisher, proprietor or editor of that newspaper from publishing, editing or writing for any newspaper or from assisting, whether with money or money's worth, material, personal service or otherwise in the publication, editing or production of any newspaper;

(c) that for the period aforesaid any printing press used in the production of the newspaper be used only on conditions to be specified in the order or that it be seized by the police and detained by them for the period aforesaid.

Any person who contravenes an order made under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

(3) Nothing in this Act shall affect the power of the court to punish any person contravening an order made under this section for contempt of court:

Provided that no person shall be punished twice for the same offence.

Power of Court to prohibit circulation of seditious publications.

10. —(1) Whenever on the application of the Public Prosecutor it is shown to the satisfaction of the Court that the issue or circulation of a seditious publication is or if commenced or continued would

be likely to lead to unlawful violence or appears to have the object of promoting feelings of hostility between different classes or races of the community, the Court shall make an order (referred to in this section as a prohibition order) prohibiting the issuing and circulation of that publication (referred to in this section as a prohibited publication) and requiring every person having any copy of the prohibited publication in his possession, power or control forthwith to deliver every such copy into the custody of the police.

(2) An order under this section may be made ex parte on the application of the Public Prosecutor in chambers.

(3) It shall be sufficient if the order so describes the prohibited publication that it can be identified by a reasonable person who compares the prohibited publication with the description in the prohibition order.

(4) Every person on whom a copy of a prohibition order is served by any police officer shall forthwith deliver to that police officer every prohibited publication in his possession, power or control, and, if he fails to do so, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one year or to both.

(5) Every person to whose knowledge it comes that a prohibited publication is in his possession, power or control shall forthwith deliver every such publication into the custody of the police, and, if he fails to do so, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one year or to both.

(6) The Court may, if it thinks fit, either before or after or without service of the prohibition order on any person, issue a warrant authorising any police officer not below the rank of sergeant to enter and search any premises specified in the order, and to seize and carry away every prohibited publication there found, and to use such force as may be necessary for the purpose. A copy of the prohibition order and of the search warrant shall be left in a conspicuous position at every building or place so entered.

21/73.

(7) The owner of any prohibited publication delivered or seized under this section may, at any time within 14 days after the delivery or seizure, petition the Court for the discharge of the prohibition order, and the Court, if on the hearing of the petition it decides that the prohibition order ought not to have been made, shall discharge the order and shall order the prohibited publication delivered by or seized from the petitioner to be returned to him.

(8) Every prohibited publication delivered or seized under this section with respect to which a petition is not filed within the time aforesaid or which is not ordered to be returned to the owner shall be deemed to be forfeited to the Government.

(9) For the purposes of this section, "Court" means the High Court.

21/73.

Arrest without warrant.

11. Any police officer may arrest without warrant any person found committing or reasonably suspected of committing or of having committed or of attempting to commit or of procuring or abetting any person to commit any offence under this Act or reasonably suspected of the unlawful possession of any thing liable to forfeiture thereunder.

21/73.

END

OFFICIAL SECRETS ACT

(CHAPTER 213)

Singapore

17/7/02

Base Versions	Ordinance 25 of 1935	→	Reprint 4 of 1966	→	1970 Ed. Cap. 233	→	REVISED EDITION 1985		
Amended By	11 of 1936	→	12 of 1939	→	6 of 1952	→	37 of 1952	→	72 of 1959
↓	15 of 1967	→	21 of 1973	→	S (NS) 67/59	→	S (NS) 178/59	→	S (NS) 179/59
↓	S16/66	→	7 of 1997	→	43 of 1999	→	27 of 2001	→	S 573/2001

An Act to prevent the disclosure of official documents and information.

[5th July 1935]

Arrangement of Provisions

- ▮ 1 Short title.
- ▮ 2 Interpretation.
- ▮ 3 Penalties for spying.
- ▮ 4 Cameras prohibited except under permit.
- ▮ 5 Wrongful communication, etc., of information.
- ▮ 6 Unauthorised use of uniforms, falsification of reports, forgery, personation and false documents.
- ▮ 7 Communications with foreign agents to be evidence of commission of certain offences.
- ▮ 8 Interfering with police officers or members of the armed forces.
- ▮ 9 Power to require production of messages.
- ▮ 10 Duty of giving information as to commission of offences.
- ▮ 11 Harboursing.
- ▮ 12 Attempts, incitements, etc.
- ▮ 13 Power to arrest.
- ▮ 14 Restriction on prosecution.
- ▮ 15 Search warrants.
- ▮ 16 Trial of offences.
- ▮ 17 Punishment.
- ▮ 18 Minister may confer police powers on suitable person.
- ▮ 19 Powers under Criminal Procedure Code not restricted.

(new) → THE SCHEDULE

Short title.

1. This Act may be cited as the Official Secrets Act.

Interpretation.

2. —(1) In this Act, unless there is something repugnant in the subject or context —

"armed forces" shall be deemed to include all regular and volunteer forces of Singapore or of Malaysia or any visiting forces lawfully present in Singapore;

"document" includes part of a document;

"drawing" includes any plan, sketch, tracing, painting, print or other pictorial representation;

"model" includes design, pattern and specimen;

"munitions of war" includes the whole or any part of any ship, submarine, aircraft, tank or similar engine, arms and ammunition, bomb, 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;

"office under the Government" includes any office or employment in or under any department of the Government or any specified organisation and, in the event of war, of the government of any ally of Singapore;

"officer of police" includes any person upon whom the powers of a police officer not below the rank of sergeant are conferred by the Minister under section 18;

"photograph" includes a photographic or process negative and any printed or other pictorial representation or drawing produced in whole or in part by photographic means;

"prohibited place" means —

(a) any work of defence, arsenal, naval, military or air force establishment, barrack, camp or station, factory, dockyard, mine, minefield, ship or aircraft belonging to or occupied by or on behalf of the armed forces 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 the armed forces and used for the purpose of building, repairing, making, proving, testing or storing any munitions of war, or any photographs, drawings, plans, models or documents relating thereto, or for the purpose of getting or storing any metals, oil, mechanical transport spirit or aviation spirit or minerals of use in time of war;

(b) any place not belonging to the armed forces where any munitions of war, oil, mechanical transport spirit, aviation spirit, fuel or supplies or any photographs, drawings, models, plans or documents relating thereto, are being made, repaired, gotten or stored under contract with, or with any person on behalf of the armed forces, or otherwise on behalf of the armed forces;

(c) any place belonging to or used for the purposes of the armed forces which is for the time being declared by the Minister, by order published in the *Gazette*, 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 a foreign Power or to an enemy;

(d) any railway, roadway or channel or other means of communication by land or water

(including any bridges, tunnels, piers, works or structures being part thereof, or connected or used therewith), or any beach, foreshore or the whole or any part of the territorial waters of Singapore, or any searchlight, lighthouse, buoy or other navigational aid, or any public building, fire station, aerodrome or air station, or any signal telegraph or radio station, or any place used for gas, water, electricity or engineering works or other works for purposes of a public character, or any place where any munitions of war or oil, mechanical transport spirit, aviation spirit, fuel or supplies or any photographs, drawings, models, plans or documents relating thereto are being made, repaired or stored otherwise than on behalf of the armed forces, any of the aforesaid being a place which is for the time being declared by the Minister, by order published in the *Gazette*, 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 a foreign Power or to an enemy;

(e) any area (being in the vicinity of 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 the armed forces) which is declared by the Minister, by order published in the *Gazette*, 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 a foreign Power or to an enemy;

(f) any area specified in any notice under any written law for the time being in force relating to military manoeuvres or any area declared by proclamation of the Minister under such written law to be a manoeuvring ground or a firing ground, which is declared by order of the Minister to be a prohibited place for the purposes of this section;

"specified organisation" means any organisation specified in the Schedule.

(2) Expressions referring to —

(a) communicating or receiving include any communicating or receiving, whether in whole or in part, and whether the photograph, drawing, plan, model, article, note, document or information itself or the substance, effect or description thereof is communicated or received;

(b) obtaining or retaining any photograph, drawing, plan, model, article, note or document include the copying or causing to be copied the whole or any part of any photograph, drawing, plan, model, article, note or document; and

(c) the communication of any photograph, drawing, plan, model, article, note or document include the transfer or transmission of the photograph, drawing, plan, model, article, note or document.

(3) The President may, by notification in the *Gazette*, amend the Schedule.

Penalties for spying.

3. —(1) If any person for any purpose prejudicial to the safety or interests of Singapore —

(a) approaches, inspects, passes over or is in the neighbourhood of, or enters any prohibited place within the meaning of this Act;

(b) makes any photograph, drawing, plan, model or note which is calculated to be or might be or is intended to be directly or indirectly useful to a foreign Power or to an enemy; or

(c) obtains, collects, records, publishes or communicates to any other person any secret official

code word, countersign or password, or any photograph, drawing, 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 a foreign Power or to an enemy,

he shall be guilty of an offence.

(2) Any person who takes or makes any photograph, drawing, map, measurement, sounding or survey of or within a prohibited place, shall, unless he proves that the thing so taken or made is not prejudicial to the safety or interests of Singapore and is not intended to be directly or indirectly useful to a foreign Power or to an enemy, be guilty of an offence:

Provided that it shall not be an offence under this subsection to take or make, outside a prohibited place, a photograph or drawing in which such place or part thereof is included, unless it is proved that the photograph or drawing is intended to be prejudicial to the safety or interests of Singapore or to be directly or indirectly useful to a foreign Power or to an enemy. This proviso does not apply to any photograph taken from an aircraft.

(3) The taking or making of any photograph, drawing, map, measurement, sounding or survey in accordance with the terms and conditions in such permit as the competent authority sees fit to give shall not be an offence under subsection (2). It may be a term or condition of that permit that anything so taken or made shall immediately be submitted to the competent authority for examination who, if satisfied that there is reasonable cause to believe that the thing so taken or made contains matter or information prejudicial to the safety or interests of Singapore and directly or indirectly useful to a foreign Power or to an enemy, shall send it to the Minister, and the Minister may give such orders in respect of the thing as he is empowered to give under subsection (8).

(4) The Minister may, by notification in the *Gazette*, provide who shall be the competent authority for the purposes of subsection (3).

(5) Any person who makes or assists in making a declaration or statement false in any material respect for the purpose of obtaining a permit from a competent authority shall be guilty of an offence and shall be liable on conviction before a District Court to a fine not exceeding \$2,000, or before a Magistrate's Court to a fine not exceeding \$1,000.

(6) 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 Singapore, 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, or from his having acted in contravention of section 6 or in the manner mentioned in section 7, it appears that his purpose was a purpose prejudicial to the safety or interests of Singapore and if any photograph, drawing, 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, or any secret official code word, countersign or password 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 Singapore unless the contrary is proved.

(7) If a Magistrate's Court is satisfied that there is reasonable cause to believe that a photograph or drawing contains matter or information prejudicial to the safety or interests of Singapore and directly or indirectly useful to a foreign Power or to an enemy, the Court may issue a search warrant to search for and seize such photograph or drawing even though an offence under this Act is not alleged to have been committed.

(8) The photograph or drawing, if seized under the search warrant or voluntarily produced by the

person in whose possession it is, shall be sent by the Court to the Minister, and the Minister may if he considers that the photograph or drawing contains matter or information prejudicial to the safety or interests of Singapore and directly or indirectly useful to a foreign Power or to an enemy, order the photograph or drawing to be forfeited, or order that any part of the photograph or drawing be obliterated, erased or removed.

Cameras prohibited except under permit.

4. —(1) Any person who within a prohibited place has any apparatus for taking or making photographs in his possession without a permit in writing in that behalf signed by the competent authority shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200:

Provided that it shall not be an offence under this section for any person residing within any prohibited place to possess any such apparatus within that place without a permit.

(2) Any such apparatus in respect of which an offence has been or is suspected of having been committed may be seized by any person duly authorised in that behalf by the competent authority for such prohibited place and any plate or film in or belonging to such apparatus may also be seized and may be subjected to such process of development as the competent authority may direct either generally or in any particular case.

(3) In this section, "competent authority" means the competent authority referred to in section 3.

Wrongful communication, etc., of information.

5. —(1) If any person having in his possession or control any secret official code word, countersign or password, or any photograph, drawing, plan, model, article, note, document or information which

(a) relates to or is used in a prohibited place or anything in such a place;

(b) relates to munitions of war;

(c) has been made or obtained in contravention of this Act;

(d) has been entrusted in confidence to him by any person holding office under the Government; or

(e) he has obtained, or to which he has had access, owing to his position as a person who holds or has held office under the Government, or as a person who holds, or has held a contract made on behalf of the Government or any specified organisation, or as a person who is or has been employed under a person who holds or has held such an office or contract,

does any of the following:

(i) communicates directly or indirectly any such information or thing as aforesaid to any foreign Power other than a foreign Power to whom he is duly authorised to communicate it, or to any person other than a person to whom he is authorised to communicate it or to whom it is his duty to communicate it;

(ii) uses any such information or thing as aforesaid for the benefit of any foreign Power other than a foreign Power for whose benefit he is authorised to use it, or in any manner prejudicial to the safety or interests of Singapore;

(iii) retains in his possession or control any such thing as aforesaid 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 lawful

directions issued by lawful authority with regard to the return or disposal thereof; or

(iv) fails to take reasonable care of, or so conducts himself as to endanger the safety or secrecy of, any such information or thing as aforesaid,

that person shall be guilty of an offence.

