

APPENDIX TO TITLE XII

UNITED KINGDOM LEGISLATION

Official Secrets Act, 1911

Official Secrets Act, 1920

OFFICIAL SECRETS ACT, 1911

1 & 2 Geo. 5, c. 28

ARRANGEMENT OF SECTIONS**SECTION**

1. Penalties for spying.
2. Wrongful communication, etc., of information.
3. Definition of prohibited place.
4. [*Omitted as repealed*].
5. Person charged with felony under Act may be convicted of misdemeanour under Act.
6. Power to arrest.
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THE LAWS OF BARBADOS

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by authority of the Government of Barbados

OFFICIAL SECRETS ACT, 1911

1 & 2 Geo. 5, c. 28¹

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

1 & 2 Geo.
5, c. 28.
10 & 11
Geo. 5, c. 75.
L.N. 170/
1967.
1992-17.

[22nd August, 1911] Commence-
ment.

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows

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

(a) approaches, inspects, passes over or is in the neighbourhood of, or enters any prohibited place within the meaning of this Act; or 10 & 11
Geo. 5, c. 75.

(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; 10 & 11
Geo. 5, c. 75.

he shall be guilty of an offence. 1992-17.

(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 10 & 11
Geo. 5, c. 75.

¹ This Act is printed with the amendments effected by United Kingdom legislation prior to 30th November, 1966 and by the Existing Laws Amendment Order, No. 3, 1967, L.N. 170/1967.

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 or published or communicated for a purpose prejudicial to the safety or interests of the State unless the contrary is proved.

Wrongful
communica-
tions, etc., of
information.
10 & 11
Geo. 5, c.
75.
L.N. 170/
1967.

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

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

10 & 11
Geo. 5, c.
75.

(aa) uses the information in his possession for the benefit of any foreign power in any other manner prejudicial to the safety or interests of the State; or

10 & 11
Geo. 5, c.
75.

(b) 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 any directions issued by lawful authority with regard to the return or disposal thereof; or

- (c) fails to take reasonable care of, or so conducts himself as to endanger the safety of the sketch, plan, model, article, note, document, secret official code or pass word or information; 10 & 11 Geo. 5, c. 75.

that person shall be guilty of a misdemeanour.

(1A) If any person having in his possession or control any sketch, plan, model, article, note, document, or information which relates to munitions of war, communicates it directly or indirectly to any foreign power, or in any other manner prejudicial to the safety or interests of the State, that person shall be guilty of a misdemeanour. 10 & 11 Geo. 5, c. 75.

(2) If any person receives any secret official code word, or pass word, or sketch, plan, model, article, note, document, or information, knowing, or having reasonable ground to believe, at the time when he receives it, that the code word, pass word, sketch, plan, model, article, note, document, or information is communicated to him in contravention of this Act, he shall be guilty of a misdemeanour, unless he proves that the communication to him of the code word, pass word, sketch, plan, model, article, note, document or information was contrary to his desire. 10 & 11 Geo. 5, c. 75.

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

- (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 the Crown in right of its government of Barbados or in Barbados in right of its government of the United Kingdom, 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 Crown in right of its government of Barbados or in Barbados in right of its government of the United Kingdom and used for the purpose of building, repairing, making, or storing any munitions 10 & 11 Geo. 5, c. 75.
L.N. 170/
1967.

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of war, or any sketches, plans, models, or documents relating thereto, or for the purpose of getting any metals, oil, or minerals of use in time of war; and

10 & 11 Geo.
5, c. 75.

(b) any place not belonging to the Crown as aforesaid 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, the Crown in right of its government of Barbados, or otherwise on behalf of the Crown in right of its government of Barbados; and

L.N. 170/
1967.

(c) any place belonging to or used for the purposes of the Crown in right of its government of Barbados which is for the time being declared by order of the Minister responsible for Security 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

10 & 11 Geo.
5, c. 75.

L.N. 170/
1967.

(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 the Crown in right of its government of Barbados, which is for the time being declared by order of the Minister responsible for Security 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.

