

SCHEDULES

SCHEDULE 2

ENFORCEMENT POWERS IN RELATION TO SHIPS

PART 1

ENGLAND AND WALES

Code of practice

- 5 (1) The Secretary of State must prepare and issue a code in respect of the practice to be followed by English and Welsh constables and enforcement officers when arresting a person under the power conferred by paragraph 4.
- (2) The code must in particular provide guidance as to the information to be given to the person at the time of arrest (whether about procedural rights or other matters).
- (3) A failure of a constable or an enforcement officer to comply with any provision of the code does not of itself render the constable or officer liable to any criminal or civil proceedings.
- (4) The code—
- (a) is admissible in evidence in criminal and civil proceedings, and
 - (b) may be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.
- (5) The Secretary of State may at any time revise the whole or any part of the code.
- (6) The code, or any revision of the code, does not come into operation until the Secretary of State so provides in regulations.
- (7) Regulations under this paragraph are to be made by statutory instrument.
- (8) An instrument containing regulations under this paragraph that bring the code into operation may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (9) An instrument containing regulations under this paragraph that bring a revision of the code into operation must be laid before Parliament (if the regulations are made without a draft having been laid and approved as mentioned in sub-paragraph (8)).
- (10) Where an instrument, or a draft of an instrument, is laid, the code or revision of the code to which it relates must also be laid.