

---

STATUTORY INSTRUMENTS

---

**2017 No. 1013**

**The Conservation of Offshore Marine  
Habitats and Species Regulations 2017**

**PART 1**

**INTRODUCTORY PROVISIONS**

**Rights under international law**

- 4.—(1) This regulation applies in relation to—
- (a) a third country ship;
  - (b) a warship which is being used by the government of a State other than the United Kingdom (whether or not it is a third country ship); and
  - (c) any other ship which is being used by the government of a State other than the United Kingdom for any non-commercial purpose.
- (2) Nothing in these Regulations is to be taken to interfere or require interference with the right of freedom of navigation or other rights under rules of international law.
- (3) A wildlife officer must not exercise any of the powers set out in regulations 60 and 65 in relation to a ship to which this regulation applies unless—
- (a) in the case of a third country ship (other than a ship which is being used as mentioned in paragraph (1)(b) or (c)), the United Kingdom is entitled under international law to exercise those powers without the consent of the flag state; or
  - (b) the Commissioners have given authority to exercise the powers.
- (4) The Commissioners must not give their authority under paragraph (3)(b) unless the flag state has consented to the United Kingdom exercising those powers, whether generally or in relation to the ship in question.
- (5) In giving their authority under paragraph (3)(b), the Commissioners must impose such conditions or limitations on the exercise of the powers as are necessary to give effect to any conditions or limitations imposed by the flag state.
- (6) In this regulation—
- “the Commissioners” means the Commissioners for Her Majesty's Revenue and Customs;
  - “flag state”, in relation to a ship, means the State whose flag that ship is flying or entitled to fly.

**Changes to legislation:**

There are currently no known outstanding effects for the The Conservation of Offshore Marine Habitats and Species Regulations 2017, Section 4.