Aviation and Maritime Security Act 1990

1990 CHAPTER 31

An Act to give effect to the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation which supplements the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation; to make further provision with respect to aviation security and civil aviation; to give effect to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf which supplements that Convention; to make other provision for the protection of ships and harbour areas against acts of violence; and for connected purposes. [26th July 1990]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

AVIATION SECURITY

Endangering safety at aerodromes

1 Endangering safety at aerodromes.

(1) It is an offence for any person by means of any device, substance or weapon intentionally to commit at an aerodrome serving international civil aviation any act of violence which—

(a) causes or is likely to cause death or serious personal injury, and

(b) endangers or is likely to endanger the safe operation of the aerodrome or the safety of persons at the aerodrome.

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(2) It is also, subject to subsection (4) below, an offence for any person by means of any device, substance or weapon unlawfully and intentionally—

(a) to destroy or seriously to damage—

(i) property used for the provision of any facilities at an aerodrome serving international civil aviation (including any apparatus or equipment so used), or

(ii) any aircraft which is at such an aerodrome but is not in service, or

(b) to disrupt the services of such an aerodrome,

in such a way as to endanger or be likely to endanger the safe operation of the aerodrome or the safety of persons at the aerodrome.

(3) Except as provided by subsection (4) below, subsections (1) and (2) above apply whether any such act as is referred to in those subsections is committed in the United Kingdom or elsewhere and whatever the nationality of the person committing the act.

(4) Subsection (2)(a)(ii) above does not apply to any act committed in relation to an aircraft used in military, customs or police service unless—

(a) the act is committed in the United Kingdom, or

(b) where the act is committed outside the United Kingdom, the person committing it is a United Kingdom national.

(5) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for life.

(6) Sections 38(3)(b) (period during which aircraft in service) and 38(4) (territorial waters) of the [M1]Aviation Security Act 1982 apply for the purposes of this section as they apply for the purposes of that Act; and the references in section 38(7) of that Act (other proceedings) to Part I of that Act and to that Act include references to this section.

(7) Proceedings for an offence under this section shall not be instituted—

(a) in England and Wales, except by, or with the consent of, the Attorney General, and

(b) in Northern Ireland, except by, or with the consent of, the Attorney General for Northern Ireland.

(8) As respects Scotland, for the purpose of conferring on the sheriff jurisdiction to entertain proceedings for an offence under this section, any such offence shall, without prejudice to any jurisdiction exercisable apart from this subsection, be deemed to have been committed in any place in Scotland where the offender may for the time being be.

(9) In this section—

act of violence means—

(a) any act done in the United Kingdom which constitutes the offence of murder, attempted murder, manslaughter, culpable homicide or assault or an offence under section 18, 20, 21, 22, 23, 24, 28 or 29 of the Offences against the [M2]Person Act 1861 or under section 2 of the [M3]Explosive Substances Act 1883, and

(b) any act done outside the United Kingdom which, if done in the United Kingdom, would constitute such an offence as is mentioned in paragraph (a) above;

aerodrome has the same meaning as in the [M4]Civil Aviation Act 1982;

military service and United Kingdom national have the same meaning as in the [M5]Aviation Security Act 1982; and

unlawfully—

(a) in relation to the commission of an act in the United Kingdom, means so as (apart from this section) to constitute an offence under the law of the part of the United Kingdom in which the act is committed, and

(b) in relation to the commission of an act outside the United Kingdom, means so that the commission of the act would (apart from this section) have been an offence under the law of England and Wales if it had been committed in England and Wales or of Scotland if it had been committed in Scotland.

Modifications etc. (not altering text)

C1 S. 1 extended (with modifications)(12.6.1993) by S.I. 1993/1251, art. 2(2), **Sch. 2**
S. 1 extended (with modifications) (Guernsey) (17.1.1998) by S.I. 1997/2989, art. 2(2), **Sch. 2**
S. 1 applied (with modifications) (6.12.2000) by S.I. 2000/3059, art. 3(2), **Sch. 4**

Marginal Citations

M1 1982 c. 36.
M2 1861 c. 100.
M3 1883 c. 3.
M4 1982 c. 16.
M5 1982 c. 36.

Powers of Secretary of State and authorised persons

2 Extension of power to require promotion of searches.

After section 13 of the Aviation Security Act 1982 there is inserted—

"13A Power to require other persons to promote searches.

(1) For purposes to which this Part of this Act applies, the Secretary of State may give a direction in writing to any person (other than the manager of an aerodrome) who—

(a) occupies any land forming part of an aerodrome in the United Kingdom, or

(b) is permitted to have access to a restricted zone of such an aerodrome for the purposes of the activities of a business carried on by him,

requiring him to use his best endeavours to secure that such searches to which this section applies as are specified in the direction are carried out by constables or by other persons of a description specified in the direction.

(2) The searches to which this section applies are—

(a) in relation to a person falling within subsection (1)(a) above, searches—

(i) of the land which he occupies within the aerodrome, and

(ii) of persons or property which may at any time be on that land; and

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(b) in relation to a person falling within subsection (1)(b) above, searches—

(i) of any land which he occupies outside the aerodrome for the purposes of his business, and

(ii) of persons or property which may at any time be on that land.

(3) Any person who, without reasonable excuse, fails to comply with a direction given to him under this section shall be guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.

(4) Where a person is convicted of an offence under subsection (3) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues."

3 Extension of Secretary of State's powers under section 14 of Aviation Security Act 1982.

(1) In section 14 of the [M6]Aviation Security Act 1982, for subsections (1) and (2) there is substituted—

"(1) Subsection (1A) below applies to any person who—

(a) is the operator of one or more aircraft registered or operating in the United Kingdom,

(b) is the manager of an aerodrome in the United Kingdom,

(c) occupies any land forming part of an aerodrome in the United Kingdom, or

(d) is permitted to have access to a restricted zone of such an aerodrome for the purposes of the activities of a business carried on by him.

(1A) Subject to the following provisions of this section, the Secretary of State may give a direction in writing to any person to whom this subsection applies requiring him to take such measures for purposes to which this Part of this Act applies as are specified in the direction—

(a) in the case of a direction given to a person as the operator of any aircraft, in respect of all the aircraft registered or operating in the United Kingdom of which (at the time when the direction is given or at any subsequent time) he is the operator, or in respect of any such aircraft, or any class of such aircraft, specified in the direction;

(b) in the case of a direction given to a person as the manager of an aerodrome, in respect of that aerodrome;

(c) in the case of a direction given to a person as a person occupying any land forming part of an aerodrome, in respect of any such land as is specified in the direction; and

(d) in the case of a direction given to a person as a person who is permitted to have access to a restricted zone as mentioned in subsection (1)(d) above, in respect of such activities carried on by that person in that zone as are specified in the direction.

(2) Without prejudice to the generality of subsection (1A) above, the measures to be specified in a direction given under this section to any person to whom that subsection applies may include the provision by that person of persons charged with the duty (at such times as may be specified in the direction)—

(a) where the direction is given to a person as the operator of aircraft, of guarding the aircraft against acts of violence;

(b) where the direction is given to a person as the manager of an aerodrome, of guarding the aerodrome, or persons or property (including aircraft) in any part of the aerodrome, against acts of violence;

(c) where the direction is given to a person as falling within subsection (1)(c) above, of guarding against acts of violence any aircraft in the aerodrome which is for the time being under his control; or

(d) where the direction is given to a person as falling within subsection (1)(d) above, of guarding—

(i) any land outside the aerodrome occupied by him for the purposes of his business, any vehicles or equipment used for those purposes and any goods which are in his possession for those purposes, and

(ii) any aircraft which is for the time being under his control,

for purposes to which this Part of this Act applies."

[F1](2) . . . . . .

(3) In subsection (6) of that section—

(a) for the words from such an operator, in the first place where those words occur, to subsection (1) above, there is substituted a person to whom subsection (1A) above applies, and

(b) for the words an operator or manager, in the second place where they occur, there is substituted a person.

Textual Amendments

F1 S. 3(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 4**

Marginal Citations

M6 1982 c. 36.

4 Enforcement notices in respect of directions under Part II of Aviation Security Act 1982.

In the [M7]Aviation Security Act 1982 after section 18 there is inserted—

"18A Enforcement notices.

(1) Where an authorised person is of the opinion that any person has failed to comply with any general requirement of a direction given to him under section 12, 13, 13A or 14 of this Act, the authorised person may serve on that person a notice (in this Part of this Act referred to as an enforcement notice)—

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(a) specifying those general requirements of the direction with which he has, in the opinion of the authorised person, failed to comply, and

(b) specifying, subject to section 18B of this Act, the measures that ought to be taken in order to comply with those requirements.

(2) For the purposes of this section a requirement of a direction given by the Secretary of State under section 12, 13, 13A or 14 of this Act is a general requirement if the provision imposing the requirement—

(a) has been included in two or more directions given to different persons (whether or not at the same time), and

(b) is framed in general terms applicable to all the persons to whom those directions are given.

(3) Before serving any enforcement notice which relates to a direction given under section 12(2) of this Act, the authorised person shall inform the Civil Aviation Authority of the measures proposed to be specified in the notice, and shall take account of any advice given to him by that Authority with respect to those proposals.

18B Contents of enforcement notice.

(1) An enforcement notice may specify in greater detail measures which are described in general terms in those provisions of the direction to which it relates which impose general requirements, but may not impose any requirement which could not have been imposed by a direction given by the Secretary of State under the provision under which the direction was given.

(2) An enforcement notice may be framed so as to afford the person on whom it is served a choice between different ways of complying with the specified general requirements of the direction.

(3) Subject to subsection (4) below, an enforcement notice which relates to a direction given under section 12 of this Act must require the person to whom the direction was given not to cause or permit things to be done as mentioned in subsection (1)(a) or (b) or (2) of that section, as the case requires, until the specified measures have been taken.

(4) In serving an enforcement notice which relates to a direction under section 12(2) of this Act, the authorised person shall allow, and shall specify in the notice, such period as appears to him to be reasonably required for taking the measures specified in the notice; and the notice shall not take effect before the end of the period so specified.

(5) An enforcement notice which relates to a direction given under section 13, 13A or 14 of this Act must either—

(a) require the person to whom the direction was given to take the specified measures within a specified period which—

(i) where the measures consist of or include the construction, execution, alteration, demolition or removal of a building or other works, must not be less than thirty days beginning with the date of service of the notice, and

(ii) in any other case, must not be less than seven days beginning with that date; or

(b) require him not to do specified things, or cause or permit specified things to be done, until the specified measures have been taken.

(6) Subject to section 18E(2) of this Act, an enforcement notice requiring a person not to cause or permit anything to be done shall be construed as requiring him to take all such steps as in any particular circumstances are practicable and necessary to prevent that thing from being done.

18C Offences relating to enforcement notices.

(1) Any person who, without reasonable excuse, fails to comply with an enforcement notice served on him shall be guilty of an offence and liable—
(a) on summary conviction, to a fine not exceeding the statutory maximum;
(b) on conviction on indictment, to a fine.

(2) Where a person is convicted of an offence under subsection (1) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.

(3) Any person who intentionally interferes with any building constructed or works executed on any land in compliance with an enforcement notice or with anything installed on, under, over or across any land in compliance with such a notice shall be guilty of an offence and liable—
(a) on summary conviction, to a fine not exceeding the statutory maximum;
(b) on conviction on indictment, to a fine.

18D Objections to enforcement notices.

(1) The person on whom an enforcement notice is served may serve on the Secretary of State a notice in writing of his objection to the enforcement notice, specifying the grounds of the objection.

(2) Any notice of objection under subsection (1) above must be served—
(a) where the enforcement notice specifies measures falling within section 18B(5)(a)(i) of this Act, before the end of the period of thirty days beginning with the date on which the enforcement notice was served, or
(b) in any other case, before the end of the period of seven days beginning with that date.

(3) The grounds of objection to an enforcement notice are—
(a) that the general requirements of the direction which are specified in the notice for the purposes of section 18A(1)(a) of this Act have been complied with,
(b) that the notice purports to impose a requirement which could not have been imposed by a direction given under the provision under which the direction to which the notice relates was given, or
(c) that any requirement of the notice—

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(i) is unnecessary for complying with the general requirements specified as mentioned in paragraph (a) above and should be dispensed with, or

(ii) having regard to the terms of those general requirements, is excessively onerous or inconvenient and should be modified in a manner specified in the notice of objection under subsection (1) above.

(4) Where the person on whom an enforcement notice is served serves a notice under subsection (1) above objecting to the enforcement notice, the Secretary of State shall consider the grounds of the objection and, if so required by the objector, shall afford to him an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and shall then serve on the objector a notice in writing either—

(a) confirming the enforcement notice as originally served, or

(b) confirming it subject to one or more modifications specified in the notice under this subsection, or

(c) cancelling the enforcement notice.

(5) An enforcement notice to which an objection has been made under subsection (1) above—

(a) if it contains such a requirement as is mentioned in section 18B(3) or (5)(b) of this Act, shall continue to have effect as originally served until it has been cancelled, or it has been confirmed subject to modification by a notice under subsection (4) above, and

(b) in any other case, shall not take effect until it has been confirmed (with or without modification) by a notice under subsection (4) above.

18E Enforcement notices: supplementary.

(1) An enforcement notice served on any person—

(a) may be revoked by a notice served on him by an authorised person, and

(b) may be varied by a further enforcement notice.

(2) Sections 15 and 16 of this Act apply to an enforcement notice as they apply to the direction to which the notice relates.

(3) The ownership of any property shall not be affected by reason only that it is placed on or under or affixed to, any land in compliance with an enforcement notice.

(4) Where an authorised person has served an enforcement notice specifying the general requirements of a direction with which the person on whom it is served has, in the opinion of the authorised person, failed to comply, the person on whom the notice is served shall not be taken, for the purposes of section 12(9), 13(4), 13A(3) or 14(7) of this Act, to have failed to comply with the direction by reason of the matters specified in the notice.

(5) Subsection (4) above does not apply in relation to any proceedings commenced before the service of the enforcement notice.

(6) Where an enforcement notice has been served in relation to a direction, the fact that the notice specifies certain general requirements of the direction as those

with which the person on whom the notice is served has, in the opinion of the authorised person, failed to comply shall not in any proceedings be evidence that any other requirement of the direction has been complied with.

(7) In this section direction means a direction under section 12, 13, 13A or 14 of this Act."

Marginal Citations

M7 1982 c. 36.

Offences relating to security at aerodromes etc.

5 Offences relating to security at aerodromes etc.

After section 21 of the [M8]Aviation Security Act 1982 there is inserted—

" Offences relating to security at aerodromes etc.

21A False statements relating to baggage, cargo etc.

(1) Subject to subsection (3) below, a person commits an offence if, in answer to a question which—

(a) relates to any baggage, cargo or stores (whether belonging to him or to another) that is or are intended for carriage by a civil aircraft registered or operating in the United Kingdom, and

(b) is put to him for purposes to which this Part of this Act applies—

(i) by any of the persons mentioned in subsection (2) below,

(ii) by any employee or agent of such a person in his capacity as employee or agent, or

(iii) by a constable,

he makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular.

(2) The persons referred to in subsection (1)(b) above are—

(a) the manager of an aerodrome in the United Kingdom,

(b) the operator of one or more aircraft registered or operating in the United Kingdom, and

(c) any person who—

(i) is permitted to have access to a restricted zone of an aerodrome for the purposes of the activities of a business carried on by him, and

(ii) has control in that restricted zone over the baggage, cargo or stores to which the question relates.

(3) Subsection (1) above does not apply in relation to any statement made by an authorised person in the exercise of the power conferred by section 20(2)(aa) of this Act.

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(4) A person guilty of an offence under subsection (1) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) In this section—

cargo includes mail;

civil aircraft has the same meaning as in section 3 of this Act; and

stores means any goods intended for sale or use on an aircraft, including spare parts and other articles of equipment, whether or not for immediate fitting.

21B False statements in connection with identity documents.

(1) Subject to subsection (4) below, a person commits an offence if—

(a) for the purpose of, or in connection with, an application made by him or another for the issue of an identity document to which this subsection applies, or

(b) in connection with the continued holding by him or another of any such document which has already been issued,

he makes to any of the persons specified in subsection (3) below, to any employee or agent of such a person or to a constable, a statement which he knows to be false in a material particular, or recklessly makes to any of those persons, to any such employee or agent or to a constable, a statement which is false in a material particular.

