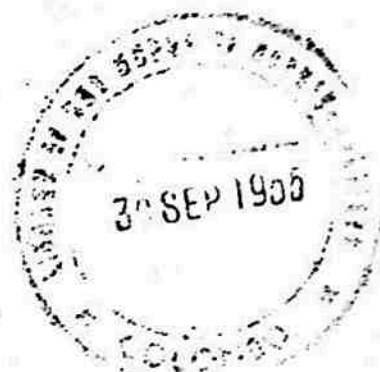


PARLIAMENT OF CEYLON

4th Session 1955



Official Secrets Act, No. 32 of 1955

Date of Assent : September 1, 1955

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO
Annual Subscription (including Bills) Rs. 25, payable in advance to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, POST OFFICE BOX 500. Secretariat, Colombo 1
Price : 65 cents. **Postage : 20 cents.**

L. D.—CF. 1/39.

AN ACT TO RESTRICT ACCESS TO OFFICIAL SECRETS AND
SECRET DOCUMENTS AND TO PREVENT UNAUTHORIZED
DISCLOSURE THEREOF.

[Date of Assent: September 1, 1955]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Official Secrets Act, No. 32 of 1955. Short title.

2. (1) For the better safeguarding of information relating to the defences of Ceylon and to the equipment, establishments, organisations or institutions intended to be or capable of being used for the purposes of defence, the Minister may by Order declare— Declaration of prohibited places.

(a) that any land, building, ship or aircraft specified in the Order shall be a prohibited place for the purposes of this Act, or

(b) that lands, buildings, ships or aircraft of any class or description specified in the Order shall be prohibited places for those purposes.

(2) Where by an Order under sub-section (1) the Minister declares lands, buildings, ships or aircraft of any class or description specified in the Order to be prohibited places, he may, by the same Order or by any subsequent Order under that sub-section, exclude from such prohibited places any land, building, ship or aircraft of that class or description or any part of any such land or building.

(3) Every Order under this section shall be published in the *Gazette* and shall come into force on such date not earlier than the date of publication of the Order in the *Gazette* as may be specified in the Order or, where no date is so specified, on the date of such publication.

(4) Where an Order is made and published under this section, the question of the necessity for the Order or the validity thereof shall not be canvassed by any court or authority.

Entry into
prohibited
places.

3. (1) No person shall enter any prohibited place :
Provided, however, that—

(a) a person holding office under Her Majesty may enter a prohibited place in the discharge of his duties, and

(b) a person to whom a permit is issued under section 15 may enter a prohibited place specified in the permit for any purpose authorized by the permit.

(2) If a person—

(a) contravenes the provisions of sub-section (1)
or

(b) gains admission to a prohibited place otherwise than at an authorized point of entry, he shall be guilty of an offence punishable under sub-section (2) of section 26.

(3) A person shall be deemed to enter a prohibited place if he proceeds towards or into that place further than—

(a) any wall, fence, barrier, buoy, boom or mole, erected, placed or maintained by the competent authority of that place in order to indicate the boundary thereof, or

(b) any point or line (being a point or line on or near the boundary of that place) at which persons are required or directed to stop either by a sentry on duty thereat or by a notice exhibited by the competent authority of that place.

(4) In the case of any prohibited place " authorized point of entry " means such point on the boundary of that place as may be set apart or specified or approved by or on behalf of the competent authority of that place as the point at which persons may enter that place.

Resistance to
or interference
with sentries.

4. If any person, within or in the vicinity of a prohibited place, obstructs or knowingly misleads, or otherwise interferes with or impedes any police officer or any member of the Ceylon Forces engaged on guard, sentry, patrol, or other similar duty in relation to the prohibited place, he shall be guilty of an offence punishable under sub-section (2) of section 26.

5. (1) No person shall take with him into a prohibited place, or have in his possession while he remains therein, any camera or sketching materials :

Possession of cameras, etc., in prohibited places.

Provided, however, that—

- (a) a person holding office under Her Majesty may, in the discharge of his duties, take with him into a prohibited place, or have in his possession while he remains therein, any camera or sketching materials ;
- (b) a person holding office under Her Majesty and residing within a prohibited place may take with him into that place, or have in his possession while he remains therein, any camera or sketching materials; and
- (c) a person to whom a permit is issued under section 15 may, if the permit expressly authorises him to do so, take with him into a prohibited place specified in the permit, or have in his possession while he remains therein, any camera or sketching materials.

