

SCHEDULES

SCHEDULE 16

Section 171.

AMENDMENTS OF THE MARINE, &C., BROADCASTING (OFFENCES) ACT 1967

- 1 (1) Section 2 (prohibition of broadcasting from marine structures) shall be amended as follows.
- (2) In subsection (1)(a), for “external waters or in tidal waters in the United Kingdom” substitute “any waters to which this section applies”.
- (3) After subsection (2) insert the following subsection—
- “ (3) This section applies to—
- (a) tidal waters in the United Kingdom;
 - (b) external waters; and
 - (c) waters in a designated area within the meaning of the Continental Shelf Act 1964.”
- 2 After section 2 insert the following section—
- “2A Unlawful broadcasting from within prescribed areas of the high seas**
- (1) Subject to subsection (4) below, it shall not be lawful to make a broadcast which—
- (a) is made from a ship (other than one registered in the United Kingdom, the Isle of Man or any of the Channel Islands) while the ship is within any area of the high seas prescribed for the purposes of this section by an order made by the Secretary of State; and
 - (b) is capable of being received in, or causes interference with any wireless telegraphy in, the United Kingdom.
- (2) If a broadcast is made from a ship in contravention of subsection (1) above, the owner of the ship, the master of the ship and every person who operates, or participates in the operation of, the apparatus by means of which the broadcast is made shall be guilty of an offence.
- (3) A person who procures the making of a broadcast in contravention of subsection (1) above shall be guilty of an offence.
- (4) The making of a broadcast does not contravene subsection (1) above if it is shown to have been authorised under the law of any country or territory outside the United Kingdom.
- (5) Any order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”
- 3 In section 3 (prohibition of acts connected with broadcasting from certain ships and aircraft, and from marine structures outside the United Kingdom)—

Status: This is the original version (as it was originally enacted).

- (a) in subsection (1), at the beginning insert “Subject to subsection (1A) below.”; and
- (b) after subsection (1) insert the following subsection—
 - “(1A) Subsection (1)(a) above does not apply to any broadcast made in contravention of section 2A(1) of this Act, and subsections (1)(c) and (d) above do not apply to structures or other objects in waters falling within section 2(3)(c) of this Act.”

4 After section 3 insert the following section—

“3A Prohibition of management of stations broadcasting from ships, aircraft etc

- (1) Any person who, from any place in the United Kingdom or external waters, participates in the management, financing, operation or day-to-day running of any broadcasting station by which broadcasts are made—
 - (a) in contravention of section 1, 2 or 2A(1) of this Act, or
 - (b) as mentioned in section 3(1)(a) of this Act,
 shall be guilty of an offence.
- (2) In this section “broadcasting station” means any business or other operation (whether or not in the nature of a commercial venture) which is engaged in the making of broadcasts.”

5 (1) Section 4 (prohibition of acts facilitating broadcasting from ships, aircraft etc.) shall be amended as follows.

(2) In subsection (1), after paragraph (a) insert—

- “(aa) where paragraph (a) above does not apply but the broadcasts in question are made, or are to be made, from any structure or other object (not being a ship or aircraft) in waters falling within section 2(3)(c) of this Act, he does the act on that structure or other object within those waters; or
- (ab) where paragraph (a) above does not apply but the broadcasts in question are made, or are to be made, from a ship in contravention of section 2A(1) of this Act, he does the act in that ship within any such area of the high seas as is mentioned in paragraph (a) of that provision; or”.

(3) In subsection (3)(e), for “or 2(1)” substitute “, 2(1) or 2A(1)”.

6 (1) Section 5 (prohibition of acts relating to matter broadcast from ships, aircraft etc.) shall be amended as follows.

(2) In subsection (1), after paragraph (a) insert—

- “(aa) where paragraph (a) above does not apply but the broadcasts in question are made, or are to be made, from any structure or other object (not being a ship or aircraft) in waters falling within section 2(3)(c) of this Act, he does the act on that structure or other object within those waters; or
- (ab) where paragraph (a) above does not apply but the broadcasts in question are made, or are to be made, from a ship in contravention of section 2A(1) of this Act, he does the act in that ship within any

such area of the high seas as is mentioned in paragraph (a) of that provision; or”.

(3) In subsections (3)(a) and (4), for “or 2(1)”, in each place where those words occur, substitute “, 2(1) or 2A(1)”.

7 (1) Section 6 (penalties and legal proceedings) shall be amended as follows.

(2) In subsection (1)(a), for “three” substitute “six”.

(3) In subsection (5), for “on behalf of”, in both places where those words occur, substitute “with the consent of the Secretary of State or”.

8 After section 7 insert the following section—

“7A Powers of enforcement in relation to marine offences under this Act

(1) The following persons are enforcement officers for the purposes of this section—

- (a) persons authorised by the Secretary of State to exercise the powers conferred by subsection (5) below;
- (b) police officers;
- (c) commissioned officers of Her Majesty’s armed forces;
- (d) officers commissioned by the Commissioners of Customs and Excise under section 6(3) of the Customs and Excise Management Act 1979; and
- (e) persons not falling within any of the preceding paragraphs who are British sea-fishery officers by virtue of section 7(1) of the Sea Fisheries Act 1968;

and in this subsection “armed forces” means the Royal Navy, the Royal Marines, the regular army and the regular air force, and any reserve or auxiliary force of any of those services which has been called out on permanent service, or called into actual service, or embodied.

