



Aviation and Maritime Security Act 1990

1990 CHAPTER 31

PART III

PROTECTION OF SHIPS AND HARBOUR AREAS AGAINST ACTS OF VIOLENCE

Sea cargo agents

41 Sea cargo agents.

- (1) The Secretary of State may by regulations made by statutory instrument make provision, for purposes to which this Part of this Act applies, in relation to persons (in this section referred to as sea cargo agents) who carry on a business of handling cargo which is to be delivered (whether by them or any other person) to the owner, charterer or manager of any ship for carriage by sea from any harbour area.
- (2) Regulations under this section may, in particular—
 - (a) enable the Secretary of State to maintain a list of sea cargo agents who are approved by him for purposes related to maritime security, to include the name of a sea cargo agent on that list, on application being made to the Secretary of State in accordance with the regulations, if he is satisfied as to such matters as are specified in the regulations, and to remove the name of any person from that list in such circumstances as are so specified,
 - (b) provide that any provision of this Part of this Act which applies in relation to persons who are permitted to have access to a restricted zone of a harbour area for the purposes of the activities of a business (including any such provision which creates a criminal offence) shall also apply, with such modifications as are specified in the regulations, in relation to sea cargo agents included on any such list,
 - (c) amend sections 37(2) and 38(3) of this Act by including references to sea cargo agents included on any such list,
 - (d) make provision (including any such provision as is mentioned in paragraphs (a) to (c) above) relating to a class of sea cargo agents specified in the regulations and not to other sea cargo agents,

Changes to legislation: *There are currently no known outstanding effects for the Aviation and Maritime Security Act 1990, Section 41. (See end of Document for details)*

- (e) make different provision for different cases, and
 - (f) make such incidental, supplementary or transitional provision as the Secretary of State considers necessary or expedient in consequence of any provision made by the regulations.
- (3) Before making any regulations under this section the Secretary of State shall consult organisations appearing to him to represent persons affected by the proposed regulations.
- (4) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Without prejudice to the generality of sections 21 and 24 of this Act, the exemptions that may be included in any direction given to an owner, charterer, manager or master of a ship under section 21 or 24 which requires the carrying out of searches of cargo, or the taking of any other measures in relation to cargo, include exemptions from such requirements in relation to cargo received from any sea cargo agent included on any list maintained by the Secretary of State under regulations under this section or from any sea cargo agent falling within a class of such sea cargo agents specified in the direction.
- (6) In this section—
 - cargo includes stores and mail;
 - carriage by sea does not include carriage by any 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.

Modifications etc. (not altering text)

- C1** [S. 41](#) 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.](#)

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