(2) If a person contravenes the provisions of sub-section (1), he shall be guilty of an offence punishable under sub-section (2) of section 26.

(3) No person shall take or make any photograph, sketch or model of any prohibited place or of anything therein :

Provided, however, that—

- (a) a person holding office under Her Majesty may, in the discharge of his duties, take or make any photograph, sketch or model of any prohibited place or of anything therein ; and
- (b) a person to whom a permit is issued under section 15 may, if the permit expressly authorizes him to do so, take or make any photograph, sketch or model of any part of a prohibited place or anything in that place.

(4) If a person contravenes the provisions of sub-section (3), he shall be guilty of an offence punishable under sub-section (2) of section 26.

Spying.

6. (1) If any person, for any purpose prejudicial to the safety or interests of the State—

- (a) approaches, inspects, passes over, is in the neighbourhood of or enters any prohibited place, or
- (b) takes any measurements or soundings or carries out a survey of any prohibited place, or
- (c) takes or makes any photograph, sketch or model of any prohibited place or of anything in any such place, or
- (d) makes any record or note relating to any prohibited place or to anything in any such place, or
- (e) obtains, collects, records, publishes, or uses, or communicates to any other person any official secret or secret document, or any 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 an offence punishable under subsection (1) of section 26.

(2) On a prosecution under this section—

- (a) 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 official secret or secret document, or any such information as is referred to in paragraph (e) of subsection (1) is obtained, collected, recorded, published, used, or communicated by any person other than a person acting under lawful authority, it shall be deemed to have been obtained, collected, recorded, published, used, or communicated for a purpose prejudicial to the safety or interests of the State unless the contrary is proved; and

(b) the fact that the accused person has been in communication with, or attempted to communicate with, a foreign agent, whether within or without Ceylon, 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.

(3) For the purposes of paragraph (b) of subsection (2), without prejudice to the generality of the provisions of that paragraph,—

(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 Ceylon, visited the address of a foreign agent or consorted or associated with a foreign agent, or
- (ii) either, within or without Ceylon, 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 Ceylon, prejudicial to the safety or interests of the State or who has or is reasonably suspected of having, either within or without Ceylon, committed, or attempted to commit, such an act in the interests of a foreign power; and

(c) any address, whether within or without Ceylon, 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 shall be deemed to be communications with a foreign agent.

Communication of official secret, etc., to unauthorized persons.

7. (1) If any person entrusted with any official secret or secret document, communicates or delivers it to any other person who is not a person to whom he is authorized to communicate or deliver it or to whom it is in the interests of the State his duty to communicate or deliver it, he shall be guilty of an offence punishable under sub-section (2) of section 26.

(2) If any person who is not entrusted with, but who is otherwise having possession or control of, any official secret or secret document, communicates or delivers it to any other person who is not authorized to receive it or who is not a person to whom it is in the interests of the State his duty to communicate or deliver it, he shall be guilty of an offence punishable under sub-section (2) of section 26.

Receiving unauthorized communication of official secret, etc.

8. (1) If any person receives any official secret or secret document or permits it to be communicated or delivered to him, having reasonable cause to believe that it is communicated or delivered to him in contravention of this Act, he shall be guilty of an offence punishable under sub-section (2) of section 26.

(2) It shall be a sufficient defence for any person charged with an offence under sub-section (1) to prove that the communication or delivery of the official secret or secret document was not due to any solicitation or demand on his part.

Conduct endangering official safety of secret, etc.

9. If any person who is entrusted with, or is otherwise having possession or control of, any official secret or secret document,—

(a) fails to take reasonable care of such secret or document, or

(b) conducts himself in such manner as to endanger the safety or secrecy of the information or document, or

(c) in the case of such document, retains it in his possession or control when he has no right, or when it is contrary to his duty, to retain it, or fails to comply with any direction issued by lawful authority with regard to the return or disposal thereof,

he shall be guilty of an offence punishable under sub-section (2) of section 26.

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

Unauthorized use of uniforms, false declarations, forgery, personation and forged documents.

