



# Aviation and Maritime Security Act 1990

## 1990 CHAPTER 31

### PART III

#### PROTECTION OF SHIPS AND HARBOUR AREAS AGAINST ACTS OF VIOLENCE

##### *General supplemental provisions*

#### **43 Compensation in respect of certain measures taken under Part III.**

- (1) The provisions of this section have effect where, in compliance with a direction under section 24 of this Act or in compliance with an enforcement notice, the person to whom the direction was given or on whom the notice was served takes any measures consisting of the construction, execution, alteration, demolition or removal of a building or other works on land either within or outside a harbour area.
- (2) If the value of any interest in that land to which a person is entitled is depreciated in consequence of the taking of those measures, or the person having such an interest suffers loss in consequence of them by being disturbed in his enjoyment of any of that land, he is entitled to compensation equal to the amount of the depreciation or loss.
- (3) If any land other than the land on which the measures are taken is injuriously affected by the taking of those measures, any person having an interest in that other land who suffers loss in consequence of its being injuriously affected is entitled to compensation equal to the amount of the loss.
- (4) Any compensation to which a person is entitled under this section shall be payable to him by the person by whom the measures in question were taken.
- (5) The provisions of Schedule 2 to this Act have effect for the purposes of this section; and subsections (1) to (4) above have effect subject to the provisions of that Schedule.

#### **Modifications etc. (not altering text)**

**C1** S. 43 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, II

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#### **44 Annual report by Secretary of State as to notices and directions under Part III.**

- (1) The Secretary of State shall, on or before 31st January in each year, lay before each House of Parliament a report stating the number of notices served by him under section 19 of this Act, the number of directions given by him under sections 21, 22, 23 and 24 of this Act and the number of enforcement notices served by authorised persons during the period of twelve months which expired with the preceding December.
- (2) Each such report shall deal separately with notices served under section 19 of this Act, directions given under section 21 of this Act, directions given under section 22 of this Act, directions given under section 23 of this Act, directions given under section 24 of this Act and enforcement notices, and, in relation to each of those matters, shall show separately—
  - (a) the number of notices or directions which, during the period to which the report relates, were served on or given to persons as being, or as appearing to the Secretary of State to be about to become, owners, charterers, managers or masters of ships,
  - (b) the number of notices or directions which during that period were served on or given to persons as being, or as appearing to the Secretary of State to be about to become, harbour authorities,
  - (c) the number of notices or directions which during that period were served on or given to persons as being, or as appearing to the Secretary of State to be about to become, persons carrying on harbour operations in a harbour area, and
  - (d) the number of notices or directions which during that period were served on or given to persons as being, or as appearing to the Secretary of State to be about to become, persons permitted to have access to a restricted zone of a harbour area for the purposes of the activities of a business.
- (3) Each such report shall also show separately the number of copies of enforcement notices which during that period were served on masters of ships under section 29(3) of this Act.

#### **45 Service of documents.**

- (1) This section has effect in relation to any notice, any document containing a direction and any other document authorised or required by any provision of this Part of this Act to be served on or given to any person.
- (2) Any such document may be given to or served on any person—
  - (a) by delivering it to him, or
  - (b) by leaving it at his proper address, or
  - (c) by sending it by post to him at that address, or
  - (d) by sending it to him at that address by telex or other similar means which produce a document containing the text of the communication.
- (3) Any such document may, in the case of a body corporate, be given to or served on the secretary, clerk or similar officer of that body.
- (4) For the purposes of this section and section 7 of the <sup>M1</sup>Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of any person to whom or on whom any document is to be given or served is his usual or last known address or place of business (whether in the United Kingdom or elsewhere), except that in the case of a body corporate or its secretary, clerk or similar officer it shall be

