



# Policing and Crime Act 2017

## 2017 CHAPTER 3

### PART 4

#### POLICE POWERS

### CHAPTER 5

#### MARITIME ENFORCEMENT: ENGLISH AND WELSH OFFENCES

##### *Ships in Scotland waters: hot pursuit*

#### **86 Hot pursuit of ships in Scotland waters**

- (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 ship in Scotland waters if—
  - (a) the ship is pursued there,
  - (b) immediately before the pursuit of the ship, the ship was in England and Wales waters or international waters,
  - (c) before the pursuit of the ship, a signal was given for it to stop,
  - (d) the signal was given in such a way as to be audible or visible from the ship, and
  - (e) the pursuit of the ship is not interrupted.
- (2) For the purposes of subsection (1)(e), pursuit is not interrupted by reason only of the fact that—
  - (a) the method of carrying out the pursuit, or
  - (b) the identity of the ship or aircraft carrying out the pursuit,changes during the course of the pursuit.
- (3) This section is subject to section 87 (which requires the authority of the Secretary of State before the maritime enforcement powers are exercised in relation to a foreign

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*Status: This is the original version (as it was originally enacted).*

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ship, or a ship registered under the law of a relevant territory, within the territorial sea adjacent to Scotland).

**87 Restriction on exercise of maritime enforcement powers in hot pursuit**

- (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 86, in relation to a foreign ship, or a ship registered under the law of a relevant territory, within the territorial sea adjacent to Scotland.
- (2) The Secretary of State may give authority under subsection (1) 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.