



# Aviation and Maritime Security Act 1990

## 1990 CHAPTER 31

### PART II

#### OFFENCES AGAINST THE SAFETY OF SHIPS AND FIXED PLATFORMS

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

**C1** 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)**

**C2** S. 9 extended (with modifications) (Jersey) (1.1.1997) by [S.I. 1996/2881, art. 2, Sch. Pts. I, II](#)

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*Changes to legislation: There are currently no known outstanding effects for the Aviation and Maritime Security Act 1990, Part II. (See end of Document for details)*

## 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)

C3 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.

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- (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 <sup>M1</sup>Person Act 1861 or under section 2 of the <sup>M2</sup>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** S. 11 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, II

**Marginal Citations**

**M1** 1861 c. 100.

**M2** 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.

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- (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)**

**C5** [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)**

**C6** [S. 13](#) extended (with modifications) (Jersey) (1.1.1997) by [S.I. 1996/2881](#), [art. 2](#), [Sch. Pts. I, II](#)

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## 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 <sup>M3</sup>Person Act 1861 and section 2 of the <sup>M4</sup>Explosive Substances Act 1883.
- (3) Subsection (1) above has effect without prejudice to section 686 or 687 of the <sup>M5</sup>Merchant Shipping Act 1894 (offences committed on board British ships or by British seamen) or section 22 of the <sup>M6</sup>Oil and Gas (Enterprise) Act 1982 (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 <sup>M7</sup>Accessories and Abettors Act 1861, or
  - (b) in Scotland, of any rule of law relating to art and part guilt.

### Marginal Citations

<b>M3</b>	1861 c. 100.
<b>M4</b>	1883 c. 3.
<b>M5</b>	1894 c. 60.
<b>M6</b>	1982 c. 23.
<b>M7</b>	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—

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- (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;

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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 <sup>M8</sup>Merchant Shipping Act 1894.

#### Marginal Citations

M8 1894 c. 60.

### 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)

C7 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 <sup>M9</sup>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,

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- (b) a person who under the <sup>M10</sup>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.

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

**C8** S. 17 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, II

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**Marginal Citations**

**M9** 1971 c. 61.

**M10** 1981 c. 61.



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