- (a) uses or wears, without lawful authority, any naval, military, air-force, police or other official uniform, or any uniform so nearly resembling the same as to be calculated to deceive, or falsely represents himself to be a person who is or has been entitled to use or wear any such uniform; or
- (b) orally or in writing in any declaration or application, or in any document signed by him or on his behalf, knowingly makes or connives at the making of any false statement or any omission; or
- (c) forges, alters, or tampers with any passport or any naval, military, air-force, police, or official pass, permit, certificate, licence or other document of a similar character (hereafter in this section referred to as an "official document"), or uses or has in his possession any such forged, altered, or irregular official document; or
- (d) personates, or falsely represents himself to be a person holding, or in the employment of a person holding office under Her Majesty, or to be or not to be a person to whom an official document or a 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 lawful authority, any die, seal, or stamp used in Her Majesty's service, or any die, seal or stamp so nearly resembling any die, seal or stamp used in Her Majesty's service as to be calculated to deceive, or counterfeits any die, seal or stamp used in Her Majesty's service, or uses, or has in his possession, or under his control, any such counterfeited die, seal or stamp,

he shall be guilty of an offence punishable under subsection (2) of section 26.

(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 lawful authority 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 it 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 officer in charge of a police station,

he shall be guilty of an offence punishable under sub-section (2) of section 26.

(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, sub-section (2) (a) of section 6 shall apply in like manner as it applies to prosecutions under that section.

Power to
require the
production
of telegrams.

11. (1) Whenever it appears to the Governor-General to be expedient in the public interest, he may, by order under his hand, require any person who owns or controls any telegraph or wireless telegraph used for the sending or receipt of messages to or from any place outside Ceylon, to produce to him, or to any person named in the order, the originals and transcripts, either of all messages, or of messages of any class or description specified in the order, or of messages sent from or addressed to any person or place specified in the order, being messages sent to or received from any place outside Ceylon by means of any such telegraph or wireless telegraph, and all other papers relating to any such message.

(2) If any person who is required to produce any original or transcript or paper referred to in sub-section (1) refuses or neglects to do so or mutilates or

destroys such original or transcript or paper, he shall be guilty of an offence punishable under sub-section (3) of section 26.

(3) In this section, the expressions "message", "telegraph" and "wireless telegraph" shall have the same meanings as in the Telecommunications Ordinance, No. 50 of 1944.

12. (1) Where the Inspector-General of Police is satisfied that there is reasonable ground for suspecting that an offence under this Act has been committed and for believing that any person is able to furnish information as to the suspected offence, he may apply to the Minister for permission to exercise the powers conferred by this sub-section and, if such permission is granted, he may authorize 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 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 Inspector-General of Police or by the police officer authorized as aforesaid.

Duty to give information.

(2) Where the Inspector-General of Police has reasonable ground for believing that a case is one of great emergency and that in the public interest immediate action is necessary, he may exercise the powers conferred by sub-section (1) without applying for or being granted the permission of the Minister, but, if he does so, shall forthwith report the circumstances to the Minister.

(3) References in this section to the Inspector-General of Police shall be construed as including references to any other officer of police expressly authorized by the Inspector-General of Police to act on his behalf for the purposes of this section when by reason of illness, absence, or other cause the Inspector-General is himself unable to act.

(4) If any person who is required under the preceding provisions of this section to give any information or to attend as aforesaid fails to comply with the requirement or knowingly gives false information, he shall be guilty of an offence punishable under sub-section (3) of section 26.

13. (1) If any person—

(a) knowingly harbours any other person whom he knows, or has reasonable grounds for

Harbouring offenders or intending offenders.

believing, to be a person who is about to commit or who has committed an offence under this Act, or

(b) knowingly permits any such persons to meet or assemble in any premises in his occupation or under his control, or

(c) having harboured any such person, or having permitted any such persons to meet or assemble in any premises in his occupation or under his control, 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 punishable under subsection (2) of section 26.

(2) For the purposes of this section any person who, knowing or having reasonable cause to believe that any other person is about to commit or has committed any offence under this Act, supplies such other person with shelter, food, drink, money, clothes, arms, ammunition, or means of transport, or otherwise maintains or assists such other person or conceals him with a view to preventing his apprehension or screening him from legal punishment, shall be deemed to harbour such other person.

Attempts,
incitements,
etc.

