

MEMO TO CABINETRepeal of the Aircraft (Photography) Ordinance, Cap. 83

The Aircraft (Photography) Ordinance specifically prohibits the taking of photographs from the air over Malta and its dependencies of any land, fort, building, ship, dockyard, work of defence or other object whatsoever and there is no provision in the law for exemption from this general prohibition. In view of this, two requests for the taking of aerial photographs of Malta for publicity, tourist promotion, industrial and commercial development purposes have had to be shelved.

The British High Commission have been consulted with a view to safeguarding the interests of the British Authorities in Malta and have suggested that, if the Aircraft (Photography) Ordinance is repealed, it would be prudent to incorporate in the Laws of Malta certain provisions of the U.K. Official Secrets Act but the Crown Advocate-General considers this to be unnecessary since the Official Secrets Ordinance (Cap. 82) already incorporates the provisions to which the British High Commission refer

The Official Secrets Ordinance, Cap. 82, provides in section 3 that "if any person for any purpose prejudicial to the safety or interests of the State ..... passes over any prohibited place ..... or makes any sketch (which includes a photograph) ..... which is calculated to be directly or indirectly useful to an enemy shall be liable, on conviction to imprisonment ....."

Subsection (2) of the said section 3 further provides that "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 of the State, 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, it appears that his purpose was a purpose prejudicial to the safety or interests of the State".

Hon. Ministers may wish to consider whether the Aircraft (Photography) Ordinance, Cap. 83 should be repealed.

31st December, 1967.