



# Aviation and Maritime Security Act 1990

## 1990 CHAPTER 31

### PART III

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

##### *General supplemental provisions*

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

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

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

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

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

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- C2** 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.](#)

**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.<sup>[F1]</sup> 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

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- (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]]<sup>F2</sup>, or
  - (f) in the case of a person who is required by regulations to be able to accept service electronically in a manner and form specified in the regulations, in that manner and form.]
- [<sup>F3</sup>(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.

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- (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).]
- [<sup>F4</sup>(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 <sup>M1</sup>Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of any person to whom or on whom any document is to be given or served is his usual or last known address or place of business (whether in the United Kingdom or elsewhere), except that in the case of a body corporate or its secretary, clerk or similar officer it shall be the address of the registered or principal office of that body in the United Kingdom (or, if it has no office in the United Kingdom, of its principal office, wherever it may be).
- (5) In the case of a person registered under any of the United Kingdom registration provisions as the owner of any ship so registered, the address for the time being recorded in relation to him in the register in which the ship is registered shall also be treated for the purposes of this section and section 7 of the <sup>M2</sup>Interpretation Act 1978 as his proper address.
- (6) If the person to or on whom any document mentioned in subsection (1) above is to be given or served has notified the Secretary of State of an address within the United Kingdom, other than an address determined under subsection (4) or (5) above, as the one at which he or someone else on his behalf will accept documents of the same description as that document, that address shall also be treated for the purposes of this section and section 7 of the Interpretation Act 1978 as his proper address.
- (7) Any document mentioned in subsection (1) above shall, where there are two or more owners registered under any of the United Kingdom registration provisions, be treated as duly served on each of those owners—
- (a) in the case of a ship in relation to which a managing owner is for the time being registered under [<sup>F5</sup>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.
- [<sup>F6</sup>(9A) Regulations under subsection (2)(f)—

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- (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, and
- (d) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

(10) In this section the United Kingdom registration provisions<sup>[F7]</sup> mean Part II of the Merchant Shipping Act 1995, or any Order in Council under section 1 of the Hovercraft Act 1968.]

#### Textual Amendments

- F1** 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)**
- F2** S. 45(2)(f) and word inserted (1.10.2015) by [Counter-Terrorism and Security Act 2015 \(c. 6\)](#), s. 52(3)(c), **Sch. 5 para. 12(5)(a)**; [S.I. 2015/1729](#), reg. 2
- F3** 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)**
- F4** S. 45(3) substituted (30.9.2006) by [The Transport Security \(Electronic Communications\) Order 2006 \(S.I. 2006/2190\)](#), arts. 1(1), **4(4)**
- F5** 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))
- F6** S. 45(9A) inserted (1.10.2015) by [Counter-Terrorism and Security Act 2015 \(c. 6\)](#), s. 52(3)(c), **Sch. 5 para. 12(5)(b)**; [S.I. 2015/1729](#), reg. 2
- F7** 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)

- C3** S. 45 extended (with modifications) (Jersey) (1.1.1997) by [S.I. 1996/2881](#), art. 2, **Sch. Pts. I, II**
- C4** 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

- M1** [1978 c. 30.](#)
- M2** [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,
  - <sup>[F8]</sup>“address”, in relation to electronic communications, means any number or address used for the purposes of such communications,]
  - 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—

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- (a) is registered in the United Kingdom under [<sup>F9</sup>Part II of the Merchant Shipping Act 1995] or any Order in Council under section 1 of the <sup>M3</sup>Hovercraft Act 1968, or
- (b) is not registered under the law of any country and is entitled to be registered in the United Kingdom under [<sup>F9</sup>Part II of the Merchant Shipping Act 1995],

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

[<sup>F8</sup>“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,

[<sup>F10</sup>harbour has the same meaning as in the <sup>M4</sup>Merchant Shipping Act 1995;]

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

[<sup>F11</sup>harbour authority means—

- (a) a harbour authority within the meaning of the <sup>M5</sup>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,]

[<sup>F12</sup>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 [<sup>F13</sup>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,

[<sup>F14</sup>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,

<sup>F15</sup>  
 . . .

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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.
- [<sup>F16</sup>(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

- F8** 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)**
- F9** 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))
- F10** 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.](#)
- F11** 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.](#)
- F12** 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.](#)
- F13** 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))
- F14** 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.](#)
- F15** 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.](#)
- F16** 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)

- C4** 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.](#)
- C5** S. 46 extended (with modifications) (Jersey) (1.1.1997) by [S.I. 1996/2881](#), art. 2, [Sch. Pts. I, II](#)

#### Marginal Citations

- M3** [1968 c. 59](#).
- M4** [1995 c. 21](#).
- M5** [1995 c. 21](#).

**Changes to legislation:**

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