(2) Subsection (1) above applies to any identity document which is to be or has been issued by any of the persons specified in subsection (3) below in accordance with arrangements the maintenance of which is required by a direction given by the Secretary of State under section 14 of this Act.

(3) The persons referred to in subsection (1) above are—

(a) the manager of an aerodrome in the United Kingdom,

(b) the authority responsible for an air navigation installation in the United Kingdom,

(c) the operator of one or more aircraft registered or operating in the United Kingdom, and

(d) any person who is permitted to have access to a restricted zone of an aerodrome or air navigation installation for the purposes of the activities of a business carried on by him.

(4) Subsection (1) above does not apply in relation to any statement made by an authorised person in the exercise of the power conferred by section 20(2)(aa) of this Act.

(5) A person guilty of an offence under subsection (1) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

21C Unauthorised presence in restricted zone.

(1) A person shall not—

(a) go, with or without a vehicle, onto any part of a restricted zone of—

(i) an aerodrome, or

(ii) an air navigation installation which does not form part of an aerodrome,

except with the permission of the manager of the aerodrome, the authority responsible for the air navigation installation or a person acting on behalf of that manager or authority, and in accordance with any conditions subject to which that permission is for the time being granted, or

(b) remain on any part of such a restricted zone after being requested to leave by the manager of the aerodrome, the authority responsible for the air navigation installation or a person acting on behalf of that manager or authority.

(2) Subsection (1)(a) above does not apply unless it is proved that, at the material time, notices stating that the area concerned was a restricted zone were posted so as to be readily seen and read by persons entering the restricted zone.

(3) A person who contravenes subsection (1) above without lawful authority or reasonable excuse shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

21D Unauthorised presence on board aircraft.

(1) A person shall not—

(a) get into or onto an aircraft at an aerodrome in the United Kingdom except with the permission of the operator of the aircraft or a person acting on his behalf, or

(b) remain on an aircraft at such an aerodrome after being requested to leave by the operator of the aircraft or a person acting on his behalf.

(2) A person who contravenes subsection (1) above without lawful authority or reasonable excuse shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

21E Offences relating to authorised persons.

(1) A person who—

(a) intentionally obstructs an authorised person acting in the exercise of a power conferred on him by or under this Part of this Act, or

(b) falsely pretends to be an authorised person,

commits an offence.

(2) A person guilty of an offence under subsection (1)(a) above shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(3) A person guilty of an offence under subsection (1)(b) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

Status: *Point in time view as at 12/02/2015.*
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Marginal Citations

M8 1982 c. 36.

Air cargo agents

6 Air cargo agents.

After section 21E of the [M9]Aviation Security Act 1982 there is inserted—

" Air cargo agents

21F Air cargo agents.

(1) The Secretary of State may by regulations made by statutory instrument make provision, for purposes to which this Part of this Act applies, in relation to persons (in this section referred to as air cargo agents) who carry on a business of handling cargo which is to be delivered (whether by them or any other person) to the operator of any aircraft for carriage from any aerodrome in the United Kingdom by a civil aircraft.

(2) Regulations under this section may, in particular—

(a) enable the Secretary of State to maintain a list of air cargo agents who are approved by him for purposes related to aviation security, to include the name of an air cargo agent on that list, on application being made to the Secretary of State in accordance with the regulations, if he is satisfied as to such matters as are specified in the regulations, and to remove the name of any person from that list in such circumstances as are so specified,

(b) provide that any provision of this Part of this Act which applies in relation to persons who are permitted to have access to a restricted zone of an aerodrome for the purposes of the activities of a business (including any such provision which creates a criminal offence) shall also apply, with such modifications as are specified in the regulations, in relation to air cargo agents included on any such list,

(c) amend sections 21A(2), 21B(3) and 32(2) of this Act by including references to air cargo agents included on any such list,

(d) make provision (including any such provision as is mentioned in paragraphs (a) to (c) above) relating to a class of air cargo agents specified in the regulations and not to other air cargo agents,

(e) make different provision for different cases, and

(f) make such incidental, supplementary or transitional provision as the Secretary of State considers necessary or expedient in consequence of any provision made by the regulations.

(3) Before making any regulations under this section the Secretary of State shall consult organisations appearing to him to represent persons affected by the proposed regulations.

(4) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Without prejudice to the generality of sections 12 and 14 of this Act, the exemptions that may be included in any direction given to an operator of aircraft under section 12 or 14 which requires the carrying out of searches of cargo, or the taking of any other measures in relation to cargo, include exemptions from such requirements in relation to cargo received from any air cargo agent included on any list maintained by the Secretary of State under regulations under this section or from any air cargo agent falling within a class of such air cargo agents specified in the direction.

(6) In this section—

cargo includes stores and mail; and

stores means any goods intended for sale or use on an aircraft, including spare parts and other articles of equipment, whether or not for immediate fitting."

Marginal Citations

M9 1982 c. 36.

Reporting of certain occurrences

7 Duty to report certain occurrences.

After section 21F of the [M10]Aviation Security Act 1982 there is inserted—

" Reporting of certain occurrences relating to aviation security

21G Duty to report certain occurrences.

(1) For purposes to which this Part of this Act applies, the Secretary of State may by regulations made by statutory instrument require such persons as are specified in the regulations to make a report to him, in such manner and within such period as are so specified, of any occurrence of a description so specified.

(2) Before making any regulations under this section, the Secretary of State shall consult organisations appearing to him to represent persons affected by the proposed regulations.

(3) Regulations under this section may—

(a) provide that any person who, in making a report required by the regulations, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular, is to be guilty of an offence and liable—

(i) on summary conviction, to a fine not exceeding the statutory maximum;

(ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both, and

(b) provide for persons to be guilty of an offence in such other circumstances as may be specified in the regulations and to be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) Regulations under this section may require the reporting of occurrences taking place outside the United Kingdom only if those occurrences relate to aircraft registered in the United Kingdom.

(5) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament."

Marginal Citations
M10 1982 c. 36.

Other amendments

8 Other amendments of Aviation Security Act 1982.

(1) The further amendments of the [M11]Aviation Security Act 1982 specified in Schedule 1 to this Act have effect.

(2) Paragraphs 4(3), 5(3) and 6(3) of that Schedule do not have effect in any case where the relevant conviction of an offence under section 12(9), 13(4)(a) or 14(7)(a) of the Aviation Security Act 1982 occurred before the commencement of those paragraphs.

Marginal Citations
M11 1982 c. 36.

PART II

OFFENCES AGAINST THE SAFETY OF SHIPS AND FIXED PLATFORMS

Modifications etc. (not altering text)
C2 Pt. II extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

9 Hijacking of ships.

(1) A person who unlawfully, by the use of force or by threats of any kind, seizes a ship or exercises control of it, commits the offence of hijacking a ship, whatever his nationality and whether the ship is in the United Kingdom or elsewhere, but subject to subsection (2) below.

(2) Subsection (1) above does not apply in relation to a warship or any other ship used as a naval auxiliary or in customs or police service unless—

(a) the person seizing or exercising control of the ship is a United Kingdom national, or
(b) his act is committed in the United Kingdom, or
(c) the ship is used in the naval or customs service of the United Kingdom or in the service of any police force in the United Kingdom.

(3) A person guilty of the offence of hijacking a ship is liable on conviction on indictment to imprisonment for life.

Modifications etc. (not altering text)
C3 S. 9 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**
C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

10 Seizing or exercising control of fixed platforms.

(1) A person who unlawfully, by the use of force or by threats of any kind, seizes a fixed platform or exercises control of it, commits an offence, whatever his nationality and whether the fixed platform is in the United Kingdom or elsewhere.

(2) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for life.

Modifications etc. (not altering text)
C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**
C5 S. 10 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

11 Destroying ships or fixed platforms or endangering their safety.

(1) Subject to subsection (5) below, a person commits an offence if he unlawfully and intentionally—
(a) destroys a ship or a fixed platform,
(b) damages a ship, its cargo or a fixed platform so as to endanger, or to be likely to endanger, the safe navigation of the ship, or as the case may be, the safety of the platform, or
(c) commits on board a ship or on a fixed platform an act of violence which is likely to endanger the safe navigation of the ship, or as the case may be, the safety of the platform.

(2) Subject to subsection (5) below, a person commits an offence if he unlawfully and intentionally places, or causes to be placed, on a ship or fixed platform any device or substance which—
(a) in the case of a ship, is likely to destroy the ship or is likely so to damage it or its cargo as to endanger its safe navigation, or
(b) in the case of a fixed platform, is likely to destroy the fixed platform or so to damage it as to endanger its safety.

(3) Nothing in subsection (2) above is to be construed as limiting the circumstances in which the commission of any act—

(a) may constitute an offence under subsection (1) above, or

(b) may constitute attempting or conspiring to commit, or aiding, abetting, counselling, procuring or inciting, or being art and part in, the commission of such an offence.

(4) Except as provided by subsection (5) below, subsections (1) and (2) above apply whether any such act as is mentioned in those subsections is committed in the United Kingdom or elsewhere and whatever the nationality of the person committing the act.

(5) Subsections (1) and (2) above do not apply in relation to any act committed in relation to a warship or any other ship used as a naval auxiliary or in customs or police service unless—

(a) the person committing the act is a United Kingdom national, or

(b) his act is committed in the United Kingdom, or

(c) the ship is used in the naval or customs service of the United Kingdom or in the service of any police force in the United Kingdom.

(6) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for life.

(7) In this section—

act of violence means—

(a) any act done in the United Kingdom which constitutes the offence of murder, attempted murder, manslaughter, culpable homicide or assault or an offence under section 18, 20, 21, 22, 23, 24, 28 or 29 of the Offences against the [M12]Person Act 1861 or under section 2 of the [M13]Explosive Substances Act 1883, and

(b) any act done outside the United Kingdom which, if done in the United Kingdom, would constitute such an offence as is mentioned in paragraph (a) above, and

unlawfully—

(a) in relation to the commission of an act in the United Kingdom, means so as (apart from this Act) to constitute an offence under the law of the part of the United Kingdom in which the act is committed, and

(b) in relation to the commission of an act outside the United Kingdom, means so that the commission of the act would (apart from this Act) have been an offence under the law of England and Wales if it had been committed in England and Wales or of Scotland if it had been committed in Scotland.

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C6 S. 11 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

C7 S. 11(3)(b) modified (E.W.) (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 18(a)** (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

Marginal Citations

M12 1861 c. 100.

M13 1883 c. 3.

12 Other acts endangering or likely to endanger safe navigation.

(1) Subject to subsection (6) below, it is an offence for any person unlawfully and intentionally—

(a) to destroy or damage any property to which this subsection applies, or

(b) seriously to interfere with the operation of any such property,

where the destruction, damage or interference is likely to endanger the safe navigation of any ship.

(2) Subsection (1) above applies to any property used for the provision of maritime navigation facilities, including any land, building or ship so used, and including any apparatus or equipment so used, whether it is on board a ship or elsewhere.

(3) Subject to subsection (6) below, it is also an offence for any person intentionally to communicate any information which he knows to be false in a material particular, where the communication of the information endangers the safe navigation of any ship.

(4) It is a defence for a person charged with an offence under subsection (3) above to prove that, when he communicated the information, he was lawfully employed to perform duties which consisted of or included the communication of information and that he communicated the information in good faith in performance of those duties.

(5) Except as provided by subsection (6) below, subsections (1) and (3) above apply whether any such act as is mentioned in those subsections is committed in the United Kingdom or elsewhere and whatever the nationality of the person committing the act.

(6) For the purposes of subsections (1) and (3) above any danger, or likelihood of danger, to the safe navigation of a warship or any other ship used as a naval auxiliary or in customs or police service is to be disregarded unless—

(a) the person committing the act is a United Kingdom national, or

(b) his act is committed in the United Kingdom, or

(c) the ship is used in the naval or customs service of the United Kingdom or in the service of any police force in the United Kingdom.

(7) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for life.

(8) In this section unlawfully has the same meaning as in section 11 of this Act.

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C8 S. 12 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

13 Offences involving threats.

(1) A person commits an offence if—

(a) in order to compel any other person to do or abstain from doing any act, he threatens that he or some other person will do in relation to any ship or fixed platform an act which is an offence by virtue of section 11(1) of this Act, and

(b) the making of that threat is likely to endanger the safe navigation of the ship or, as the case may be, the safety of the fixed platform.

(2) Subject to subsection (4) below, a person commits an offence if—

(a) in order to compel any other person to do or abstain from doing any act, he threatens that he or some other person will do an act which is an offence by virtue of section 12(1) of this Act, and

(b) the making of that threat is likely to endanger the safe navigation of any ship.

(3) Except as provided by subsection (4) below, subsections (1) and (2) above apply whether any such act as is mentioned in those subsections is committed in the United Kingdom or elsewhere and whatever the nationality of the person committing the act.

(4) Section 12(6) of this Act applies for the purposes of subsection (2)(b) above as it applies for the purposes of section 12(1) and (3) of this Act.

(5) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for life.

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C9 S. 13 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

14 Ancillary offences.

(1) Where a person (of whatever nationality) does outside the United Kingdom any act which, if done in the United Kingdom, would constitute an offence falling within subsection (2) below, his act shall constitute that offence if it is done in connection with an offence under section 9, 10, 11 or 12 of this Act committed or attempted by him.

(2) The offences falling within this subsection are murder, attempted murder, manslaughter, culpable homicide and assault and offences under sections 18, 20, 21, 22, 23, 28 and 29 of the Offences against the [M14]Person Act 1861 and section 2 of the [M15]Explosive Substances Act 1883.

(3) Subsection (1) above has effect without prejudice to section **[**[F2]281 or 282 of the Merchant Shipping Act 1995**]** (offences committed on board British ships or by British seamen) or **[**[F3]section 10 of the Petroleum Act 1998**]** (application of criminal law to offshore installations).

(4) It is an offence for any person in the United Kingdom to induce or assist the commission outside the United Kingdom of any act which—

(a) would, but for subsection (2) of section 9 of this Act, be an offence under that section, or

(b) would, but for subsection (5) of section 11 of this Act, be an offence under that section, or

(c) would, but for subsection (6) of section 12 of this Act, be an offence under that section, or

(d) would, but for subsection (4) of section 13 of this Act, be an offence under that section.

(5) A person who commits an offence under subsection (4) above is liable on conviction on indictment to imprisonment for life.

(6) Subsection (4) above has effect without prejudice to the operation, in relation to any offence under section 9, 11, 12 or 13 of this Act—

(a) in England and Wales, or in Northern Ireland, of section 8 of the [M16]Accessories and Abettors Act 1861, or

(b) in Scotland, of any rule of law relating to art and part guilt.

Textual Amendments

F2 Words in s. 14(3) substituted (1.1.1996) 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 88(2)**

F3 Words in s. 14(3) substituted (15.2.1999) by 1998 c. 17, s. 50, **Sch. 4 para. 29** (with Sch. 3 para. 5(1)); S.I. 1999/161, **art. 2(1)**

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C10 S. 14 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

Marginal Citations

M14 1861 c. 100.

M15 1883 c. 3.

M16 1861 c. 94.

15 Master's power of delivery.

(1) The provisions of this section shall have effect for the purposes of any proceedings before any court in the United Kingdom.

(2) If the master of a ship, wherever that ship may be, and whatever the State (if any) in which it may be registered, has reasonable grounds to believe that any person on board the ship has—

(a) committed any offence under section 9, 11, 12 or 13 of this Act,

(b) attempted to commit such an offence, or

(c) aided, abetted, counselled, procured or incited, or been art and part in, the commission of such an offence,

in relation to any ship other than a warship or other ship used as a naval auxiliary or in customs or police service, he may deliver that person to an appropriate officer in the United Kingdom or any other Convention country.

(3) Where the master of a ship intends to deliver any person in the United Kingdom or any other Convention country in accordance with subsection (2) above he shall give notification to an appropriate officer in that country—

(a) of his intention to deliver that person to an appropriate officer in that country; and

(b) of his reasons for intending to do so.

