

Official Secrets Act 1889

The Official Secrets Act 1889 (52 & 53 Vict. c. 52) was an Act of the Parliament of the United Kingdom. It created offences of disclosure of information (section 1) and breach of official trust (section 2). It was replaced in the UK by the Official Secrets Act 1911.

The Official Secrets Bill began its parliamentary procedures on 10 May 1888, achieving its Royal Assent on 26 August 1889. It was initiated by Lord George Hamilton PC First Lord of the Admiralty and Edward Stanhope (PC) Secretary of State for War. The Bill was enacted by the Attorney General; Richard Webster to give increased powers against offences of disclosing confidential matters by officials, and to prevent the disclosure of such documents and information by spies, &/or to prevent breaches of official trust, in order to punish such offences of obtaining information and communicating it, against the interests of the British State.

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Disclosure of information

1.-(1.)(a.) Where a person for the purpose of wrongfully obtaining information-

(i.) enters or is in any part of a place belonging to Her Majesty the Queen, being a fortress, arsenal, factory, dockyard, camp, ship, office, or other like place, in which part he is not entitled to be; or

The Official Secrets Act 1889^[1]



Parliament of the United Kingdom

Long title	An Act to prevent the Disclosure of Official Documents and Information.
Citation	52 & 53 Vict. c. 52
Dates	
Royal assent	26 August 1889
Commencement	26 August 1889 ^[2]
Repealed	22 August 1911 ^[3]
Other legislation	
Repealed by	The Official Secrets Act 1911, section 13(2)
Status: Repealed	

(ii.) when lawfully or unlawfully in any such place as aforesaid, either obtains any document, sketch, plan, model or knowledge of anything he is not entitled to obtain, or takes without lawful authority any sketch or plan; or

(iii.) when outside any fortress, arsenal, factory, dockyard or camp belonging to Her Majesty the Queen, takes or attempts to take without authority given by or on behalf of Her Majesty, any sketch or plan of that fortress, arsenal, factory, dockyard or camp; or

(b.) where a person knowingly having possession of, or control over, any such document, sketch, plan, model or knowledge as has been obtained or taken by means of any act which constitutes an offence against this Act at any time wilfully and without lawful authority communicates or attempts to communicate the same to any person to whom the same ought not, in the interest of the State, to be communicated at that time; or

(c.) where a person after having been entrusted in confidence by some officer under Her Majesty the Queen with any document, sketch, plan, model or information relating to any such place as aforesaid, or to the naval or military affairs of Her Majesty, wilfully and in breach of such confidence communicates the same when, in the interest of the State, it ought not to be communicated;

he shall be guilty of a misdemeanour, and on conviction be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to a fine, or to both imprisonment and a fine.

(2.) Where a person having possession of any document, sketch, plan, model or information relating to any fortress, arsenal, factory, dockyard, camp, ship, office, or other like place belonging to Her Majesty, or to the naval or military affairs of Her Majesty, in whatever manner the same has been obtained or taken, at any time wilfully communicates the same to any person to whom he knows the same ought not, in the interest of the State, to be communicated at that time, he shall be guilty of a misdemeanour, and be liable to the same punishment as if he committed an offence under the foregoing provisions of this section.

(3.) Where a person commits any act declared by this section to be a misdemeanour, he shall, if he intended to communicate to a foreign State any information, document, sketch, plan, model, or knowledge, obtained or taken by him, or entrusted to him as aforesaid, or if he communicates the same to any agent of a foreign State, be guilty of felony, and on conviction be liable at the discretion of the court to penal servitude for life, or for any term not less than five years, or to imprisonment for any term not exceeding two years with or without hard labour.

Breach of Official trust

2.-(1.) Where a person, by means of his holding or having held an office under Her Majesty the Queen, has lawfully or unlawfully either obtained possession of or control over any document, sketch, plan, or model, or acquired any information, and at any time corruptly or contrary to his official duty communicates or attempts to communicate that document, sketch, plan, model, or information any person to whom the same ought not, in the interest of the State, or otherwise in the public interest, to be communicated at that time, he shall be guilty of a breach of official trust.

(2.) A person guilty of a breach of official trust shall-

(a.) if the communication was made or attempted to be made to a foreign State, be guilty of felony, and on conviction be liable at the discretion of the court to penal servitude for life, or for any term not less than five years, or to imprisonment for any term not exceeding two years with or without hard labour; and

(b.) in any other case be guilty of a misdemeanour, and on conviction be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to a fine, or to both imprisonment and a fine.

