



# Aviation and Maritime Security Act 1990

## 1990 CHAPTER 31

### PART III

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

##### *Supplemental provisions with respect to directions*

#### **26 Limitations on scope of directions under sections 21 to 24.**

- (1) Without prejudice to section 25(4) of this Act, a direction shall not require or authorise any person to carry a firearm [<sup>F1</sup>except to the extent necessary for the purpose of removing any firearm found pursuant to a search under section 22 of this Act from the restricted zone and delivering the firearm to a person authorised to carry it].
- (2) A direction shall not have effect in relation to any ship used in naval, customs or police service.
- (3) A direction shall not have effect in relation to any ship which is registered outside the United Kingdom and of which the owner is the Government of a country outside the United Kingdom, or is a department or agency of such a Government, except at a time when any such ship is being used for commercial purposes or is for the time being allocated by that Government, department or agency for such use.
- (4) A direction (except in so far as it requires any building or other works to be constructed, executed, altered, demolished or removed) shall not be construed as requiring or authorising the person to whom the direction was given, or any person acting as his employee or agent, to do anything which, apart from the direction, would constitute an act of violence; but nothing in this subsection shall restrict the use of such force as is reasonable in the circumstances (whether at the instance of the person to whom the direction was given or otherwise) by a constable, or its use by any other person in the exercise of a power conferred by section 22(3) of this Act.
- (5) In so far as a direction requires anything to be done or not done at a place outside the United Kingdom—
  - [<sup>F2</sup>(a) it shall have effect only in relation to—

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**Changes to legislation:** *There are currently no known outstanding effects for the Aviation and Maritime Security Act 1990, Section 26. (See end of Document for details)*

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- (i) British ships, or
  - (ii) a requirement not to cause or permit a ship to enter a harbour area unless certain things have, or have not, been done, and]
- (b) it shall not have effect so as to require anything to be done or not done in contravention of any provision of the law (whether civil or criminal) in force at that place, other than any such provision relating to breach of contract.
- (6) In so far as a direction given to a harbour authority or to any person mentioned in section 24(1)(c) or (d) of this Act requires a building or other works to be constructed, executed, altered, demolished or removed on land outside the harbour area, or requires any other measures to be taken on such land, the direction shall not confer on the person to whom it is given any rights as against a person having—
  - (a) an interest in that land, or
  - (b) a right to occupy that land, or
  - (c) a right restrictive of its use;
 and accordingly, the direction shall not be construed as requiring the person to whom it is given to do anything which would be actionable at the suit or instance of a person having such interest or right in his capacity as a person having that interest or right.
- (7) Nothing in this section shall be construed as derogating from any exemption or immunity of the Crown in relation to the provisions of this Part of this Act.
- (8) In this section direction means a direction under section 21, 22, 23 or 24 of this Act.

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**Textual Amendments**

- F1** Words in s. 26(1) inserted (1.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 6**; S.I. 1997/1539, art. 2, **Sch.**
- F2** S. 26(5)(a) substituted (1.10.2015) by Counter-Terrorism and Security Act 2015 (c. 6), s. 52(3)(c), **Sch. 5 para. 12(4)**; S.I. 2015/1729, reg. 2
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**Modifications etc. (not altering text)**

- C1** 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 26.