



# Policing and Crime Act 2017

## 2017 CHAPTER 3

### PART 4

#### POLICE POWERS

#### CHAPTER 7

##### MARITIME ENFORCEMENT: NORTHERN IRISH OFFENCES

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

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

- (1) A law enforcement officer may, for the purpose of preventing, detecting or investigating an offence under the law of Northern Ireland, exercise any of the maritime enforcement powers in relation to—
  - (a) a United Kingdom ship in Northern Ireland waters,
  - (b) a ship without nationality in Northern Ireland waters,
  - (c) a foreign ship in Northern Ireland waters, or
  - (d) a ship, registered under the law of a relevant territory, in Northern Ireland waters.
- (2) In this Chapter, “the maritime enforcement powers” are the powers set out in—
  - (a) section 109 (power to stop, board, divert and detain);
  - (b) section 110 (power to search and obtain information);
  - (c) section 111 (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 the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve,

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**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*

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- (b) a person appointed as a special constable in Northern Ireland by virtue of provision incorporating section 79 of the Harbours, Docks, and Piers Clauses Act 1847,
  - (c) 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),
  - (d) 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
  - (e) a person of a description specified in regulations made by the Secretary of State.
- (4) Regulations under subsection (3)(e) are to be made by statutory instrument.
- (5) A statutory instrument containing regulations under subsection (3)(e) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Regulations under subsection (3)(e) may not make devolved provision except with the consent of the Department of Justice in Northern Ireland.
- (7) For the purposes of subsection (6), regulations under subsection (3)(e) make devolved provision if and to the extent that—
- (a) the effect of the regulations is to confer functions under this Chapter on a person of a description specified in the regulations,
  - (b) it would be within the legislative competence of the Northern Ireland Assembly to confer those functions on persons of that description in an Act of the Northern Ireland Assembly, and
  - (c) the consent of the Secretary of State would not be required under section 8 of the Northern Ireland Act 1998 in relation to a Bill conferring such functions.
- (8) This section is subject to section 108 (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).

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**Commencement Information**

**II** [S. 107](#) in force for specified purposes at Royal Assent, see [s. 183](#)

**108 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 107(1), in relation to a foreign ship, or a ship registered under the law of a relevant territory, within the territorial sea adjacent to Northern Ireland.
- (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 or investigating an offence under the law of Northern Ireland,
  - (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.

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### Commencement Information

**I2** [S. 108](#) in force for specified purposes at Royal Assent, see [s. 183](#)

**Changes to legislation:**

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**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](#)