

Adler v George (1964) 2 QB 7

Chapter 2

Relevant facts

On 11 May 1963, Frank Adler, while within the boundaries of Marham Royal Air Force station, obstructed Albert George, a police superintendent engaged in security duties at the station. Adler was charged with contravening section 3 of the *Official Secrets Act* 1920 (UK). The section provided:

No person in the vicinity of any prohibited place shall obstruct, knowingly mislead or otherwise interfere with or impede, the chief officer or a superintendent or other officer of police, or any member of His Majesty's forces engaged on guard, sentry, patrol, or other similar duty in relation to the prohibited place, and, if any person acts in contravention of, or fails to comply with, this provision, he shall be guilty of a misdemeanour.

Adler argued that as he was actually *in* the station he could not be 'in the vicinity of' the station, based on the literal meaning of 'vicinity'. The prosecutor argued that Adler's presence within the boundaries of the station was sufficient to be in the vicinity of a prohibited place within the meaning of the Act.

The justices of the County of Norfolk found Adler guilty. Adler appealed the decision to the Queens' Bench.

Legal issue

What meaning should be given to section 3 of the *Official Secrets Act* 1920 (UK)? Should it be interpreted literally or should it be interpreted as referring to a person 'in or in the vicinity of' a prohibited place?

Decision

On 30 January 1964, the Queen's Bench Divisional Court unanimously held that Adler was guilty of the offence. The Court held that it would be absurd to confine the word 'vicinity' in section 3 of the *Official Secrets Act* 1920 (UK) to its ordinary meaning of 'being near in space' because the result would be that it was an offence to cause an obstruction in an area outside but near in space to a prohibited area but no offence to cause the obstruction in the prohibited area. Accordingly, it was held that 'in the vicinity of' should be read as meaning 'in or in the vicinity of'.

According to Lord Chief Justice Parker:

I am quite satisfied that this is a case where no violence is done to the language by reading the words 'in the vicinity of' as meaning 'in or in the vicinity of.' Here is a section in an Act of Parliament designed to prevent interference with members of Her Majesty's forces, among others, who are engaged on guard, sentry, patrol or other similar duty in relation to a prohibited place such as this station. It would be extraordinary, I venture to think it would be absurd, if an indictable offence was thereby created when the obstruction took place outside the precincts of the station, albeit in the vicinity, and no offence at all was created if the obstruction occurred on the station itself ... There may be, of course, many contexts in which 'vicinity' must be confined to its literal meaning of 'being near in space' but under this section, I am quite clear that the context demands that the words should be construed in the way I have said. I would dismiss this appeal.

Significance

This decision is an example of the application of the golden rule of statutory interpretation. The Court decided that the literal meaning of the word 'vicinity' in the context of section 3 of the *Official Secrets Act 1920* (UK) was ambiguous and therefore chose to interpret it to give it the least absurd meaning.