4. [Omitted, having been repealed by 10 & 11 Geo. 5, c. 75.]

Person
charged with
felony under
Act may be
convicted
of mis-
demeanour
under Act.

5. Any person charged with an offence which is a felony under this Act may, if the circumstances warrant such a finding, be found guilty of an offence which is a misdemeanour under this Act.

6. 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 in the same manner as a person who is found committing an arrestable offence.

Power to
arrest.
1992-17.

7. 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.

Penalty for
harbouring
spies.
10 & 11
Geo. 5 c. 75.

8. A prosecution for an offence under this Act shall not be instituted except by or with the consent of the Director of Public Prosecutions:

Restriction
on prosecu-
tion.

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

L.N. 170/
1967.

9. (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 named therein to enter at any time any premises or place named in the warrant, if necessary, by force, and to search the premises or place and every person found therein, and to seize any sketch, plan, model, article, note, or document, or anything of a like nature or anything which is evidence of an offence under this Act having been or being about to be committed, which he may find on the premises or place or on any such person, and with regard to or in connection with which he has reasonable ground for suspecting that an offence under this Act has been or is about to be committed.

Search
warrants.

(2) Where it appears to a superintendent of police that the case is one of great emergency and that in the interest of the State immediate action is necessary, he may by a written order under his hand give to any constable the like authority as may be given by the warrant of a justice under this section.

Extent of
Act.
L.N. 170/
1967.
42 Geo. 3, c.
85.
50 & 51
Vict., c. 20.

10. (1) This Act shall apply to all acts which are offences under this Act when committed in Barbados, or when committed by officers under the Crown in right of its government of Barbados or citizens of Barbados.

(2) - (4) [*Omitted as spent, not being applicable to Barbados.*]

11. [*Omitted as spent by virtue of L.N. 170/1967.*]

Interpreta-
tion.

L.N. 170/
1967.

12. In this Act, unless the context otherwise requires
Any reference to a place belonging to the Crown in right of its government of Barbados includes a place belonging to any department of the Government of Barbados whether the place is or is not actually vested in the Crown in right of its government of Barbados;

L.N. 170/
1976.

The expression "Director of Public Prosecutions" means the Director of Public Prosecutions established by section 79 of the *Constitution of Barbados* contained in the Schedule to the Barbados Independence Order, 1966;

Expressions referring to communicating or receiving include any communicating or receiving, whether in whole or in part, and whether the sketch, plan, model, article, note, document, or information itself or the substance, effect, or description thereof only be communicated or received;

Expressions referring to obtaining or retaining any sketch, plan, model, article, note, or document, include the copying or causing to be copied the whole or any part of any sketch, plan, model, article, note, or document;

Expressions referring to the communication of any sketch, plan, model, article, note or document include the transfer or transmission of the sketch, plan, model, article, note or document;

The expression “document” includes part of a document;

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

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

The expression “munitions of war” includes the whole or any part of any ship, submarine, aircraft, tank or similar engine, arms and ammunition, torpedo, or mine, intended or adapted for use in war, and any other article, material, or device, whether actual or proposed, intended for such use; 10 & 11 Geo.
5, c. 75.

The expression “superintendent of police” includes any police officer of a like or superior rank and any person upon whom the powers of a superintendent of police are for the purpose of this Act conferred by the Minister responsible for Security; 10 & 11 Geo.
5, c. 75.
L.N. 170/
1967.

The expression “office under the Crown in right of its government of Barbados” includes any office or employment in or under any department of the Government of Barbados;

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

13. (1) This Act may be cited as the Official Secrets Act, Short title. 1911.

(2) [*Is omitted as spent.*]

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OFFICIAL SECRETS ACT, 1920

10 & 11 Geo. 5, c. 75

ARRANGEMENT OF SECTIONS**SECTION**

1. Unauthorised use of uniforms; falsification of reports, forgery, personation and false documents.
2. Communications with foreign agents to be evidence of commission of certain offences.
3. Interfering with officers of the police or members of Her Majesty's forces.
4. Power to require the production of telegrams.
5. Registration and regulation of persons carrying on the business of receiving postal packets.
6. Duty of giving information as to commission of offences.
7. Attempts, incitements, etc.
8. Provisions as to trial and punishment of offences.
9. [*Omitted as spent.*]
10. [*Omitted as spent.*]
11. Short title and construction.