(3.) This section shall apply to a person holding a contract with any department of the Government of the United Kingdom, or with the holder of any office under Her Majesty the Queen as such holder, where such contract involves an obligation of secrecy, and to any person employed by any person or body of persons holding such a contract, who is under a like obligation of secrecy, as if the person holding the contract and the person so employed were respectively holders of an office under Her Majesty the Queen.

Punishment for inciting or counselling to commit offence

3. Any person who incites or counsels, or attempts to procure, another person to commit an offence under this Act, shall be guilty of a misdemeanour, and on conviction be liable to the same punishment as if he had committed the offence.

Expenses of prosecution

4. The expenses of the prosecution of a misdemeanour under this Act shall be defrayed in like manner as in the case of a felony.

Saving for laws of British Possessions

5. If by any law made before or after the passing of this Act by the legislature of any British possession provisions are made which appear to Her Majesty the Queen to be of like effect as those contained in this Act, Her Majesty may, by Order in Council, suspend the operation within such British possession of this Act or of any part thereof, so long as such law continues in force there, and no longer, and such order shall have effect as if it were enacted in this Act:

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

The expression "British possession" means any part of Her Majesty's dominions not within the United Kingdom.

Extent of this Act and place of trial of offence

6.-(1.) This Act shall apply to all acts made offences by this Act when committed in any part of Her Majesty's dominions, or when committed by British officers or subjects elsewhere.

(2.) An offence under this Act, if alleged to have been committed out of the United Kingdom, may be inquired of, heard, an determined, in any competent British court in the place where the offence was committed, or in Her Majesty's High Court of Justice in England or the Central Criminal Court, and the Act of the forty second year of the reign of King George the Third, chapter eighty-five, shall apply in like manner as if the offence were mentioned in that Act, and the Central Criminal Court as well as the High Court possessed the jurisdiction given by that Act to the Court of King's Bench.

(3.) An offence under this Act shall not be tried by any court of general or quarter sessions, nor by the sheriff court in Scotland, nor by any court out of the United Kingdom which has not jurisdiction to try crimes which involve the greatest punishment allowed by law.

(4.) The provisions of the Criminal Law and Procedure (Ireland) Act, 1887,^[4] shall not apply to any trial under the provisions of this Act.

Restriction on prosecution

7.-(1.) A prosecution for an offence against this Act shall not be instituted except by or with the consent of the Attorney-General.

(2.) In this section the expression "Attorney-General" means the Attorney or Solicitor General for England; and as respects Scotland, means the Lord Advocate; and as respects Ireland, Attorney or Solicitor General for Ireland; and if the prosecution is instituted in any court out of the United Kingdom, means the person who in that court is Attorney-General, or exercises the like functions as the Attorney-General in England.

Interpretations

8. In this Act, unless the context otherwise requires-

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

Expressions referring to communications include any communication, whether in whole or in part, and whether the document, sketch, plan, model, or information itself or the substance or effect thereof only be communicated;

The expression "**document**" includes part of a document;

The expression "**model**" includes design, pattern, and specimen;

The expression "**sketch**" includes any photograph or other mode of representation of any place or thing;

The expression "**office under Her Majesty the Queen**" includes any office or employment in or under any department of the Government of the United Kingdom, and so far as regards document, sketch, plan, model, or information relating to the naval or military affairs of Her Majesty, includes any office or employment in or under any department of the Government of any of Her Majesty's possessions.

Saving

9. This Act shall not exempt any person from any proceeding for an offence which is punishable at common law, or by military or naval law, or under any Act of Parliament other than this Act, so however that no person be punished twice for the same offence.

Short title

10. This Act may be cited as the **Official Secrets Act, 1889**.

Parliamentary procedures and debates

	<p>Making new law (http://news.bbc.co.uk/1/hi/programmes/bbc_parliament/2290085.stm)</p> <p>Types of bill (http://news.bbc.co.uk/1/hi/programmes/bbc_parliament/2290403.stm)</p> <p>Bill procedure (http://news.bbc.co.uk/1/hi/programmes/bbc_parliament/2295875.stm)</p> <p>First reading (http://news.bbc.co.uk/1/hi/programmes/bbc_parliament/2297381.stm)</p> <p>Second reading (http://news.bbc.co.uk/1/hi/programmes/bbc_parliament/2298827.stm)</p> <p>Commons committee stage (http://news.bbc.co.uk/1/hi/programmes/bbc_parliament/2298941.stm)</p> <p>Lords committee stage (http://news.bbc.co.uk/1/hi/programmes/bbc_parliament/2300537.stm)</p> <p>Report stage (http://news.bbc.co.uk/1/hi/programmes/bbc_parliament/2300667.stm)</p> <p>Third reading (http://news.bbc.co.uk/1/hi/programmes/bbc_parliament/2306475.stm)</p> <p>Passage through the other House (http://news.bbc.co.uk/1/hi/programmes/bbc_parliament/2306571.stm)</p> <p>Royal assent (http://news.bbc.co.uk/1/hi/programmes/bbc_parliament/2327561.stm)</p> <p>Delegated legislation (http://news.bbc.co.uk/1/hi/programmes/bbc_parliament/2306919.stm)</p>	
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Bill 256

