

METROPOLITAN POLICE SERVICE

Notice to an officer leaving the Service Official Secrets Acts and Police Pensions Regulations

Note: In the case of an officer leaving the Service on pension or with a deferred pension the whole of this form applies.
In other cases only parts A and C are applicable.

Part A Declaration

I understand that I am subject to the Official Secrets Acts 1911 to 1989 and in particular my attention has been drawn to those parts of the Acts and the Police Pensions Regulations set out on the back of this document.

I UNDERSTAND

- (1) that the provisions of the Official Secrets Acts 1911 to 1989 apply to me after my appointment has ceased;
 - (2) that information which I have acquired or to which I have had access owing to my official position may include information, intelligence, documents, articles or material to which the provisions of the Official Secrets Acts 1911 to 1989 apply;
 - (3) that I am a Crown servant within the meaning of Section 12 of the Official Secrets Act 1989;
 - (4) that I should obtain official sanction to the disclosure of any information, documents or other articles or material to which the Official Secrets Acts apply unless I have previously obtained the official sanction in writing of the Commissioner;
 - (5) that to obtain such sanction two copies of any book, article, play, film, speech, broadcast, recording or video tape intended for publication which contains material or information which I have acquired or to which I have had access owing to my official position or of any material otherwise to be published which contains such information should be submitted to the Commissioner;
 - (6) that when my appointment ends I should surrender any document or other article which it would be an offence under any of the provisions of the Official Secrets Acts to disclose without lawful authority.
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Part B

I FURTHER UNDERSTAND THAT SHOULD I BE CONVICTED OF

- (1) an offence of treason, or
- (2) one or more offences under the Official Secrets Act 1911 to 1989, and sentenced on the same occasion to a term of imprisonment of, or two or more consecutive terms amounting in the aggregate to, at least ten years, or
- (3) an offence committed in connection with my service as a member of a Police Force which is certified by the Secretary of State either to have been gravely injurious to the interests of the State or to be liable to lead to serious loss of confidence in the public service,

the Secretary of State, as police authority, has the power to withdraw the pension granted to me.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS FORM.

SURNAME

FORENAME

RANK AND WARRANT NUMBER

SIGNED DATE

SIGNATURE OF WITNESS *(not below the rank of Inspector)*

RANK/GRADE DATE

Part C Extracts from the Official Secrets Acts

Section 1(2) of the Official Secrets Act, 1920:–

"(2) if any person–

- (a) retains for any purpose prejudicial to the safety or interest 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 communicate 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 misdemeanor."

Section 1(1) of the Official Secrets Act, 1989:–

"1.–(1) A person who is or has been–

- (a) a member of the security and intelligence services; or
- (b) a person notified that he is subject to the provisions of this subsection,

is guilty of an offence if without lawful authority he discloses any information, document or other article relating to security or intelligence which is or has been in his possession by virtue of his position as a member of any of those services or in the course of his work while the notification is or was in force."

Section 4(1) of the Official Secrets Act, 1989:–

"4.–(1) A person who is or has been a Crown servant or government contractor is guilty of an offence if without lawful authority he discloses any information, document or other article to which this section applies and which is or has been in his possession by virtue of his position as such.

(2) This section applies to any information, document or other article–

- (a) the disclosure of which–
 - (i) results in the commission of an offence; or
 - (ii) facilitates an escape from legal custody or the doing of any other act prejudicial to the safekeeping of persons in legal custody; or
 - (iii) impedes the prevention or detection of offences or the apprehension or prosecution of suspected offenders; or
- (b) which is such that its unauthorised disclosure would be likely to have any of those effects."

Section 8(1) of the Official Secrets Act, 1989:–

"8.–(1) Where a Crown servant or government contractor, by virtue of his position as such, has in his possession or under his control any document or other article which it would be an offence under any of the foregoing provisions of this Act for him to disclose without lawful authority he is guilty of an offence if–

- (a) being a Crown servant, he retains the document or article contrary to his official duty; or
- (b) being a government contractor, he fails to comply with an official direction for the return or disposal of the document or article,

or if he fails to take such care to prevent the unauthorised disclosure of the document or article as a person in his position may reasonably be expected to take."

Part D Extract from the Police Pensions Regulations, 1987 as amended by Schedule 1, Clause 4 of the Official Secrets Act 1989.

Regulation K5 of the Police Pensions Regulations 1987:–

"K5.–(1) This regulation shall apply to a pension payable to or in respect of a member of a police force under Part B or C or under Regulation E1 (adult dependant relative's special pension).

(2) Subject to paragraph (5), a police authority responsible for payment of a pension to which this Regulation applies may determine that the pension be forfeited, in whole or in part and permanently or temporarily as they may specify, if the pensioner has been convicted of an offence mentioned in paragraph (3) and, in the case of a widow/er's pension, that offence was committed after the death of the pensioner's spouse.

(3) The offences referred to in paragraph (2) are–

- (a) an offence of treason;
- (b) one or more offences under the Official Secrets Act 1911 to 1989 for which the grantee has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least ten years.

(4) Subject to paragraph (5), a police authority responsible for payment to a member of a police force of a pension to which this Regulation applies may determine that the pension be forfeited, in whole or in part and permanently or temporarily as they may specify, if the grantee has been convicted of an offence committed in connection with his service as a member of a police force which is certified by the Secretary of State either to have been gravely injurious to the interests of the State or to be liable to lead to serious loss of confidence in the public service.

(5) In the case of a pension to which this Regulation applies, other than an injury pension, the police authority in determining whether a forfeiture should be permanent or temporary and affect a pension in whole or in part, may make different determinations in respect of the secured and unsecured portions of the pension; but the secured portion of such a pension shall not be forfeited permanently and may be only forfeited temporarily for a period expiring before the grantee attains state pensionable age or for which he is imprisoned or otherwise detained in legal custody."