14. If any person attempts to commit, or solicits or incites or endeavours to persuade or conspires with any other person to commit, or aids or abets or does any act preparatory to the commission of, an offence under this Act, he shall be guilty of an offence and shall be liable to be proceeded against in the same manner, and on conviction thereof shall be liable to the same punishment, as that provided in this Act for the first-mentioned offence.

Permits.

15. (1) The competent authority of a prohibited place—

(a) may issue to any person a permit, subject to such conditions as may be specified in the permit, authorizing him to enter that place for such purpose as may be so specified, and

(b) may authorize a person to whom a permit is issued, by express provision in the permit, to take any camera or sketching materials into the aforesaid place and take or make any photograph or sketch of any such part of that place or any such thing therein as may be specified in the permit.

(2) Where the competent authority of a prohibited place issues a permit under sub-section (1) expressly authorizing the taking or making of any photograph or sketch, he shall specify in the permit a condition that every photograph or sketch taken or made under the authorization given by the permit shall be submitted to him for examination and approval and that any such photograph or sketch, if disapproved wholly or in part by him, shall be liable to be confiscated or destroyed or to be modified by the obliteration of any part or otherwise, as he may in each case deem necessary.

(3) If a person to whom a permit is issued under sub-section (1) contravenes or fails to comply with any condition specified in the permit, he shall be guilty of an offence punishable under sub-section (2) of section 26.

16. Where any person is found to be committing or is known or reasonably suspected to have committed an offence under any of the foregoing provisions of this Act in or in the vicinity of a prohibited place or in relation to any such place, the competent authority of that place or any officer acting under his direction may—

Power to search offenders or suspects and seize photographs, etc.

(a) detain such person for purposes of search; and

(b) cause such person and any camera or sketching materials in his possession to be searched; and

(c) seize any photograph or sketch found on such person or in his camera or among his sketching materials or otherwise in his possession.

Where it is necessary to search the person of a female under this section, the search shall in every case be carried out by a female and with strict regard to decency.

17. Where a Magistrate is satisfied that there is reasonable cause to believe that there is in existence within his local jurisdiction a photograph, sketch or model which contains or affords matter or information relating to a prohibited place or anything therein, being matter or information likely to be directly or indirectly useful to an enemy or to any foreign power or otherwise likely to be prejudicial to the safety or interests of the State, he may issue a search warrant to search for and seize such photograph, sketch or

Search warrant to look for and seize photographs, etc.

model, whether or not an offence under this Act is alleged or is reasonably suspected to have been committed.

Disposal of
photographs,
etc., seized
or produced.

18. (1) Every photograph, sketch or model seized under section 16 or in the execution of a search warrant under section 17 shall be produced before a Magistrate, and shall be transmitted by the Magistrate, through the appropriate channels, to the Minister for directions as to the disposal thereof.

(2) The Minister, if he considers that any photograph, sketch or model transmitted to him under sub-section (1) contains matter or information directly or indirectly useful to an enemy or to any foreign power or otherwise prejudicial to the safety or interests of the State, may direct that the photograph, sketch or model be forfeited or that any part thereof be obliterated, erased, or removed.

(3) The directions given by the Minister under sub-section (2) in respect of any photograph, sketch or model shall apply to every copy or print thereof then existing or thereafter made, and in the case of a photograph shall apply, also, to the film, plate or developed negative from which the photograph was reproduced.

(4) If any person contravenes any direction given by the Minister under sub-section (2), or resists or obstructs, or prevents by any act, default or refusal, the execution of any such direction, he shall be guilty of an offence punishable under sub-section (3) of section 26.

Power to
arrest.

19. (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 prejudice to the generality of the provisions of sub-section (1) it is hereby declared that it shall be lawful for any commissioned officer, warrant officer, petty officer, non-commissioned officer or leading rating of any of the Ceylon Forces or for any police officer, with or without a warrant or other process, to arrest or cause to be arrested any person who, in a prohibited place or on any land or premises in the occupation of any of the Ceylon Forces, is found committing or is reasonably suspected to be committing an offence under this Act, and forthwith

to bring or cause to be brought the person so arrested before a Magistrate for the purpose of being dealt with according to law.