(4) Any notification under subsection (3) above must be given—

(a) before the ship in question has entered the territorial sea of the country concerned; or

(b) if in the circumstances it is not reasonably practicable to comply with paragraph (a) above, as soon as reasonably practicable after the ship has entered that territorial sea.

(5) Where the master of a ship delivers any person to an appropriate officer in any country under subsection (2) above he shall—

(a) make to an appropriate officer in that country such oral or written statements relating to the alleged offence as that officer may reasonably require; and

(b) deliver to an appropriate officer in that country such other evidence relating to the alleged offence as is in the master's possession.

(6) The master of a ship who without reasonable excuse fails to comply with subsection (3) or (5) above is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) It is a defence for a master of a ship charged with an offence under subsection (6) above of failing to comply with subsection (3) above to show that he believed on reasonable grounds that the giving of the notification required by subsection (3) above would endanger the safety of the ship and, except where the country concerned is the United Kingdom, that either—

(a) he notified some other competent authority in the country concerned within the time required by subsection (4) above, or

(b) he believed on reasonable grounds that the giving of notification to any competent authority in that country would endanger the safety of the ship.

(8) In this section—

appropriate officer means—

(a) in relation to the United Kingdom, a constable or immigration officer, and

(b) in relation to any other Convention country, an officer having functions corresponding to the functions in the United Kingdom either of a constable or of an immigration officer,

Convention country means a country in which the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, which was signed at Rome on 10th March 1988, is for the time being in force; and Her Majesty may by Order in Council certify that any country specified in the Order is for the time being a Convention country and any such Order in Council for the time being in force shall be conclusive evidence that the country in question is for the time being a Convention country, and

master has the same meaning as in the **[**[F4]Merchant Shipping Act 1995**]**.

Textual Amendments

F4 Words in s. 15(8) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 88(3)** (with s. 312(1)

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C11 S. 15 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

C12 S. 15(2)(c) modified (E.W.) (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 18(b)** (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

16 Prosecution of offences and proceedings.

(1) Proceedings for an offence under any provision of this Part of this Act shall not be instituted—

(a) in England and Wales, except by, or with the consent of, the Attorney General, and

(b) in Northern Ireland, except by, or with the consent of, the Attorney General for Northern Ireland.

(2) As respects Scotland, for the purpose of conferring on the sheriff jurisdiction to entertain proceedings for an offence under or by virtue of this Part of this Act, any such offence shall, without prejudice to any jurisdiction exercisable apart from this subsection, be deemed to have been committed in any place in Scotland where the offender may for the time being be.

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C13 S. 16 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

17 Interpretation of Part II.

(1) In this Part of this Act—

fixed platform means—

(a) any offshore installation, within the meaning of the [M17]Mineral Workings (Offshore Installations) Act 1971, which is not a ship, and

(b) any other artificial island, installation or structure which—

(i) permanently rests on, or is permanently attached to, the seabed,

(ii) is maintained for the purposes of the exploration or exploitation of resources or for other economic purposes, and

(iii) is not connected with dry land by a permanent structure providing access at all times and for all purposes;

naval service includes military and air force service;

ship means any vessel (including hovercraft, submersible craft and other floating craft) other than one which—

(a) permanently rests on, or is permanently attached to, the seabed, or

(b) has been withdrawn from navigation or laid up; and

United Kingdom national means an individual who is—

(a) a British citizen, a British Dependent Territories citizen, a British National (Overseas) or a British Overseas citizen,

(b) a person who under the [M18]British Nationality Act 1981 is a British subject, or

(c) a British protected person (within the meaning of that Act).

(2) For the purposes of this Part of this Act the territorial waters adjacent to any part of the United Kingdom shall be treated as included in that part of the United Kingdom.

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C14 S. 17 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

Marginal Citations

M17 1971 c. 61.

M18 1981 c. 61.

PART III

PROTECTION OF SHIPS AND HARBOUR AREAS AGAINST ACTS OF VIOLENCE

Modifications etc. (not altering text)

C15 Pt. III extended (with modifications.) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

General purposes

18 Purposes to which Part III applies.

(1) The purposes to which this Part of this Act applies are the protection against acts of violence—

(a) of ships, and of persons or property on board ships, and

(b) of harbour areas, of such persons as are at any time present in any part of a harbour area and of such property as forms part of a harbour area or is at any time (whether permanently or temporarily) in any part of a harbour area.

(2) In this Part of this Act act of violence means any act (whether actual or potential, and whether done or to be done in the United Kingdom or elsewhere) which either—

(a) being an act done in Great Britain, constitutes, or

(b) if done in Great Britain would constitute,

the offence of murder, attempted murder, manslaughter, culpable homicide or assault, or an offence under section 18, 20, 21, 22, 23, 24, 28 or 29 of the Offences against the [M19]Person Act 1861, under section 2 of the [M20]Explosive Substances Act 1883 or under section 1 of the [M21]Criminal Damage Act 1971 or, in Scotland, the offence of malicious mischief.

[[F5](3) In this Part of this Act harbour area means—

(a) the aggregate of—

(i) any harbour in the United Kingdom in respect of which there is a harbour authority within the meaning of the [M22]Merchant Shipping Act 1995, and

(ii) any land which is adjacent to such a harbour and which is either land occupied by the harbour authority or land in respect of which the harbour authority has functions of improvement, maintenance or management, or

(b) any hoverport which does not form part of any area which falls within paragraph (a)(i) or (ii) above.**]**

Textual Amendments

F5 S. 18(3) substituted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 2**; S.I. 1997/1539, art. 2, **Sch.**

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C16 S. 18 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

Marginal Citations

M19 1861 c. 100.

M20 1883 c. 3.

M21 1971 c. 48.

M22 1995 c. 21.

Powers of Secretary of State

19 Power of Secretary of State to require information.

(1) The Secretary of State may, by notice in writing served on any of the following persons—

(a) the owner, charterer, manager or master of—

(i) a British ship, or

(ii) any other ship which is in, or appears to the Secretary of State to be likely to enter, a harbour area,

(b) a harbour authority,

(c) any person who carries on harbour operations in a harbour area, and

(d) any person who is permitted to have access to a restricted zone of a harbour area for the purposes of the activities of a business carried on by him,

require that person to provide the Secretary of State with such information specified in the notice as the Secretary of State may require in connection with the exercise by the Secretary of State of his functions under this Part of this Act.

(2) A notice under subsection (1) above shall specify a date (not being earlier than seven days from the date on which the notice is served) before which the information required by the notice in accordance with subsection (1) above is to be furnished to the Secretary of State.

(3) Any such notice may also require the person on whom it is served, after he has furnished to the Secretary of State the information required by the notice in accordance with subsection (1) above, to inform the Secretary of State if at any time the information previously furnished to the Secretary of State (including any information furnished in pursuance of a requirement imposed by virtue of this subsection) is rendered inaccurate by any change of circumstances (including the taking of any further measures for purposes to which this Part of this Act applies or the alteration or discontinuance of any measures already being taken).

(4) In so far as such a notice requires further information to be furnished to the Secretary of State in accordance with subsection (3) above, it shall require that information to be furnished to him before the end of such period (not being less than seven days from the date on which the change of circumstances occurs) as is specified in the notice for the purposes of this subsection.

(5) Any person who—

(a) without reasonable excuse, fails to comply with a requirement imposed on him by a notice under this section, or

(b) in furnishing any information so required, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular,

commits an offence.

(6) A person guilty of an offence under subsection (5) above is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(7) A notice served on a person under subsection (1) above may at any time—

(a) be revoked by a notice in writing served on him by the Secretary of State, or

(b) be varied by a further notice under subsection (1) above.

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C17 S. 19 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

20 Designation of restricted zones of harbour areas.

(1) A harbour authority may, and shall if so requested in writing by the Secretary of State, apply to the Secretary of State for the designation of the whole or any part of the harbour area as a restricted zone for the purposes of this Part of this Act.

[[F6](1A) A harbour operator may, and shall if so requested in writing by the Secretary of State, apply to the Secretary of State for the designation of the whole or any part of the operating area as a restricted zone for the purposes of this Part of this Act.**]**

(2) An application under subsection (1) **[**[F7]or (1A)**]**above shall be in such form, and accompanied by such plans, as the Secretary of State may require.

(3) If the Secretary of State approves an application under subsection (1) **[**[F7]or (1A)**]** above with or without modifications, he shall designate the restricted zone accordingly.

(4) Before approving an application with modifications, the Secretary of State shall consult the **[**[F8]applicant**]**.

(5) If a **[**[F9]person**]** is requested in writing by the Secretary of State to make an application under subsection (1) **[**[F10]or (1A)**]**above within a specified period but fails to do so within that period, the Secretary of State may designate the whole or any part of the harbour area **[**[F11]or, as the case may be, of the operating area**]** as a restricted zone.

(6) The whole or any part of a harbour area **[**[F12]or, as the case may be, of an operating area**]**may be designated as a restricted zone, or part of a restricted zone, for specified days or times of day only.

(7) The Secretary of State shall give notice to the **[**[F13]person who made, or was requested to make, the application**]** of any designation under this section and the designation of the restricted zone shall take effect on the giving of the notice.

(8) Where the whole or any part of a harbour area **[**[F14]or, as the case may be, of an operating area**]**has been designated under this section as a restricted zone—

(a) subsections (1) to (7) above also have effect in relation to any variation of the designation, and

(b) the designation may at any time be revoked by the Secretary of State.

[[F15](9) In this Part of this Act harbour operator means a person who—

(a) carries on harbour operations in a harbour area, and

(b) is designated for the purposes of this Part by an order made by the Secretary of State;

and operating area means, in relation to that person, so much of the harbour area as is under his control.

(10) An order under subsection (9) above may be revoked by a subsequent order.**]**

Textual Amendments

F6 S. 20(1A) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 3(2)**; S.I. 1997/1539, art. 2, **Sch.**

F7 Words in s. 20(2)(3) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 3(3)**; S.I. 1997/1539, art. 2, **Sch.**

F8 Words in s. 20(4) substituted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 3(4)**; S.I. 1997/1539, art. 2, **Sch.**

F9 Words in s. 20(5) substituted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 3(5)(a)**; S.I. 1997/1539, art. 2, **Sch.**

F10 Words in s. 20(5) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 3(5)(b)**; S.I. 1997/1539, art. 2, **Sch.**

F11 Words in s. 20(5) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 3(5)(c)**; S.I. 1997/1539, art. 2, **Sch.**

F12 Words in s. 20(6) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 3(6)**; S.I. 1997/1539, art. 2, **Sch.**

F13 Words in s. 20(7) substituted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 3(7)**; S.I. 1997/1539, art. 2, **Sch.**

F14 Words in s. 20(8) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 3(8)**; S.I. 1997/1539, art. 2, **Sch.**

F15 S. 20(9)(10) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 3(9)**; S.I. 1997/1539, art. 2, **Sch.**

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C18 S. 20 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

Status: *Point in time view as at 12/02/2015.*
Changes to legislation: *There are currently no known outstanding effects for the Aviation and Maritime Security Act 1990. (See end of Document for details)*

21 Power to impose restrictions in relation to ships.

(1) For purposes to which this Part of this Act applies, the Secretary of State may give a direction in writing to a harbour authority or to the owner, charterer, manager or master of a British ship, or of any other ship which is in a harbour area, requiring that person—

(a) not to cause or permit persons or property to go or be taken on board any ship to which the direction relates, or to come or be brought into proximity to any such ship, unless such searches of those persons or that property as are specified in the direction have been carried out by constables or by other persons of a description specified in the direction, or

(b) not to cause or permit any such ship to go to sea unless such searches of the ship as are specified in the direction have been carried out by constables or by other persons of a description so specified.

(2) For purposes to which this Part of this Act applies, the Secretary of State may give a direction in writing to the owner, charterer, manager or master of—

(a) a British ship, or

(b) any other ship which is in a harbour area,

requiring him not to cause or permit the ship to go to sea unless such modifications or alterations of the ship, or of apparatus or equipment installed in or carried on board the ship, as are specified in the direction have first been carried out, or such additional apparatus or equipment as is so specified is first installed in or carried on board the ship.

(3) In giving any direction under subsection (2) above, the Secretary of State shall allow, and shall specify in the direction, such period as appears to him to be reasonably required for carrying out the modifications or alterations or installing or obtaining the additional apparatus or equipment in question; and the direction shall not take effect before the end of the period so specified.

(4) Subject to the following provisions of this Part of this Act, a direction given to an owner, charterer or manager of a ship under subsection (1) or (2) above may be given so as to relate either to all the ships falling within that subsection of which at the time when the direction is given or at any subsequent time he is the owner, charterer or manager or only to one or more such ships specified in the direction; and a direction given to a harbour authority under subsection (1) above may be given so as to relate either to all ships which at the time when the direction is given or at any subsequent time are in any part of the harbour area, or to a class of such ships specified in the direction.

(5) Subject to the following provisions of this Part of this Act, a direction under subsection (1) above may be given so as to relate—

(a) either to all persons or only to one or more persons, or persons of one or more descriptions, specified in the direction, and

(b) either to property of every description or only to particular property, or property of one or more descriptions, so specified.

(6) Subject to the following provisions of this Part of this Act, any direction given under this section to any person not to cause or permit anything to be done shall be construed as requiring him to take all such steps as in any particular circumstances are practicable and necessary to prevent that thing from being done.

(7) A direction may be given under this section to a person appearing to the Secretary of State to be about to become such a person as is mentioned in subsection (1) or (2) above, but a direction given to a person by virtue of this subsection shall not take effect until he becomes a person so mentioned and, in relation to a direction so given, the preceding provisions of this section shall apply with the necessary modifications.

(8) Any person who, without reasonable excuse, fails to comply with a direction given to him under this section is guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(9) Where a person is convicted of an offence under subsection (8) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he is guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C19 S. 21 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

22 Power to require harbour authorities to promote searches in harbour areas.

(1) For purposes to which this Part of this Act applies, the Secretary of State may give a direction in writing **[**[F16]to—

(a) a harbour authority, or

(b) a harbour operator,

requiring that person to use his best endeavours**]** to secure that such searches to which this section applies as are specified in the direction are carried out by constables or by other persons of a description specified in the direction.

(2) The searches to which this section applies, in relation to a harbour area, are searches—

(a) of the harbour area or any part of it,

(b) of any ship which at the time when the direction is given or at any subsequent time is in the harbour area, and

(c) of persons and property (other than ships) which may at any time be in the harbour area.

[[F17](2A) The searches to which this section applies, in relation to an operating area, are searches—

(a) of the operating area or any part of it,

(b) of any ship which at the time when the direction is given or at any subsequent time is in the operating area, and

(c) of persons and property (other than ships) which may at any time be in the operating area.**]**

(3) Where a direction under this section to a harbour authority is for the time being in force, then, subject to subsections (4) and (5) below, if a constable or any other person

Status: *Point in time view as at 12/02/2015.*
Changes to legislation: *There are currently no known outstanding effects for the Aviation and Maritime Security Act 1990. (See end of Document for details)*

specified in the direction in accordance with this section has reasonable cause to suspect that an article to which this subsection applies is in, or may be brought into, any part of the harbour area, he may, by virtue of this subsection and without a warrant, search any part of the harbour area or any ship, vehicle, goods or other moveable property of any description which, or any person who, is for the time being in any part of the harbour area, and for that purpose—

(a) may enter any building or works in the harbour area, or enter upon any land in the harbour area, if need be by force,

(b) may go on board any such ship and inspect the ship,

(c) may stop any such ship and, for so long as may be necessary for that purpose, prevent it from being moved, and

(d) may stop any such vehicle, goods, property or person and detain it or him for so long as may be necessary for that purpose.