(2) If any person receives any secret official code word, countersign, password, or any photograph, drawing, 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, countersign, password, photograph, drawing, plan, model, article, note, document or information is communicated to him in contravention of this Act, he shall be guilty of an offence unless he proves that the communication to him of the code word, countersign, password, photograph, drawing, plan, model, article, note, document or information was contrary to his desire.

(3) In any proceedings against a person for an offence under this section, where it is proved that that person is or has been in the employment or service of any foreign Power or government in breach of any undertaking which he has made with the Government or any specified organisation, he shall be deemed to be in possession or control of such information or thing as is referred to in subsection (1) and to have unlawfully communicated that information to a foreign Power or to have used that information or thing in a manner prejudicial to the safety or interests of Singapore.

(4) In subsection (3), "undertaking" means any undertaking in writing which a public officer or any other person has made with the Government or any specified organisation whereby the officer or person undertakes not to serve or be employed by any foreign Power or government within a specified period after his retirement or resignation from the public service or that specified organisation or otherwise unless he has obtained the prior approval of the Government.

Unauthorised use of uniforms, falsification of reports, forgery, personation and false documents.

6. —(1) If any person gains or assists any other person to gain admission to a prohibited place otherwise than by an authorised point of entry or, 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 Singapore within the meaning of this 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;

(b) makes use of any disguise or false name, or knowingly conceals his identity or nationality;

(c) 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;

(d) 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 (referred to in this section as an official document), or uses or has in his possession any such forged, altered or irregular official document;

(e) personates, or falsely represents himself to be, a person holding or in the employment of a person holding office under the Government, or personates, or falsely represents himself to be or not to be, a person to whom an official document or secret official code word, countersign or

password has been duly issued or communicated; or

(f) uses, or has in his possession or under his control, without the authority of the Government department or any specified organisation or the authority concerned, any die, key, badge, device, seal or stamp of or belonging to, or used, made or provided by any Government department or any specified organisation, or by any diplomatic, naval, military or air force authority appointed by or acting under the authority of the Government or that specified organisation, or any key, badge, device, die, seal or stamp so nearly resembling any such articles as aforesaid as to be calculated to deceive, or counterfeits any such articles as aforesaid, or uses, or has in his possession, or under his control, any such counterfeited articles as aforesaid,

he shall be guilty of an offence.

(2) If any person —

(a) retains for any purpose prejudicial to the safety or interests of Singapore 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 specified organisation or any person authorised by that department or specified organisation with regard to the return or disposal thereof;

(b) allows any other person to have possession of any official document issued for his use alone, or communicates any secret official code word, countersign or password so issued, or, without lawful authority or excuse, has in his possession any official document or secret official code word, countersign or password 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 the Deputy Commissioner of Police;

(c) without lawful authority or excuse, manufactures or sells, or has in his possession for sale, any such key, badge, device, die, seal or stamp as aforesaid; or

(d) with intent to obtain an official document, secret official code word, countersign or password, whether for himself or for any other person, knowingly makes any false statement,

he shall be guilty of an offence.

(3) In the case of any prosecution under this section involving the proof of a purpose prejudicial to the safety or interests of Singapore, section 3 (6) shall apply in like manner as it applies to prosecutions under that section.

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

7. —(1) In any proceedings against a person for an offence under section 3, the fact that he has been in communication with, or attempted to communicate with, a foreign agent, whether within or without Singapore, shall be evidence that he has, for a purpose prejudicial to the safety or interests of Singapore, obtained or attempted to obtain or to communicate information which is calculated to be or might be or is intended to be directly or indirectly useful to a foreign Power or to an enemy.

(2) For the purpose of this section, but without prejudice to the generality of subsection (1) —

(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 Singapore, visited the address of a foreign agent or consorted or associated with a foreign agent; or

(ii) either within or without Singapore, the name or 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) "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 Singapore, prejudicial to the safety or interests of Singapore, or who has or is reasonably suspected of having, either within or without Singapore, committed, or attempted to commit, such an act in the interests of a foreign Power;

(c) any address, whether within or without Singapore, 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.

Interfering with police officers or members of the armed forces.

8. No person within or in the vicinity of any prohibited place shall obstruct, knowingly mislead or otherwise interfere with or impede, any police officer, or any member of the armed forces engaged on 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 an offence.

Power to require production of messages.

9. —(1) Where it appears to the Minister 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 telecommunication system, used for the sending or receipt of messages to or from any place out of Singapore, to produce to him, or to any person named in the warrant, the originals and transcripts, either of all messages, or of messages of any specified class or description, or of messages sent from or addressed to any specified person or place, sent or received to or from any place out of Singapore by means of any such telecommunication system, and all other papers relating to any such messages 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, or mutilates or destroys the same, shall be guilty of an offence.

(3) In this section "message" and "telecommunication system" shall have the same meanings as in the Telecommunications Act 1999.

Duty of giving information as to commission of offences.

10. It shall be the duty of every person to give on demand to any police officer not below the rank of sergeant, or to any officer of the armed forces on duty, or to any member of the armed forces engaged on guard, sentry, patrol or other similar duty, any information in his power relating to an offence or suspected offence under this Act, and, if so required, and upon tender of his reasonable expenses, to attend at such reasonable time and place as may be specified for the purpose of furnishing the information, and, if any person fails to give any such information or to attend as aforesaid, he shall be guilty of an offence.

21/73.

Harbouring.

11. —(1) 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, wilfully omits or refuses to disclose to a police officer any information which it is in his power to give in relation to any such person, he shall be guilty of an offence.

(2) In this section, "harbour" includes supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or assisting a person in any way to commit an offence.

Attempts, incitements, etc.

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

Power to arrest.

13. —(1) Any person who is found committing an offence under this Act, or who is reasonably suspected of having committed, or having attempted to commit, or being about to commit, such an offence, may be arrested without a warrant.

(2) Without limiting the generality of subsection (1), any commissioned officer, warrant officer, petty officer, non-commissioned officer or leading rating of the armed forces and any police officer may, with or without a warrant or other process, apprehend or cause to be apprehended any person found in a prohibited place or on lands or premises in the occupation of the armed forces offending against this Act or suspected of so offending, and shall forthwith bring or cause to be brought the person so apprehended before a Magistrate's Court for the purpose of being dealt with according to law.

Restriction on prosecution.

14. —(1) A prosecution for an offence under this Act 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 the case shall not be further prosecuted until that consent has been obtained.

(2) When a person is brought before a court under this section before the Attorney-General has consented to the prosecution the charge shall be explained to him but he shall not be called upon to plead, and section 180 of the Criminal Procedure Code shall not apply.

Cap. 68.

Search warrants.

15. —(1) A Justice of the Peace if he is satisfied by information on oath or affirmation that there is reasonable ground for suspecting that an offence under this Act has been or is about to be committed, may grant a search warrant authorising any police officer named therein, or authorising if so requested any police officer accompanied by an officer of the armed forces deputed by the officer in command of such armed forces to enter at any time any premises or place specified in the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize and retain any photograph, drawing, plan, model, article, note or document or anything of a like nature or anything which is or may be 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 connection with which he has reasonable ground for suspecting that an offence under

this Act has been or is about to be committed. The seal of a court shall not be necessary to validate a warrant issued under this section.

(2) A Justice of the Peace is authorised to administer an oath or affirmation for the purposes of this section.

(3) The information shall, unless the warrant has been issued by a Magistrate under the seal of his court, be returned without undue delay to a District Court.

(4) A search warrant issued under this section shall if issued by a Magistrate under the seal of his court be returned to his court and in any other case shall be returned to a District Court.

(5) When it appears to an officer of police not below the rank of sergeant that the case is one of great emergency and that in the interests of Singapore 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 of the Peace under this section.

21/73.

Trial of offences.

16. —(1) For the purposes of the trial of a person for an offence under 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 Singapore in which the offender may be found.

(2) 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 Act or the proceedings on appeal, or in the course of the trial of a person for an offence under 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 safety of Singapore, 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.

(3) Where the person guilty of an offence under this Act is a company or corporation or a member or employee of a partnership or firm, acting in the course of the business of the partnership or firm, every director and officer of the company or corporation or every member of the partnership or firm (as the case may be) 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.

Punishment.

17. —(1) A person who is guilty of an offence under this Act by reason of section 3 shall be liable on conviction to a fine not exceeding \$20,000 and to imprisonment for a term not exceeding 14 years.

(2) A person who is guilty of an offence under this Act by reason of section 5, 6, 8 or 11 shall be liable on conviction before a District Court to a fine not exceeding \$2,000 and to imprisonment for a term not exceeding 2 years. A person charged with an offence by reason of a section mentioned in this subsection may with the sanction of the Attorney-General be tried before a Magistrate's Court, and such person shall be liable on conviction to a fine not exceeding \$1,000 and to imprisonment for a term not exceeding 6 months.

(3) A person who is guilty of an offence under this Act by reason of section 9 or 10 shall be liable on conviction before a District Court to a fine not exceeding \$2,000 and to imprisonment for a term not exceeding 2 years, and shall be liable on conviction before a Magistrate's Court to a fine not exceeding \$1,000 and to imprisonment for a term not exceeding 6 months.

Minister may confer police powers on suitable person.

18. The Minister may confer upon any person, whom he considers fit and suitable, the powers of a police officer not below the rank of sergeant for the purposes of this Act.

21/73.

Powers under Criminal Procedure Code not restricted.

19. Nothing in this Act shall be deemed to limit or restrict any powers conferred by the Criminal Procedure Code.

Cap. 68.

THE SCHEDULE

Section 2 (1) and (3)

SPECIFIED ORGANISATIONS

- (1) Board of Commissioners of Currency, Singapore
- (2) Central Provident Fund Board
- (3) Civil Aviation Authority of Singapore
- (3A) Civil Service College
- (4) Commercial and Industrial Security Corporation
- (5) Defence Science and Technology Agency
- (6) DSO National Laboratories
- (7) Economic Development Board
- (8) Energy Market Authority of Singapore
- (9) Housing and Development Board
- (10) Info-communications Development Authority of Singapore
- (11) Inland Revenue Authority of Singapore
- (12) Jurong Town Corporation
- (13) Land Transport Authority of Singapore
- (14) Maritime and Port Authority of Singapore
- (15) Monetary Authority of Singapore
- (16) National Heritage Board
- (17) Public Utilities Board
- (18) Singapore Broadcasting Authority
- (19) Singapore Land Authority
- (20) Trade Development Board
- (21) Urban Redevelopment Authority.

checked 14/7/02
(last amendment
no. 12 of 1998)

Punishment
of criminal
conspiracy.

120B.—(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death or imprisonment for a term of 2 years or upwards shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment for a term not exceeding 6 months, or with fine, or with both.

CHAPTER VI

OFFENCES AGAINST THE STATE

Waging or
attempting
to wage war
or abetting
the waging
of war
against the
Government.

121. Whoever wages war against the Government, or attempts to wage such war, or abets the waging of such war, shall be punished with death, or with imprisonment for life, and shall also be liable to fine.

penalty

Illustration

A joins an insurrection against the Government. A has committed the offence defined in this section.

Offences
against the
President's
person.

121A. Whoever compasses, imagines, invents, devises, or intends the death of or hurt to or imprisonment or restraint of the President, shall be punished with death, and shall also be liable to fine.

penalty

Offences
against
authority.

121B. Whoever compasses, imagines, invents, devises or intends the deprivation or deposition of the President from the sovereignty of Singapore, or the overawing by criminal force of the Government, shall be punished with imprisonment for life, and shall also be liable to a fine.

penalty

Abetting
offences
under
section 121A
or 121B.

121C. Whoever abets the commission of any of the offences punishable by section 121A or 121B shall be punished with the punishment provided for those offences.

penalty

See also

121b. Whoever knowing or having reason to believe that any offence punishable under section 121, 121A, 121B or 121c has been committed intentionally omits to give any information respecting that offence which he is legally bound to give, shall be punished with imprisonment for a term which may extend to 7 years, or with fine, or with both.

Intentional omission to give information of offences against section 121, 121A, 121B or 121c by a person bound to inform.

122. Whoever collects men, arms or ammunition or otherwise prepares to wage war, with the intention of either waging or being prepared to wage war against the Government, shall be punished with imprisonment for life or imprisonment for a term not exceeding 10 years, and shall also be liable to fine.

Collecting arms, etc., with the intention of waging war against the Government.

123. Whoever by any act, or by any illegal omission, conceals the existence of a design to wage war against the Government, intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate, the waging of such war, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine.

Concealing with intent to facilitate a design to wage war.