20. (1) If a Magistrate 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, he may grant a search warrant authorizing any police officer named therein, or authorizing, if so requested, any police officer accompanied by an officer deputed by the Commander of the Army, the Captain of the Royal Ceylon Navy, or the Commander of the Royal Ceylon Air Force 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, sketch, model, note or document, or any such other article as 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.

Search
Warrants.

(2) When it appears to a police officer not below the rank of Assistant Superintendent in charge of a district that a case is one of great emergency and that in the interests of the State immediate action is necessary, he may, by a written order under his hand, give to any subordinate police officer the like authority as may be given by the warrant of a Magistrate under this section.

21. The provisions of the Criminal Procedure Code relating to arrests, searches, search warrants, the production of persons arrested before a Magistrate and the investigation of offences shall apply to all action taken in these respects under this Act.

Manner of
making
arrests,
searches,
etc.

Cap. 16.

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

Restriction
on
prosecution.

Provided that, notwithstanding that the sanction of the Attorney-General to the institution of a prosecution for an offence under this Act has not been obtained, a person who is known or is reasonably suspected to have committed that offence may be arrested, or a warrant for his arrest may be issued and executed, and on being brought before a Magistrate the charge upon which he has been arrested may

be explained to him, and he may be remanded in custody or released on bail, so however that he shall not be called upon to plead and the case against him shall not be further prosecuted until the sanction of the Attorney-General has been obtained.

Venue.

23. 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 it was actually committed or at any place in Ceylon in which the offender may be found.

Exclusion of
public from
hearing of
cases.

24. 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 any preliminary proceedings before a Court against any person for an offence under this Act, or in the course of the trial of a person for an offence under this Act, or in the course of the hearing of an appeal in any such case, 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, trial or hearing would be prejudicial to the safety or interests of the State, that all or any portion of the public shall be excluded during any part of the proceedings, trial or hearing, the Court may make an order to that effect ; but in every case where a sentence has to be passed, such sentence shall be passed in public:

Provided that, except in case of gross misconduct, no advocate or proctor appearing for the accused shall be excluded.

Offences by
companies,
firms, etc.

25. Where the person guilty of an offence under this Act is a company or corporation, or a member or servant 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.

Penalties.

26. (1) Every person who is guilty of an offence under section 6 shall be liable to imprisonment of either description for a term not exceeding fourteen years, and shall also be liable to a fine not exceeding twenty thousand rupees.

(2) Every person who is guilty of an offence under any of the sections 3, 4, 5, 7, 8, 9, 10, 13 and 15 shall be liable, on conviction before a District Court, to imprisonment of either description for a term not exceeding two years, and shall also be liable to a fine not exceeding two thousand rupees.

A person charged with an offence under any section mentioned in this sub-section may, with the sanction of the Attorney-General, be tried before a Magistrate's Court, and such person shall, on conviction by that court, be liable to imprisonment of either description for a term not exceeding six months and shall also be liable to a fine not exceeding one thousand rupees.

(3) A person who is guilty of an offence under section 11 or section 12 or section 18 (4) shall be liable, on conviction before a Magistrate's Court, to imprisonment of either description for a term not exceeding six months, and also to a fine not exceeding one thousand rupees.

Any person charged with any offence under any section mentioned in this sub-section may, if the Attorney-General so directs, be tried before a District Court, and such person shall on conviction by that Court be liable to imprisonment of either description for a term not exceeding two years, and also to a fine not exceeding two thousand rupees.

(4) In the case of a District Court or Magistrate's Court, the provisions of this section shall prevail over any other law by which any limit is placed on the punishment that may ordinarily be imposed by such Court.

27. (1) In this Act, unless the context otherwise requires—

Interpretation.

“ Commonwealth ” includes the United Kingdom of Great Britain and Northern Ireland, the Dominions, the British Colonies, Protectorates and Protected States, British mandated territories and British trust territories ;

“ camera ” includes every instrument, device or contrivance, of whatsoever nature or description, which is used or is capable of being used for the purpose of taking photographs, and all implements or equipment used or capable of being used as ancillary to that purpose;

“ competent authority ”, in relation to each prohibited place, means the officer specified in that behalf by the Minister by Order published in the *Gazette* either in respect of that prohibited place or in respect of any class or description of prohibited places to which that prohibited place belongs;

