



Aviation and Maritime Security Act 1990

1990 CHAPTER 31

PART II

OFFENCES AGAINST THE SAFETY OF SHIPS AND FIXED PLATFORMS

15 Master's power of delivery.

- (1) The provisions of this section shall have effect for the purposes of any proceedings before any court in the United Kingdom.
- (2) If the master of a ship, wherever that ship may be, and whatever the State (if any) in which it may be registered, has reasonable grounds to believe that any person on board the ship has—
 - (a) committed any offence under section 9, 11, 12 or 13 of this Act,
 - (b) attempted to commit such an offence, or
 - (c) aided, abetted, counselled, procured or incited, or been art and part in, the commission of such an offence,in relation to any ship other than a warship or other ship used as a naval auxiliary or in customs or police service, he may deliver that person to an appropriate officer in the United Kingdom or any other Convention country.
- (3) Where the master of a ship intends to deliver any person in the United Kingdom or any other Convention country in accordance with subsection (2) above he shall give notification to an appropriate officer in that country—
 - (a) of his intention to deliver that person to an appropriate officer in that country; and
 - (b) of his reasons for intending to do so.
- (4) Any notification under subsection (3) above must be given—
 - (a) before the ship in question has entered the territorial sea of the country concerned; or
 - (b) if in the circumstances it is not reasonably practicable to comply with paragraph (a) above, as soon as reasonably practicable after the ship has entered that territorial sea.

*Changes to legislation: There are currently no known outstanding effects for the
 Aviation and Maritime Security Act 1990, Section 15. (See end of Document for details)*

- (5) Where the master of a ship delivers any person to an appropriate officer in any country under subsection (2) above he shall—
- (a) make to an appropriate officer in that country such oral or written statements relating to the alleged offence as that officer may reasonably require; and
 - (b) deliver to an appropriate officer in that country such other evidence relating to the alleged offence as is in the master's possession.
- (6) The master of a ship who without reasonable excuse fails to comply with subsection (3) or (5) above is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) It is a defence for a master of a ship charged with an offence under subsection (6) above of failing to comply with subsection (3) above to show that he believed on reasonable grounds that the giving of the notification required by subsection (3) above would endanger the safety of the ship and, except where the country concerned is the United Kingdom, that either—
- (a) he notified some other competent authority in the country concerned within the time required by subsection (4) above, or
 - (b) he believed on reasonable grounds that the giving of notification to any competent authority in that country would endanger the safety of the ship.
- (8) In this section—
- appropriate officer means—
- (a) in relation to the United Kingdom, a constable or immigration officer, and
 - (b) in relation to any other Convention country, an officer having functions corresponding to the functions in the United Kingdom either of a constable or of an immigration officer,
- Convention country means a country in which the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, which was signed at Rome on 10th March 1988, is for the time being in force; and Her Majesty may by Order in Council certify that any country specified in the Order is for the time being a Convention country and any such Order in Council for the time being in force shall be conclusive evidence that the country in question is for the time being a Convention country, and
- master has the same meaning as in the [^{F1}Merchant Shipping Act 1995].

Textual Amendments

- F1** Words in s. 15(8) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 88(3)** (with s. 312(1))

Modifications etc. (not altering text)

- C1** S. 15 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, **Sch. Pts. I, II**
- C2** Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by **The Maritime Security (Jersey) Order 2014 (S.I. 2014/265)**, art. 2, **Sch.**
- C3** S. 15(2)(c) modified (E.W.) (1.10.2008) by **Serious Crime Act 2007 (c. 27)**, s. 94(1), **Sch. 6 para. 18(b)** (with **Sch. 13 para. 5**); S.I. 2008/2504, art. 2(a)

Changes to legislation:

There are currently no known outstanding effects for the Aviation and Maritime Security Act 1990, Section 15.