[[F18](3A) Subsection (3) above applies in relation to a direction under this section to a harbour operator as it applies in relation to a direction to a harbour authority, but as if the references to the harbour area (or to any part of the harbour area) were references to the operating area (or any part of the operating area).**]**

(4) In the case of premises used only as a private dwelling any power to search or enter conferred by subsection (3) above may not be exercised except—

(a) under the authority of a warrant issued by a justice of the peace; and

(b) by a constable [F19]. . .—

(i) **[**[F20]who is a member of a body of constables maintained**][**[F21]n England or Wales by a local policing body, in Scotland by a police authority, or in England, Wales or Scotland by**]** or an authority which has entered into an agreement with the **[**[F22]Independent Police Complaints Commission under section 26 of the Police Reform Act 2002 (c. 30); or**]**

[[F23](ii) in Northern Ireland, by the Northern Ireland Policing Board or an authority which has entered into an agreement with the Police Ombudsman for Northern Ireland under section 60 of the Police (Northern Ireland) Act 1998;**]**

[F24]. . .

[F24]**[**[F25](iii)**]** . . . . . .

(5) If, on an application made by a constable, a justice of the peace is satisfied that there are reasonable grounds for suspecting that an article to which subsection (3) above applies is in any premises used only as a private dwelling, he may issue a warrant authorising a constable to enter and search the premises.

(6) Subsection (3) above applies to the following articles—

(a) any firearm, or any article having the appearance of being a firearm, whether capable of being discharged or not,

(b) any explosive, any article manufactured or adapted (whether in the form of a bomb, grenade or otherwise) so as to have the appearance of being an explosive, whether it is capable of producing a practical effect by explosion or not, or any article marked or labelled so as to indicate that it is or contains an explosive, and

(c) any article (not falling within either of the preceding paragraphs) made or adapted for use for causing injury to or incapacitating a person or for

destroying or damaging property, or intended by the person having it with him for such use, whether by him or by any other person.

(7) Any person who—

(a) without reasonable excuse, fails to comply with a direction given to him under this section, or

(b) intentionally obstructs a person acting in the exercise of a power conferred on him by subsection (3) above,

commits an offence.

(8) A person guilty of an offence under subsection (7) above is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(9) Where a person is convicted of an offence under subsection (7)(a) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he is guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.

(10) Subsection (3) above has effect without prejudice to the operation, in relation to any offence under this Act—

(a) in England and Wales, of sections 17, 24 and **[**[F26]24A**]** of the [M23]Police and Criminal Evidence Act 1984 (which confer power to arrest without warrant and to enter premises for the purpose of making an arrest) or of section 3 of the [M24]Criminal Law Act 1967 (use of force in making arrest etc.), or

(b) in Scotland, of any rule of law relating to the power to arrest without warrant, or

(c) in Northern Ireland, of Articles 19, 26 and **[**[F27]27**][**[F27]26A**]** of the [M25]Police and Criminal Evidence (Northern Ireland) Order 1989 or of section 3 of the [M26]Criminal Law Act (Northern Ireland) 1967.

Textual Amendments

F16 Words in s. 22(1) substituted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 4(2)**; 1997/1539, art. 2, Sch.

F17 S. 22(2A) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 4(3)**; S.I. 1997/1539, art. 2, **Sch.**

F18 S. 22(3A) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 4(4)**; S.I. 1997/1539, art. 2, **Sch.**

F19 Words in s. 22(4)(b) repealed (1.4.1998) by 1997 c. 50, s. 134(1)(2), Sch. 9 para. 64(a), **Sch. 10**; S.I. 1998/354, **art. 2(ay)**

F20 Words in s. 22(4)(b)(i)(ii) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 64(b)**; S.I. 1998/354, **art. 2(ay)**

F21 Words in s. 22(4)(b)(i) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 207**; S.I. 2011/3019, art. 3, Sch. 1

F22 Words in s. 22(4)(b)(i) substituted (1.4.2004) by Police Reform Act 2002 (c. 30), s. 108(2), **Sch. 7 para. 13**; S.I. 2004/913, art. 2(e)

F23 S. 22(4)(b)(ii) substituted (N.I.) (4.11.2001) by 2000 c. 32, s. 74, **Sch. 6 para. 11**; S.R. 2001/396, art. 2, **Sch.**

F24 S. 22(4)(b)(iii) and word repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8)(8), Sch. 4 para. 59, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(u)

F25 S. 22(4)(b)(iii) and word inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 64(c)**; S.I. 1998/354, **art. 2(ay)**

F26 Word in s. 22(10)(a) substituted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 7 para. 60**; S.I. 2005/3495, art. 2(1)(m)

F27 Word in s. 22(10)(c) substituted (N.I.) (1.3.2007) by The Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288), art. 1(2), **Sch. 1 para. 27**

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C20 S. 22 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

Marginal Citations

M23 1984 c. 60.

M24 1967 c. 58.

M25 S.I. 1989/1341 (N.I. 12).

M26 1967 c. 18 (N.I.).

23 Power to require other persons to promote searches.

(1) For purposes to which this Part of this Act applies, the Secretary of State may give a direction in writing to any person [F28]. . . who—

(a) carries on harbour operations in a harbour area, or

(b) is permitted to have access to a restricted zone of a harbour area for the purposes of the activities of a business carried on by him,

requiring him to use his best endeavours to secure that such searches to which this section applies as are specified in the direction are carried out by constables or by other persons of a description specified in the direction.

[[F29](1A) A direction may not be given under this section to—

(a) a harbour authority, or

(b) a harbour operator.**]**

(2) The searches to which this section applies are—

(a) in relation to a person falling within subsection (1)(a) above, searches—

(i) of any land which he occupies within the harbour area, and

(ii) of persons or property which may at any time be on that land; and

(b) in relation to a person falling within subsection (1)(b) above, searches—

(i) of any land which he occupies outside the harbour area for the purposes of his business, and

(ii) of persons or property which may at any time be on that land.

(3) Any person who, without reasonable excuse, fails to comply with a direction given to him under this section is guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(4) Where a person is convicted of an offence under subsection (3) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he is guilty of a further offence and liable on summary conviction to

a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.

Textual Amendments

F28 Words in s. 23(1) repealed (17.7.1997) by 1997 c. 28, ss. 25, 29(2), Sch. 4 para. 5, **Sch. 7 Pt. I**; S.I. 1997/1539, art. 2, **Sch.**

F29 S. 23(1A) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 5**; S.I. 1997/1539, art. 2, **Sch.**

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C21 S. 23 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

24 General power to direct measures to be taken for purposes to which Part III applies.

(1) Subsection (2) below applies to—

(a) any person who is the owner, charterer or manager of one or more ships which—

(i) are British ships, or

(ii) are in a harbour area,

(b) any harbour authority,

(c) any person other than a harbour authority who carries on harbour operations in a harbour area, and

(d) any person who is permitted to have access to a restricted zone of a harbour area for the purposes of the activities of a business carried on by him.

(2) Subject to the following provisions of this section, the Secretary of State may give a direction in writing to any person to whom this subsection applies requiring him to take such measures for purposes to which this Part of this Act applies as are specified in the direction—

(a) in the case of a direction given to a person as the owner, charterer or manager of a ship, in respect of all the ships falling within subsection (1)(a) above of which (at the time when the direction is given or at any subsequent time) he is the owner, charterer or manager, or in respect of any such ships specified in the direction,

(b) in the case of a direction given to a harbour authority, in respect of the harbour area,

(c) in the case of a direction given to a person as a person falling within subsection (1)(c) above, in respect of the harbour operations carried on by him, and

(d) in the case of a direction given to a person as a person who is permitted to have access to a restricted zone as mentioned in subsection (1)(d) above, in respect of such activities carried on by that person in that zone as are specified in the direction.

(3) Without prejudice to the generality of subsection (2) above, the measures to be specified in a direction given under this section to any person to whom that subsection applies may include the provision by that person of persons charged with the duty (at such times as may be specified in the direction)—

(a) where the direction is given to a person as the owner, charterer or manager of ships, of guarding the ships against acts of violence,

(b) where the direction is given to a harbour authority, of guarding the harbour area, or persons or property (including ships) in any part of the harbour area, against acts of violence,

(c) where the direction is given to a person as falling within subsection (1)(c) above, of guarding against acts of violence any ship in the harbour area which is for the time being under his control, or

(d) where the direction is given to a person as falling within subsection (1)(d) above, of guarding—

(i) any land outside the harbour area occupied by him for the purposes of his business, any vehicles or equipment used for those purposes and any goods which are in his possession for those purposes, and

(ii) any ship which is for the time being under his control,

for purposes to which this Part of this Act applies.

(4) A direction given under this section may be either of a general or of a specific character, and may require any measures specified in the direction to be taken at such time or within such period as may be so specified.

(5) A direction under this section—

(a) shall not require any search (whether of persons or of property), and

(b) shall not require the modification or alteration of any ship, or of any of its apparatus or equipment, or the installation or carriage of additional apparatus or equipment, or prohibit any ship from being caused or permitted to go to sea without some modification or alteration of the ship or its apparatus or equipment or the installation or carriage of additional apparatus or equipment.

(6) A direction may be given under this section to a person appearing to the Secretary of State to be about to become a person to whom subsection (2) above applies, but a direction given to a person by virtue of this subsection shall not take effect until he becomes a person to whom subsection (2) above applies and, in relation to a direction so given, the preceding provisions of this section shall apply with the necessary modifications.

(7) Any person who—

(a) without reasonable excuse, fails to comply with a direction given to him under this section, or

(b) intentionally interferes with any building constructed or works executed on any land in compliance with a direction under this section or with anything installed on, under, over or across any land in compliance with such a direction,

commits an offence.

(8) A person guilty of an offence under subsection (7) above is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(9) Where a person is convicted of an offence under subsection (7)(a) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he is guilty of a further offence and liable on summary conviction

to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.

(10) The ownership of any property shall not be affected by reason only that it is placed on or under, or affixed to, any land in compliance with a direction under this section.

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C22 S. 24 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

Supplemental provisions with respect to directions

25 Matters which may be included in directions under sections 21 to 24.

(1) A direction under subsection (1) of section 21 or under section 22 or 23 of this Act may specify the minimum number of persons by whom any search to which the direction relates is to be carried out, the qualifications which persons carrying out any such search are to have, the manner in which any such search is to be carried out, and any apparatus, equipment or other aids to be used for the purpose of carrying out any such search.

(2) A direction under subsection (2) of section 21 of this Act may specify the qualifications required to be had by persons carrying out any modifications or alterations, or the installation of any additional apparatus or equipment, to which the direction relates.

(3) A direction under section 24 of this Act may specify—

(a) the minimum number of persons to be employed for the purposes of any measures required by the direction to be taken by the person to whom it is given, and the qualifications which persons employed for those purposes are to have, and

(b) any apparatus, equipment or other aids to be used for those purposes.

(4) Where a direction under any of the preceding provisions of this Part of this Act requires searches to be carried out, or other measures to be taken, by constables, the direction may require the person to whom it is given to inform the chief officer of police for the police area in which the searches are to be carried out or the other measures taken that the Secretary of State considers it appropriate that constables should be duly authorised to carry, and should carry, firearms when carrying out the searches or taking the measures in question.

(5) Nothing in subsections (1) to (4) above shall be construed as limiting the generality of any of the preceding provisions of this Part of this Act.

(6) In this section qualifications includes training and experience.

(7) In the application of this section to Northern Ireland for the words in subsection (4) above from chief officer to measures taken there are substituted the words chief constable of the Royal Ulster Constabulary.

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C23 S. 25 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

26 Limitations on scope of directions under sections 21 to 24.

(1) Without prejudice to section 25(4) of this Act, a direction shall not require or authorise any person to carry a firearm **[**[F30]except to the extent necessary for the purpose of removing any firearm found pursuant to a search under section 22 of this Act from the restricted zone and delivering the firearm to a person authorised to carry it**]**.

(2) A direction shall not have effect in relation to any ship used in naval, customs or police service.

(3) A direction shall not have effect in relation to any ship which is registered outside the United Kingdom and of which the owner is the Government of a country outside the United Kingdom, or is a department or agency of such a Government, except at a time when any such ship is being used for commercial purposes or is for the time being allocated by that Government, department or agency for such use.

(4) A direction (except in so far as it requires any building or other works to be constructed, executed, altered, demolished or removed) shall not be construed as requiring or authorising the person to whom the direction was given, or any person acting as his employee or agent, to do anything which, apart from the direction, would constitute an act of violence; but nothing in this subsection shall restrict the use of such force as is reasonable in the circumstances (whether at the instance of the person to whom the direction was given or otherwise) by a constable, or its use by any other person in the exercise of a power conferred by section 22(3) of this Act.

(5) In so far as a direction requires anything to be done or not done at a place outside the United Kingdom—

(a) it shall not have effect except in relation to British ships, and

(b) it shall not have effect so as to require anything to be done or not done in contravention of any provision of the law (whether civil or criminal) in force at that place, other than any such provision relating to breach of contract.

(6) In so far as a direction given to a harbour authority or to any person mentioned in section 24(1)(c) or (d) of this Act requires a building or other works to be constructed, executed, altered, demolished or removed on land outside the harbour area, or requires any other measures to be taken on such land, the direction shall not confer on the person to whom it is given any rights as against a person having—

(a) an interest in that land, or

(b) a right to occupy that land, or

(c) a right restrictive of its use;

and accordingly, the direction shall not be construed as requiring the person to whom it is given to do anything which would be actionable at the suit or instance of a person having such interest or right in his capacity as a person having that interest or right.

(7) Nothing in this section shall be construed as derogating from any exemption or immunity of the Crown in relation to the provisions of this Part of this Act.

(8) In this section direction means a direction under section 21, 22, 23 or 24 of this Act.

Textual Amendments

F30 Words in s. 26(1) inserted (1.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 6**; S.I. 1997/1539, art. 2, **Sch.**

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

27 General or urgent directions under sections 21 to 24.

(1) A direction given to any person under section 21, 22, 23 or 24 of this Act need not be addressed to that particular person, but may be framed in general terms applicable to all persons to whom such a direction may be given or to any class of such persons to which that particular person belongs.

(2) If it appears to the Secretary of State that an exception from any direction given under any of those sections is required as a matter of urgency in any particular case he may, by a notification given (otherwise than in writing) to the person for the time being subject to the direction, authorise that person to disregard the requirements of the direction—

(a) in relation to such ships or class of ships, in relation to such harbour area or part of a harbour area, in relation to such land outside a harbour area, in relation to such activities or in relation to such persons or property or such description of persons or property, and

(b) on such occasion or series of occasions, or for such period,

as he may specify; and the direction shall have effect in that case subject to any exceptions so specified.

(3) Any notification given to any person under subsection (2) above with respect to any direction shall cease to have effect (if it has not already done so)—

(a) if a direction in writing is subsequently given to that person varying or revoking the original direction, or

(b) if no such direction in writing is given within the period of thirty days beginning with the date on which the notification was given, at the end of that period.

(4) Any notification given under subsection (2) above shall be regarded as given to the person to whom it is directed if it is given—

(a) to any person authorised by that person to receive any such direction or notification,

(b) where that person is a body corporate, to the secretary, clerk or similar officer of the body corporate, and

(c) in any other case, to anyone holding a comparable office or position in that person's employment.

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C24 S. 27 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

28 Objections to certain directions under section 24.

(1) This section applies to any direction given under section 24 of this Act which—

(a) requires a person to take measures consisting of or including the construction, execution, alteration, demolition or removal of a building or other works, and

(b) does not contain a statement that the measures are urgently required and that accordingly the direction is to take effect immediately.

(2) At any time before the end of the period of thirty days beginning with the date on which a direction to which this section applies is given, the person to whom the direction is given may serve on the Secretary of State a notice in writing objecting to the direction, on the grounds that the measures specified in the direction, in so far as they relate to the construction, execution, alteration, demolition or removal of a building or other works—

(a) are unnecessary and should be dispensed with, or

(b) are excessively onerous or inconvenient and should be modified in a manner specified in the notice.

(3) Where the person to whom such a direction is given serves a notice under subsection (2) above objecting to the direction, the Secretary of State shall consider the grounds of the objection and, if so required by the objector, shall afford to him an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and shall then serve on the objector a notice in writing either—

(a) confirming the direction as originally given, or

(b) confirming it subject to one or more modifications specified in the notice under this subsection, or

(c) withdrawing the direction;

and the direction shall not take effect until it has been confirmed (with or without modification) by a notice served under this subsection.

