



Aviation and Maritime Security Act 1990

1990 CHAPTER 31

PART III

PROTECTION OF SHIPS AND HARBOUR AREAS AGAINST ACTS OF VIOLENCE

Powers of Secretary of State

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 [^{F1}, or appears to the Secretary of State to be likely to enter,] 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 [^{F2}enter or (as the case may be) to leave a harbour area unless such searches (of persons or property or of the ship itself)] 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.

*Changes to legislation: There are currently no known outstanding effects for the
 Aviation and Maritime Security Act 1990, Section 21. (See end of Document for details)*

- (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 [^{F3}one-tenth of the greater of £5,000 or level 4 on the standard scale] for each day on which the failure continues.

Textual Amendments

- F1** Words in s. 21(1) inserted (1.10.2015) by [Counter-Terrorism and Security Act 2015 \(c. 6\), s. 52\(3\)\(c\), Sch. 5 para. 12\(3\)\(a\)](#); S.I. 2015/1729, reg. 2
- F2** Words in s. 21(1)(b) substituted (1.10.2015) by [Counter-Terrorism and Security Act 2015 \(c. 6\), s. 52\(3\)\(c\), Sch. 5 para. 12\(3\)\(b\)](#); S.I. 2015/1729, reg. 2

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- F3** Words in s. 21(9) substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 3 para. 5(2)** (with reg. 5(1))

Modifications etc. (not altering text)

- C1** S. 21 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.**

Changes to legislation:

There are currently no known outstanding effects for the Aviation and Maritime Security Act 1990, Section 21.