- 10 May 1888. **First Reading:** <http://hansard.millbanksystems.com/commons/1888/may/10/official-secrets-bill>
- 7 June 1888. **Second Reading:** <http://hansard.millbanksystems.com/commons/1888/jun/07/second-reading-1>
- 4 August 1888. Commons Debate: http://hansard.millbanksystems.com/commons/1888/aug/04/east-india-hyderabad-deccan-mining#S3V0329P0_18880804_HOC_24

Bill 97

- 25 February 1889. Commons Debate: <http://hansard.millbanksystems.com/commons/1889/feb/25/official-secrets-bill>
- 28 March 1889. **Second Reading:** <http://hansard.millbanksystems.com/commons/1889/mar/28/second-reading-1>
- 15 April 1889. Commons Debate: <http://hansard.millbanksystems.com/commons/1889/apr/15/official-secrets-bill-no-47>
- 16 April 1889. **Third Reading:** <http://hansard.millbanksystems.com/commons/1889/apr/16/third-reading>
- 29 April 1889. Commons Debate: http://hansard.millbanksystems.com/commons/1889/apr/29/supply-civil-service-estimates#S3V0335P0_18890429_HOC_140

- 2 May 1889. Commons Debate: <http://hansard.millbanksystems.com/commons/1889/may/02/official-secrets-bill-no-97>
- 23 May 1889. Commons Debate: <http://hansard.millbanksystems.com/commons/1889/may/23/official-secrets-bill-no-97>
- 17 June 1889. Commons Debate: <http://hansard.millbanksystems.com/commons/1889/jun/17/official-secrets-bill-no-97>

Bill 274

- 20 June 1889. Commons Debate: <http://hansard.millbanksystems.com/commons/1889/jun/20/official-secrets-bill-no-274>

Bill 112

- 21 June 1889. Lords Debate: <http://hansard.millbanksystems.com/lords/1889/jun/21/official-secrets-bill>
- 11 July 1889. Lords Debate: <http://hansard.millbanksystems.com/lords/1889/jul/11/official-secrets-bill-no-112>
- 6 August 1889. **Committee Stage**: <http://hansard.millbanksystems.com/lords/1889/aug/06/committee-of-selection-for-standing>
- 12 August 1889. Lords Debate: <http://hansard.millbanksystems.com/lords/1889/aug/12/official-secrets-bill-no-112>
- 15 August 1889. Lords Debate: <http://hansard.millbanksystems.com/lords/1889/aug/15/official-secrets-bill-no-112>
- 16 August 1889. Lords Debate: <http://hansard.millbanksystems.com/lords/1889/aug/16/official-secrets-bill-no-112>

Bill 382

- 17 August 1889. Commons Debate: <http://hansard.millbanksystems.com/commons/1889/aug/17/official-secrets-bill-no-382>

Bill 232

- 22 August 1889. Order of Business: <http://hansard.millbanksystems.com/commons/1889/aug/22/order-of-business>
- 22 August 1889. Commons Debate: <http://hansard.millbanksystems.com/commons/1889/aug/22/official-secrets-bill-no-882>
- 23 August 1889. Lords Debate: <http://hansard.millbanksystems.com/lords/1889/aug/23/official-secrets-bill-no-232>
- 26 August 1889. **Royal Assent**: <http://hansard.millbanksystems.com/commons/1889/aug/26/royal-assent>

See also

- [Official Secrets Act](#)
- [Official Secrets Act 1911](#)
- [Official Secrets Act 1920](#)
- [Official Secrets Act 1939](#)
- [Official Secrets Act 1989](#)

References

1. This **short title** is given by section 10 of the Act.
2. This Act came into force on receiving **royal assent** because no other date was specified: [Acts of Parliament \(Commencement\) Act 1793](#)
3. This Act was repealed on the date that the [Official Secrets Act 1911](#) received **royal assent** because no other date was specified by that Act for its commencement: [Acts of Parliament \(Commencement\) Act 1793](#)
4. Marginal citation: 50 & 51 Vict. c. 20.

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