124. Whoever, with the intention of inducing or compelling the President or a Member of Parliament or the Cabinet, to exercise or refrain from exercising in any manner any of the lawful powers of the President, or such Member, assaults or wrongfully restrains, or attempts wrongfully to restrain, or overawes by means of criminal force, or the show of criminal force, or attempts so to overawe, the President or such Member, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine.

Assaulting President, etc., with intent to compel or restrain the exercise of any lawful power.

125. Whoever wages war against the government of any power in alliance or at peace with the Government, or attempts to wage such war, or abets the waging of such war, shall be punished with imprisonment for life, to which fine may be added; or with imprisonment for a term which may extend to 7 years, to which fine may be added, or with fine.

Waging war against any power in alliance or at peace with Singapore.

Committing depredation on the territories of any power in alliance or at peace with Singapore.

126. Whoever commits depredation, or makes preparations to commit depredation, on the territories of any power in alliance or at peace with the Government, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine and to forfeiture of any property used, or intended to be used, in committing such depredation, or acquired by such depredation.

Receiving property taken by war or depredation mentioned in sections 125 and 126.

127. Whoever receives any property knowing the same to have been taken in the commission of any of the offences mentioned in sections 125 and 126, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine and to forfeiture of the property so received.

Public servant voluntarily allowing prisoner of State or war in his custody to escape.

128. Whoever, being a public servant, and having the custody of any prisoner of State or prisoner of war, voluntarily allows such prisoner to escape from any place in which such prisoner is confined, shall be punished with imprisonment for life, or imprisonment for a term which may extend to 10 years, and shall also be liable to fine.

Public servant negligently suffering prisoner of State or war in his custody to escape.

129. Whoever, being a public servant, and having the custody of any prisoner of State or prisoner of war, negligently suffers such prisoner to escape from any place of confinement in which such prisoner is confined, shall be punished with imprisonment for a term which may extend to 3 years, and shall also be liable to fine.

Aiding escape of, rescuing, or harbouring such prisoner.

130. Whoever knowingly aids or assists any prisoner of State or prisoner of war in escaping from lawful custody or rescues or attempts to rescue any such prisoner, or harbours or conceals any such prisoner who has escaped from lawful custody, or offers or attempts to offer any resistance to the recapture of such prisoner, shall be punished with imprisonment for life, or with imprisonment for a term which may extend to 10 years, and shall also be liable to fine.

Explanation.—A prisoner of State or prisoner of war who is permitted to be at large on his parole within certain limits in Singapore, is said to escape from lawful custody if he goes beyond the limits within which he is allowed to be at large.

130A. In this Chapter, "harbour" includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition, or means of conveyance, or the assisting a person in any way to evade apprehension.

CHAPTER VII

OFFENCES RELATING TO THE ARMED FORCES

131. Whoever abets the committing of mutiny by an officer or any serviceman in the Singapore Armed Forces or any visiting forces lawfully present in Singapore or attempts to seduce any such officer or serviceman from his allegiance or his duty, shall be punished with imprisonment for life, or with imprisonment for a term which may extend to 10 years, and shall also be liable to fine.

Abetting mutiny, or attempting to seduce an officer or a serviceman from his duty.

132. Whoever abets the committing of mutiny by an officer or any serviceman in the Singapore Armed Forces or any visiting forces lawfully present in Singapore shall, if mutiny be committed in consequence of that abetment, be punished with death or with imprisonment for life, or with imprisonment for a term which may extend to 10 years, and shall also be liable to fine.

Abetment of mutiny, if mutiny is committed in consequence thereof.

133. Whoever abets an assault by an officer or any serviceman in the Singapore Armed Forces or any visiting forces lawfully present in Singapore, on any superior officer being in the execution of his office, shall be punished with imprisonment for a term which may extend to 3 years, and shall also be liable to fine.

Abetment of an assault by an officer or a serviceman on his superior officer, when in the execution of his office.

134. Whoever abets an assault by an officer or any serviceman in the Singapore Armed Forces or any visiting forces lawfully present in Singapore, on any superior officer being in the execution of his office, shall, if such assault be committed in consequence of that abetment, be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine.

Abetment of such assault, if the assault is committed.

135. Whoever abets the desertion of any officer or any serviceman in the Singapore Armed Forces or any visiting forces lawfully present in Singapore, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

Abetment of the desertion of an officer or a serviceman.

SOCIETIES ACT

(CHAPTER 311)

Base Versions	Act 56 of 1966		1970 Ed. Cap. 262		REVISED EDITION 1985
Amended By	16 of 1982		41 of 2001		

An Act relating to societies.

[27th January 1967]

Arrangement of Provisions

- ☒ 1 Short title.
- ☐ 2 Interpretation.
- ☐ 3 Appointment of Registrar and Assistant Registrars.
- ☐ 4 Registration of societies and refusal to register.
- ☐ 5 Annual registers to be published.
- ☐ 6 Cessation of existence of a society.
- ☐ 7 Voluntary dissolution of a society.
- ☐ 8 Inspection and certified copies of documents.
- ☐ 9 Branch of a society.
- ☐ 10 Information to be furnished by societies and persons responsible for supplying information.
- ☐ 11 Change of name, place of business and rules of society.
- ☐ 12 Persons who shall not act as officers of a society.
- ☐ 13 Use of symbol flag, etc.
- ☐ 14 Unlawful societies.
- ☐ 15 Persons allowing unlawful assembly in their premises.
- ☐ 16 Penalty for inciting, etc., a person to become a member of unlawful society.
- ☐ 17 Penalty for procuring subscription or aid for unlawful society.
- ☐ 18 Publishing etc., propaganda of unlawful society.
- ☐ 19 Penalty for misuse of money or property of a registered society.
- ☐ 20 Punishment of fraud, false declaration and misappropriation.
- ☐ 21 Presumptive proof of existence of a society.
- ☐ 22 Presumptive proof of membership, etc., of society.
- ☐ 23 Society using a triad ritual to be deemed an unlawful society.
- ☐ 24 Minister may order dissolution of any society.

- ☐ 25 Consequences upon the order of Minister under section 24.
- ☐ 26 Power of Magistrate, etc., to enter place kept as place of meeting.
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Short title.

1. This Act may be cited as the Societies Act.

Interpretation.

2. In this Act, unless the context otherwise requires —

"Assistant Registrar," means an Assistant Registrar of Societies appointed under section 3;

"officer" means the president, the secretary and members of the committee of a society and includes persons holding positions analogous to those of president, secretary of member of a committee;

"place of business" means the place where the records and books of account of a society are kept;

"political association" includes any society which the President may by order declare to be a political association;

"Registrar" means the Registrar of Societies appointed under section 3;

"society" includes any club, company, partnership or association of 10 or more persons, whatever its nature or object, but does not include —

(a) any company registered under any written law relating to companies for the time being in force in Singapore;

(b) any company or association constituted under any written law;

(c) any trade union registered or required to be registered under any written law relating to trade unions for the time being in force in Singapore;

(d) any co-operative society registered as such under any written law;

(e) any mutual benefit organisation registered as such under any written law relating to mutual benefit organisations for the time being in force in Singapore;

(f) any company, association or partnership, consisting of not more than 20 persons, formed for the sole purpose of carrying on any lawful business that has for its object the acquisition of gain by the company, association or partnership, or the individual members thereof;

(fa) any class, society or association of foreign insurers carrying on insurance business in Singapore under any foreign insurer scheme established under Part IIA of the Insurance Act (Cap. 142); or

(g) any school or management committee of a school constituted under any law regulating schools for the time being in force in Singapore.

Appointment of Registrar and Assistant Registrars.

3. The Minister may appoint by name or office a Registrar of Societies and such Assistant Registrars as may be necessary.

Registration of societies and refusal to register.

4. —(1) Subject to this section the Registrar shall upon application by any society and on payment of the prescribed fee register the society.

(2) The Registrar shall refuse to register a society if he is satisfied that —

- (a) the rules of the society are insufficient to provide for its proper management and control;
- (b) the society is likely to be used for unlawful purposes or for purposes prejudicial to public peace, welfare or good order in Singapore;
- (c) the application for registration does not comply with the provisions of this Act or any regulations made thereunder;
- (d) it would be contrary to the national interest for the society to be registered; or
- (e) in the case of any society which is a political association, its rules do not provide for its membership to be confined to citizens of Singapore or it has such affiliation or connection with any organisation outside Singapore as is considered by the Registrar to be contrary to the national interest.

(3) The Registrar may refuse to register a society if —

- (a) he is satisfied that the society is a branch of or is affiliated to or connected with any society which has been dissolved under section 24 or under any previous written law relating to societies or which has been previously refused registration;
- (b) a dispute exists among the members of the society as to the persons who are to be officers or to hold or to administer any property of the society; or
- (c) it appears to him that the name under which the society is to be registered —
 - (i) is likely to mislead members of the public as to the true character or purpose of the society or so nearly resembles the name of some other society as is likely to deceive the members of the public or members of either society;
 - (ii) is identical to that of any other existing society; or
 - (iii) is in the opinion of the Registrar undesirable.

(4) Any person aggrieved by the decision of the Registrar under this section may within 30 days from the date of the decision appeal to the Minister whose decision shall be final.

(5) Every registration effected in accordance with this section shall be notified in the *Gazette*.

Annual registers to be published.

5. The Registrar shall as soon as may be after 1st April every year prepare and publish in the *Gazette* a list of all registered societies.

Cessation of existence of a society.

6. —(1) If the Registrar or an Assistant Registrar has reason to believe that any registered society has ceased to exist, he may publish in the *Gazette* a notification calling upon the society to furnish him with proof of its existence within 3 months from the date of the notification. A copy of the notification shall be sent by registered post to the place of business of the society.

(2) If at the expiration of the 3 months the Registrar is satisfied that the society has ceased to exist, a notification to that effect shall be published in the *Gazette*, and the society shall be deemed to have ceased to exist from the date of the publication.

Voluntary dissolution of a society.

7. —(1) Any registered society which proposes to dissolve itself voluntarily in accordance with its rules shall inform the Registrar in writing, and a certificate of dissolution, signed by the president, the secretary and the treasurer or officers of the society holding analogous positions, shall be sent to the Registrar within one week of the society's dissolution.

(2) On receiving the certificate of dissolution, the Registrar shall, if he is satisfied that the society has been dissolved in accordance with its rules, publish a notification in the *Gazette* declaring that the society has ceased to exist.

Inspection and certified copies of documents.

8. —(1) Subject to subsection (3), any person may on payment of the prescribed fees inspect any document in the possession of the Registrar or an Assistant Registrar received from any registered society and be supplied with a copy of or extract from any such document.

(2) A copy of or extract from any such document certified to be a true copy or extract under the hand and seal of the Registrar or the Assistant Registrar shall be admissible in evidence in any proceedings.

(3) No person shall be allowed to inspect the accounts of a registered society or be supplied with a copy of or extract from those accounts unless the Registrar is satisfied that the person is a member of the society.

Branch of a society.

9. —(1) No registered society shall establish a branch without the prior approval of the Registrar.

(2) The Registrar may refuse to approve the establishment of a branch of the registered society if —

(a) the rules of the society do not provide for the establishment of a branch of the society; or

(b) the rules of the branch of the society are such as to make it an independent society not adequately under the control of the society.

(3) Where a registered society establishes a branch without the prior approval of the Registrar the branch so established shall be deemed to be an unlawful society.

(4) Any person who is aggrieved by the decision of the Registrar under this section may within 30 days from the date of the decision appeal to the Minister whose decision shall be final.

Information to be furnished by societies and persons responsible for supplying information.

10. —(1) The Registrar or an Assistant Registrar may at any time by notice under his hand order any registered society to furnish him with any such information as he may require concerning the society or any documents, accounts and books relating to the society.

(2) The obligations imposed upon a registered society by subsection (1) shall be binding upon every officer, and upon every person managing or assisting in the management, of that society in Singapore.

(3) If any registered society fails to comply with the whole or part of any order given under this section, each of the persons mentioned in subsection (2) who has been served with the aforesaid

order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 unless he establishes to the satisfaction of the court that he has exercised due diligence and has failed to comply with the order for reasons beyond his control.

(4) If any information supplied to the Registrar or an Assistant Registrar in compliance with an order given under this section is false, incorrect or incomplete in any material particular, the person who supplied the information shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 unless he establishes to the satisfaction of the court that he had good reason to believe that the information was true, correct and complete.

Change of name, place of business and rules of society.

11. —(1) No registered society shall —

(a) change its name or place of business; or

(b) amend its rules,

without the prior approval in writing of the Registrar or an Assistant Registrar.

(2) If a registered society fails to comply with the requirement of subsection (1), the society and every officer of the society shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(3) For the purposes of this section —

"amend" includes making a new rule and rescinding an existing rule; and

"rules" includes the aims and objects for which a society is formed, or which it may pursue, or for which its funds may be applied; the qualifications for membership and for the holding of any office; the method of appointment or election to any office; the rules by which the society is to be governed; and the method and manner by and in which any of the above matters may be amended.

