



SOLOMON ISLANDS GAZETTE

NO. 9

Thursday 5th February,

2009

EXTRAORDINARY GAZETTE

[36]

OFFICIAL SECRETS ACT, (CAP. 25)

DECLARATION

*Declaration to be signed by members of
Government Departments on appointment*

My attention has been drawn to the provisions of the *Official Secrets Act* which are set out on the back of this document and I am fully aware of the serious consequences which may follow any breach of those provisions.

I understand that the sections of the *Official Secrets Act*, set out on the back of this document, cover articles published in the Press or in book form, and I am aware that I must not divulge any information gained by me as a result of my employment to any unauthorized person, orally or in writing, without the previous sanction of the head of the Department. I understand also that these provisions apply not only during the period of my employment but also after my employment in the Department has ceased.

Dated at Honiara this twenty-ninth day of January, 2009.

Simon Geatavem
Member
Prerogative of Mercy Committee

Witnessed:
Sir Nathaniel R Waena
GCMG, KStJ, CSI

EXTRACTS FROM THE OFFICIAL SECRETS ACT, [CAP. 25]

Section 5 of the *Official Secrets Act* provides as follows:-

"5.—(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 Her Majesty, 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 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 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

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

(c) retains the sketch, plan, model, article, note, or document in his possession or control when he has no right to retain it, or when it is contrary to his duty to retain it, or fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or

(d) fails to take reasonable care of, or so conducts himself as to endanger the safety of the sketch, plan, model, article, note, document, secret official code or pass word or information;

that person shall be guilty of a misdemeanour

(2) 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 Sate, that person shall be guilty of a misdemeanour.

(3) 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.”

Section 7(2) of the *Official Secrets Act*, provides as follows:-

“(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.”

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