



Aviation and Maritime Security Act 1990

1990 CHAPTER 31

PART III

PROTECTION OF SHIPS AND HARBOUR AREAS AGAINST ACTS OF VIOLENCE

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,
 - [^{F1}(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

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- (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

F1 [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)

- C1** [S. 37](#) extended (with modifications) (Jersey) (1.1.1997) by [S.I. 1996/2881, art. 2, Sch. Pts. I, II](#)
- 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.](#)

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,
 - [^{F2}(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.

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- (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

F2 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)

- 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.**
- C3** 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 [^{F3}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 [^{F3}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.

[^{F4}(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

F3 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.**

F4 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)

- 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.**

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C4 [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)

- 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.](#)
- C5** [S. 40](#) extended (with modifications) (Jersey) (1.1.1997) by [S.I. 1996/2881](#), art. 2, Sch. Pts. I, II

Changes to legislation:

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