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- the address of the registered or principal office of that body in the United Kingdom (or, if it has no office in the United Kingdom, of its principal office, wherever it may be).
- (5) In the case of a person registered under any of the United Kingdom registration provisions as the owner of any ship so registered, the address for the time being recorded in relation to him in the register in which the ship is registered shall also be treated for the purposes of this section and section 7 of the <sup>M2</sup>Interpretation Act 1978 as his proper address.
- (6) If the person to or on whom any document mentioned in subsection (1) above is to be given or served has notified the Secretary of State of an address within the United Kingdom, other than an address determined under subsection (4) or (5) above, as the one at which he or someone else on his behalf will accept documents of the same description as that document, that address shall also be treated for the purposes of this section and section 7 of the Interpretation Act 1978 as his proper address.
- (7) Any document mentioned in subsection (1) above shall, where there are two or more owners registered under any of the United Kingdom registration provisions, be treated as duly served on each of those owners—
- (a) in the case of a ship in relation to which a managing owner is for the time being registered under section 59(1) of the <sup>M3</sup>Merchant Shipping Act 1894, if served on that managing owner, and
- (b) in the case of any other ship, if served on any one of the registered owners.
- (8) Where an enforcement notice is to be served under section 29 of this Act on the owner, charterer or manager of a ship, it shall be treated as duly served on him if it is served on the master of the ship in question, but (except as provided by section 29(3) of this Act) the master shall not be obliged by virtue of this subsection to comply with the notice.
- (9) Where any document mentioned in subsection (1) above is to be served (for the purposes of subsection (8) above or otherwise) on the master of a ship, it shall be treated as duly served if it is left on board that ship with the person being or appearing to be in command or charge of the ship.
- (10) In this section the United Kingdom registration provisions means—
- (a) Part I of the Merchant Shipping Act 1894,
- (b) section 5 of the <sup>M4</sup>Merchant Shipping Act 1983,
- (c) Part II of the <sup>M5</sup>Merchant Shipping Act 1988, and
- (d) any Order in Council under section 1 of the <sup>M6</sup>Hovercraft Act 1968.

#### Marginal Citations

- M1** 1978 c. 30.  
**M2** 1978 c. 30.  
**M3** 1894 c. 60.  
**M4** 1983 c. 13.  
**M5** 1988 c. 12.  
**M6** 1968 c. 59.

## 46 Interpretation of Part III.

- (1) In this Part of this Act, except in so far as the context otherwise requires—

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act of violence shall be construed in accordance with section 18(2) of this Act,

article includes any substance, whether in solid or liquid form or in the form of a gas or vapour,

authorised person means a person authorised in writing by the Secretary of State for the purposes of this Part of this Act,

British ship means a ship which—

- (a) is registered in the United Kingdom under Part I of the <sup>M7</sup>Merchant Shipping Act 1894, section 5 of the <sup>M8</sup>Merchant Shipping Act 1983, Part II of the <sup>M9</sup>Merchant Shipping Act 1988 or any Order in Council under section 1 of the <sup>M10</sup>Hovercraft Act 1968, or

- (b) is not registered under the law of any country and is entitled to be registered in the United Kingdom under Part I of the Merchant Shipping Act 1894,

constable includes any person having the powers and privileges of a constable,

employee, in relation to a body corporate, includes officer,

enforcement notice has the meaning given by section 29(1) of this Act,

explosive means any article manufactured for the purpose of producing a practical effect by explosion, or intended for that purpose by a person having the article with him,

firearm includes an airgun or air pistol,

harbour—

- (a) in relation to Great Britain, means a harbour within the meaning of the <sup>M11</sup>Harbours Act 1964, and

- (b) in relation to Northern Ireland, has the same meaning as in the <sup>M12</sup>Harbours Act (Northern Ireland) 1970,

harbour area has the meaning given by section 18(3) of this Act,

harbour authority—

- (a) in Great Britain, means—

- (i) a harbour authority within the meaning of the Harbours Act 1964, or  
(ii) the manager of any hoverport which does not form part of an area mentioned in section 18(3)(a)(i) or (ii) of this Act, and

- (b) in Northern Ireland, has the same meaning as in the Harbours Act (Northern Ireland) 1970,

harbour operations has the same meaning as in the Harbours Act 1964,

hoverport has the same meaning as in the Hovercraft Act 1968,

manager, in relation to a hoverport, means the person by whom the hoverport is managed,

master has the same meaning as in the Merchant Shipping Act 1894,

measures (without prejudice to the generality of that expression) includes the construction, execution, alteration, demolition or removal of any building or other works (whether on dry land or on the seabed or other land covered by water), and also includes the institution or modification, and the supervision and enforcement, of any practice or procedure,

naval service includes military and air force service,

owner, in relation to a ship registered in the United Kingdom or in any other country, means registered owner,

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property includes any land, buildings or works, any ship or vehicle and any baggage, cargo or other article of any description,

restricted zone, in relation to a harbour area, means any part of the harbour area designated under section 20 of this Act or, where the whole of the harbour area is so designated, that area, and

ship includes hovercraft and every other description of vessel used in navigation.

- (2) Any power to give a direction under any provision of this Part of this Act includes power to revoke or vary any such direction by a further direction.
- (3) For the purposes of this Part of this Act a person is permitted to have access to a restricted zone of a harbour area if he is permitted to enter that zone or if arrangements exist for permitting any of his employees or agents to enter that zone.

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**Marginal Citations**

**M7** 1894 c. 60.

**M8** 1983 c. 13.

**M9** 1988 c. 12.

**M10** 1968 c. 59.

**M11** 1964 c. 40.

**M12** 1970 c. 1 (N.I.).

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