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OFFICIAL SECRETS ACT, 1920

10 & 11 Geo. 5, c. 75¹

An Act to amend the Official Secrets Act, 1911.

10 & 11
Geo. 5, c. 75.
1992-17.

[23rd December, 1920] Commence-
ment.

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows

2 & 3 Geo.
6, 121.
L.N. 1707
1967.

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

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

¹ See note to Official Secrets Act, 1911, *ante*.

L.N. 170/
1967.

- (d) personates, or falsely represents himself to be a person holding, or in the employment of a person holding, office under the Crown in right of its government of Barbados, 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 the Crown in right of its government of Barbados, 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.

2. (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 Barbados, 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.

Communica-
tions with
foreign
agents to be
evidence of
commission
of certain
offences.

L.N. 170/
1967.

(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 Barbados, visited the address of a foreign agent or consorted or associated with a foreign agent; or
 - (ii) Either, within or without Barbados, 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 Barbados, prejudicial to the safety or interests of the State, or who has or is

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reasonably suspected of having, either within or without Barbados, committed, or attempted to commit, such an act in the interests of a foreign power ;

- (c) Any address, whether within or without Barbados, 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 officers
of the police
or members
of Her
Majesty's
forces.

L.N. 170/
1967.

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

Power to
require the
production of
telegrams.

L.N. 170/
1967.

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

(2) Any person who, on being required to produce any such original or transcript or paper as aforesaid, refuses or neglects to do so shall be guilty of an offence under this Act, and shall, for each offence, be liable on conviction to

imprisonment for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

(3) In this section, the expression “telegram” shall have the same meaning as in the Telegraph Act, 1869,¹ and the expression “wireless telegraphy” shall have the same meaning as in the Wireless Telegraphy Act, 1904.²

Registration
and regula-
tion of
persons
carrying on
the business
of receiving
postal
packets.

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

(2) Every person who carries on such a business as afore-said shall cause to be entered in a book kept for the purpose the following particulars—

- (a) the name and address of every person for whom any postal packet is received, or who has requested that postal packets received may be delivered or forwarded to him;
- (b) any instructions that may have been received as to the delivery or forwarding of postal packets;
- (c) in the case of every postal packet received, the place from which the postal packet comes, and the date of posting (as shown by the post-mark) and the date of receipt, and the name and address of the sender if shown on the outside of the packet, and, in the case of

¹ 32 & 33 Vict, c. 73, now repealed Post Office Act, 1969 (U.K.)

² 4 Edw 7, c. 24. See now Wireless Telegraphy Act, 1949 (U.K.) s. 19 (1)

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- a registered packet, the date and office of registration and the number of the registered packet;
- (d) in the case of every postal packet delivered, the date of delivery and the name and address of the person to whom it is delivered;
 - (e) in the case of every postal packet forwarded, the name and address to which and the date on which it is forwarded;

and shall not deliver a letter to any person until that person has signed a receipt for the same in such book as aforesaid, nor, if that person is not the person to whom the postal packet is addressed, unless there is left with him instructions signed by the last-mentioned person as to the delivery thereof, and shall not forward any postal packet to another address unless there is left with him written instructions to that effect signed by the addressee.

(3) The books so kept and all postal packets received by a person carrying on any such business, and any instruction as to the delivery or forwarding of postal packets received by any such person, shall be kept at all reasonable times open to inspection by any police constable.

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

(5) Nothing in this section shall apply to postal packets addressed to any office where any newspaper or periodical is published, being postal packets in reply to advertisements appearing in such newspaper or periodical.