(2) If an enforcement officer has reasonable grounds for suspecting—

- (a) that an offence under this Act has been or is being committed by the making of a broadcast from any ship, structure or other object in external waters or in tidal waters in the United Kingdom or from a ship registered in the United Kingdom, the Isle of Man or any of the Channel Islands while on the high seas,
- (b) that an offence under section 2 of this Act has been or is being committed by the making of a broadcast from a structure or other object in waters falling within subsection (3)(c) of that section, or
- (c) that an offence under section 2A of this Act has been or is being committed by the making of a broadcast from a ship,

and the Secretary of State has issued a written authorisation for the exercise of the powers conferred by subsection (5) below in relation to that ship, structure or other object, then (subject to subsections (6) and (7) below) the officer may, with or without persons assigned to assist him in his duties, so exercise those powers.

(3) If—

Status: This is the original version (as it was originally enacted).

- (a) the Secretary of State has issued an authorisation under subsection (2) above for the exercise of the powers conferred by subsection (5) below in relation to any ship, structure or other object, and
- (b) an enforcement officer has reasonable grounds for suspecting that an offence under section 4 or 5 of this Act has been or is being committed in connection with the making of a broadcast from that ship, structure or other object,

then (subject to subsections (6) and (7) below) the officer may, with or without persons assigned to assist him in his duties, also exercise those powers in relation to any ship, structure or other object which he has reasonable grounds to suspect has been or is being used in connection with the commission of that offence.

(4) Where—

- (a) an enforcement officer has reasonable grounds for suspecting that an offence under section 4 or 5 of this Act has been or is being committed in connection with the making of a broadcast from a ship, structure or other object, but
- (b) an authorisation has not been issued under subsection (2) above for the exercise of the powers conferred by subsection (5) below in relation to that ship, structure or other object,

then (subject to subsections (6) and (7) below) the officer may, with or without persons assigned to assist him in his duties, nevertheless exercise those powers in relation to any ship, structure or other object which he has reasonable grounds to suspect has been or is being used in connection with the commission of that offence if the Secretary of State has issued a written authorisation for the exercise of those powers in relation to that ship, structure or other object.

(5) The powers conferred by this subsection on an enforcement officer in relation to any ship, structure or other object are—

- (a) to board and search the ship, structure or other object;
- (b) to seize and detain the ship, structure or other object and any apparatus or other thing found in the course of the search which appears to him to have been used, or to have been intended to be used, in connection with, or to be evidence of, the commission of the suspected offence;
- (c) to arrest and search any person who he has reasonable grounds to suspect has committed or is committing an offence under this Act if—
 - (i) that person is on board the ship, structure or other object, or
 - (ii) the officer has reasonable grounds for suspecting that that person was so on board at, or shortly before, the time when the officer boarded the ship, structure or other object;
- (d) to arrest any person who assaults him, or a person assigned to assist him in his duties, while exercising any of the powers conferred by this subsection or who intentionally obstructs him or any such person in the exercise of any of those powers;
- (e) to require any person on board the ship, structure or other object to produce any documents or other items which are in his custody or

- possession and are or may be evidence of the commission of any offence under this Act;
- (f) to require any such person to do anything for the purpose of facilitating the exercise of any of the powers conferred by this subsection, including enabling any apparatus or other thing to be rendered safe and, in the case of a ship, enabling the ship to be taken to a port;
 - (g) to use reasonable force, if necessary, in exercising any of those powers;
- and references in paragraphs (a) to (c) and (e) above to the ship, structure or other object include references to any ship's boat or other vessel used from the ship, structure or other object.
- (6) Except as provided in subsection (7) below, the powers conferred by subsection (5) above shall only be exercised in tidal waters in the United Kingdom or in external waters.
 - (7) Those powers may in addition—
 - (a) in relation to a suspected offence under this Act committed in a ship registered in the United Kingdom, the Isle of Man or any of the Channel Islands while on the high seas, be exercised in relation to that ship on the high seas;
 - (b) in relation to a suspected offence under section 2 of this Act committed on a structure or other object within waters falling within subsection (3)(c) of that section, be exercised in relation to that structure or other object within those waters; and
 - (c) in relation to a suspected offence under section 2A of this Act committed in a ship within any such area of the high seas as is mentioned in subsection (1)(a) of that section, be exercised in relation to that ship within that area of the high seas.
 - (8) Any person who—
 - (a) assaults an enforcement officer, or a person assigned to assist him in his duties, while exercising any of the powers conferred by subsection (5) above or intentionally obstructs him or any such person in the exercise of any of those powers, or
 - (b) without reasonable excuse fails or refuses to comply with any such requirement as is mentioned in paragraph (e) or (f) of that subsection,shall be guilty of an offence under this Act.
 - (9) Neither an enforcement officer nor a person assigned to assist him in his duties shall be liable in any civil or criminal proceedings for anything done in purported exercise of any of the powers conferred by subsection (5) above if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.
 - (10) Nothing in this section shall have effect so as to prejudice the exercise of any powers exercisable apart from this section.
 - (11) Any reference in this section, in relation to a person assigned to assist an enforcement officer in his duties, to the exercise of any of the powers

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conferred by subsection (5) above is a reference to the exercise by that person of any of those powers on behalf of that officer.”