

CHAPTER 183.**INCITEMENT TO DISAFFECTION.****ARRANGEMENT OF SECTIONS.**

SECTION.

1. Short title.
2. Endeavouring to seduce from duty an offence.
3. Provisions for the prevention and detection of offences under this Ordinance.
4. Provisions as to punishment of offences.

CHAPTER 183.**INCITEMENT TO DISAFFECTION.**

10 of 1939. **An Ordinance to make better provision for the prevention and punishment of endeavours to seduce members of Her Majesty's Forces from their duty or allegiance.**

[15TH JUNE, 1939.]

Short title. **1.** This Ordinance may be cited as the Incitement to Disaffection Ordinance, and shall apply to the Colony and Protectorate.

Endeavouring to seduce from duty an offence. **2.** If any person maliciously and advisedly endeavours to seduce any member of Her Majesty's Forces from his duty or allegiance to Her Majesty, he shall be guilty of an offence under this Ordinance.

Provisions for the prevention and detection of offences under this Ordinance. **3.** (1) If any person, with intent to commit or to aid, abet, counsel, or procure the commission of an offence under section 2 of this Ordinance, has in his possession or under his control any document of such a nature that the dissemination of copies thereof among members of Her Majesty's Forces would constitute such an offence, he shall be guilty of an offence under this Ordinance.

(2) If a magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Ordinance has been committed, and that evidence of the commission thereof is to be found at any premises or place specified in the information, he may, on an application made by

a police officer of or above the rank of Assistant Superintendent, grant a search warrant authorising any such police officer as aforesaid named in the warrant together with any other persons named in the warrant and any other police officers to enter the premises or place at any time within one month from the date of the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize anything found on the premises or place or on any such person which the police officer has reasonable ground for suspecting to be evidence of the commission of such an offence as aforesaid:

Provided that—

(a) a search warrant shall only be issued in respect of an offence suspected to have been committed within three months prior to the laying of the information thereof; and

(b) if a search warrant under this Ordinance has been executed on any premises, it shall be the duty of the police officer who has conducted or directed the search to notify the occupier that the search has taken place, and to supply him with a list of any documents or other objects which have been removed from the premises, and where any documents have been removed from any other person to supply that person with a list of such documents.

(3) No woman shall, in pursuance of a warrant issued under the last foregoing sub-section, be searched except by a woman.

(4) Any thing seized under this section may be retained for a period not exceeding one month, or if within that period proceedings are commenced for an offence under this Ordinance until the conclusion of those proceedings, and subject as aforesaid and to the provisions of any enactment, including this Ordinance, conferring powers on Courts dealing with offences, any property which has come into the possession of the police under this section shall be returned to the owner, or, if the owner cannot be ascertained, shall be disposed of in such manner as the Governor, on application being made to him, may direct.

4. (1) A person guilty of an offence under this Ordinance shall be liable on conviction on information before the Supreme Court to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred pounds, or on summary conviction to imprisonment for a term not exceeding four months or to a fine not exceeding twenty pounds, or (whether on conviction on information as aforesaid or on summary conviction) to both such imprisonment and fine.

Provisions
as to
punishment
of offences.

(2) No prosecution under this Ordinance shall take place without the consent of the Attorney General.

(3) Where a prosecution under this Ordinance is being carried on by the Attorney General, a Court of summary jurisdiction shall not deal with the case summarily without the consent of the Attorney General.

(4) Where any person is convicted of an offence under this Ordinance, the Court dealing with the case may order any documents connected with the offence to be destroyed or dealt with in such other manner as may be specified in the order, but no documents shall be destroyed before the expiration of the period within which an appeal may be lodged, and if an appeal is lodged no document shall be destroyed until after the appeal has been heard and decided.