

Ex 3-3-15 SACOD.
6.205

CIRCULAR TO ALL BRANCHES AND REGIONS.

For all Members.

Police Powers of questioning and the rights of the Citizen.

1. A policeman has the right to ask for the name and address of any person whom he thinks may have committed an offence or whom he thinks maybe able to give evidence in regard to an offence. If you fail to give your name and address when so asked, or if you give a false name or address, you commit an offence for which you may be fined £30 or imprisonment for one month. In addition he may arrest you forthwith.
2. Apart from this, the police have in ordinary cases, no powers whatsoever to compel you to answer questions. They may ask, but you are entitled to refuse to answer all questions, nor need you answer any questions about your origin, place of birth, parents, etc. This is the general rule.

The only manner in which you can be compelled to answer questions is when a magistrate has issued a Subpoena under Section 96 of the Criminal Code. This he does when he has reason to believe that you may be able to give evidence as to a supposed offence. If this should happen to you you should immediately consult a lawyer.

3. The important exception to the general rule is provided by the Suppression of Communism Act. When the Minister, under this Act, investigates any organisation which he suspects, he appoints "authorised officers" for this purpose. They are usually Special Branch men but must be able to show you this authority as authorized officers. They are entitled to question you about any suspected offence under this act e.g. advocating or promoting communism or publishing matter which will further communism. It is an offence to refuse or fail to answer to the best of your ability such questions unless you have a lawful excuse. For this offence you can be fined up to £200 or imprisoned for one year.

In most cases the lawful excuse is provided by Section 301 of the Criminal Code. The effect of this section on the Suppression of Communism Act is that no person questioned by an authorized officer is obliged to answer any question if his answer might have a tendency to expose him to any pains, penalty, forfeiture or a criminal charge.

In all cases, therefore, when you are questioned by an authorized officer you should state simply that you refuse to answer because you understand that Section 301, of the Criminal Code protects you. This will mean that your refusal to answer is based upon a legal provision which will first have to be tested. You will therefore not run the risk of being straightaway charged with the offence of refusing to answer.

4. In general, it seems highly advisable never to answer any police questions relating to political matters or possible political offences. No advantage can be gained from answering any question can always be answered at a later stage if your lawyer considers it necessary. Half truths are liable to get one into trouble and in these days there is no reason why you should give any information to the police. Silence is the golden rule.
5. When a person is arrested he is entitled to demand legal representation.

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TREASON TRIAL, 1956 1961

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