(4) Any person aggrieved by the refusal of the Registrar or an Assistant Registrar to approve the change of name or place of business of a registered society or to amend its rules may within 30 days from the date of the decision appeal to the Minister whose decision shall be final.

Persons who shall not act as officers of a society.

12. —(1) No person shall act as an officer of a registered society or a branch thereof if —

(a) he has, while being a member of a society, been convicted for an offence involving the unlawful expenditure of the funds of the society; or

(b) he has been declared, in writing, by the Minister to be unfit to act as an officer of a society by reason of any conviction for a criminal offence other than that specified in paragraph (a), unless the written permission of the Minister to so act is first obtained.

(2) Any person who acts in contravention of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months or to both.

Use of symbol flag, etc.

13. —(1) No registered society shall use any flag, symbol, emblem, badge or other insignia without the consent in writing of the Registrar or an Assistant Registrar.

(2) Any person aggrieved by the refusal of the Registrar or an Assistant Registrar to the use of a flag, symbol, emblem, badge or other insignia may appeal against that decision to the Minister whose decision shall be final.

(3) In any case where a registered society uses a flag, symbol, emblem, badge or other insignia in contravention of subsection (1) —

(a) the officers of the society; and

(b) all persons managing or assisting in the management of the society,

shall be deemed to be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one year or to both.

Unlawful societies.

14. —(1) Every society, not being a registered society, shall be deemed to be an unlawful society:

Provided that no society shall be deemed to be unlawful under this section if and so long as the Registrar is satisfied that —

(a) it is organised wholly outside Singapore; and

(b) does not carry on any activity in Singapore.

(2) Any person who manages or assists in the management of any unlawful society shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 5 years.

(3) Any person who is or acts as a member of an unlawful society, or attends a meeting of an unlawful society, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 3 years or to both.

(4) Every offence under subsection (3) shall be deemed to be a non-bailable offence and a seizureable case within the meaning of the Criminal Procedure Code.

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Persons allowing unlawful assembly in their premises.

15. —(1) Any person who knowingly allows a meeting of an unlawful society, or of members of an unlawful society to be held in any house, building or place belonging to or occupied by him, or over which he has control, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 3 years or to both.

(2) Every offence under subsection (1) shall be deemed to be a non-bailable offence and a seizureable case within the meaning of the Criminal Procedure Code.

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Penalty for inciting, etc., a person to become a member of unlawful society.

16. —(1) Any person who incites, induces or invites another person to become a member of, or to assist in the management of, an unlawful society shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 3 years or to both.

(2) Any person who uses any violence, threat or intimidation towards any person in order to induce him to become a member of, or to assist in the management of, an unlawful society shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$4,000 or to imprisonment for a

term not exceeding 4 years or to both.

Penalty for procuring subscription or aid for unlawful society.

17. Any person who procures or attempts to procure from any other person any subscription or aid for the purposes of an unlawful society shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both.

Publishing etc., propaganda of unlawful society.

18. Any person who prints, publishes, displays, sells or exposes for sale, or transmits through the post or who, without lawful authority or excuse, has in his possession any placard, newspaper, book, circular, pictorial representation or any other document or writing whatsoever which is issued or appears to be issued by or on behalf of or in the interests of an unlawful society shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both, and any book, periodical, pamphlet, poster, proclamation, newspaper, letter or any other document or writing in respect of which the person is convicted shall be forfeited.

Penalty for misuse of money or property of a registered society.

19. —(1) Where on complaint made by a member of a registered society or by the Registrar it is shown to the satisfaction of a District Court or a Magistrate's Court that any officer or member of that society has in his possession or control any property of the society otherwise than in accordance with the rules of the society, or has unlawfully withheld any money of the society or wilfully applied such money to purposes other than those expressed or directed in the rules of the society and authorised by this Act, the Court shall, if it considers the justice of the case so requires, order the officer or member to deliver all such property to the trustees of the society or such other persons as the Court may appoint and to pay to them the money so unlawfully withheld or improperly applied.

(2) A complaint made under subsection (1) other than a complaint made by Registrar shall not be entertained unless the Court is satisfied that the complainant is, on the date of the complaint, a member of the registered society in respect of whose property the complaint is so made.

(3) Any person bound by an order made under subsection (1) who fails to comply with the terms thereof and the directions given therein within a time to be specified in the order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(4) An order made under subsection (1) shall not affect or prevent a prosecution of, or civil proceedings against, any such officer or member.

Punishment of fraud, false declaration and misappropriation.

20. Any person who with intent to mislead or defraud any other person gives to the other person a copy of any rules, regulations or other documents, other than the rules of a registered society, on the pretence that they are the existing rules of the society or that there are no other rules of the society or gives to the other person a copy of any rules on the pretence that those rules are the rules of a registered society when the society is not registered, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

Presumptive proof of existence of a society.

21. —(1) In any prosecution for an offence under this Act where it is proved that a club, company, partnership or association exists —

(a) it shall be presumed, until the contrary is proved, that the club, company, partnership or association is a society within the meaning of this Act;

(b) it shall not be necessary to prove that the society possesses a name or that it has been constituted or is usually known under a particular name; and

(c) it shall be presumed until the contrary is proved that it consists of and has at all material times consisted of 10 or more persons.

(2) Notwithstanding any other written law in any prosecution for an offence under this Act, for the purpose of proving the existence of a society, evidence may be adduced and shall be admitted which shows that —

(a) any person is reputed to be a member of the society;

(b) any announcement has been made, whether by the person charged or by any other person by any means whatever that the society has been formed or is in existence; or

(c) by repute the society is in existence.

Presumptive proof of membership, etc., of society.

22. —(1) Where any books, accounts, writings, seals, banners or insignia of or relating to or purporting to relate to any society are found in the possession of any person, it shall be presumed, until the contrary is proved, that that person is a member of the society, and the society shall be presumed, until the contrary is proved, to be in existence at the time the books, accounts, writings, seals, banners or insignia are so found.

(2) When any books, accounts, lists of members or seals of or relating to any society are found in the possession of any person, it shall be further presumed, until the contrary is proved, that that person assists in the management of the society.

Society using a triad ritual to be deemed an unlawful society.

23. —(1) Every society, whether it is registered or not, which uses a triad ritual shall be deemed to be an unlawful society.

(2) Any person found in possession of or having the custody or control of any books, accounts, writings, seals, banners or insignia of or relating to any triad society or branch of a triad society, whether the society or branch is established in Singapore or not, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 3 years or to both.

(3) Every offence under subsection (2) shall be deemed to be a non-bailable offence and a seizureable case within the meaning of the Criminal Procedure Code.

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Minister may order dissolution of any society.

24. —(1) Whenever it appears to the Minister that —

(a) any registered society is being used for unlawful purposes or for purposes prejudicial to public peace, welfare or good order in Singapore;

(b) any registered society is being used for purposes incompatible with the objects and rules of the society;

(c) the rules of any registered society are or have been inadequate for its proper management and control and the registered society has failed without reasonable cause to amend its rules within 3 months of, and in accordance with, a direction from the Registrar to amend its rules

for those purposes;

(d) the rules of any registered society which is a political association do not provide for its membership to be confined to Singapore citizens, and the society has failed without reasonable cause to amend its rules within 3 months of, and in accordance with, a direction from the Registrar to amend its rules for those purposes;

(e) any registered society which is a political association has such an affiliation or connection with any organisation outside Singapore as is considered by the Registrar to be contrary to the national interest, and has failed to satisfy the Registrar that it has taken appropriate action to sever that affiliation or connection within 3 months of, and in accordance with, a direction from the Registrar to take such action; or

(f) any registered society has wilfully contravened any provision of this Act or of any regulations made thereunder, or of any of the rules of the society,

the Minister may order that the society shall be dissolved.

(2) Notification of every such order shall be published in the *Gazette*, and shall be affixed in a conspicuous manner on any building occupied by the society.

(3) Every society against which an order for dissolution is made shall thenceforward be deemed to be an unlawful society.

(4) Where an order of dissolution has been made against any society every person who on the date on which the order was made was an officer of that society shall, during the period of 3 years from the date on which the order was made, be ineligible, except with the written permission of the Minister, to act or be elected as an officer of any other society.

(5) Any person who acts without the written permission of the Minister as an officer of a society while he is ineligible under subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one year or to both.

(6) The fact that a political association uses a name or symbol which is the same as that of an organisation outside Singapore shall be deemed to be sufficient evidence that the political association has an affiliation or connection with that organisation.

Consequences upon the order of Minister under section 24.

25. —(1) Upon the making of an order of dissolution against any society under section 24 —

(a) the property of the society shall forthwith vest either in the Official Assignee or, if any other officer is appointed for the purpose of winding up by the Minister in the notification of the order, then in that officer;

(b) the Official Assignee or that other officer shall proceed to wind up the affairs of the society and, after satisfying and providing for all debts and liabilities of the society and the costs of winding up, shall pay the surplus assets, if any, of the society —

(i) where the Minister so directs, into the Consolidated Fund; and

(ii) in the absence of a direction by the Minister, to the members of the society according to the rules of the society; and

(c) for the purposes of the winding up of the affairs of the society, the Official Assignee or that other officer shall have all the powers vested in the Official Assignee by any written law relating to bankruptcy for the purpose of the discovery of the property of a debtor and the realisation thereof, and the provisions of that law shall apply mutatis mutandis to the winding up of the affairs of the society under this Act.

(2) The Minister may, for the purpose of enabling a society to wind up its own affairs, suspend the operation of this section for such period as to him seems expedient.

Power of Magistrate, etc., to enter place kept as place of meeting.

26. The Registrar or an Assistant Registrar or a Magistrate or any police officer authorised in writing by the Registrar or an Assistant Registrar or a Magistrate may at any time enter any place which he has reason to believe is kept or used by any registered society or any of its members as a place of meeting or business.

Power to enter and search in special cases.

27. The Registrar or an Assistant Registrar or a Magistrate, who has reason to believe that any registered society is being used for purposes prejudicial to public peace, welfare or good order in Singapore or incompatible with the rules and objects of the society as entered in the Register of Societies or furnished to the Registrar or to an Assistant Registrar under this Act, may enter or may in writing authorise a police officer to enter, with or without assistance and using force for that purpose, if necessary, into any place which he has reason to believe is used as the place of meeting or business of the society, and may search or may in writing authorise a police officer to search that place and any person found therein or escaping therefrom for evidence that the society is being used for such purposes as aforesaid.

Magistrate, etc., may enter house, etc., where unlawful meeting held, or books, accounts, etc., kept, may arrest and seize persons and property found.

28. —(1) Any Magistrate or Justice of the Peace or police officer not below the rank of assistant superintendent may enter, with or without assistance, or may by warrant under his hand or by writing under his hand, as the case may be, authorise any other police officer to enter, with or without assistance, using force in either case, if necessary, into any dwelling-house or other building, or into any place in which he has reasonable ground to believe that a meeting of an unlawful society, or of persons who are members of an unlawful society, is being held, or that any books, accounts, writings, banners or insignia belonging to an unlawful society are concealed, kept or deposited, and to arrest or cause to be arrested all persons found in the house and to search that house, building or place, and seize or cause to be seized all books, accounts, writings, banners, documents, flags, insignia, arms and other articles which he has reasonable cause to believe to belong to any unlawful society, or to be in any way connected therewith.

(2) All persons so arrested and all articles so seized may be detained in custody till they can conveniently be brought before a District Court or Magistrate's Court to be dealt with according to law.

Registrar and Assistant Registrar to have power to summon witnesses.

29. —(1) The Registrar or an Assistant Registrar may summon before him any person who he has reason to believe is able to give any information as to the existence or operations of any unlawful society, or suspected unlawful society, or as to the operations of any registered society.

(2) The person so summoned shall attend at the hour and place specified in the summons and produce all documents in his custody, possession or power relating to that society or suspected society, and shall answer truthfully all questions which the Registrar or an Assistant Registrar may put to him.

(3) The Registrar and every Assistant Registrar shall be deemed to be public servants within the meaning of the Penal Code, and may administer oaths to and examine on oath any person summoned before him under this section.

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(4) If the Registrar or an Assistant Registrar is satisfied, after due inquiry, that a person summoned under this section is a member of an unlawful society or has refused to give information or has given false information as to the existence or operations of an unlawful society or suspected unlawful society, the Registrar or the Assistant Registrar may, if he considers it advisable to make provision for the identification of that person order that a photograph and finger impressions of the person shall be taken at such time and in such place and manner as the Registrar or the Assistant Registrar thinks fit.

(5) If that person refuses to comply with such an order, he may be arrested and detained in custody until he can conveniently be brought before a District Court or Magistrate's Court to be dealt with according to law.

(6) Any person who fails to comply with any such order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200.

Charges.

30. —(1) Except in the case of persons arrested under section 28, no person shall be charged with an offence under this Act or any regulations made thereunder unless the sanction in writing of the Registrar or of an Assistant Registrar has been first obtained.