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C25 S. 28 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

29 Enforcement notices.

(1) Where an authorised person is of the opinion that any person has failed to comply with any general requirement of a direction given to him under section 21, 22, 23 or 24 of this Act, the authorised person may serve on that person a notice (in this Part of this Act referred to as an enforcement notice)—

(a) specifying those general requirements of the direction with which he has, in the opinion of the authorised person, failed to comply, and

(b) specifying, subject to section 30 of this Act, the measures that ought to be taken in order to comply with those requirements.

(2) For the purposes of this section a requirement of a direction given by the Secretary of State under section 21, 22, 23 or 24 of this Act is a general requirement if the provision imposing the requirement—

(a) has been included in two or more directions given to different persons (whether or not at the same time), and

(b) is framed in general terms applicable to all the persons to whom those directions are given.

(3) If an enforcement notice is served under this section on the owner, charterer or manager of a ship, then (whether or not that service is effected by virtue of section 45(8) of this Act) an authorised person may serve on the master of the ship—

(a) a copy of the enforcement notice and of the direction to which it relates, and

(b) a notice stating that the master is required to comply with the enforcement notice,

and, if he does so, sections 31, 32 and 33 of this Act shall have effect as if the enforcement notice had been served on him as well as on the owner, charterer or manager of the ship.

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C26 S. 29 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

30 Contents of enforcement notice.

(1) An enforcement notice may specify in greater detail measures which are described in general terms in those provisions of the direction to which it relates which impose general requirements, but may not impose any requirement which could not have been imposed by a direction given by the Secretary of State under the provision under which the direction was given.

(2) An enforcement notice may be framed so as to afford the person on whom it is served a choice between different ways of complying with the specified general requirements of the direction.

(3) Subject to subsection (4) below, an enforcement notice which relates to a direction given under section 21 of this Act must require the person to whom the direction was given not to cause or permit things to be done as mentioned in subsection (1)(a) or (b) or (2) of that section, as the case requires, until the specified measures have been taken.

(4) In serving an enforcement notice which relates to a direction under section 21(2) of this Act, the authorised person shall allow, and shall specify in the notice, such period as appears to him to be reasonably required for taking the measures specified in the notice; and the notice shall not take effect before the end of the period so specified.

(5) An enforcement notice which relates to a direction given under section 22, 23 or 24 of this Act must either—

(a) require the person to whom the direction was given to take the specified measures within a specified period which—

(i) where the measures consist of or include the construction, execution, alteration, demolition or removal of a building or other works, must

not be less than thirty days beginning with the date of service of the notice, and

(ii) in any other case, must not be less than seven days beginning with that date; or

(b) require him not to do specified things, or cause or permit specified things to be done, until the specified measures have been taken.

(6) Subject to section 33(2) of this Act, an enforcement notice requiring a person not to cause or permit anything to be done shall be construed as requiring him to take all such steps as in any particular circumstances are practicable and necessary to prevent that thing from being done.

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C27 S. 30 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

31 Offences relating to enforcement notices.

(1) Any person who, without reasonable excuse, fails to comply with an enforcement notice served on him is guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

(2) Where a person is convicted of an offence under subsection (1) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he is guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.

(3) Any person who intentionally interferes with any building constructed or works executed on any land in compliance with an enforcement notice or with anything installed on, under, over or across any land in compliance with such a notice is guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C28 S. 31 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

32 Objections to enforcement notices.

(1) The person on whom an enforcement notice is served may serve on the Secretary of State a notice in writing of his objection to the enforcement notice, specifying the grounds of the objection.

(2) Any notice of objection under subsection (1) above must be served—

(a) where the enforcement notice specifies measures falling within section 30(5)(a)(i) of this Act, before the end of the period of thirty days beginning with the date on which the enforcement notice was served, or

(b) in any other case, before the end of the period of seven days beginning with that date.

(3) The grounds of objection to an enforcement notice are—

(a) that the general requirements of the direction which are specified in the notice for the purposes of section 29(1)(a) of this Act have been complied with,

(b) that the notice purports to impose a requirement which could not have been imposed by a direction given under the provision under which the direction to which the notice relates was given, or

(c) that any requirement of the notice—

(i) is unnecessary for complying with the general requirements specified as mentioned in paragraph (a) above and should be dispensed with, or

(ii) having regard to the terms of those general requirements, is excessively onerous or inconvenient and should be modified in a manner specified in the notice of objection under subsection (1) above.

(4) Where the person on whom an enforcement notice is served serves a notice under subsection (1) above objecting to the enforcement notice, the Secretary of State shall consider the grounds of the objection and, if so required by the objector, shall afford to him an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and shall then serve on the objector a notice in writing either—

(a) confirming the enforcement notice as originally served, or

(b) confirming it subject to one or more modifications specified in the notice under this subsection, or

(c) cancelling the enforcement notice.

(5) An enforcement notice to which an objection has been made under subsection (1) above—

(a) if it contains such a requirement as is mentioned in section 30(3) or (5)(b) of this Act, shall continue to have effect as originally served until it has been cancelled, or it has been confirmed subject to modification by a notice under subsection (4) above, and

(b) in any other case, shall not take effect until it has been confirmed (with or without modification) by a notice under subsection (4) above.

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C29 S. 32 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

33 Enforcement notices: supplementary.

(1) An enforcement notice served on any person—

(a) may be revoked by a notice served on him by an authorised person, and

(b) may be varied by a further enforcement notice.

(2) Sections 25 and 26 of this Act apply to an enforcement notice as they apply to the direction to which the notice relates.

(3) The ownership of any property shall not be affected by reason only that it is placed on or under or affixed to, any land in compliance with an enforcement notice.

(4) Where an authorised person has served an enforcement notice specifying the general requirements of a direction with which the person on whom it is served has, in the opinion of the authorised person, failed to comply, the person on whom the notice is served shall not be taken, for the purposes of section 21(8), 22(7), 23(3) or 24(7) of this Act, to have failed to comply with the direction by reason of the matters specified in the notice.

(5) Subsection (4) above does not apply in relation to any proceedings commenced before the service of the enforcement notice.

(6) Where an enforcement notice has been served in relation to a direction, the fact that the notice specifies certain general requirements of the direction as those with which the person on whom the notice is served has, in the opinion of the authorised person, failed to comply shall not in any proceedings be evidence that any other requirement of the direction has been complied with.

(7) In this section direction means a direction under section 21, 22, 23 or 24 of this Act.

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C30 S. 33 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

34 Operation of directions under Part III in relation to rights and duties under other laws.

(1) In subsections (2) to (4) below references to a direction are references to a direction under section 21, 22, 23 or 24 of this Act as the direction has effect subject to any limitation imposed on its operation—

(a) by section 26 of this Act, or

(b) by any exemption or immunity of the Crown;

and any reference in those subsections to compliance with a direction is a reference to compliance with it subject to any limitation so imposed.

(2) In so far as a direction requires anything to be done or not done in the United Kingdom, the direction shall have effect notwithstanding anything contained in any contract (whether a United Kingdom contract or not) or contained in, or having effect by virtue of, any other Act or any rule of law; and accordingly no proceedings (whether civil or criminal) shall lie against any person in any United Kingdom court by reason of anything done or not done by him or on his behalf in compliance with a direction.

(3) In so far as a direction requires anything to be done or not done at a place outside the United Kingdom, the direction shall have effect notwithstanding anything contained in any contract (whether a United Kingdom contract or not); and accordingly, where a direction is inconsistent with anything in such a contract, it shall (without prejudice

to any proceedings in a court other than a United Kingdom court) be construed as requiring compliance with the direction notwithstanding that compliance would be in breach of that contract.

(4) No proceedings for breach of contract shall lie against any person in a United Kingdom court by reason of anything done or not done by him or on his behalf at a place outside the United Kingdom in compliance with a direction, if the contract in question is a United Kingdom contract.

(5) Subsections (1) to (4) above have effect in relation to an enforcement notice as they have effect in relation to a direction under section 21, 22, 23 or 24 of this Act.

(6) In this section United Kingdom court means a court exercising jurisdiction in any part of the United Kingdom under the law of the United Kingdom or of part of the United Kingdom, and United Kingdom contract means a contract which is either expressed to have effect in accordance with the law of the United Kingdom or of part of the United Kingdom or (not being so expressed) is a contract the law applicable to which is the law of the United Kingdom or of part of the United Kingdom.

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C31 S. 34 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

35 Detention of ships.

(1) Where an authorised person is satisfied that the owner, charterer, manager or master of a ship has failed to comply with—

(a) a direction given to him under section 21 or 24 of this Act in respect of that ship, or

(b) an enforcement notice which has been served on him in respect of that ship and which relates to such a direction,

and the authorised person certifies in writing to that effect, stating particulars of the non-compliance, the ship may be detained until the authorised person otherwise directs.

(2) Where the authorised person does not himself detain the ship, he shall deliver the certificate to the officer detaining the ship.

(3) On detaining the ship, the authorised person or other officer shall deliver to the master of the ship a copy of the certificate.

(4) Section **[**[F31]284 of the Merchant Shipping Act 1995**]** (enforcement of detention of ships) applies in the case of detention under this section as if it were authorised or ordered under that Act.

Textual Amendments

F31 Words in s. 35(4) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 88(4)** (with s. 312(1))

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C32 S. 35 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

36 Inspection of ships and harbour areas.

(1) For the purpose of enabling the Secretary of State to determine whether to give a direction to any person under any of sections 21 to 24 of this Act, or of ascertaining whether any such direction or any enforcement notice is being or has been complied with, an authorised person shall have power, on production (if required) of his credentials, to inspect—

(a) any British ship,

(b) any other ship while in a harbour area,

(c) any part of any harbour area, or

(d) any land outside a harbour area which is occupied for the purposes of a business by a person who—

(i) carries on (or appears to the authorised person to be about to carry on) harbour operations in a harbour area for the purposes of that business, or

(ii) is permitted (or appears to the authorised person to be about to be permitted) to have access to a restricted zone of a harbour area for the purposes of the activities of that business.

(2) An authorised person inspecting a ship or any part of a harbour area or any land outside a harbour area under subsection (1) above shall have power—

(a) to subject any property found by him on the ship (but not the ship itself or any apparatus or equipment installed in it) or, as the case may be, to subject that part of the harbour area or any property found by him there or on that land, to such tests,

(b) to take such steps—

(i) to ascertain what practices or procedures are being followed in relation to security, or

(ii) to test the effectiveness of any practice or procedure relating to security, or

(c) to require the owner, charterer, manager or master of the ship, the harbour authority **[**[F32]the occupier of the land or any harbour operator**]** to furnish to him such information,

as the authorised person may consider necessary for the purpose for which the inspection is carried out.

(3) Subject to subsection (4) below, an authorised person, for the purpose of exercising any power conferred on him by subsection (1) or (2) above in relation to a ship, in relation to a harbour area or in relation to any land outside a harbour area, shall have power—

(a) for the purpose of inspecting a ship, to go on board it and to take all such steps as are necessary to ensure that it is not moved, or

(b) for the purpose of inspecting any part of a harbour area, to enter any building or works in the harbour area or enter upon any land in the harbour area, or

(c) for the purpose of inspecting any land outside a harbour area, to enter upon the land and to enter any building or works on the land.

(4) The powers conferred by subsection (3) above shall not include power for an authorised person to use force for the purpose of going on board any ship, entering any building or works or entering upon any land.

(5) Any person who—

(a) without reasonable excuse, fails to comply with a requirement imposed on him under subsection (2)(c) above, or

(b) in furnishing any information so required, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular,

commits an offence.

(6) A person guilty of an offence under subsection (5) above is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

Textual Amendments

F32 Words in s. 36(2)(c) substituted (1.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 7**; S.I. 1997/1539, art. 2, **Sch.**

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C33 S. 36 extended (with modifications) (Jersey) (17.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

[F33 36A Maritime security services: approved providers

(1) In this section "maritime security service" means a process or activity carried out for the purpose of—

(a) complying with a requirement of a direction under any of sections 21 to 24, or

(b) facilitating a person's compliance with a requirement of a direction under any of those sections.

(2) Regulations may provide for the Secretary of State to maintain a list of persons who are approved by him for the provision of a particular maritime security service.

(3) The regulations may—

(a) prohibit the provision of a maritime security service by a person who is not listed in respect of that service;

(b) prohibit the use or engagement for the provision of a maritime security service of a person who is not listed in respect of that service;

(c) create a criminal offence;

(d) make provision about application for inclusion in the list (including provision about fees);

(e) make provision about the duration and renewal of entries on the list (including provision about fees);

(f) make provision about training or qualifications which persons who apply to be listed or who are listed are required to undergo or possess;

(g) make provision about removal from the list which shall include provision for appeal;

(h) make provision about the inspection of activities carried out by listed persons;

(i) confer functions on the Secretary of State or on a specified person;

(j) confer jurisdiction on a court.

(4) Regulations under subsection (3)(c)—

(a) may not provide for a penalty on summary conviction greater than a fine not exceeding the statutory maximum,

(b) may not provide for a penalty of imprisonment on conviction on indictment greater than imprisonment for a term not exceeding two years (whether or not accompanied by a fine), and

(c) may create a criminal offence of purporting, with intent to deceive, to do something as a listed person or of doing something, with intent to deceive, which purports to be done by a listed person.

(5) A direction under any of sections 21 to 24 may—

(a) include a requirement to use a listed person for the provision of a maritime security service;

(b) provide for all or part of the direction not to apply or to apply with modified effect where a listed person provides a maritime security service.

(6) Regulations under this section—

(a) may make different provision for different cases,

(b) may include incidental, supplemental or transitional provision,

(c) shall be made by the Secretary of State by statutory instrument,

(d) shall not be made unless the Secretary of State has consulted organisations appearing to him to represent persons affected by the regulations, and

(e) shall be subject to annulment in pursuance of resolution of either House of Parliament.**]**

Textual Amendments

F33 S. 36A inserted (30.3.2004) by Railways and Transport Safety Act 2003 (c. 20), **s. 113**; S.I. 2004/827, art. 3(dd)

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

Offences relating to security of ships and harbour areas.

37 False statements relating to baggage, cargo etc.

(1) Subject to subsection (3) below, a person commits an offence if, in answer to a question which—

(a) relates to any baggage, cargo or stores (whether belonging to him or to another) that is or are intended for carriage by sea—

(i) by a British ship, or

(ii) by any other ship to or from the United Kingdom, and

(b) is put to him for purposes to which this Part of this Act applies—

(i) by any of the persons mentioned in subsection (2) below,

(ii) by any employee or agent of such a person in his capacity as employee or agent, or

(iii) by a constable,

he makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular.

(2) The persons referred to in subsection (1)(b) above are—

(a) a harbour authority,

[[F34](aa) a harbour operator,**]**

(b) the owner, charterer or manager of any ship, and

(c) any person who—

(i) is permitted to have access to a restricted zone of a harbour area for the purposes of the activities of a business carried on by him, and

(ii) has control in that restricted zone over the baggage, cargo or stores to which the question relates.

(3) Subsection (1) above does not apply in relation to any statement made by an authorised person in the exercise of the power conferred by section 36(2)(b) of this Act.

(4) A person guilty of an offence under subsection (1) above is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) In this section—

cargo includes mail;

ship does not include a ship used in naval, customs or police service; and

stores means any goods intended for sale or use in a ship, including fuel and spare parts and other articles of equipment, whether or not for immediate fitting.

Textual Amendments

F34 S. 37(2)(aa) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 8**; S.I. 1997/1539, art. 2, **Sch.**

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C34 S. 37 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

38 False statements in connection with identity documents.

(1) Subject to subsection (4) below, a person commits an offence if—

(a) for the purpose of, or in connection with, an application made by him or another for the issue of an identity document to which this subsection applies, or

(b) in connection with the continued holding by him or another of any such document which has already been issued,

he makes to any of the persons specified in subsection (3) below, to any employee or agent of such a person or to a constable, a statement which he knows to be false in a material particular, or recklessly makes to any of those persons, to any such employee or agent or to a constable, a statement which is false in a material particular.

(2) Subsection (1) above applies to any identity document which is to be or has been issued by any of the persons specified in subsection (3) below in accordance with arrangements the maintenance of which is required by a direction given by the Secretary of State under section 24 of this Act.

