



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

36 Inspection of ships and harbour areas.

- (1) For the purpose of enabling the Secretary of State to determine whether to give a direction to any person under any of sections 21 to 24 of this Act, or of ascertaining whether any such direction or any enforcement notice is being or has been complied with, an authorised person shall have power, on production (if required) of his credentials, to inspect—
 - (a) any British ship,
 - (b) any other ship while in a harbour area,
 - (c) any part of any harbour area, or
 - (d) any land outside a harbour area which is occupied for the purposes of a business by a person who—
 - (i) carries on (or appears to the authorised person to be about to carry on) harbour operations in a harbour area for the purposes of that business, or
 - (ii) is permitted (or appears to the authorised person to be about to be permitted) to have access to a restricted zone of a harbour area for the purposes of the activities of that business.
- (2) An authorised person inspecting a ship or any part of a harbour area or any land outside a harbour area under subsection (1) above shall have power—
 - (a) to subject any property found by him on the ship (but not the ship itself or any apparatus or equipment installed in it) or, as the case may be, to subject that part of the harbour area or any property found by him there or on that land, to such tests,
 - (b) to take such steps—

*Changes to legislation: There are currently no known outstanding effects for the
 Aviation and Maritime Security Act 1990, Section 36. (See end of Document for details)*

- (i) to ascertain what practices or procedures are being followed in relation to security, or
 - (ii) to test the effectiveness of any practice or procedure relating to security, or
 - (c) to require the owner, charterer, manager or master of the ship, the harbour authority [^{F1}the occupier of the land or any harbour operator] to furnish to him such information,
- as the authorised person may consider necessary for the purpose for which the inspection is carried out.
- (3) Subject to subsection (4) below, an authorised person, for the purpose of exercising any power conferred on him by subsection (1) or (2) above in relation to a ship, in relation to a harbour area or in relation to any land outside a harbour area, shall have power—
- (a) for the purpose of inspecting a ship, to go on board it and to take all such steps as are necessary to ensure that it is not moved, or
 - (b) for the purpose of inspecting any part of a harbour area, to enter any building or works in the harbour area or enter upon any land in the harbour area, or
 - (c) for the purpose of inspecting any land outside a harbour area, to enter upon the land and to enter any building or works on the land.
- (4) The powers conferred by subsection (3) above shall not include power for an authorised person to use force for the purpose of going on board any ship, entering any building or works or entering upon any land.
- (5) Any person who—
- (a) without reasonable excuse, fails to comply with a requirement imposed on him under subsection (2)(c) above, or
 - (b) in furnishing any information so required, 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,
- commits an offence.
- (6) A person guilty of an offence under subsection (5) 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.

Textual Amendments

- F1** Words in s. 36(2)(c) substituted (1.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 7**; S.I. 1997/1539, art. 2, **Sch.**

Modifications etc. (not altering text)

- C1** S. 36 extended (with modifications) (Jersey) (17.1.1997) 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 36.