(2) Prosecutions in a District Court or in a Magistrate's Court under this Act or any regulations made thereunder may be conducted by the Registrar or by an Assistant Registrar or by some person authorised in writing by the Registrar or by an Assistant Registrar to appear on his behalf.

Jurisdiction.

31. —(1) Any offence under section 14 (2) may be tried by a District Court which may pass the sentence specified in that section.

(2) Any offence under any other section of this Act or any regulations made thereunder may be tried by a District Court or by a Magistrate's Court.

Forfeiture.

32. Any books, accounts, writings, banners, insignia or other property belonging to any unlawful society shall be forfeited and given to the Registrar or to an Assistant Registrar.

Service of summons, etc.

33. Every summons, notice or other document issued under this Act, or under any regulations made thereunder, shall be deemed to have been validly and effectually served, if served in the manner prescribed by the Criminal Procedure Code for the service of summonses under that Code.

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Regulations.

34. —(1) The Minister may from time to time make regulations for or with respect to all or any of the following matters:

- (a) to prescribe the manner of registration of societies under this Act;
- (b) to regulate or restrict changes of the name of registered societies;

(c) to regulate or restrict changes of the place of business or place of meeting or of the registered rules or objects of registered societies;

(d) to prescribe the manner and conditions in and under which the powers conferred by this Act shall be exercised by the persons on whom the powers are conferred;

(e) to prescribe the fees which may be charged and taken under this Act;

(f) to prescribe the forms which may be used for carrying out the provisions of this Act;

(g) generally for carrying into effect the provisions of this Act.

(2) The Minister in making any regulations under this Act may direct that a person committing a breach of such regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 and, where the breach is a continuing one, to a fine not exceeding \$50 for every day after the first day during which the breach continues.

(3) All such regulations shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication.

Provisions applicable to registered societies.

35. The following provisions shall apply to all registered societies:

(a) the movable property of a society, if not vested in trustees, shall be deemed to be vested for the time being in the governing body of the society, and in all proceedings civil and criminal may be described as the property of the governing body of the society by their proper title;

(b) every such society may sue or be sued in the name in which it was registered under this Act;

(c) a writ of summons or other legal process may be served on a society by serving it on an officer of the society, or by leaving it at, or sending it by registered post to, the registered address of the society;

(d) except as otherwise provided in section 36, no judgment in any suit against a registered society shall be put into force against the person or property of any officer or member of the society but only against the property of the society;

(e) any member who is in arrears of subscriptions which, according to the rules of the society, he is bound to pay, or who takes possession or detains any property of the society contrary to those rules, or who injures or destroys any property of the society, may be sued for the arrears or for the damage accruing from his wrongful possession, detention, injury or destruction of that property by and in the name of the society;

(f) any member of the society who steals, purloins or embezzles any money or other property, or wilfully and maliciously destroys or injures any property of the society, or forges any deed, bond, security for money, receipt or other instrument whereby the funds of the society may be exposed to loss, shall be subject to the same prosecution, and, if convicted, shall be liable to be punished in like manner as any person, not a member, would be subject and liable to in respect of the like offence;

(g) in the absence of any specific provision in the rules of a society any number not less than three-fifths of the members for the time being resident in Singapore of the society may determine that it shall be dissolved forthwith, or at a time agreed upon, and all necessary steps

shall be taken for the disposal and settlement of the property of the society and its claims and liabilities according to the rules of the society applicable thereto, and if none, then as the governing body finds expedient:

Provided that in the event of any dispute arising among the members of the governing body or the members of the society, the adjustment of its affairs shall be referred to the High Court, and the Court shall make such order in the matter as it thinks fit;

(h) no society shall be dissolved unless three-fifths of the members so resident as aforesaid have expressed a wish for such dissolution by their votes delivered in person or by proxy at a general meeting convened for the purpose.

16/82.

Security for costs and liability of officers.

36. —(1) Where a registered society or any of its officers purporting to act on its behalf is plaintiff in any action or other legal proceeding, the court having jurisdiction in the matter may, if it appears by credible testimony that there is reason to believe that the society or the officer will be unable to pay the costs of the defendant if successful in his defence, require sufficient security to be given for those costs and stay all proceedings until the security is given.

(2) Where a society is required to give security for costs under subsection (1) and the amount of the security is not sufficient to pay the costs of the defendant —

(a) the officers of the society who approved the institution of the action or legal proceeding; and

(b) any person who, on subsequently becoming an officer of the society, does not take any reasonable measure for the purpose of seeking the discontinuance of the action or legal proceeding,

shall be jointly and severally liable for any part of the costs awarded against the society which, after deducting the amount of the security, remains unsatisfied after one month from the date the costs became payable.

(3) This section shall apply to any action or legal proceeding whether instituted before or after 10th September 1982.

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Power to exempt.

37. The Minister may at his discretion in writing exempt any society registered under this Act from all or any of the provisions of this Act.

[36

Transitional provision.

38. Any society which immediately before the commencement of this Act was registered under the provisions of the Societies Ordinance shall be deemed to be registered under this Act.

[37
1955 Ed. Cap 228

(-end-)

加拿大的有關法例

**Relevant legislation in
Canada**

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CRIMINAL CODE

PART II OFFENCES AGAINST PUBLIC ORDER

Treason and other Offences against the Queen's Authority and Person

R.S.C. 1985, c. C-46, s. 46

[MARGIN NOTES: High treason; Treason; Canadian citizen; Overt act]

1 treason

(1) Every one commits high treason who, in Canada,

(a) kills or attempts to kill Her Majesty, or does her any bodily harm tending to death or destruction, maims or wounds her, or imprisons or restrains her;

(b) levies war against Canada or does any act preparatory thereto; or

(c) assists an enemy at war with Canada, or any armed forces against whom Canadian Forces are engaged in hostilities, whether or not a state of war exists between Canada and the country whose forces they are.

Treason

(2) Every one commits treason who, in Canada,

(a) uses force or violence for the purpose of overthrowing the government of Canada or a province;

(b) without lawful authority, communicates or makes available to an agent of a state other than Canada, military or scientific information or any sketch, plan, model, article, note or document of a military or scientific character that he knows or ought to know may be used by that state for a purpose prejudicial to the safety or defence of Canada;

(c) conspires with any person to commit high treason or to do anything mentioned in paragraph (a);

(d) forms an intention to do anything that is high treason or that is mentioned in paragraph (a) and manifests that intention by an overt act; or

(e) conspires with any person to do anything mentioned in paragraph (b) or forms an intention to do anything mentioned in paragraph (b) and manifests that intention by an overt act.

Canadian citizen

(3) Notwithstanding subsection (1) or (2), a Canadian citizen or a person who owes allegiance to Her Majesty in right of Canada,

(a) commits high treason if, while in or out of Canada, he does anything

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mentioned in subsection (1); or

(b) commits treason if, while in or out of Canada, he does anything mentioned in subsection (2).

Overt act

(4) Where it is treason to conspire with any person, the act of conspiring is an overt act of treason.

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CONSOLIDATED STATUTES OF CANADA

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CRIMINAL CODE

PART II OFFENCES AGAINST PUBLIC ORDER

Treason and other Offences against the Queen's Authority and Person

R.S.C. 1985, c. C-46, s. 47

47. [MARGIN NOTES: Punishment for high treason; Punishment for treason; Corroboration; Minimum punishment]

Punishment for high treason

(1) Every one who commits high treason is guilty of an indictable offence and shall be sentenced to imprisonment for life.

*High Treason
Penalty*

Punishment for treason

(2) Every one who commits treason is guilty of an indictable offence and liable

(a) to be sentenced to imprisonment for life if he is guilty of an offence under paragraph 46(2)(a), (c) or (d);

(b) to be sentenced to imprisonment for life if he is guilty of an offence under paragraph 46(2)(b) or (e) committed while a state of war exists between Canada and another country; or

(c) to be sentenced to imprisonment for a term not exceeding fourteen years if he is guilty of an offence under paragraph 46(2)(b) or (e) committed while no state of war exists between Canada and another country.

Corroboration

(3) No person shall be convicted of high treason or treason on the evidence of only one witness, unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused.

Minimum punishment

(4) For the purposes of Part XXIII, the sentence of imprisonment for life prescribed by subsection (1) is a minimum punishment.

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PART II OFFENCES AGAINST PUBLIC ORDER

Treason and other Offences against the Queen's Authority and Person

R.S.C. 1985, c. C-46, s. 48

48. [MARGIN NOTES: Limitation; Information for treasonable words]

Limitation

(1) No proceedings for an offence of treason as defined by paragraph 46(2)(a) shall be commenced more than three years after the time when the offence is alleged to have been committed.

Information for treasonable words

(2) No proceedings shall be commenced under section 47 in respect of an overt act of treason expressed or declared by open and considered speech unless

(a) an information setting out the overt act and the words by which it was expressed or declared is laid under oath before a justice within six days after the time when the words are alleged to have been spoken; and

(b) a warrant for the arrest of the accused is issued within ten days after the time when the information is laid.

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CRIMINAL CODE

PART II OFFENCES AGAINST PUBLIC ORDER

Prohibited Acts

R.S.C. 1985, c. C-46, s. 49

49. [MARGIN NOTES: Acts intended to alarm Her Majesty or break public peace]

Acts intended to alarm Her Majesty or break public peace

Every one who wilfully, in the presence of Her Majesty,

(a) does an act with intent to alarm Her Majesty or to break the public peace, or

(b) does an act that is intended or is likely to cause bodily harm to Her Majesty,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

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PART II OFFENCES AGAINST PUBLIC ORDER

Prohibited Acts

R.S.C. 1985, c. C-46, s. 50

50. [MARGIN NOTES: Assisting alien enemy to leave Canada, or omitting to prevent treason; Punishment]

Assisting alien enemy to leave Canada, or omitting to prevent treason

(1) Every one commits an offence who

(a) incites or wilfully assists a subject of

(i) a state that is at war with Canada, or

(ii) a state against whose forces Canadian Forces are engaged in hostilities, whether or not a state of war exists between Canada and the state whose forces they are,

to leave Canada without the consent of the Crown, unless the accused establishes that assistance to the state referred to in subparagraph (i) or the forces of the state referred to in subparagraph (ii), as the case may be, was not intended thereby; or

(b) knowing that a person is about to commit high treason or treason does not, with all reasonable dispatch, inform a justice of the peace or other peace officer thereof or make other reasonable efforts to prevent that person from committing high treason or treason.

Punishment

(2) Every one who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

penalty

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CRIMINAL CODE

PART II OFFENCES AGAINST PUBLIC ORDER

Prohibited Acts

R.S.C. 1985, c. C-46, s. 51

51. [MARGIN NOTES: Intimidating Parliament or legislature]

Intimidating Parliament or legislature

Every one who does an act of violence in order to intimidate Parliament or the legislature of a province is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

penalty

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PART II OFFENCES AGAINST PUBLIC ORDER

Prohibited Acts

R.S.C. 1985, c. C-46, s. 52

52. [MARGIN NOTES: Sabotage; Definition of "prohibited act"; Saving; Idem]

Sabotage

(1) Every one who does a prohibited act for a purpose prejudicial to

(a) the safety, security or defence of Canada, or

(b) the safety or security of the naval, army or air forces of any state other than Canada that are lawfully present in Canada,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.

Definition of "prohibited act"

(2) In this section, "prohibited act" means an act or omission that

(a) impairs the efficiency or impedes the working of any vessel, vehicle, aircraft, machinery, apparatus or other thing; or

(b) causes property, by whomever it may be owned, to be lost, damaged or destroyed.

Saving

(3) No person does a prohibited act within the meaning of this section by reason only that

(a) he stops work as a result of the failure of his employer and himself to agree on any matter relating to his employment;

(b) he stops work as a result of the failure of his employer and a bargaining agent acting on his behalf to agree on any matter relating to his employment; or

(c) he stops work as a result of his taking part in a combination of workmen or employees for their own reasonable protection as workmen or employees.

Idem

(4) No person does a prohibited act within the meaning of this section by reason only that he attends at or near or approaches a dwelling -house or place for the purpose only of obtaining or communicating information.

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PART II OFFENCES AGAINST PUBLIC ORDER

Prohibited Acts

R.S.C. 1985, c. C-46, s. 53

53. [MARGIN NOTES: Inciting to mutiny]

Inciting to mutiny

Every one who

(a) attempts, for a traitorous or mutinous purpose, to seduce a member of the Canadian Forces from his duty and allegiance to Her Majesty, or

(b) attempts to incite or to induce a member of the Canadian Forces to commit a traitorous or mutinous act,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

Penalty

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PART II OFFENCES AGAINST PUBLIC ORDER

Prohibited Acts

R.S.C. 1985, c. C-46, s. 54

54. [MARGIN NOTES: Assisting deserter]

Assisting deserter

Every one who aids, assists, harbours or conceals a person who he knows is a deserter or absentee without leave from the Canadian Forces is guilty of an offence punishable on summary conviction, but no proceedings shall be instituted under this section without the consent of the Attorney General of Canada.

