



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

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 ^{F1} . . . 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.

[^{F2}(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—

*Changes to legislation: There are currently no known outstanding effects for the
 Aviation and Maritime Security Act 1990, Section 23. (See end of Document for details)*

- (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 [^{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- F1** Words in s. 23(1) repealed (17.7.1997) by 1997 c. 28, ss. 25, 29(2), Sch. 4 para. 5, **Sch. 7 Pt.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.**
- F2** S. 23(1A) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 5**; S.I. 1997/1539, art. 2, **Sch.**
- F3** Words in s. 23(4) 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(4)** (with reg. 5(1))

Modifications etc. (not altering text)

- C1** S. 23 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 23.