
STATUTORY INSTRUMENTS

1998 No. 1073

The Federal Republic of Yugoslavia (United Nations Sanctions) (Isle of Man) Order 1998

Investigation, etc. of suspected ships, aircraft and vehicles

10.—(1) Where any authorised officer, that is to say, any such officer as is referred to in section 284(1) of the Merchant Shipping Act 1995 or section 74 of the Merchant Shipping Registration Act 1991 (an Act of Tynwald), has reason to suspect that any ship to which article 5 above applies has been or is being or is about to be used in contravention of article 5(1) above, he may (either alone or accompanied and assisted by persons under his authority) board the ship and search her and, for that purpose, may use or authorise the use of reasonable force, and he may request the master of the ship to furnish such information relating to the ship and her cargo and produce for his inspection such documents so relating and such cargo as he may specify. An authorised officer (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of such a request) may, in the case of a ship that is reasonably suspected of being or of being about to be used in contravention of article 5(1) above, exercise the following further powers with a view to the prevention of the commission (or the continued commission) of any such contravention or in order that enquiries into the matter may be pursued. He may either direct the master to refrain, except with the consent of any authorised officer, from landing at any port specified by the officer any part of the ship's cargo that is so specified or request the master to take any one or more of the following steps—

- (a) to cause the ship not to proceed with the voyage on which she is then engaged or about to engage until the master is notified by any authorised officer that the ship may so proceed;
- (b) if the ship is then in a port in the Isle of Man, to cause her to remain there until the master is notified by an authorised officer that the ship may depart;
- (c) if the ship is then in any other place, to take her to any such port specified by the officer and to cause her to remain there until the master is notified as mentioned in sub-paragraph (b) above; and
- (d) to take her to any other destination that may be specified by the officer in agreement with the master.

(2) Without prejudice to the provisions of paragraph (1) below, where a master refuses or fails to comply with a request made under this article that his ship shall or shall not proceed to or from any place or where an authorised officer otherwise has reason to suspect that such a request that has been so made may not be complied with, any such officer may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose enter upon, or authorise entry upon, that ship and use, or authorise the use of, reasonable force.

(3) Where any officer of Customs and Excise or any person authorised by the Treasury for that purpose either generally or in a particular case has reason to suspect that any aircraft to which article 5 above applies has been or is being or is about to be used in contravention of article 5(1), that officer or that authorised person may request the charterer, the operator and the commander of the aircraft or any of them to furnish such information relating to the aircraft and its cargo and produce for his inspection such documents so relating and such cargo as he may specify. That officer or that

authorised person may (either alone or accompanied and assisted by persons under his authority) board the aircraft and search it and, for that purpose, may use or authorise the use of reasonable force. If the aircraft is then in the Isle of Man, any such officer or such authorised person (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of such a request) may further request the charterer, operator and the commander or any of them to cause the aircraft to remain in the Isle of Man until notified that the aircraft may depart.

(4) Without prejudice to the provisions of paragraph (10) below, where any such officer or authorised person as is referred to in paragraph (3) above has reason to suspect that any request that an aircraft should remain in the Isle of Man that has been made under paragraph (3) above may not be complied with, that officer or that authorised person may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose—

- (a) enter, or authorise entry, upon any land and upon that aircraft;
- (b) detain, or authorise the detention of, that aircraft; and
- (c) use, or authorise the use of, reasonable force.

(5) Where any officer of Customs and Excise or any person authorised by the Treasury for that purpose either generally or in a particular case has reason to suspect that any vehicle in the Isle of Man has been or is being or is about to be used in contravention of article 5(1) above, that officer or that authorised person may request the operator and driver of the vehicle or either of them to furnish such information relating to the vehicle and any goods contained in it and produce for his inspection such documents so relating and such goods as he may specify. That officer or that authorised person may (either alone or accompanied and assisted by persons under his authority) enter the vehicle and search it and, for that purpose, may use or authorise the use of reasonable force. Any such officer or such authorised person (either there and then or upon consideration of any information furnished or document or goods produced in pursuance of such a request) may further request the operator or driver to cause the vehicle to remain in the Isle of Man until notified that the vehicle may depart.

(6) Without prejudice to the provisions of paragraph (10) below, where any such officer or authorised person as is referred to in paragraph (5) above has reason to suspect that any request that a vehicle should remain in the Isle of Man that has been made under paragraph (5) above may not be complied with, that officer or that authorised person may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose—

- (a) enter, or authorise entry, upon any land and upon that vehicle;
- (b) detain, or authorise the detention of, that vehicle; and
- (c) use, or authorise the use of, reasonable force.

(7) A person authorised by the Treasury to exercise any power for the purposes of paragraph (3), (4), (5) or (6) above shall, if requested to do so, produce evidence of his authority before exercising that power.

(8) No information furnished or document produced by any person in pursuance of a request made under this article shall be disclosed except—

- (a) with the consent of the person by whom the information was furnished or the document was produced:

Provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right;

- (b) to any person who would have been empowered under this article to request that it be furnished or produced or to any person holding or acting in any office under or in the service of the Crown in respect of the Government of the United Kingdom or under or in the service of the Government of the Isle Man;
 - (c) on the authority of the Treasury, to any organ of the United Nations or to any person in the service of the United Nations or of the Government of any other country for the purpose of assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to the Federal Republic of Yugoslavia decided upon by the Security Council of the United Nations; or
 - (d) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Order or, with respect to any of the matters regulated by this Order, for an offence under any enactment relating to customs.
- (9) Any power conferred by this article to request the furnishing of information or the production of a document or of cargo for inspection shall include a power to specify whether the information should be furnished orally or in writing and in what form and to specify the time by which and the place in which the information should be furnished or the document or cargo produced for inspection.
- (10) Each of the following persons shall be guilty of an offence under this Order, that is to say—
- (a) a master of a ship who disobeys any direction given under paragraph (1) above with respect to the landing of any cargo;
 - (b) a master of a ship or a charterer or an operator or a commander of an aircraft or an operator or driver of a vehicle who—
 - (i) without reasonable excuse, refuses or fails within a reasonable time to comply with any request made under this article by any person empowered to make it;
 - (ii) wilfully furnishes false information or produces false documents to such a person in response to such a request; or
 - (c) a master or a member of a crew of a ship or a charterer or an operator or a commander or a member of a crew of an aircraft or an operator or a driver of a vehicle who wilfully obstructs any such person (or any person acting under the authority of any such person) in the exercise of his powers under this article.
- (11) Nothing in this article shall be construed so as to prejudice any other provision of law conferring powers or imposing restrictions or enabling restrictions to be imposed with respect to ships, aircraft or vehicles.