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PART II OFFENCES AGAINST PUBLIC ORDER

Prohibited Acts

R.S.C. 1985, c. C-46, s. 55

55. [MARGIN NOTES: Evidence of overt acts]

Evidence of overt acts

In proceedings for an offence against any provision in section 47 or sections 49 to 53, no evidence is admissible of an overt act unless that overt act is set out in the indictment or unless the evidence is otherwise relevant as tending to prove an overt act that is set out therein.

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PART II OFFENCES AGAINST PUBLIC ORDER

Prohibited Acts

R.S.C. 1985, c. C-46, s. 56

56. [MARGIN NOTES: Offences in relation to members of R.C.M.P.]

Offences in relation to members of R.C.M.P.

Every one who wilfully

(a) persuades or counsels a member of the Royal Canadian Mounted Police to desert or absent himself without leave,

(b) aids, assists, harbours or conceals a member of the Royal Canadian Mounted Police who he knows is a deserter or absentee without leave, or

(c) aids or assists a member of the Royal Canadian Mounted Police to desert or absent himself without leave, knowing that the member is about to desert or absent himself without leave,

is guilty of an offence punishable on summary conviction.

(see s. 787)

penalty

HISTORY: R.S., 1985, c. 27 (1st Supp.), s. 8 (in force December 4, 1985).

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PART II OFFENCES AGAINST PUBLIC ORDER

Passports

R.S.C. 1985, c. C-46, s. 57

57. [MARGIN NOTES: Forgery of or uttering forged passport; False statement in relation to passport; Possession of forged, etc., passport; Special provisions applicable; Definition of "passport"; Jurisdiction; Appearance of accused at trial]

Forgery of or uttering forged passport

(1) Every one who, while in or out of Canada,

(a) forges a passport, or

(b) knowing that a passport is forged

(i) uses, deals with or acts on it, or

(ii) causes or attempts to cause any person to use, deal with or act on it, as if the passport were genuine,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

False statement in relation to passport

(2) Every one who, while in or out of Canada, for the purpose of procuring a

passport for himself or any other person or for the purpose of procuring any material alteration or addition to any such passport, makes a written or an oral statement that he knows is false or misleading

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or

(b) is guilty of an offence punishable on summary conviction.

Possession of forged, etc., passport

(3) Every one who without lawful excuse, the proof of which lies on him, has in his possession a forged passport or a passport in respect of which an offence under subsection (2) has been committed is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

Special provisions applicable

(4) For the purposes of proceedings under this section,

(a) the place where a passport was forged is not material; and

(b) the definition "false document" in section 321, and section 366, apply with such modifications as the circumstances require.

Definition of "passport"

(5) In this section, "passport" means a document issued by or under the authority of the Minister of Foreign Affairs for the purpose of identifying the holder thereof.

Jurisdiction

(6) Where a person is alleged to have committed, while out of Canada, an offence under this section, proceedings in respect of that offence may, whether or not that person is in Canada, be commenced in any territorial division in Canada and the accused may be tried and punished in respect of that offence in the same manner as if the offence had been committed in that territorial division.

Appearance of accused at trial

(7) For greater certainty, the provisions of this Act relating to

(a) requirements that an accused appear at and be present during proceedings, and

(b) the exceptions to those requirements,

apply to proceedings commenced in any territorial division pursuant to subsection (6).

HISTORY: R.S., 1985, c. 27 (1st Supp.), s. 9 (in force December 4, 1985); 1992, c. 1, s. 60(F)(in force February 28, 1992); 1994, c. 44, s. 4 (in force February 15, 1995); 1995, c. 5, s. 25 (in force May 13, 1995).

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PART II OFFENCES AGAINST PUBLIC ORDER

Passports

R.S.C. 1985, c. C-46, s. 58

58. [MARGIN NOTES: Fraudulent use of certificate of citizenship; Definition of "certificate of citizenship" and "certificate of naturalization"]

Fraudulent use of certificate of citizenship

(1) Every one who, while in or out of Canada,

(a) uses a certificate of citizenship or a certificate of naturalization for a fraudulent purpose, or

(b) being a person to whom a certificate of citizenship or a certificate of naturalization has been granted, knowingly parts with the possession of that certificate with intent that it should be used for a fraudulent purpose,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

Definition of "certificate of citizenship" and "certificate of naturalization"

(2) In this section, "certificate of citizenship" and "certificate of naturalization", respectively, mean a certificate of citizenship and a certificate of naturalization as defined by the Citizenship Act

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PART II OFFENCES AGAINST PUBLIC ORDER

Sedition

R.S.C. 1985, c. C-46, s. 59

59. [MARGIN NOTES: Seditious words; Seditious libel; Seditious conspiracy; Seditious intention]

Seditious words

(1) Seditious words are words that express a seditious intention.

Seditious libel

(2) A seditious libel is a libel that expresses a seditious intention.

Seditious conspiracy

(3) A seditious conspiracy is an agreement between two or more persons to carry out a seditious intention.

Seditious intention

(4) Without limiting the generality of the meaning of the expression "seditious intention", every one shall be presumed to have a seditious intention who

(a) teaches or advocates, or

(b) publishes or circulates any writing that advocates,

the use, without the authority of law, of force as a means of accomplishing a governmental change within Canada.

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PART II OFFENCES AGAINST PUBLIC ORDER

Sedition

R.S.C. 1985, c. C-46, s. 60

60. [MARGIN NOTES: Exception]

ception

Notwithstanding subsection 59(4), no person shall be deemed to have a seditious intention by reason only that he intends, in good faith,

(a) to show that Her Majesty has been misled or mistaken in her measures;

(b) to point out errors or defects in

(i) the government or constitution of Canada or a province,

(ii) Parliament or the legislature of a province, or

(iii) the administration of justice in Canada;

(c) to procure, by lawful means, the alteration of any matter of government in Canada; or

(d) to point out, for the purpose of removal, matters that produce or tend to produce feelings of hostility and ill-will between different classes of persons in Canada.

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PART II OFFENCES AGAINST PUBLIC ORDER

Sedition

R.S.C. 1985, c. C-46, s. 61

61. [MARGIN NOTES: Punishment of seditious offences]

Punishment of seditious offences

Every one who

- (a) speaks seditious words,
- (b) publishes a seditious libel, or
- (c) is a party to a seditious conspiracy,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

penalty

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PART II OFFENCES AGAINST PUBLIC ORDER

Sedition

R.S.C. 1985, c. C-46, s. 62

62. [MARGIN NOTES: Offences in relation to military forces; Definition of "member of a force"]

Offences in relation to military forces

(1) Every one who wilfully

(a) interferes with, impairs or influences the loyalty or discipline of a member of a force,

(b) publishes, edits, issues, circulates or distributes a writing that advises, counsels or urges insubordination, disloyalty, mutiny or refusal of

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CONSOLIDATED STATUTES OF CANADA

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SECURITY OF INFORMATION ACT

R.S.C. 1985, c. O-5, Long Title

[Long Title]

An Act respecting the security of information

HISTORY: 2001, c. 41, s. 24 (in force December 18, 2001).

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SECURITY OF INFORMATION ACT

SHORT TITLE

R.S.C. 1985, c. O-5, s. 1

1. [MARGIN NOTES: Short title]

Short title

This Act may be cited as the Security of Information Act.

HISTORY: 2001, c. 41, s. 25 (in force December 18, 2001).

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SECURITY OF INFORMATION ACT

INTERPRETATION

2. [MARGIN NOTES: Definitions; Her Majesty; Communicating or receiving; Facilitation]

Definitions

(1) In this Act,

"Attorney General"

"Attorney General" means the Attorney General of Canada and includes his or her lawful deputy;

"communicate"

"communicate" includes to make available;

"document"

"document" includes part of a document;

"foreign economic entity"

"foreign economic entity" means

(a) a foreign state or a group of foreign states, or

(b) an entity that is controlled, in law or in fact, or is substantially owned, by a foreign state or a group of foreign states;

"foreign entity"

"foreign entity" means

(a) a foreign power,

(b) a group or association of foreign powers, or of one or more foreign powers and one or more terrorist groups, or

(c) a person acting at the direction of, for the benefit of or in association with a foreign power or a group or association referred to in paragraph (b);

"foreign power"

"foreign power" means

(a) the government of a foreign state,

(b) an entity exercising or purporting to exercise the functions of a government in relation to a territory outside Canada regardless of whether Canada recognizes the territory as a state or the authority of that entity over the territory, or

(c) a political faction or party operating within a foreign state whose stated purpose is to assume the role of government of a foreign state;

"foreign state"

"foreign state" means

- (a) a state other than Canada,
- (b) a province, state or other political subdivision of a state other than Canada,
or
- (c) a colony, dependency, possession, protectorate, condominium, trust territory
or any territory falling under the jurisdiction of a state other than Canada;

"model"

"model" includes design, pattern and specimen;

"munitions of war"

"munitions of war" means arms, ammunition, implements or munitions of war, military stores or any articles deemed capable of being converted there into or made useful in the production thereof;

"offence under this Act"

"offence under this Act" includes any act, omission or other thing that is punishable under this Act;

"office under Her Majesty"

"office under Her Majesty" includes any office or employment in or under any department or branch of the government of Canada or of any province, and any office or employment in, on or under any board, commission, corporation or other body that is an agent of Her Majesty in right of Canada or any province;

"prohibited place"

"prohibited place" means

(a) any work of defence belonging to or occupied or used by or on behalf of Her Majesty, including arsenals, armed forces establishments or stations, factories, dockyards, mines, minefields, camps, ships, aircraft, telegraph, telephone, wireless or signal stations or offices, and places 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 Her Majesty where any munitions of war or any sketches, plans, models or documents relating thereto are being made, repaired, obtained or stored under contract with, or with any person on behalf of, Her Majesty or otherwise on behalf of Her Majesty, and

(c) any place that is for the time being declared by order of the Governor in Council to be a prohibited place on the ground that information with respect thereto or damage thereto would be useful to a foreign power;

"senior police officer" [Repealed, 2001, c. 41, s. 26 (in force December 24, 2001)];

"sketch"

"sketch" includes any mode of representing any place or thing.

"terrorist activity"

"terrorist activity" has the same meaning as in subsection 83.01(1) of the Criminal Code;

"terrorist group"

"terrorist group" has the same meaning as in subsection 83.01(1) of the Criminal Code.

Her Majesty

(2) In this Act, any reference to Her Majesty means Her Majesty in right of Canada or any province.

Communicating or receiving

(3) In this Act,

(a) 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 is communicated or received;

(b) expressions referring to obtaining or retaining any sketch, plan, model, article, note or document include the copying of, or causing to be copied, the whole or any part of any sketch, plan, model, article, note or document; and

(c) 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.

Facilitation

(4) For greater certainty, subsection 83.01(2) of the Criminal Code applies for the purposes of the definitions "terrorist activity" and "terrorist group" in subsection (1).

HISTORY: 2001, c. 41, s. 26 (in force December 24, 2001).

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SECURITY OF INFORMATION ACT

OFFENCES

R.S.C. 1985, c. O-5, s. 3

3. [MARGIN NOTES: Prejudice to the safety or interest of the State; Harm to Canadian interests]

Prejudice to the safety or interest of the State

(1) For the purposes of this Act, a purpose is prejudicial to the safety or interests of the State if a person

(a) commits, in Canada, an offence against the laws of Canada or a province that is punishable by a maximum term of imprisonment of two years or more in order to advance a political, religious or ideological purpose, objective or cause or to benefit a foreign entity or terrorist group;

(b) commits, inside or outside Canada, a terrorist activity;

(c) causes or aggravates an urgent and critical situation in Canada that

(i) endangers the lives, health or safety of Canadians, or

(ii) threatens the ability of the Government of Canada to preserve the sovereignty, security or territorial integrity of Canada;

(d) interferes with a service, facility, system or computer program, whether public or private, or its operation, in a manner that has significant adverse impact on the health, safety, security or economic or financial well-being of the people of Canada or the functioning of any government in Canada;

(e) endangers, outside Canada, any person by reason of that person's relationship with Canada or a province or the fact that the person is doing business with or on behalf of the Government of Canada or of a province;

(f) damages property outside Canada because a person or entity with an interest in the property or occupying the property has a relationship with Canada or a province or is doing business with or on behalf of the Government of Canada or of a province;

(g) impairs or threatens the military capability of the Canadian Forces, or any part of the Canadian Forces;

(h) interferes with the design, development or production of any weapon or defence equipment of, or intended for, the Canadian Forces, including any hardware, software or system that is part of or associated with any such weapon or defence equipment;

(i) impairs or threatens the capabilities of the Government of Canada in relation to security and intelligence;

(j) adversely affects the stability of the Canadian economy, the financial system or any financial market in Canada without reasonable economic or financial justification;

(k) impairs or threatens the capability of a government in Canada, or of the Bank of Canada, to protect against, or respond to, economic or financial threats or instability;

(l) impairs or threatens the capability of the Government of Canada to conduct diplomatic or consular relations, or conduct and manage international negotiations;

(m) contrary to a treaty to which Canada is a party, develops or uses anything that is intended or has the capability to cause death or serious bodily injury to a significant number of people by means of

(i) toxic or poisonous chemicals or their precursors,

(ii) a microbial or other biological agent, or a toxin, including a disease organism,

(iii) radiation or radioactivity, or

(iv) an explosion; or

(n) does or omits to do anything that is directed towards or in preparation of the undertaking of an activity mentioned in any of paragraphs (a) to (m).

