



# Policing and Crime Act 2017

## 2017 CHAPTER 3

### PART 4

#### POLICE POWERS

#### CHAPTER 5

##### MARITIME ENFORCEMENT: ENGLISH AND WELSH OFFENCES

##### *Application of maritime enforcement powers: general*

#### **84 Application of maritime enforcement powers: general**

- (1) A law enforcement officer may, for the purpose of preventing, detecting, investigating or prosecuting an offence under the law of England and Wales, exercise any of the maritime enforcement powers in relation to—
  - (a) a United Kingdom ship in England and Wales waters, foreign waters or international waters,
  - (b) a ship without nationality in England and Wales waters or international waters,
  - (c) a foreign ship in England and Wales waters or international waters, or
  - (d) a ship, registered under the law of a relevant territory, in England and Wales waters or international waters.
- (2) In this Chapter, “the maritime enforcement powers” are the powers set out in—
  - (a) section 88 (power to stop, board, divert and detain);
  - (b) section 89 (power to search and obtain information);
  - (c) section 90 (power of arrest and seizure).
- (3) The following persons are “law enforcement officers” for the purpose of this Chapter—
  - (a) a constable who is a member of a police force in England and Wales,
  - (b) a special constable appointed under section 27 of the Police Act 1996,

---

**Changes to legislation:** Policing and Crime Act 2017, Cross Heading: Application of maritime enforcement powers: general is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

- (c) a constable who is a member of the British Transport Police Force,
  - (d) a port constable, within the meaning of section 7 of the Marine Navigation Act 2013, or a person appointed to act as a constable under provision made by virtue of section 16 of the Harbours Act 1964,
  - (e) a designated customs official within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009 (see section 14(6) of that Act),
  - (f) a designated NCA officer who is authorised by the Director General of the National Crime Agency (whether generally or specifically) to exercise the powers of a law enforcement officer under this Chapter, or
  - (g) a person of a description specified in regulations made by the Secretary of State.
- (4) Regulations under subsection (3)(g) are to be made by statutory instrument.
- (5) A statutory instrument containing regulations under subsection (3)(g) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) This section is subject to section 85 (which makes provision about when the authority of the Secretary of State is required before the maritime enforcement powers are exercised in reliance on this section).

#### Commencement Information

- I1** S. 84 in force for specified purposes at Royal Assent, see s. 183
- I2** S. 84 in force at 1.3.2018 in so far as not already in force by S.I. 2018/227, reg. 2(d)

## 85 Restriction on exercise of maritime enforcement powers

- (1) The authority of the Secretary of State is required before a law enforcement officer exercises any of the maritime enforcement powers, in reliance on section 84(1), in relation to a United Kingdom ship in foreign waters.
- (2) The Secretary of State may give authority under subsection (1) only if the State, or the relevant territory, in whose waters the powers would be exercised consents to the exercise of the powers.
- (3) The authority of the Secretary of State is required before a law enforcement officer exercises any of the maritime enforcement powers, in reliance on section 84(1), in relation to a foreign ship, or a ship registered under the law of a relevant territory, within the territorial sea adjacent to England and Wales or in international waters.
- (4) The Secretary of State may give authority under subsection (3) in relation to a foreign ship only if—
- (a) the home state has requested the assistance of the United Kingdom for the purpose of preventing, detecting, investigating or prosecuting an offence under the law of England and Wales,
  - (b) the home state has authorised the United Kingdom to act for that purpose, or
  - (c) the United Nations Convention on the Law of the Sea 1982 (Cmnd 8941) otherwise permits the exercise of the powers in relation to the ship.

---

**Changes to legislation:** Policing and Crime Act 2017, Cross Heading: Application of maritime enforcement powers: general is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

---

---

#### Commencement Information

- I3** [S. 85](#) in force for specified purposes at Royal Assent, see [s. 183](#)
- I4** [S. 85](#) in force at 1.3.2018 in so far as not already in force by [S.I. 2018/227](#), [reg. 2\(d\)](#)

**Changes to legislation:**

Policing and Crime Act 2017, Cross Heading: Application of maritime enforcement powers: general is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2017/1139, reg. 2 by [S.I. 2017/1162 reg. 2](#)