(6) Nothing in this section shall be construed as rendering legal anything which would be in contravention of the exclusive privilege of the Postmaster-General under the Post Office Acts, 1908 to 1920,¹ or the Telegraph Acts, 1863 to 1920.²

¹ See Post Office Act, 1963 (U.K.)

² See Post Office Act, 1969 (U.K.) s. 21.

6. (1) Where a chief officer of police is satisfied that there is reasonable ground for suspecting that an offence under section 1 of the principal Act has been committed and for believing that any person is able to furnish information as to the offence or suspected offence, he may apply to the Minister responsible for Security for permission to exercise the powers conferred by this subsection and, if such permission is granted, he may authorise a superintendent of police, or any police officer not below the rank of inspector, to require the person believed to be able to furnish information to give any information in his power relating to the offence or suspected offence, and, if so required and on tender of his reasonable expenses, to attend at such reasonable time and place as may be specified by the superintendent or other officer; and if a person required in pursuance of such an authorisation to give information, or to attend as aforesaid, fails to comply with any such requirement or knowingly gives false information, he shall be guilty of a misdemeanour.

Duty of giving information as to commission of offences. 2 & 3 Geo. 6, c. 121. L.N. 170/1967.

(2) Where a chief officer of police has reasonable grounds to believe that the case is one of great emergency and that in the interest of the State immediate action is necessary, he may exercise the powers conferred by the last foregoing subsection without applying for or being granted the permission of the Minister responsible for Security, but if he does so shall forthwith report the circumstances to the Minister.

L.N. 170/1967.

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

7. Any person who attempts to commit any offence under the principal Act or this Act, or solicits or incites or endeavours to persuade another person to commit an offence, or aids or abets and does any act preparatory to the commission of an offence under the principal Act or this Act, shall be guilty of a misdemeanour or a summary offence according as the offence in question is a misdemeanour or a summary offence, and on conviction shall be liable to the same punishment, and

Attempts incitements, etc.

1992-17.

ss.8-9

to be proceeded against in the same manner, as if he had committed the offence.

Provisions
as to trial
and
punishment
of offences.
1992-17.

8. (1) Any person who is guilty of an offence under subsection (1) of section 1 of the principal Act shall be liable to imprisonment for a term of not less than 3 years and not exceeding 14 years.

(2) Any person who is guilty of a misdemeanour under the principal Act or this Act shall be liable on conviction on indictment to imprisonment for a term not exceeding 2 years, or, on summary conviction to imprisonment, for a term not exceeding 3 months or to a fine not exceeding 240 dollars, or both such imprisonment and fine:

L.N. 170/
1967.

Provided that no misdemeanour under the principal Act or this Act shall be dealt with summarily except with the consent of the Director of Public Prosecutions.

(3) *[Omitted by virtue of L.N. 170/1967.]*

1992-17.

(4) In addition and without prejudice to any powers which a court may possess to order the exclusion of the public from any proceedings if, in the course of proceedings before a court against any person for an offence under the principal Act or this Act or the proceedings on appeal, or in the course of the trial of a person for misdemeanour under the principal Act or this Act, application is made by the prosecution, on the ground that the publication of any evidence to be given or of any statement to be made in the course of the proceedings would be prejudicial to the national safety, that all or any portion of the public shall be excluded during any part of the hearing, the court may make an order to that effect, but the passing of sentence shall in any case take place in public.

(5) Where the person guilty of an offence under the principal Act or this Act is a company or corporation, every director and officer of the company or corporation shall be guilty of the like offence unless he proves that the act or omission constituting the offence took place without his knowledge or consent.

9. *[Omitted as spent.]*

10. [*Omitted as spent.*]

11. (1) This Act may be cited as the Official Secrets Act, 1920, and shall be construed as one with the principal Act, and the principal Act and this Act may be cited together as the Official Secrets Acts, 1911 and 1920.¹

Short title
and con-
struction.

[*Proviso and (2)—(4) omitted as spent being inapplicable to Barbados.*]

¹By virtue of the amendments effected by the Official Secrets Act, 1939, these Acts may be cited as the Official Secrets Acts, 1911 to 1939.