Harm to Canadian interests

(2) For the purposes of this Act, harm is caused to Canadian interests if a foreign entity or terrorist group does anything referred to in any of paragraphs (1) (a) to (n).

HISTORY: 2001, c. 41, s. 27 (in force December 24, 2001).

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SECURITY OF INFORMATION ACT

MISCELLANEOUS OFFENCES

R.S.C. 1985, c. O-5, s. 4

41. [MARGIN NOTES: Wrongful communication, etc., of information; Communication of sketch, plan, model, etc.; Receiving code word, sketch, etc.; Retaining or allowing possession of document, etc.]

Wrongful communication, etc., of information

(1) Every person is guilty of an offence under this Act who, having in his possession or control any secret official code word, password, sketch, plan, model, article, note, document or information that relates to or is used in a prohibited place or anything in a prohibited place, or that has been made or obtained in contravention of this Act, or that has been entrusted in confidence to him by any person holding office under Her Majesty or that he has obtained or to which he has had access while subject to the Code of Service Discipline within the meaning of the National Defence Act or owing to his position as a person who holds or has held office under Her Majesty, or as a person who holds or has held a contract made on behalf of Her Majesty, or a contract the performance of which in whole or in part is carried out in a prohibited place, 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, password, sketch, plan, model, article, note, document or information to any person, other than a person to whom he is authorized to communicate with, or a person to whom it is in the interest of the State his duty to communicate it;

(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;

(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 secret official code word, password, sketch, plan, model, article, note, document or information.

Communication of sketch, plan, model, etc.

(2) Every person is guilty of an offence under this Act who, having in his possession or control any sketch, plan, model, article, note, document or information that 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.

Receiving code word, sketch, etc.

(3) Every person who receives any secret official code word, password, sketch, plan, model, article, note, document or information, knowing, or having reasonable ground to believe, at the time he receives it, that the code word, password, sketch, plan, model, article, note, document or information is communicated to him in contravention of this Act, is guilty of an offence under this Act, unless he proves that the communication to him of the code word, password, sketch, plan, model, article, note, document or information was contrary to his desire.

Retaining or allowing possession of document, etc.

(4) Every person is guilty of an offence under this Act who

(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 any Government 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 password so issued, or, without lawful authority or excuse, has in his possession any official document or secret official code word or password issued for the use of a 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.

NOTES:

[Note: Heading added, 2001, c. 41, s. 28 (in force December 24, 2001)]

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SECURITY OF INFORMATION ACT

MISCELLANEOUS OFFENCES

R.S.C. 1985, c. O-5, s. 5

5. [MARGIN NOTES: Unauthorized use of uniforms; falsification of reports, forgery, personation and false documents; Unlawful dealing with dies, seals, etc.]

Unauthorized use of uniforms; falsification of reports, forgery, personation and false documents

(1) Every person is guilty of an offence under this Act who, 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 military, police or other official uniform or any uniform so nearly resembling such a uniform 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;

(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 omission;

(c) forges, alters or tampers with any passport or any military, police or official pass, permit, certificate, licence or other document of a similar character, in this section referred to as an official document, or uses or has in his possession any such forged, altered or irregular official document;

(d) personates or falsely represents himself to be a person holding, or to be in the employment of a person holding, office under Her Majesty, or to be or not to be a person to whom an official document or secret official code word or password has been duly issued or communicated, or with intent to obtain an official document, secret official code word or password, 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 or belonging to, or used, made or provided by, any Government department, or by any diplomatic or military authority appointed by or acting under the authority of Her 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.

Unlawful dealing with dies, seals, etc.

(2) Every person who, without lawful authority or excuse, manufactures or sells, or has in his possession for sale, any die, seal or stamp referred to in subsection (1) is guilty of an offence under this Act.

NOTES:

[Note: Heading added, 2001, c. 41, s. 28 (in force December 24, 2001)]

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SECURITY OF INFORMATION ACT

MISCELLANEOUS OFFENCES

R.S.C. 1985, c. O-5, s. 6

6. [MARGIN NOTES: Approaching, entering, etc., a prohibited place]

Approaching, entering, etc., a prohibited place

Every person commits an offence who, for any purpose prejudicial to the safety or interests of the State, approaches, inspects, passes over, is in the neighbourhood of or enters a prohibited place at the direction of, for the benefit of or in association with a foreign entity or a terrorist group.

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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SECURITY OF INFORMATION ACT

MISCELLANEOUS OFFENCES

R.S.C. 1985, c. O-5, s. 7

7. [MARGIN NOTES: Interference]

Interference

Every person commits an offence who, in the vicinity of a prohibited place, obstructs, knowingly misleads or otherwise interferes with or impedes a peace officer or a member of Her Majesty's forces engaged on guard, sentry, patrol or other similar duty in relation to the prohibited place.

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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SECURITY OF INFORMATION ACT

SPECIAL OPERATIONAL INFORMATION AND PERSONS PERMANENTLY BOUND TO SECRECY

R.S.C. 1985, c. O-5, s. 8

8. [MARGIN NOTES: Definitions; Deputy head]

Definitions

(1) The following definitions apply in this section and sections 9 to 15.

"department"

"department" means a department named in Schedule I to the Financial Administration Act, a division or branch of the public service of Canada set out in column I of Schedule I.1 to that Act and a corporation named in Schedule II to that Act.

"government contractor"

"government contractor" means a person who has entered into a contract or arrangement with Her Majesty in right of Canada, a department, board or agency of the Government of Canada or a Crown corporation as defined in subsection 83(1) of the Financial Administration Act, and includes an employee of the person, a subcontractor of the person and an employee of the subcontractor.

"person permanently bound to secrecy"

"person permanently bound to secrecy" means

(a) a current or former member or employee of a department, division, branch or office of the public service of Canada, or any of its parts, set out in the schedule; or

(b) a person who has been personally served with a notice issued under subsection 10(1) in respect of the person or who has been informed, in accordance with regulations made under subsection 11(2), of the issuance of such a notice in respect of the person.

"special operational information"

"special operational information" means information that the Government of Canada is taking measures to safeguard that reveals, or from which may be inferred,

(a) the identity of a person, agency, group, body or entity that is or is intended to be, has been approached to be, or has offered or agreed to be, a confidential source of information, intelligence or assistance to the Government of Canada;

(b) the nature or content of plans of the Government of Canada for military operations in respect of a potential, imminent or present armed conflict;

(c) the means that the Government of Canada used, uses or intends to use, or is capable of using, to covertly collect or obtain, or to decipher, assess, analyse, process, handle, report, communicate or otherwise deal with information or intelligence, including any vulnerabilities or limitations of those means;

(d) whether a place, person, agency, group, body or entity was, is or is intended to be the object of a covert investigation, or a covert collection of information or intelligence, by the Government of Canada;

(e) the identity of any person who is, has been or is intended to be covertly engaged in an information- or intelligence-collection activity or program of the Government of Canada that is covert in nature;

(f) the means that the Government of Canada used, uses or intends to use, or is capable of using, to protect or exploit any information or intelligence referred to in any of paragraphs (a) to (e), including, but not limited to, encryption and cryptographic systems, and any vulnerabilities or limitations of those means; or

(g) information or intelligence similar in nature to information or intelligence referred to in any of paragraphs (a) to (f) that is in relation to, or received from, a foreign entity or terrorist group.

Deputy head

(2) For the purposes of subsections 10(1) and 15(5), the deputy head is

(a) for an individual employed in or attached or seconded to a department, the deputy head of the department;

(b) for an officer or a non-commissioned member of the Canadian Forces, the Chief of the Defence Staff;

(c) for a person who is a member of the exempt staff of a Minister responsible for a department, the deputy head of the department;

(d) for a government contractor in relation to a contract with

(i) the Department of Public Works and Government Services, the deputy head of that department or any other deputy head authorized for the purpose by the Minister of Public Works and Government Services,

(ii) any other department, the deputy head of that department, and

(iii) a Crown Corporation within the meaning of subsection 83(1) of the Financial Administration Act, the deputy head of the department of the minister responsible for the Crown Corporation; and

(e) for any other person, the Clerk of the Privy Council or a person authorized for the purpose by the Clerk of the Privy Council.

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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9. [MARGIN NOTES: Amending schedule]

Amending schedule

The Governor in Council may, by order, amend the schedule by adding or deleting the name of any current or former department, division, branch or office of the public service of Canada, or any of its parts, that, in the opinion of the Governor in Council, has or had a mandate that is primarily related to security and intelligence matters, or by modifying any name set out in the schedule.

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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R.S.C. 1985, c. O-5, s. 10

10. [MARGIN NOTES: Designation--persons permanently bound to secrecy; Contents; Exceptions]

Designation--persons permanently bound to secrecy

(1) The deputy head in respect of a person may, by notice in writing, designate the person to be a person permanently bound to secrecy if the deputy head is of the opinion that, by reason of the person's office, position, duties, contract or arrangement,

(a) the person had, has or will have authorized access to special operational information; and

(b) it is in the interest of national security to designate the person.

Contents

(2) The notice must

(a) specify the name of the person in respect of whom it is issued;

(b) specify the office held, position occupied or duties performed by the person or the contract or arrangement in respect of which the person is a government contractor, as the case may be, that led to the designation; and

(c) state that the person named in the notice is a person permanently bound to secrecy for the purposes of sections 13 and 14.

Exceptions

(3) The following persons may not be designated as persons permanently bound to secrecy, but they continue as such if they were persons permanently bound to secrecy before becoming persons referred to in this subsection:

- (a) the Governor General;
- (b) the lieutenant governor of a province;
- (c) a judge receiving a salary under the Judges Act; and
- (d) a military judge within the meaning of subsection 2(1) of the National Defence Act.

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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SECURITY OF INFORMATION ACT

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R.S.C. 1985, c. O-5, s. 11

11. [MARGIN NOTES: Service; Regulations]

Service

(1) Subject to subsection (2), a person in respect of whom a notice is issued under subsection 10(1) is a person permanently bound to secrecy as of the moment the person is personally served with the notice or informed of the notice in accordance with the regulations.

Regulations

(2) The Governor in Council may make regulations respecting the personal service of notices issued under subsection 10(1) and regulations respecting personal notification of the issuance of a notice under that subsection when personal service is not practical.

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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SPECIAL OPERATIONAL INFORMATION AND PERSONS PERMANENTLY BOUND TO SECRECY

R.S.C. 1985, c. O-5, s. 12

12. [MARGIN NOTES: Certificate; Disclosure of certificate]

Certificate

(1) Subject to subsection (2), a certificate purporting to have been issued by or under the authority of a Minister of the Crown in right of Canada stating that a person is a person permanently bound to secrecy shall be received and is admissible in evidence in any proceedings for an offence under section 13 or 14, without proof of the signature or authority of the Minister appearing to have signed it, and, in the absence of evidence to the contrary, is proof of the fact so stated.

Disclosure of certificate

(2) The certificate may be received in evidence only if the party intending to produce it has, before the trial, served on the party against whom it is intended to be produced reasonable notice of that intention, together with a duplicate of the certificate.

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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SPECIAL OPERATIONAL INFORMATION AND PERSONS PERMANENTLY BOUND TO SECRECY

R.S.C. 1985, c. O-5, s. 13

13. [MARGIN NOTES: Purported communication; Truthfulness of information; Punishment]

Purported communication

(1) Every person permanently bound to secrecy commits an offence who, intentionally and without authority, communicates or confirms information that, if it were true, would be special operational information.

Truthfulness of information

(2) For the purpose of subsection (1), it is not relevant whether the information to which the offence relates is true.

Punishment

(3) Every person who commits an offence under subsection (1) is guilty of an indictable offence and is liable to imprisonment for a term of not more than five years less a day.

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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R.S.C. 1985, c. O-5, s. 14

14. [MARGIN NOTES: Unauthorized communication of special operational information; Punishment]

Unauthorized communication of special operational information

(1) Every person permanently bound to secrecy commits an offence who, intentionally and without authority, communicates or confirms special operational information.

Punishment

(2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and is liable to imprisonment for a term of not more than 14 years.

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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SPECIAL OPERATIONAL INFORMATION AND PERSONS PERMANENTLY BOUND TO SECRECY

15. [MARGIN NOTES: Public interest defence; Acting in the public interest; Paragraph (2)(a) to be considered first; Factors to be considered; Prior disclosure to authorities necessary; Exigent circumstances]

Public interest defence

(1) No person is guilty of an offence under section 13 or 14 if the person establishes that he or she acted in the public interest.