(3) The persons referred to in subsection (1) above are—

(a) a harbour authority,

[[F35](aa) a harbour operator,**]**

(b) the owner, charterer or manager of any ship, and

(c) any person who is permitted to have access to a restricted zone of a harbour area for the purposes of the activities of a business carried on by him.

(4) Subsection (1) above does not apply in relation to any statement made by an authorised person in the exercise of the power conferred by section 36(2)(b) of this Act.

(5) A person guilty of an offence under subsection (1) above is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Textual Amendments

F35 S. 38(3)(aa) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 9**; S.I. 1997/1539, art. 2, **Sch.**

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C35 S. 38 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

39 Unauthorised presence in restricted zone.

(1) A person shall not—

(a) go, with or without a vehicle or vessel, onto or into any part of a restricted zone of a harbour area except with the permission of **[**[F36]the competent authority, or a person acting on behalf of that authority**]** and in accordance with any conditions subject to which that permission is for the time being granted, or

(b) remain in any part of such a restricted zone after being requested to leave by **[**[F36]the competent authority, or a person acting on behalf of that authority**]**.

(2) Subsection (1)(a) above does not apply unless it is proved that, at the material time, notices stating that the area concerned was a restricted zone were posted so as to be readily seen and read by persons entering the restricted zone.

[[F37](2A) A constable or any person acting on behalf of the competent authority may use such force as is reasonable in the circumstances to remove from a restricted zone a person remaining in it in contravention of subsection (1)(b) above.

(2B) For the purposes of this section the competent authority in relation to a restricted zone is—

(a) if the zone was designated on the application of a harbour authority, that authority; and

(b) if the zone was designated on the application of a harbour operator, that operator.**]**

(3) A person who contravenes subsection (1) above without lawful authority or reasonable excuse is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Textual Amendments

F36 Words in s. 39(1)(a)(b) substituted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 10(2)**; S.I. 1997/1539, art. 2, **Sch.**

F37 S. 39(2A)(2B) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 10(3)**; S.I. 1997/1539, art. 2, **Sch.**

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C36 S. 39 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

40 Offences relating to authorised persons.

(1) A person who—

(a) intentionally obstructs an authorised person acting in the exercise of a power conferred on him by or under this Part of this Act, or

(b) falsely pretends to be an authorised person,

commits an offence.

(2) A person guilty of an offence under subsection (1)(a) above is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(3) A person guilty of an offence under subsection (1)(b) above is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C37 S. 40 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

Sea cargo agents

41 Sea cargo agents.

(1) The Secretary of State may by regulations made by statutory instrument make provision, for purposes to which this Part of this Act applies, in relation to persons (in this section referred to as sea cargo agents) who carry on a business of handling cargo

Status: *Point in time view as at 12/02/2015.*
Changes to legislation: *There are currently no known outstanding effects for the Aviation and Maritime Security Act 1990. (See end of Document for details)*

which is to be delivered (whether by them or any other person) to the owner, charterer or manager of any ship for carriage by sea from any harbour area.

(2) Regulations under this section may, in particular—

(a) enable the Secretary of State to maintain a list of sea cargo agents who are approved by him for purposes related to maritime security, to include the name of a sea cargo agent on that list, on application being made to the Secretary of State in accordance with the regulations, if he is satisfied as to such matters as are specified in the regulations, and to remove the name of any person from that list in such circumstances as are so specified,

(b) provide that any provision of this Part of this Act which applies in relation to persons who are permitted to have access to a restricted zone of a harbour area for the purposes of the activities of a business (including any such provision which creates a criminal offence) shall also apply, with such modifications as are specified in the regulations, in relation to sea cargo agents included on any such list,

(c) amend sections 37(2) and 38(3) of this Act by including references to sea cargo agents included on any such list,

(d) make provision (including any such provision as is mentioned in paragraphs (a) to (c) above) relating to a class of sea cargo agents specified in the regulations and not to other sea cargo agents,

(e) make different provision for different cases, and

(f) make such incidental, supplementary or transitional provision as the Secretary of State considers necessary or expedient in consequence of any provision made by the regulations.

(3) Before making any regulations under this section the Secretary of State shall consult organisations appearing to him to represent persons affected by the proposed regulations.

(4) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Without prejudice to the generality of sections 21 and 24 of this Act, the exemptions that may be included in any direction given to an owner, charterer, manager or master of a ship under section 21 or 24 which requires the carrying out of searches of cargo, or the taking of any other measures in relation to cargo, include exemptions from such requirements in relation to cargo received from any sea cargo agent included on any list maintained by the Secretary of State under regulations under this section or from any sea cargo agent falling within a class of such sea cargo agents specified in the direction.

(6) In this section—

cargo includes stores and mail;

carriage by sea does not include carriage by any ship used in naval, customs or police service; and

stores means any goods intended for sale or use in a ship, including fuel and spare parts and other articles of equipment, whether or not for immediate fitting.

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C38 S. 41 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

Reporting of certain occurrences

42 Duty to report certain occurrences.

(1) For purposes to which this Part of this Act applies, the Secretary of State may by regulations made by statutory instrument require such persons as are specified in the regulations to make a report to him, in such manner and within such period as are so specified, of any occurrence of a description so specified.

(2) Before making any regulations under this section, the Secretary of State shall consult organisations appearing to him to represent persons affected by the proposed regulations.

(3) Regulations under this section may—

(a) provide that any person who, in making a report required by the regulations, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular, is to be guilty of an offence and liable—

(i) on summary conviction, to a fine not exceeding the statutory maximum;

(ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both; and

(b) provide for persons to be guilty of an offence in such other circumstances as may be specified in the regulations and to be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) Regulations under this section may require the reporting of occurrences taking place outside the United Kingdom only if those occurrences relate to British ships.

(5) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C39 S. 42 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

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)

C4 Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C40 S. 43 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

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.**[**[F38] or
- (e) where—
  - (i) an address for service using electronic communications has been given by that person and not withdrawn in accordance with subsection (2E), and
  - (ii) that person has agreed to accept service by electronic communications of documents in a certain form and has not withdrawn that agreement in accordance with that subsection,

  by using electronic communications to send the document in that form to that person at that address.**]**

[[F39](2A) A document given to or served on a person in accordance with subsection (2)(e) must be in a form sufficiently permanent to be used for subsequent reference.

(2B) Where a document is given to or served on a person in accordance with subsection (2)(e), the document is, unless the contrary is proved, to be deemed to have been given to or served on that person at the time at which the electronic communication is transmitted except where transmission is made outside that person's normal business hours, in which case it is to be taken to have been given or served on the next working day, and in this subsection, "working day" means any day other than—
- (a) a Saturday or a Sunday;
- (b) Christmas Day or Good Friday; or
- (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 (c. 80) in any part of the United Kingdom.

(2C) A document authorised or required to be given to or served on a person by the Secretary of State or an authorised person is also to be treated as given or served where—
- (a) that person and the Secretary of State or (as the case may be) the authorised person have agreed to his having access to documents of a particular description and in a certain form on a web site (instead of their being given to or served on him in any other way specified in subsection (2));
- (b) that person has not withdrawn his agreement in accordance with subsection (2F);
- (c) the document in question is a document to which the agreement applies;
- (d) the Secretary of State or the authorised person has given that person a notice, in a manner agreed between them for the purpose—

(i) stating that the document has been published on a web site maintained by or on behalf of the Secretary of State;

(ii) setting out the address of that web site; and

(iii) setting out the place on that web site where the document may be accessed and how it may be accessed by that person; and

(e) the published document is in a form sufficiently permanent to be used for subsequent reference.

(2D) Where a document is given to or served on a person in accordance with subsection (2C), the document is, unless the contrary is proved, to be deemed to have been given to or served on that person at the same time as the notice required to be given under subsection (2C)(d) is given.

(2E) A person who has supplied another person with an address for service using electronic communications and has agreed to accept service of documents in a certain form in accordance with subsection (2)(e) may give notice withdrawing that address or that agreement or both.

(2F) A person who has an agreement with the Secretary of State or an authorised person under subsection (2C)(a) may give notice withdrawing that agreement.

(2G) A withdrawal under subsection (2E) or (2F) shall take effect on the later of—

(a) the date specified by the person in the notice; and

(b) the date which is fourteen days after the date on which the notice is given.

(2H) A notice under subsection (2E) or (2F) must be given to the person to whom the address was supplied or with whom the agreement was made.

(2I) Oral notice is not sufficient for the purposes of subsection (2E) or (2F).**]**

[[F40](3) Any document authorised to be given to or served on a body corporate may 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 [M27]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 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 [M28]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 **[**[F41]registration regulations**]**, 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**[**[F42]mean Part II of the Merchant Shipping Act 1995, or any Order in Council under section 1 of the Hovercraft Act 1968.**]**

Textual Amendments

F38 S. 45(2)(e) and word inserted (30.9.2006) by The Transport Security (Electronic Communications) Order 2006 (S.I. 2006/2190), arts. 1(1), **4(2)**

F39 S. 45(2A)-(2I) inserted (30.9.2006) by The Transport Security (Electronic Communications) Order 2006 (S.I. 2006/2190), arts. 1(1), **4(3)**

F40 S. 45(3) substituted (30.9.2006) by The Transport Security (Electronic Communications) Order 2006 (S.I. 2006/2190), arts. 1(1), **4(4)**

F41 Words in s. 45(7)(a) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 88(5)(a)** (with s. 312(1))

F42 Words in s. 45(10) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 88(5)(b)** (with s. 312(1))

Modifications etc. (not altering text)

C41 S. 45 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

C42 Ss. 45, 46 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

Marginal Citations

M27 1978 c. 30.

M28 1978 c. 30.

46 Interpretation of Part III.

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

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

[[F43]"address", in relation to electronic communications, means any number or address used for the purposes of such communications,**]**

Status: *Point in time view as at 12/02/2015.*
Changes to legislation: *There are currently no known outstanding effects for the Aviation and Maritime Security Act 1990. (See end of Document for details)*

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 **[**[F44]Part II of the Merchant Shipping Act 1995**]** or any Order in Council under section 1 of the [M29]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 **[**[F44]Part II of the Merchant Shipping Act 1995**]**,

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

[[F43]"electronic communication" has the same meaning as in the Electronic Communications Act 2000 (c. 7),**]**

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,

[[F45]harbour has the same meaning as in the [M30]Merchant Shipping Act 1995;**]**

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

[[F46]harbour authority means—

(a) a harbour authority within the meaning of the [M31]Merchant Shipping Act 1995, or

(b) 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,**]**

[[F47]harbour operations means—

(a) the marking or lighting of a harbour or any part of it,

(b) the berthing or dry docking of a ship or the towing or moving of a ship into or out of or within the harbour area,

(c) the transportation, handling or warehousing of goods within the harbour area, or

(d) the embarking, disembarking or movement of passengers within the harbour area;

harbour operator has the meaning given by section 20(9) of this Act;**]**

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 **[**[F48]Merchant Shipping Act 1995**]**,

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,

[[F49]operating area has the meaning given by section 20(9) of this Act;**]**

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

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

[F50] . . .

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.

[[F51](2A) In this Part of this Act restricted zone means an area designated under section 20 of this Act; and references to a restricted zone of a harbour area include references to a restricted zone which is or is part of an operating area.**]**

(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.

Textual Amendments

F43 Words in s. 46(1) inserted (30.9.2006) by The Transport Security (Electronic Communications) Order 2006 (S.I. 2006/2190), arts. 1(1), **5(2)**

F44 Words in the definition of "British Ship" in s. 46(1) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 88(6)(a)(i)(ii)** (with s. 312(1))

F45 Definition of "harbour" in s. 46(1) substituted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 11(2)(a)**; S.I. 1997/1539, art. 2, **Sch.**

F46 Definition of "harbour authority" in s. 46(1) substituted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 11(2)(b)**; S.I. 1997/1539, art. 2, **Sch.**

F47 Definitions of "harbour operations" and "harbour operator" in s. 46(1) substituted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 11(2)(c)**; S.I. 1997/1539, art. 2, **Sch.**

F48 Words in the definition of "master" in s. 46(1) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 88(6)(b)** (with s. 312(1))

F49 Definition of "operating area" in s. 46(1) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 11(2)(d)**; S.I. 1997/1539, art. 2, **Sch.**

F50 Definition of "restricted zone" in s. 46(1) repealed (17.7.1997) by 1997 c. 28, ss. 25, 29(2), Sch. 4 para. 11(2)(e), **Sch. 7 Pt. I**; S.I. 1997/1539. art. 2, Sch.

F51 S. 46(2A) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 11(3)**; S.I. 1997/1539, art. 2, **Sch.**

Modifications etc. (not altering text)

C42 Ss. 45, 46 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

C43 S. 46 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

Marginal Citations

M29 1968 c. 59.

M30 1995 c. 21.

M31 1995 c. 21.

PART IV

MISCELLANEOUS AND GENERAL

Miscellaneous

47 Carriage of goods by air.

In section 60 of the [M32]Civil Aviation Act 1982 (power to give effect to Chicago Convention and to regulate air navigation etc.), in subsection (3)—

(a) in paragraph (f) the words and goods and the words from and for to the end are omitted, and

(b) after that paragraph there is inserted—

"(ff) as to the conditions under which goods may be carried by air, for prohibiting the carriage by air of goods of such classes as may be specified in the Order, and for conferring, on such persons as may be so specified, powers relating to the enforcement of any such condition or prohibition (including powers to examine, take samples of, seize and detain any goods, powers to open any baggage or packages containing goods or to require them to be opened and powers to require the production of any documents);".

Modifications etc. (not altering text)

C44 S. 47 extended (Isle of Man) (1.4.2007) by The Civil Aviation (Isle of Man) Order 2007 (S.I. 2007/614), arts. 1, **3**

Marginal Citations

M32 1982 c. 16.

48 Powers in relation to certain aircraft.

(1) Except as provided by subsection (2) below, this section applies to any aircraft which—

(a) is registered in, or owned by, any State which appears to the Secretary of State to be contravening any international agreement relating to civil aviation to which that State and the United Kingdom are parties—

(i) by prohibiting any one or more aircraft registered in the United Kingdom from flying over its territory, or

(ii) by prohibiting any one or more such aircraft from landing in its territory, or

(b) is being operated under the direction of nationals of such a State.

(2) This section does not apply to any aircraft by reason only of any prohibition which affects only aircraft belonging to or exclusively employed in the service of the Crown.

(3) For the purposes of this section a State which has taken steps to prevent certain aircraft from flying over or landing in its territory is to be taken to prohibit them from doing so.

(4) Subsection (5) below applies where an aircraft to which this section applies—

(a) has landed in the United Kingdom and is situated at an aerodrome,

(b) has landed on any land in the United Kingdom outside an aerodrome, with the consent of the occupier of that land, and is situated on that land, or

(c) has landed in the United Kingdom and is situated on land outside an aerodrome to which it has been moved with the consent of the occupier of that land,

but that subsection does not apply where the aircraft has landed in the United Kingdom in accordance with permission granted by the Secretary of State under any enactment.

(5) Where this subsection applies, the Secretary of State may give a direction, in a case falling within subsection (4)(a) above to the manager of the aerodrome or in a case falling within subsection (4)(b) or (c) above to the occupier of the land, requiring him to take all such steps as may be reasonably practicable to prevent any person, other than a constable, from gaining access to the aircraft unless—

(a) it is necessary for that person to do so for the purpose of preparing the aircraft for a flight out of the United Kingdom (either directly or following an intermediate stop elsewhere in the United Kingdom for non-traffic purposes),

(b) that person is acting—

(i) with the permission of a constable, or

(ii) in the exercise of powers conferred by subsection (7) below or by or under any other enactment, or

(c) that person is a person specified in the direction acting in circumstances so specified.

(6) A direction under subsection (5) above may also prohibit the person to whom it is given from gaining access to the aircraft except in such circumstances as may be specified in the direction.

