



# Shipping and Trading Interests (Protection) Act 1995

## 1995 CHAPTER 22

### *Protection of shipping etc interests from foreign action*

#### **3 Enforcement of section 1.**

- (1) An order made under section 1 with the consent of the Commissioners of Customs and Excise may provide for the enforcement and execution of any order or direction under that section by officers of customs and excise.
- (2) Officers of customs and excise acting under any provision made under subsection (1) above shall have power to enter any premises or ship.
- (3) Section 65 of the <sup>M1</sup>Customs and Excise Management Act 1979 (power to refuse or cancel clearance of ship or aircraft) shall apply as if sections 1 and 2 and this section were contained in that Act.
- (4) If a person discloses any information which has been furnished to or obtained by him under section 1 or 2, or in connection with the execution of section 1 or 2, he shall, unless the disclosure is made—
  - (a) with the consent of the person from whom the information was obtained, or
  - (b) in connection with the execution of section 1 or 2, or
  - (c) for the purposes of any legal proceedings arising out of this section or of any report of such proceedings, or
  - (d) in pursuance of a [<sup>F1</sup>EU] obligation to a [<sup>F1</sup>EU] institution,be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.
- (5) A person who—
  - (a) refuses or intentionally neglects to furnish any information which he is required to furnish under section 1 or 2, or
  - (b) in furnishing any such information makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular,

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**Changes to legislation:** There are currently no known outstanding effects for the Shipping and Trading Interests (Protection) Act 1995, Section 3. (See end of Document for details)

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shall be liable, on summary conviction, to a fine not exceeding level 4 on the standard scale in the case of an offence under paragraph (a) above and not exceeding level 5 on the standard scale in the case of an offence under paragraph (b) above.

- (6) A person who intentionally contravenes or fails to comply with any provision of an order or direction made or given pursuant to section 1 or 2, other than a provision requiring him to give any information, shall be
- and where the order or direction requires anything to be done, or not to be done, by, to or on a ship, and the requirement is not complied with, the owner and master of the ship are each to be regarded as intentionally failing to comply, without prejudice to the liability of anyone else.
- (7) A person shall not be guilty of an offence against any provision contained in or having effect under section 1 or 2 by reason only of something done by that person wholly outside the territory of the United Kingdom unless that person is a Commonwealth citizen under the <sup>M2</sup>British Nationality Act 1981 or a company incorporated under the law of any part of the United Kingdom.

#### Textual Amendments

- F1** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with art. 3(2)(3), 4(2), 6(4)(5))
- F2** Words in s. 3(6) substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), [Sch. 4 para. 28\(2\)](#) (with reg. 5(1))

#### Modifications etc. (not altering text)

- C1** S. 3(4): disclosure powers extended (14.12.2001) by [2001 c. 24, ss. 17, 127\(2\)\(a\)](#), [Sch. 4 Pt. I para. 36](#)

#### Marginal Citations

- M1** 1979 c. 2.
- M2** 1981 c. 61.

**Changes to legislation:**

There are currently no known outstanding effects for the Shipping and Trading Interests (Protection) Act 1995, Section 3.