



Territorial Waters Jurisdiction Act 1878

1878 CHAPTER 73 41 and 42 Vict

3 Restriction on institution of proceedings for punishment of offence.

Proceedings for the trial and punishment of a person who is not a subject of Her Majesty, and who is charged with any such offence as is declared by this Act to be within the jurisdiction of the Admiral, shall not be instituted in any court of the United Kingdom, except with the consent of one of Her Majesty's Principal Secretaries of State, and on his certificate that the institution of such proceedings is in his opinion expedient, and shall not be instituted in any of the dominions of Her Majesty out of the United Kingdom, except with the leave of the Governor of the part of the dominions in which such proceedings are proposed to be instituted, and on his certificate that it is expedient that such proceedings should be instituted.

Modifications etc. (not altering text)

- C1 S. 3 excluded by [Petroleum and Submarine Pipelines Act 1975 \(c. 74\), s. 29\(6\)](#), S.I. 1976/766 art. 5
- C2 Power to exclude s. 3 conferred by [Health and Safety at Work Act 1974 \(c. 37\) s. 84\(4\)\(d\)](#)
- C3 Power to exclude s. 3 conferred by [Employment Protection \(Consolidation\) Act 1978 \(c. 4\), s. 137\(3\)\(e\)](#)
- C4 S. 3 excluded by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\), s. 27\(5\)](#), and by [Petroleum Act 1987 \(c. 12, SIF 86\), ss. 13\(6\), 16\(2\)](#), and by S.I. 1989/840, [art. 8\(2\)](#)
 - S. 3 excluded (15.3.1995) by S.I. 1995/263, [art. 9\(2\)](#)
 - S. 3 excluded (30.4.1998) by S.I. 1998/968, [reg. 16\(10\)](#)
 - S. 3 excluded (15.2.1999) by [1998 c. 17, s. 12\(4\)](#), (with Sch. 3 para. 5(1)); S.I. 1999/161, [art. 2](#).
 - S. 3 excluded (15.2.1999) by [1998 c. 17, s. 22\(9\)](#), (with Sch. 3 para. 5(1)); S.I. 1999/161, [art. 2](#).
 - S. 3 excluded (15.2.1999) by [1998 c. 17, s. 41\(6\)](#), (with Sch. 3 para. 5(1)); S.I. 1999/161, [art. 2](#).
 - S. 3 excluded (14.3.1999) by S.I. 1999/360, [reg. 18\(10\)](#).
- C5 Power to exclude s. 3 conferred (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\), ss. 287\(3\)\(e\)](#), 302.
 - S. 3: power to exclude (22.8.1996) by [1996 c. 18, ss. 201\(3\)\(e\)](#), 243 (with s. 191, 192, 193, 194, 195, 202)
 - S. 3: power to exclude (*prosp.*) by [1998 c. 39, ss. 42\(3\)\(d\)](#), 56(2) (with s 36)
 - S. 3 excluded (19.3.2001) by S.I. 2001/1091, [reg. 18\(8\)](#)
 - S. 3 excluded (31.5.2001) by S.I. 2001/1754, [reg. 19\(8\)](#)
 - S. 3 excluded (11.7.2001) by S.I. 2001/2127, [arts. 9\(2\)](#)

Changes to legislation: There are currently no known outstanding effects for the Territorial Waters Jurisdiction Act 1878, Section 3. (See end of Document for details)

- S. 3 excluded (15.5.2002) by S.I. 2002/1355, **reg. 18(8)**
- C6** S. 3 excluded (5.10.2004) by Energy Act 2004 (c. 20), **ss. 86(6)**, 198(2); S.I. 2004/2575, art. 2(1), Sch. 1
- C7** S. 3 excluded (20.8.2005) by Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (S.I. 2005/2055), regs. 1, **16(10)**
- C8** S. 3 excluded (1.10.2005) by Energy Act 2004 (c. 20), **ss. 113(6)**, 198(2); S.I. 2005/877, art. 2(2), Sch. 2
- C9** S. 3 excluded (1.10.2005) by Energy Act 2004 (c. 20), **ss. 98(5)**, 198(2); S.I. 2005/877, art. 2(2), Sch. 2
- C10** S. 3 excluded (1.5.2007) by Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2007 (S.I. 2007/1067), regs. 1(1), **28** (with reg. 31)
- C11** S. 3 excluded (21.8.2007) by Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (S.I. 2007/1842), regs. 1, **66** (with reg. 3)
- C12** S. 3 excluded (28.9.2007) by Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (Wales) Regulations 2007 (S.I. 2007/2610), regs. 1(1), **28** (with regs. 1(2), 3)
- C13** S. 3 power to exclude conferred (26.11.2008) by Pensions Act 2008 (c. 30), **ss. 96(5)(b)**, 149(1)
- C14** S. 3 power to exclude conferred (26.11.2008) by Pensions Act 2008 (c. 30), **ss. 97(5)(d)**, 149(1)
- C15** S. 3 excluded (6.4.2009) by Energy Act 2008 (c. 32), **ss. 28(2)**, 110(2); S.I. 2009/45, art. 4(a)(ii)
- C16** S. 3 excluded (12.11.2009 for specified purposes, 6.4.2011 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 319**, 324(1)(b); S.I. 2011/556, art. 3(2)(c)
- C17** S. 3 excluded (13.11.2009 for specified purposes) by Energy Act 2008 (c. 32), **ss. 14(2)**, 110(2); S.I. 2009/2809, art. 2 (with art. 4)
- C18** S. 3 excluded by 2008 c. 32, s. 79O(2) (as inserted (6.4.2011) by Marine and Coastal Access Act 2009 (c. 23), **ss. 314(1)**, 324(3); S.I. 2011/556, art. 3(2)(c))
- C19** S. 3 excluded (6.4.2013) by The Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013 (S.I. 2013/240), arts. 1(1), **12(2)**
- C20** S. 3 excluded (E.W.S) (19.5.2013) by The Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013 (S.I. 2013/971), art. 1(1) **reg. 34(6)**
- C21** S. 3 excluded (N.I.) (18.9.2013) by Marine Act (Northern Ireland) 2013 (c. 10), **ss. 45**, 49 (with ss. 1(1), 46(3), 47)
- C22** S. 3 power to restrict conferred (1.4.2014) by Energy Act 2013 (c. 32), **ss. 117(2)(e)**, 156(1) (with ss. 107, 111); S.I. 2014/251, art. 4
- C23** S. 3 excluded by 1971 c. 77, s. 28(2A) (as inserted (31.5.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 14 para. 5**; S.I. 2016/603, reg. 2(d))
- C24** S. 3 excluded (30.11.2017) by The Conservation of Offshore Marine Habitats and Species Regulations 2017 (S.I. 2017/1013), regs. 1, **73** (with regs. 3, 4(2))
- C25** S. 3 excluded (31.12.2020 immediately before 11 p.m.) by The Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020 (S.I. 2020/1497), regs. 1(1), **25(10)** (with reg. 1(2)-(6), 20, 29)
- C26** S. 3 excluded (12.4.2023) by 2006 c. 13, s. **21(3B)** (as inserted by Nationality and Borders Act 2022 (c. 36), s. 87(1), **Sch. 6 para. 11**; S.I. 2023/283, **reg. 3(b)**)
- C27** S. 3 excluded (26.12.2023) by Energy Act 2023 (c. 52), **ss. 35(2)**, 334(3)(a)

Changes to legislation:

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