“ Ceylon Forces ” means such military, naval and air forces as may be raised and maintained by Her Majesty’s Government in Ceylon, and includes—

- (i) any volunteer force which has for the time being been called out for active service under any law in Ceylon; and
- (ii) any of Her Majesty’s regular forces or any forces of any other part of the Commonwealth or, in the event of war, any forces of any power allied with Her Majesty, which are for the time being stationed in Ceylon and are deemed to be Ceylon Forces for the purposes of this Act by virtue of any direction in that behalf given by the Minister by Order published in the *Gazette*;

“ contract made on behalf of Her Majesty ” includes any contract made by any Department of Her Majesty’s Government in Ceylon or of the Government of any other part of the Commonwealth and, in the event of war, of the Government of any ally of Her Majesty in that war;

“ document ” includes a part of a document;

“ Her Majesty’s service ” means service of any description for or under Her Majesty’s Government in Ceylon or the Government of any other part of the Commonwealth;

“ implements of war ” includes the whole or any part of any ship, submarine, aircraft, tank, or similar vessel, vehicle or engine, arms and ammunition, and any bomb, torpedo, or mine, intended or adapted for use in war, and any other article, material or device, whether fitted together or in parts, intended for such use;

“ lawful authority ”, in any context relating to any permission or direction or order required for any of the purposes of this

Act, means an officer in Her Majesty's service who is duly empowered to grant such permission or to issue such direction or order;

“ Minister ” means the Minister of Defence and External Affairs;

“ model ” includes design, pattern, and specimen;

“ office under Her Majesty ” includes any office or employment in the Ceylon Forces or in any department of Her Majesty's Government in Ceylon or the Government of any other part of the British Commonwealth;

“ official secret ” means—

- (i) any secret official code word, counter-sign or pass word;
- (ii) any particulars or information relating to a prohibited place or anything therein;
- (iii) any information of any description whatsoever relating to any arm of the Ceylon Forces or to any implements of war maintained for use in Her Majesty's service or to any equipment, organization or establishment intended to be or capable of being used for the purposes of the defence of Ceylon; and
- (iv) any information of any description whatsoever relating directly or indirectly to the defences of Ceylon;

“ photograph ” includes a photographic film or plate, any developed or processed negative, and any printed or other pictorial representation or diagram produced in whole or part by photographic means;

“ prohibited place ” means a place declared to be a prohibited place by an order made and published under section 2;

“ secret document ” means any document containing any official secret and includes—

- (i) any secret official code or anything written in any such code; and
- (ii) any map, sketch, plan, drawing, or blueprint, or any photograph or model or other representation, of a prohibited

place or anything therein or of any implement of war or of anything relating to the defences of Ceylon;

“ sketch ” includes any drawing, map, plan, tracing, blue-print or other print, or painting, or other pictorial representation;

“ sketching materials ” includes every description of material, implement or equipment used or capable of being used for making any sketch as hereinbefore defined;

“ State ” means Ceylon or any other part of the Commonwealth.

(2) For the purposes of this Act—

(a) a person shall be deemed to have been entrusted with any official secret or secret document if—

(i) it has been entrusted in confidence to him by any person holding office under Her Majesty, or

(ii) he has obtained it or has had access thereto 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 as a person who is or has been employed by any person who holds or has held such an office or contract;

(b) expressions referring to the act of communicating, delivering or receiving any official secret or secret document include any act of communicating, delivering or receiving a part of such secret or document or the substance, effect, or description thereof;

(c) expressions referring to the act of obtaining or retaining any secret document include the act of copying or causing to be copied the whole or any part of such document; and

(d) expressions referring to the communication or delivering of any secret document include the transfer or transmission of such document.

(3) During the continuance of any war in which Her Majesty may be engaged and for the purposes of which the territory or any part of the territorial waters

of Ceylon is used by or on behalf of Her Majesty, the expression " Her Majesty " and the grammatical variations thereof in any of the preceding provisions of this Act shall, unless the context otherwise requires, be deemed to include a reference to each foreign power or state taking any part in that war as an ally of Her Majesty.

28. (1) The Fortifications and Official Secrets Ordinance is hereby repealed.

Repeal.
Cap. 34.

(2) The Official Secrets Acts, 1911 to 1939, of the United Kingdom shall cease to be part of the law of Ceylon.