(7) Where a direction has been given under subsection (5) above, a constable or any other person specified for the purposes of this subsection in the direction—

(a) may, for the purpose of ascertaining whether the direction is being complied with or, if the direction so provides, for the purpose of moving the aircraft as mentioned in paragraph (b) below or causing it to be so moved—

(i) enter any part of the aerodrome or other land concerned (including any building or works in that aerodrome or on that land), and

(ii) go into or onto the aircraft, if need be by force,

(b) may, if the direction so provides, move the aircraft or cause it to be moved—

(i) in a case falling within subsection (4)(a) above, to such other part of the aerodrome concerned as is specified in the direction, for the purpose of preventing any interference with the functioning of the aerodrome, or

(ii) in a case falling within subsection (4)(b) or (c) above, to any aerodrome specified in the direction, for the purpose of facilitating the preparation of the aircraft for a flight out of the United Kingdom,

(c) may require—

(i) the commander of the aircraft, or

(ii) in the absence of the commander, any other person who the person making the requirement has reason to believe has in his possession documents relating to the aircraft,

to produce any such documents, and

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Changes to legislation: *There are currently no known outstanding effects for the Aviation and Maritime Security Act 1990. (See end of Document for details)*

(d) may remove and detain any such documents.

(8) Subject to subsection (9) below, a direction under subsection (5) above shall have effect notwithstanding anything contained in any contract (whether a United Kingdom contract or not) or contained in, or having effect by virtue of, any other enactment or rule of law; and accordingly no proceedings (whether civil or criminal) shall lie against any person in any United Kingdom court by reason of anything done or not done by him or on his behalf in compliance with a direction.

(9) The giving of a direction under subsection (5) above does not affect—

(a) any liability to pay airport charges incurred in respect of the aircraft to which the direction relates, or

(b) the exercise of any power arising under section 88 of the [M33]Civil Aviation Act 1982 (detention and sale of aircraft for unpaid airport charges).

(10) If a person who has removed and detained any documents under subsection (7)(d) above is satisfied that the aircraft is being prepared for a flight out of the United Kingdom (either directly or following an intermediate stop elsewhere in the United Kingdom for non-traffic purposes), he shall return them to the commander of the aircraft.

(11) A person commits an offence if—

(a) without reasonable excuse, he fails to comply with a direction given to him under subsection (5) above,

(b) he intentionally obstructs a person acting in the exercise of a power conferred by subsection (7) above, or

(c) knowing that a direction under subsection (5) above has effect in relation to an aircraft, he gains access to the aircraft without lawful authority or reasonable excuse and otherwise than in accordance with the direction.

(12) A person guilty of an offence under subsection (11) above is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(13) In this section—

aerodrome has the same meaning as in the [M34]Civil Aviation Act 1982,

airport charges has the same meaning as in section 88 of the Civil Aviation Act 1982,

commander, in relation to an aircraft, has the same meaning as in section 94 of the Civil Aviation Act 1982,

manager, in relation to an aerodrome, has the same meaning as in the [M35]Aviation Security Act 1982,

reward has the same meaning as in the Civil Aviation Act 1982,

stop for non-traffic purposes means a landing for any purpose other than the taking on board or discharging of passengers carried for reward or of cargo so carried, and

United Kingdom court and United Kingdom contract have the same meaning as in section 19 of the Aviation Security Act 1982;

and for the purposes of this section a person gains access to an aircraft if, and only if, he goes into or onto the aircraft, carries out any work on the aircraft or delivers anything to the aircraft or to persons on board the aircraft.

Marginal Citations

M33 1982 c. 16.
M34 1982 c. 16.
M35 1982 c. 36.

General

F52 49 Extradition by virtue of Orders in Council under section 2 of Extradition Act 1870.

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Textual Amendments

F52 S. 49 repealed (1.1.2004) by Extradition Act 2003 (c. 41), s. 221, Sch. 3 para. 8, **Sch. 4**; S.I. 2003/3103, art. 2 (with arts. 3-5) (as amended (11.12.2003) by S.I. 2003/3258, art. 2 and (18.12.2003) by S.I. 2003/3312, art. 2)

50 Offences by bodies corporate.

(1) Where an offence under this Act (including any provision of Part III as applied by regulations made under section 41 of this Act) or under regulations made under section 42 of this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Modifications etc. (not altering text)

C45 S. 50 extended (with modifications) (12.6.1993) by S.I. 1993/1251, art. 2(2), **Sch. 2**
S. 50 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**
S. 50 extended (with modifications) (Guernsey) (17.1.1998) by S.I. 1997/2989, art. 2(2), **Sch. 2**
S. 50 applied (with modifications) (6.12.2000) by S.I. 2000/3059, art. 3(2), **Sch. 4**

C46 S. 50 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

51 Extension of Act outside the United Kingdom.

(1) Her Majesty may by Order in Council make provision for extending any of the provisions of section 1, Parts II and III and section 50 of this Act with such exceptions, adaptations or modifications as may be specified in the Order, to any of the Channel Islands, the Isle of Man or any colony.

(2) Section 15 of the [M36]Visiting Forces Act 1952, [F53]. . ., section 7 of the [M37]Suppression of Terrorism Act 1978, section 39(3) of the [M38]Aviation Security Act 1982 and section 108 of the [M39]Civil Aviation Act 1982 (extension to Channel Islands, Isle of Man and other countries) apply respectively to the provisions of this Act amending each of those Acts.

Textual Amendments

F53 Words in s. 51(2) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with ss. 312(1), Sch. 14 para. 1)

Modifications etc. (not altering text)

C47 S. 51 extended (19.3.1997) by 1997 c. 28, **ss. 30(3)**, 31(4)

C48 S. 51(1) modified (12.2.2015) by Counter-Terrorism and Security Act 2015 (c. 6), **ss. 51(7)**, 52(5)

Marginal Citations

M36 1952 c. 67.

M37 1978 c. 26.

M38 1982 c. 36.

M39 1982 c. 16.

52 Expenses.

There shall be paid out of money provided by Parliament any expenses of the Secretary of State under this Act and any increase attributable to this Act in the sums so payable under any other Act.

53 Minor and consequential amendments and repeals.

(1) The enactments mentioned in Schedule 3 to this Act have effect subject to the minor and consequential amendments specified in that Schedule.

(2) The enactments mentioned in Schedule 4 to this Act (which include spent provisions) are hereby repealed to the extent specified in the third column of that Schedule.

54 Short title, commencement and extent.

(1) This Act may be cited as the Aviation and Maritime Security Act 1990.

[F54](2) . . . . . .

(3) This Act extends to Northern Ireland.

Textual Amendments

F54 S. 54(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 4**

Status: *Point in time view as at 12/02/2015.*
Changes to legislation: *There are currently no known outstanding effects for the Aviation and Maritime Security Act 1990. (See end of Document for details)*

SCHEDULES

SCHEDULE 1

Section 8.

FURTHER AMENDMENTS OF THE AVIATION SECURITY ACT 1982

Obstruction

1 In section 7 (powers exercisable on suspicion of intended offence under Part I) in subsection (2) for wilfully obstructs or impedes there is substituted " intentionally obstructs ".

Provision of information

2 (1) Section 11 (power of Secretary of State to require information) is amended as follows.

(2) For subsection (1) there is substituted—

"(1) The Secretary of State may, by notice in writing served on any person who—

(a) is the operator of one or more aircraft registered or operating in the United Kingdom,

(b) is the manager of an aerodrome in the United Kingdom,

(c) occupies any land forming part of an aerodrome in the United Kingdom, or

(d) is permitted to have access to a restricted zone of an aerodrome for the purposes of the activities of a business carried on by him,

require that person to provide the Secretary of State with such information specified in the notice as the Secretary of State may require in connection with the exercise by the Secretary of State of his functions under this Part of this Act."

F55(3) . . . . . .

(4) In subsection (3)—

(a) for shall there is substituted " may ", and

(b) for paragraphs (a) and (b) there is substituted " the information previously furnished to the Secretary of State (including any information furnished in pursuance of a requirement imposed by virtue of this subsection) is rendered inaccurate by any change of circumstances (including the taking of any further measures for purposes to which this Part of this Act applies or the alteration or discontinuance of any measures already being taken) ".

F56(5) . . . . . .

(6) In subsection 5(a) the words refuses or are omitted.

(7) In subsection (6) for the words from time onwards there is substituted "time—

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(a) be revoked by a notice in writing served on him by the Secretary of State, or

(b) be varied by a further notice under subsection (1) above".

Textual Amendments

F55 Sch. 1 para. 2(3) omitted (12.2.2015) by virtue of Counter-Terrorism and Security Act 2015 (c. 6), s. 52(5), **Sch. 5 para. 10**

F56 Sch. 1 para. 2(5) omitted (12.2.2015) by virtue of Counter-Terrorism and Security Act 2015 (c. 6), s. 52(5), **Sch. 5 para. 10**

Designation of restricted zones of aerodromes

3 After section 11 there is inserted—

"**11A Designation of restricted zones.**

(1) The manager of an aerodrome in the United Kingdom may, and shall if so requested in writing by the Secretary of State, apply to the Secretary of State for the designation of the whole or any part of the aerodrome as a restricted zone for the purposes of this Part of this Act.

(2) Where the aerodrome includes an air navigation installation, the manager—

(a) shall, before making any application under subsection (1) above, consult the authority responsible for the air navigation installation, and

(b) shall send a copy of the application to that authority.

(3) An application under subsection (1) above shall be in such form, and accompanied by such plans, as the Secretary of State may require.

(4) If the Secretary of State approves an application under subsection (1) above with or without modifications, he shall designate the restricted zone accordingly.

(5) Before approving an application with modifications, the Secretary of State shall consult—

(a) the manager of the aerodrome, and

(b) the authority responsible for any air navigation installation which forms part of the aerodrome.

(6) If the manager of an aerodrome is requested in writing by the Secretary of State to make an application under subsection (1) above within a specified period but fails to do so within that period, the Secretary of State may designate the whole or any part of the aerodrome as a restricted zone.

(7) The whole or any part of an aerodrome may be designated as a restricted zone, or part of a restricted zone, for specified days or times of day only.

(8) The Secretary of State shall give notice of any designation under this section to—

(a) the manager of the aerodrome, and

(b) the authority responsible for any air navigation installation which forms part of the aerodrome,

and the designation of the restricted zone shall take effect on the giving of the notice.

(9) In relation to an air navigation installation in the United Kingdom which does not form part of an aerodrome, this section has effect as if any reference to an aerodrome were a reference to such an air navigation installation and any reference to the manager of an aerodrome were a reference to the authority responsible for such an air navigation installation.

(10) Where the whole or any part of an aerodrome has been designated under this section as a restricted zone—

(a) subsections (1) to (9) above also have effect in relation to any variation of the designation, and

(b) the designation may at any time be revoked by the Secretary of State."

Directions by Secretary of State

4 (1) Section 12 (power to impose restrictions in relation to aircraft) is amended as follows.

(2) In subsection (9) for refuses or there is substituted " , without reasonable excuse, ".

(3) After subsection (9) there is inserted—

"(10) Where a person is convicted of an offence under subsection (9) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues."

5 (1) Section 13 (power to require aerodrome managers to promote searches at aerodromes) is amended as follows.

(2) In subsection (4)—

(a) in paragraph (a) for refuses or there is substituted " without reasonable excuse, ", and

(b) in paragraph (b) for wilfully obstructs or impedes there is substituted " intentionally obstructs ".

(3) After subsection (4) there is inserted—

"(4A) Where a person is convicted of an offence under subsection (4)(a) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues."

(4) In subsection (5)—

(a) in paragraph (a) for the words from section 2 to that Act there is substituted " sections 17, 24 and 25 of the Police and Criminal Evidence Act 1984 (which confer power to arrest without warrant and to enter premises for the purpose of making an arrest) or of section 3 of the Criminal Law Act 1967 ", and

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(b) in paragraph (c) for section 2 or there is substituted " Articles 19, 26 and 27 of the Police and Criminal Evidence (Northern Ireland) Order 1989 or of section ".

6 (1) Section 14 (general power to direct measures to be taken for purposes to which Part II applies) is amended as follows.

(2) In subsection (7)—

(a) in paragraph (a) the words refuses or are omitted, and

(b) in paragraph (b) for wilfully there is substituted " intentionally ".

(3) After subsection (7) there is inserted—

"(7A) Where a person is convicted of an offence under subsection (7)(a) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues."

Supplemental provisions with respect to directions

7 (1) Section 15 (matters which may be included in directions under sections 12 to 14) is amended as follows.

(2) In subsection (1) after 13 there is inserted " or 13A ".

(3) For subsection (2) there is substituted—

"(2) A direction under subsection (2) of section 12 of this Act must require all the persons carrying out any modifications or alterations, or the installation of any additional apparatus or equipment, to be persons approved by the Civil Aviation Authority."

(4) Subsection (3) is omitted.

(5) In subsection (4)(a) for the words from an operator to aerodrome there is substituted " the person to whom it is given ".

(6) For subsection (5) there is substituted—

"(5) Where a direction under any of the preceding provisions of this Part of this Act requires searches to be carried out, or other measures to be taken, by constables, the direction may require the person to whom it is given to inform the chief officer of police for the police area in which the searches are to be carried out or the other measures taken that the Secretary of State considers it appropriate that constables should be duly authorised to carry, and should carry, firearms when carrying out the searches or taking the measures in question."

(7) After subsection (7) there is inserted—

"(8) In the application of this section to Northern Ireland for the words in subsection (5) above from chief officer to measures taken there are substituted the words " chief constable of the Royal Ulster Constabulary "."

8 (1) Section 16 (limitations on scope of directions under sections 12 to 14) is amended as follows.

(2) In subsection (4)—

(a) for the words from the operator to or agent of such an operator or manager there is substituted " the person to whom the direction was given, or any person acting as his employee or agent ", and

(b) for (whether at the instance of such an operator or manager or otherwise) there is substituted " (whether at the instance of the person to whom the direction was given or otherwise) ".

(3) For subsection (6) there is substituted—

"(6) In so far as a direction given to the manager of an aerodrome or to any person mentioned in section 14(1)(c) or (d) of this Act requires a building or other works to be constructed, executed, altered, demolished or removed on land outside the aerodrome, or requires any other measures to be taken on such land, the direction shall not confer on the person to whom it is given any rights as against a person having—

(a) an interest in that land, or

(b) a right to occupy that land, or

(c) a right restrictive of its use;

and accordingly, the direction shall not be construed as requiring the person to whom it is given to do anything which would be actionable at the suit or instance of a person having such interest or right in his capacity as a person having that interest or right."

(4) In subsection (8) after 13 there is inserted " , 13A ".

9 (1) Section 17 of that Act (general or urgent directions under sections 12 and 14) is amended as follows.

(2) In subsection (1) for or 14 there is substituted " , 13, 13A or 14 ".

(3) In subsection (2)—

(a) for either there is substituted " any ", and

(b) in paragraph (a) after class of aircraft, there is inserted " in relation to such aerodrome or part of an aerodrome, in relation to such land outside an aerodrome, in relation to such activities, ".

10 In section 19 (operation of directions under Part II in relation to rights and duties under other laws) after subsection (4) there is inserted—

"(4A) Any reference in this section to a direction under any of the preceding provisions of this Part of this Act includes a reference to an enforcement notice."

11 (1) Section 20 (inspection of aircraft and aerodromes) is amended as follows.

(2) In subsection (1)—

(a) after any such direction there is inserted " or any enforcement notice ",

(b) for the words from any person authorised to authorised person) there is substituted " an authorised person ", and

(c) at the end there is inserted "or

(c) any land outside an aerodrome which is occupied for the purposes of a business by a person who—

Status: *Point in time view as at 12/02/2015.*
Changes to legislation: *There are currently no known outstanding effects for the Aviation and Maritime Security Act 1990. (See end of Document for details)*

(i) also occupies (or appears to the authorised person to be about to occupy) land within an aerodrome for the purposes of that business, or

(ii) is permitted (or appears to the authorised person to be about to be permitted) to have access to a restricted zone of an aerodrome for the purposes of the activities of that business".

(3) In subsection (2)—

(a) for or any part of an aerodrome there is substituted " , any part of an aerodrome or any land outside an aerodrome ",

(b) in paragraph (a) after there there is inserted " or on that land ",

(c) after paragraph (a) there is inserted the following paragraph—

"(aa) to take such steps—

(i) to ascertain what practices or procedures are being followed in relation to security, or

(ii) to test the effectiveness of any practice or procedure relating to security,", and

(d) in paragraph (b) for or the manager of the aerodrome there is substituted " the manager of the aerodrome or the occupier of the land ".