Acting in the public interest

(2) Subject to subsection (4), a person acts in the public interest if

(a) the person acts for the purpose of disclosing an offence under an Act of Parliament that he or she reasonably believes has been, is being or is about to be committed by another person in the purported performance of that person's duties and functions for, or on behalf of, the Government of Canada; and

(b) the public interest in the disclosure outweighs the public interest in non-disclosure.

Paragraph (2)(a) to be considered first

(3) In determining whether a person acts in the public interest, a judge or court shall determine whether the condition in paragraph (2)(a) is satisfied before considering paragraph (2)(b).

Factors to be considered

(4) In deciding whether the public interest in the disclosure outweighs the public interest in non-disclosure, a judge or court must consider

(a) whether the extent of the disclosure is no more than is reasonably necessary to disclose the alleged offence or prevent the commission or continuation of the alleged offence, as the case may be;

(b) the seriousness of the alleged offence;

(c) whether the person resorted to other reasonably accessible alternatives before making the disclosure and, in doing so, whether the person complied with any relevant guidelines, policies or laws that applied to the person;

(d) whether the person had reasonable grounds to believe that the disclosure would be in the public interest;

(e) the public interest intended to be served by the disclosure;

(f) the extent of the harm or risk of harm created by the disclosure; and

(g) the existence of exigent circumstances justifying the disclosure.

Prior disclosure to authorities necessary

(5) A judge or court may decide whether the public interest in the disclosure outweighs the public interest in non-disclosure only if the person has complied with the following:

(a) the person has, before communicating or confirming the information, brought his or her concern to, and provided all relevant information in his or her possession to, his or her deputy head or, if not reasonably practical in the circumstances, the Deputy Attorney General of Canada; and

(b) the person has, if he or she has not received a response from the deputy head or the Deputy Attorney General of Canada, as the case may be, within a reasonable time, brought his or her concern to, and provided all relevant information in the person's possession to,

(i) the Security Intelligence Review Committee, if the person's concern relates to an alleged offence that has been, is being or is about to be committed by another person in the purported performance of that person's duties and functions of service for, or on behalf of, the Government of Canada, other than a person who is a member of the Communications Security Establishment, and he or she has not received a response from the Security Intelligence Review Committee within a reasonable time, or

(ii) the Communications Security Establishment Commissioner, if the person's concern relates to an alleged offence that has been, is being or is about to be committed by a member of the Communications Security Establishment, in the purported performance of that person's duties and functions of service for, or on behalf of, the Communications Security Establishment, and he or she has not received a response from the Communications Security Establishment Commissioner within a reasonable time.

Exigent circumstances

(6) Subsection (5) does not apply if the communication or confirmation of the information was necessary to avoid grievous bodily harm or death.

HISTORY: 1992, c. 47, s. 80 (in force August 1, 1996); 2001, c. 41, s. 29 (in force December 24, 2001).

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SECURITY OF INFORMATION ACT

COMMUNICATIONS WITH FOREIGN ENTITIES OR TERRORIST GROUPS

R.S.C. 1985, c. O-5, s. 16

16. [MARGIN NOTES: Communicating safeguarded information; Communicating safeguarded information; Punishment]

Communicating safeguarded information

(1) Every person commits an offence who, without lawful authority, communicates to a foreign entity or to a terrorist group information that the Government of Canada or of a province is taking measures to safeguard if

(a) the person believes, or is reckless as to whether, the information is information that the Government of Canada or of a province is taking measures to safeguard; and

(b) the person intends, by communicating the information, to increase the capacity of a foreign entity or a terrorist group to harm Canadian interests or is reckless as to whether the communication of the information is likely to increase the capacity of a foreign entity or a terrorist group to harm Canadian interests.

Communicating safeguarded information

(2) Every person commits an offence who, intentionally and without lawful authority, communicates to a foreign entity or to a terrorist group information that the Government of Canada or of a province is taking measures to safeguard if

(a) the person believes, or is reckless as to whether, the information is information that the Government of Canada or of a province is taking measures to safeguard; and

(b) harm to Canadian interests results.

Punishment

(3) Every person who commits an offence under subsection (1) or (2) is guilty of an indictable offence and is liable to imprisonment for life.

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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R.S.C. 1985, c. O-5, s. 17

17. [MARGIN NOTES: Communicating special operational information; Punishment]

Communicating special operational information

(1) Every person commits an offence who, intentionally and without lawful authority, communicates special operational information to a foreign entity or to a terrorist group if the person believes, or is reckless as to whether, the information is special operational information.

Punishment

(2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and is liable to imprisonment for life.

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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COMMUNICATIONS WITH FOREIGN ENTITIES OR TERRORIST GROUPS

R.S.C. 1985, c. O-5, s. 18

18. [MARGIN NOTES: Breach of trust in respect of safeguarded information; Punishment]

Breach of trust in respect of safeguarded information

(1) Every person with a security clearance given by the Government of Canada commits an offence who, intentionally and without lawful authority, communicates, or agrees to communicate, to a foreign entity or to a terrorist group any information that is of a type that the Government of Canada is taking measures to safeguard.

Punishment

(2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and is liable to imprisonment for a term of not more than two years.

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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SECURITY OF INFORMATION ACT

ECONOMIC ESPIONAGE

R.S.C. 1985, c. O-5, s. 19

19. [MARGIN NOTES: Use of trade secret for the benefit of foreign economic entity; Punishment; Defence; Meaning of "trade secret"]

Use of trade secret for the benefit of foreign economic entity

(1) Every person commits an offence who, at the direction of, for the benefit of or in association with a foreign economic entity, fraudulently and without colour of right and to the detriment of Canada's economic interests, international relations or national defence or national security

- (a) communicates a trade secret to another person, group or organization; or
- (b) obtains, retains, alters or destroys a trade secret.

penalty Punishment

(2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and is liable to imprisonment for a term of not more than 10 years.

Defence

(3) A person is not guilty of an offence under subsection (1) if the trade secret was

(a) obtained by independent development or by reason only of reverse engineering; or

(b) acquired in the course of the person's work and is of such a character that its acquisition amounts to no more than an enhancement of that person's personal knowledge, skill or expertise.

Meaning of "trade secret"

(4) For the purpose of this section, "trade secret" means any information, including a formula, pattern, compilation, program, method, technique, process, negotiation position or strategy or any information contained or embodied in a product, device or mechanism that

(a) is or may be used in a trade or business;

(b) is not generally known in that trade or business;

(c) has economic value from not being generally known; and

(d) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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SECURITY OF INFORMATION ACT

FOREIGN-INFLUENCED OR TERRORIST-INFLUENCED THREATS OR VIOLENCE

R.S.C. 1985, c. O-5, s. 20

20. [MARGIN NOTES: Threats or violence; Application; Punishment]

Threats or violence

(1) Every person commits an offence who, at the direction of, for the benefit of or in association with a foreign entity or a terrorist group, induces or attempts to induce, by threat, accusation, menace or violence, any person to do anything or to cause anything to be done

(a) that is for the purpose of increasing the capacity of a foreign entity or a terrorist group to harm Canadian interests; or

(b) that is reasonably likely to harm Canadian interests.

Application

(2) A person commits an offence under subsection (1) whether or not the threat, accusation, menace or violence occurred in Canada.

Punishment

(3) Every person who commits an offence under subsection (1) is guilty of an indictable offence and is liable to imprisonment for life.

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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SECURITY OF INFORMATION ACT

HARBOURING OR CONCEALING

R.S.C. 1985, c. O-5, s. 21

21. [MARGIN NOTES: Harbours or concealing; Punishment]

Harbours or concealing

(1) Every person commits an offence who, for the purpose of enabling or facilitating an offence under this Act, knowingly harbours or conceals a person whom he or she knows to be a person who has committed or is likely to commit an offence under this Act.

Punishment

(2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and is liable to imprisonment for a term of not more than 10 years.

part

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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SECURITY OF INFORMATION ACT

PREPARATORY ACTS

R.S.C. 1985, c. O-5, s. 22

22. [MARGIN NOTES: Preparatory acts; Punishment]

Preparatory acts

(1) Every person commits an offence who, for the purpose of committing an offence under subsection 16(1) or (2), 17(1), 19(1) or 20(1), does anything that is specifically directed towards or specifically done in preparation of the commission of the offence, including

(a) entering Canada at the direction of or for the benefit of a foreign entity, a terrorist group or a foreign economic entity;

(b) obtaining, retaining or gaining access to any information;

(c) knowingly communicating to a foreign entity, a terrorist group or a foreign economic entity the person's willingness to commit the offence;

(d) at the direction of, for the benefit of or in association with a foreign entity, a terrorist group or a foreign economic entity, asking a person to commit the offence; and

(e) possessing any device, apparatus or software useful for concealing the content of information or for surreptitiously communicating, obtaining or retaining information.

Punishment

(2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and is liable to imprisonment for a term of not more than two years.

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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SECURITY OF INFORMATION ACT

CONSPIRACY, ATTEMPTS, ETC.

R.S.C. 1985, c. O-5, s. 23

23. [MARGIN NOTES: Conspiracy, attempts, etc.]

Conspiracy, attempts, etc.

Every person commits an offence who conspires or attempts to commit, is an accessory after the fact in relation to or counsels in relation to an offence under this Act and is liable to the same punishment and to be proceeded against in the same manner as if he or she had committed the offence.

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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SECURITY OF INFORMATION ACT

GENERAL

R.S.C. 1985, c. O-5, s. 24

24. [MARGIN NOTES: Attorney General's consent]

Attorney General's consent

No prosecution shall be commenced for an offence against this Act without the consent of the Attorney General.

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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SECURITY OF INFORMATION ACT

GENERAL

R.S.C. 1985, c. O-5, s. 25

25. [MARGIN NOTES: Jurisdiction]

Jurisdiction

An offence against this Act may be tried, in any place in Canada, regardless of where in Canada the offence was committed.

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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SECURITY OF INFORMATION ACT

GENERAL

R.S.C. 1985, c. O-5, s. 26

26. [MARGIN NOTES: Extraterritorial application; Jurisdiction; Appearance of accused at trial; Person previously tried outside Canada]

Extraterritorial application

(1) A person who commits an act or omission outside Canada that would be an offence against this Act if it were committed in Canada is deemed to have committed it in Canada if the person is

- (a) a Canadian citizen;
- (b) a person who owes allegiance to Her Majesty in right of Canada;
- (c) a person who is locally engaged and who performs his or her functions in a Canadian mission outside Canada; or
- (d) a person who, after the time the offence is alleged to have been committed, is present in Canada.

Jurisdiction

(2) If a person is deemed to have committed an act or omission in Canada, proceedings in respect of the offence may, whether or not the person is in Canada, be commenced in any territorial division in Canada, and the person may be tried and punished in respect of the offence in the same manner as if the offence had been committed in that territorial division.

Appearance of accused at trial

(3) For greater certainty, the provisions of the Criminal Code relating to requirements that a person appear at and be present during proceedings and the exceptions to those requirements apply in respect of proceedings commenced in a territorial division under subsection (2).

Person previously tried outside Canada

(4) If a person is alleged to have committed an act or omission that is an offence by virtue of this section and the person has been tried and dealt with outside Canada in respect of the offence in a manner such that, if the person had been tried and dealt with in Canada, the person would be able to plead autrefois acquit, autrefois convict or pardon, the person shall be deemed to have been so tried and dealt with in Canada.

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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SECURITY OF INFORMATION ACT

GENERAL

R.S.C. 1985, c. O-5, s. 27

27. [MARGIN NOTES: Punishment]

Punishment

Unless this Act provides otherwise, a person who commits an offence under this Act is guilty of

(a) an indictable offence and liable to imprisonment for a term of not more than 14 years; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term of not more than 12 months or to a fine of not more than \$ 2,000, or to both.

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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SECURITY OF INFORMATION ACT

GENERAL

R.S.C. 1985, c. O-5, s. 28

28. [MARGIN NOTES: Part XII.2 of Criminal Code applicable]

Part XII.2 of Criminal Code applicable

The definitions "judge" and "proceeds of crime" in section 462.3 of the Criminal Code, and sections 462.32 to 462.5 of that Act, apply with any modifications that the circumstances require in respect of proceedings for an offence under subsection 4(1), (2), (3) or (4), section 6, subsection 13(1), 14(1), 16(1) or (2), 17(1), 18(1), 19(1), 20(1), 21(1) or 22(1) or section 23.

HISTORY: 2001, c. 41, s. 29 (in force December 24, 2001).

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(Subsection 8(1) and section 9)

R.S.C. 1985, c. O-5, Sch.

SCHEDULE

Canadian Security Intelligence Service
Communications Branch of the National Research Council
Communications Security Establishment
Criminal Intelligence Program of the R.C.M.P.
Office of the Communications Security Establishment Commissioner
Office of the Inspector General of the Canadian Security Intelligence Service
Protective Operations Program of the R.C.M.P.
R.C.M.P. Security Service
Security Intelligence Review Committee
Technical Operations Program of the R.C.M.P.

HISTORY: 2001, c. 41, s. 30 (in force December 24, 2001).