

THE STATUTES OF THE REPUBLIC OF SINGAPORE

OFFICIAL SECRETS ACT

(CHAPTER 213)

1970 Ed. Cap. 233

Reprint

4 of 1966

Ordinance

25 of 1935

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

REVISED EDITION 1985

Official Secrets Act

ARRANGEMENT OF SECTIONS

Section.

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. President may confer police powers on suitable person.
19. Powers under Criminal Procedure Code not restricted.

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

[5th July 1935]

1. This Act may be cited as the Official Secrets Act. Short title.
- 2.—(1) In this Act, unless there is something repugnant in the subject or context — Interpretation.
 - “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 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 President 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 President under such written law to be a manoeuvring ground or a firing ground, which is declared by order of the President to be a prohibited place for the purposes of this section.

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

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:

Cameras prohibited except under permit.

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.

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 —

Wrongful communication, etc., of information.

- (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 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, 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 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 otherwise unless he has obtained the prior approval of the Government.

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 —

Unauthorised use of uniforms, falsification of reports, forgery, personation and false 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;
- (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 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 by any diplomatic, naval, military or air force authority appointed by or acting under the authority of the Government, 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 person authorised by that department 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.

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.

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

(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 Telecommunication Authority of Singapore Act.

Cap. 323.

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.

Duty of giving information as to commission of offences. 21/73.

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.

Harbouring.

(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 prose-
cution.

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.}

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. ^{Trial of offences.}

(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.

18. The President 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.

President may confer police powers on suitable person.
21/73.

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

Powers under Criminal Procedure Code not restricted.
Cap. 68.