(4) In subsection (3)—

(a) for or in relation to an aerodrome there is substituted " , in relation to an aerodrome or in relation to any land outside an aerodrome ", and

(b) at the end there is inserted "or

(c) for the purpose of inspecting any land outside an aerodrome, to enter upon the land and to enter any building or works on the land."

(5) In subsection (5), paragraph (a) and, in paragraph (b), the words refuses or are omitted.

Air navigation installations

12 (1) Section 21 (air navigation installations) is amended as follows.

(2) In subsection (1) after 13, there is inserted " 13A, ".

(3) In subsection (7) after 18(1) there is inserted " , 18A, 18B, 18E ".

Compensation

13 (1) Section 22 (compensation in respect of certain measures taken under Part II) is amended as follows.

(2) In subsection (1)—

(a) for the words from the manager to an air navigation installation there is substituted " or in compliance with an enforcement notice, the person to whom the direction was given or on whom the notice was served ", and

(b) for the aerodrome or that there is substituted " an aerodrome or ".

(3) In subsection (4) the words from (whether to installation) are omitted.

Annual report by Secretary of State

14 (1) Section 23 (annual report by Secretary of State as to notices and directions under Part II) is amended as follows.

(2) In subsection (1) for the words from and the number to 14 of this Act there is substituted " , the number of directions given by him under sections 12, 13, 13A and 14 of this Act and the number of enforcement notices served by authorised persons ".

(3) In subsection (2)—

(a) for and directions given under section 14 of this Act there is substituted " , directions given under section 13A and directions given under section 14 of this Act and enforcement notices ", and

(b) after paragraph (b) there is inserted—

"(bb) 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 occupying land forming part of an aerodrome or air navigation installation;

(bc) 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 an aerodrome or air navigation installation for the purposes of the activities of a business;".

(4) In subsection (3) after 13 there is inserted " , 13A ".

Service of documents

15 For section 24 there is substituted—

"**24 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 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

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its secretary, clerk or similar officer, it shall be 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) 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 his proper address within the meaning of subsection (4) 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.

(6) Where an authorised person—

(a) intends to serve an enforcement notice on any person (the intended recipient), and

(b) is of the opinion that all the requirements of the notice could be complied with by an employee or agent of the intended recipient,

the authorised person may, after consulting that employee or agent, serve the notice on the intended recipient by delivering it to that employee or agent or by sending it to that employee or agent at the proper address of the employee or agent by such means as are mentioned in subsection (2)(d) above.

(7) An authorised person who serves an enforcement notice under subsection (6) above on an employee or agent of the intended recipient shall serve a copy of the notice on the intended recipient.

(8) Nothing in subsection (6) above shall be taken to impose on the employee or agent to whom the enforcement notice is delivered or sent any obligation to comply with it."

Interpretation

16 After section 24 there is inserted—

"**24A Interpretation of Part II.**

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

act of violence has the meaning given by section 10(2) of this Act,

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

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

enforcement notice has the meaning given by section 18A(1) of this Act, and

restricted zone, in relation to an aerodrome or air navigation installation, means any part of the aerodrome or installation designated under section 11A of this Act or, where the whole of the aerodrome or installation is so designated, that aerodrome or installation.

(2) For the purposes of this Part of this Act a person is permitted to have access to a restricted zone of an aerodrome or air navigation installation if he is permitted to enter that zone or if arrangements exist for permitting any of his employees or agents to enter that zone."

Reimbursement of expenses

17 In section 32(2) of that Act (which enables the Secretary of State, out of money provided by Parliament, to reimburse certain expenses incurred in relation to aviation security)—

(a) after paragraph (c) there is inserted "or

(d) a person to whom a direction has been or could be given by the Secretary of State under section 14 of this Act by virtue of subsection (1)(c) or (d) of that section," and

(b) for the words from have at any time to installation there is substituted " have, in the case of a person mentioned in paragraph (a), (b) or (c) above, been at any time on or after 1st June 1972 or, in the case of a person mentioned in paragraph (d) above, been at any time after the passing of the Aviation and Maritime Security Act 1990, incurred or may, in any case, be incurred by any such person in relation to those aircraft, to that aerodrome or air navigation installation or to the land or activities concerned, ".

Offences by bodies corporate

18 In section 37 of that Act (offences by bodies corporate) for or under regulations made under section 33 there is substituted " (including any provision of Part II as applied by regulations made under section 21F of this Act) or under regulations made under section 21G. "

Revocation and variation of directions

19 In section 38(6) of that Act (revocation and variation of directions) the words given under that provision are omitted.

Provisions relating to compensation

20 (1) Schedule 1 is amended as follows.

(2) In paragraph 2 for the words manager of the aerodrome there is substituted " person ".

(3) In paragraph 3—

(a) for the words from the manager to the aerodrome there is substituted " any person on land outside an aerodrome or air navigation installation ", and

(b) after direction (in both places) there is inserted " or enforcement notice ".

(4) Paragraph 8 is omitted.

SCHEDULE 2

Section 43.

PROVISIONS RELATING TO COMPENSATION

Modifications etc. (not altering text)

C49 Sch. 2 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

C50 Sch. 2 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by The Maritime Security (Jersey) Order 2014 (S.I. 2014/265), art. 2, **Sch.**

1 This Schedule applies to compensation under section 43 of this Act (in this Schedule referred to as the principal section).

2 No compensation to which this Schedule applies shall be payable unless the person to whom it is payable in accordance with the principal section (or in accordance with regulations made under paragraph 5 below) serves on the person by whom the measures in question were taken a notice in writing claiming compensation under that section, and that notice is served before the end of the period of two years from the completion of the measures.

3 In relation to any measures taken by any person on land outside a harbour area, any reference in the principal section to a direction or enforcement notice, or to compliance with a direction or enforcement notice, is to be construed as if subsection (6) of section 26 of this Act were omitted.

4 In calculating value for any of the purposes of the principal section—

(a) rules (2) to (4) of the rules set out in section 5 of the [M40]Land Compensation Act 1961 apply with the necessary modifications, and

(b) if the interest to be valued is subject to a mortgage, it is to be treated as if it were not subject to the mortgage.

Marginal Citations

M40 1961 c. 33.

5 Regulations made by the Secretary of State by statutory instrument may make provision—

(a) requiring compensation to which this Schedule applies, in such cases as may be specified in the regulations, to be paid to a person other than the person entitled to it in accordance with the principal section,

(b) as to the application of any compensation to which this Schedule applies, or any part of it, in cases where the right to claim compensation is exercisable by reference to an interest in land which is subject to a mortgage, or to a rentcharge, or to the trusts of a settlement, or, in Scotland, [F57]... to the purposes of a trust, or which was so subject at a time specified in the regulations, or

(c) as to any assumptions to be made, or matters to be taken into or left out of account, for the purpose of assessing any compensation to which this Schedule applies.

Textual Amendments

F57 Words in Sch. 2 para. 5(b) repealed (S.) (28.11.2004) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 122(1), 129(2), **sch. 15** (with ss. 119, 121) (see S.S.I. 2003/456, art. 2)

6 A statutory instrument containing regulations made under paragraph 5 above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

7 Any dispute arising under the principal section or under this Schedule, whether as to the right to any compensation or as to the amount of any compensation or otherwise, shall be referred to and determined by the **[**[F58]Upper Tribunal**]** .

Textual Amendments

F58 Words in Sch. 2 para. 7 substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 213(a)** (with Sch. 5)

8 In the application of this Schedule to Scotland—

(a) the reference in paragraph 4(a) to section 5 of the Land Compensation Act 1961 is to be construed as a reference to section 12 of the [M41]Land Compensation (Scotland) Act 1963, and

(b) the reference in paragraph 7 to the **[**[F59]Upper Tribunal is**]** to be construed as a reference to the Lands Tribunal for Scotland.

Textual Amendments

F59 Words in Sch. 2 para. 8(b) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 213(b)** (with Sch. 5)

Marginal Citations

M41 1963 c. 51.

9 In the application of this Schedule to Northern Ireland—

(a) the reference in paragraph 4(a) to section 5 of the [M42]Land Compensation Act 1961 is to be construed, notwithstanding paragraph 4 of Schedule 1 to the [M43]Land Compensation (Northern Ireland) Order 1982 (which confines the operation of that Order to matters within the legislative competence of the Parliament of Northern Ireland), as a reference to Article 6(1) of that Order, and

(b) the reference in paragraph 7 to the **[**[F60]Upper Tribunal is**]** to be construed as a reference to the Lands Tribunal for Northern Ireland.

Textual Amendments

F60 Words in Sch. 2 para. 9(b) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 213(b)** (with Sch. 5)

Marginal Citations

M42 1961 c. 33.

M43 S.I. 1982/712 (N.I. 9).

10 In this Schedule mortgage includes any charge or lien on any property for securing money or money's worth, and any heritable security within the meaning of section 9(8) of the [M44]Conveyancing and Feudal Reform (Scotland) Act 1970.

Marginal Citations

M44 1970 c. 35.

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SCHEDULE 3

Section 53(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Visiting Forces Act 1952 (c. 67)

1 (1) Section 3 of the Visiting Forces Act 1952 (restriction, as respects certain offences, of trial by United Kingdom courts of offenders connected with visiting force) is amended as follows.

(2) In subsection (1) after paragraph (e) there is inserted "or

(f) the alleged offence is an offence under section 1(2)(a)(ii) of the Aviation and Maritime Security Act 1990, where one or more such aircraft was or were the only aircraft alleged to have been thereby destroyed or seriously damaged; or

(g) the alleged offence is the offence of hijacking a warship in the service of that force or any other ship used as a naval auxiliary in that service or consists of inducing or assisting, in relation to any such warship or other ship, the commission of any such act as is mentioned in section 14(4)(a) of the Aviation and Maritime Security Act 1990; or

(h) the alleged offence is an offence under section 11, 12, or 13 of that Act in relation to a ship, or consists of inducing or assisting the commission of any such act as is mentioned in section 14(4)(b), (c) or (d) of that Act in relation to a ship, where (in either case) one or more warships in the service of that force or other ships used as naval auxiliaries in that service were the only ships alleged to have been, or to have been likely to be, thereby destroyed or damaged or whose safe navigation is alleged to have been, or to have been likely to be, thereby endangered".

(3) In subsection (4) for paragraphs (b) and (c) in the first place where those words occur there is substituted " paragraphs (b), (c) and (f) ", and for paragraphs (d) and (e) there is substituted " paragraphs (d), (e), (g) and (h) ".

The Merchant Shipping Act 1970 (c. 36)

2 . . . . . .

The Criminal Jurisdiction Act 1975 (c. 59)

F61 3 . . . . . .

Textual Amendments

F61 Sch. 3 para. 3 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 4**

4 In Schedule 1 to the Criminal Jurisdiction Act 1975 (offences in Republic of Ireland triable in Northern Ireland) in Part I after paragraph 11 there is inserted—

" Endangering safety at aerodromes

11A An offence under section 1 of the Aviation and Maritime Security Act 1990 (endangering safety at aerodromes).

Offences relating to ships and fixed platforms

11B An offence under section 9 of the Aviation and Maritime Security Act 1990 (hijacking of ships) or under section 10 of that Act (seizing or exercising control of fixed platforms)."

The Northern Ireland (Emergency Provisions) Act 1978 (c. 5)

F62 5 . . . . . .

Textual Amendments

F62 Sch. 3 para. 5 repealed (N.I.)(27.8.1991) by Northern Ireland (Emergency Provisions) Act 1991 (c. 24, SIF 39:1), ss. 69(1), 70(4), **Sch. 8 Pt. I**.

The Suppression of Terrorism Act 1978 (c. 26)

6 In Schedule 1 to the Suppression of Terrorism Act 1978 (list of offences for purposes of section 1 of that Act) after paragraph 18 there is inserted—

"**18A** An offence under section 1 of the Aviation and Maritime Security Act 1990.

Offences relating to ships and fixed platforms

18B An offence under Part II of the Aviation and Maritime Security Act 1990 (other than an offence under section 15 of that Act)."

The Criminal Justice Act 1982 (c. 48)

7 At the end of Part II of Schedule 1 to the Criminal Justice Act 1982 (statutory offences excluded from provisions for early release of prisoners) there is inserted—

"Aviation and Maritime Security Act 1990 (c. 31)

Section 1 (endangering safety at aerodromes).

Section 9 (hijacking of ships).

Section 10 (seizing or exercising control of fixed platforms).

Sections 11, 12, 13 and 14 (other offences relating to ships and fixed platforms)."

The Police and Criminal Evidence Act 1984 (c. 60)

F63 8 . . . . . .

Textual Amendments

F63 Sch. 3 para. 8 repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8)(8), **Sch. 17 Pt. 2**; S.I. 2005/3495, art. 2(1)(u)

The Extradition Act 1989 (c. 33)

9 (1) Section 22 of the Extradition Act 1989 (extension of purposes of extradition for offences under Acts giving effect to international Conventions) is amended as follows.

(2) At the end of subsection (2) there is inserted—

"(i) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Montreal Convention, which was signed at Montreal on 24th February 1988 (the Montreal Protocol);

(j) the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, which was signed at Rome on 10th March 1988 (the Rome Convention);

(k) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, which was also signed at Rome on 10th March 1988 (the Rome Protocol)."

(3) At the end of subsection (4) there is inserted—

"(i) in relation to the Montreal Protocol, an offence under section 1 of the Aviation and Maritime Security Act 1990;

(j) in relation to the Rome Convention, an offence under section 9 or 12 of that Act or an offence under section 11 or 13 of that Act committed in relation to a ship (within the meaning of Part II of that Act); and

(k) in relation to the Rome Protocol, an offence under section 10 of that Act or an offence under section 11 or 13 of that Act committed in relation to a fixed platform (within the meaning of Part II of that Act)."

10 In Schedule 1 to the [M45]Extradition Act 1989 (provisions deriving from Extradition Act 1870 and associated enactments) in paragraph 15 (deemed extension of jurisdiction of foreign states) after paragraph (k) there is inserted—

"or

(l) an offence under section 1, 9, 10, 11, 12 or 13 of the Aviation and Maritime Security Act 1990 or an attempt to commit such an offence,".

Marginal Citations

M45 1870 c. 52.

Status: *Point in time view as at 12/02/2015.*
Changes to legislation: *There are currently no known outstanding effects for the Aviation and Maritime Security Act 1990. (See end of Document for details)*

The [M46]Police and Criminal Evidence (Northern Ireland) Order 1989

Marginal Citations

M46 (S.I.1989/1341 (N.I.12))

[F64]11 . . . . . .

Textual Amendments

F64 Sch. 3 para. 11 repealed (N.I.) (1.3.2007) by The Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288), art. 1(2), **Sch. 2**

SCHEDULE 4

Section 53(2).

REPEALS

Chapter	Short title	Extent of repeal
1975 c. 59.	The Criminal Jurisdiction Act 1975.	In section 2(1)(a), the words or any ship or hovercraft.
1982 c. 16.	The Civil Aviation Act 1982.	In section 60(3)(f), the words and goods and the words from and for onwards.
		In section 105(1), in the definition of relevant overseas territory, the words from and any onwards.
1982 c. 36.	The Aviation Security Act 1982.	In section 11(5)(a), the words refuses or.
		In section 14, subsection (4) and, in subsection (7)(a), the words refuses or.
		Section 15(3).
		In section 20, in subsection (5) paragraph (a), the word or immediately following it and, in paragraph (b), the words refuses or.
		In section 22(4), the words from (whether to installation).
		Sections 34 and 35.

Status: *Point in time view as at 12/02/2015.*
Changes to legislation: *There are currently no known outstanding effects for the Aviation and Maritime Security Act 1990. (See end of Document for details)*

		In section 38, in subsection (1) the definition of act of violence and in subsection (6) the words given under that provision. In section 39(3), the words from other than a colony onwards. In Schedule 1, paragraph 8.
1989 c. 33.	The Extradition Act 1989.	In section 22(4), the word and immediately following paragraph (g). In Schedule 1, in paragraph 15, the word or immediately following paragraph (j).

Status:
Point in time view as at 12/02/2015.

Changes to legislation:
There are currently no known outstanding effects for the Aviation and Maritime Security Act 1990.