



Aviation and Maritime Security Act 1990

1990 CHAPTER 31

PART III

PROTECTION OF SHIPS AND HARBOUR AREAS AGAINST ACTS OF VIOLENCE

General supplemental provisions

45 Service of documents.

- (1) This section has effect in relation to any notice, any document containing a direction and any other document authorised or required by any provision of this Part of this Act to be served on or given to any person.
- (2) Any such document may be given to or served on any person—
 - (a) by delivering it to him, or
 - (b) by leaving it at his proper address, or
 - (c) by sending it by post to him at that address, or
 - (d) by sending it to him at that address by telex or other similar means which produce a document containing the text of the communication.^[F1] or
 - (e) where—
 - (i) an address for service using electronic communications has been given by that person and not withdrawn in accordance with subsection (2E), and
 - (ii) that person has agreed to accept service by electronic communications of documents in a certain form and has not withdrawn that agreement in accordance with that subsection,by using electronic communications to send the document in that form to that person at that address^[F2], or
 - (f) in the case of a person who is required by regulations to be able to accept service electronically in a manner and form specified in the regulations, in that manner and form.]

Changes to legislation: *There are currently no known outstanding effects for the Aviation and Maritime Security Act 1990, Section 45. (See end of Document for details)*

- [^{F3}(2A) A document given to or served on a person in accordance with subsection (2)(e) must be in a form sufficiently permanent to be used for subsequent reference.
- (2B) Where a document is given to or served on a person in accordance with subsection (2)(e), the document is, unless the contrary is proved, to be deemed to have been given to or served on that person at the time at which the electronic communication is transmitted except where transmission is made outside that person's normal business hours, in which case it is to be taken to have been given or served on the next working day, and in this subsection, "working day" means any day other than—
- (a) a Saturday or a Sunday;
 - (b) Christmas Day or Good Friday; or
 - (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 (c. 80) in any part of the United Kingdom.
- (2C) A document authorised or required to be given to or served on a person by the Secretary of State or an authorised person is also to be treated as given or served where—
- (a) that person and the Secretary of State or (as the case may be) the authorised person have agreed to his having access to documents of a particular description and in a certain form on a web site (instead of their being given to or served on him in any other way specified in subsection (2));
 - (b) that person has not withdrawn his agreement in accordance with subsection (2F);
 - (c) the document in question is a document to which the agreement applies;
 - (d) the Secretary of State or the authorised person has given that person a notice, in a manner agreed between them for the purpose—
 - (i) stating that the document has been published on a web site maintained by or on behalf of the Secretary of State;
 - (ii) setting out the address of that web site; and
 - (iii) setting out the place on that web site where the document may be accessed and how it may be accessed by that person; and
 - (e) the published document is in a form sufficiently permanent to be used for subsequent reference.
- (2D) Where a document is given to or served on a person in accordance with subsection (2C), the document is, unless the contrary is proved, to be deemed to have been given to or served on that person at the same time as the notice required to be given under subsection (2C)(d) is given.
- (2E) A person who has supplied another person with an address for service using electronic communications and has agreed to accept service of documents in a certain form in accordance with subsection (2)(e) may give notice withdrawing that address or that agreement or both.
- (2F) A person who has an agreement with the Secretary of State or an authorised person under subsection (2C)(a) may give notice withdrawing that agreement.
- (2G) A withdrawal under subsection (2E) or (2F) shall take effect on the later of—
- (a) the date specified by the person in the notice; and
 - (b) the date which is fourteen days after the date on which the notice is given.
- (2H) A notice under subsection (2E) or (2F) must be given to the person to whom the address was supplied or with whom the agreement was made.

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(2I) Oral notice is not sufficient for the purposes of subsection (2E) or (2F).]

[^{F4}(3) Any document authorised to be given to or served on a body corporate may be given to or served on the secretary, clerk or similar officer of that body.]

(4) For the purposes of this section and section 7 of the ^{M1}Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of any person to whom or on whom any document is to be given or served is his usual or last known address or place of business (whether in the United Kingdom or elsewhere), except that in the case of a body corporate or its secretary, clerk or similar officer it shall be the address of the registered or principal office of that body in the United Kingdom (or, if it has no office in the United Kingdom, of its principal office, wherever it may be).

(5) In the case of a person registered under any of the United Kingdom registration provisions as the owner of any ship so registered, the address for the time being recorded in relation to him in the register in which the ship is registered shall also be treated for the purposes of this section and section 7 of the ^{M2}Interpretation Act 1978 as his proper address.

(6) If the person to or on whom any document mentioned in subsection (1) above is to be given or served has notified the Secretary of State of an address within the United Kingdom, other than an address determined under subsection (4) or (5) above, as the one at which he or someone else on his behalf will accept documents of the same description as that document, that address shall also be treated for the purposes of this section and section 7 of the Interpretation Act 1978 as his proper address.

(7) Any document mentioned in subsection (1) above shall, where there are two or more owners registered under any of the United Kingdom registration provisions, be treated as duly served on each of those owners—

(a) in the case of a ship in relation to which a managing owner is for the time being registered under [^{F5}registration regulations], if served on that managing owner, and

(b) in the case of any other ship, if served on any one of the registered owners.

(8) Where an enforcement notice is to be served under section 29 of this Act on the owner, charterer or manager of a ship, it shall be treated as duly served on him if it is served on the master of the ship in question, but (except as provided by section 29(3) of this Act) the master shall not be obliged by virtue of this subsection to comply with the notice.

(9) Where any document mentioned in subsection (1) above is to be served (for the purposes of subsection (8) above or otherwise) on the master of a ship, it shall be treated as duly served if it is left on board that ship with the person being or appearing to be in command or charge of the ship.

[^{F6}(9A) Regulations under subsection (2)(f)—

(a) may make different provision for different cases,

(b) may include incidental, supplemental or transitional provision,

(c) shall be made by the Secretary of State by statutory instrument, and

(d) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

(10) In this section the United Kingdom registration provisions [^{F7}mean Part II of the Merchant Shipping Act 1995, or any Order in Council under section 1 of the Hovercraft Act 1968.]

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Textual Amendments

- F1** S. 45(2)(e) and word inserted (30.9.2006) by [The Transport Security \(Electronic Communications\) Order 2006 \(S.I. 2006/2190\)](#), arts. 1(1), **4(2)**
- F2** S. 45(2)(f) and word inserted (1.10.2015) by [Counter-Terrorism and Security Act 2015 \(c. 6\)](#), s. 52(3)(c), **Sch. 5 para. 12(5)(a)**; S.I. 2015/1729, reg. 2
- F3** S. 45(2A)-(2I) inserted (30.9.2006) by [The Transport Security \(Electronic Communications\) Order 2006 \(S.I. 2006/2190\)](#), arts. 1(1), **4(3)**
- F4** S. 45(3) substituted (30.9.2006) by [The Transport Security \(Electronic Communications\) Order 2006 \(S.I. 2006/2190\)](#), arts. 1(1), **4(4)**
- F5** Words in s. 45(7)(a) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 88(5)(a)** (with s. 312(1))
- F6** S. 45(9A) inserted (1.10.2015) by [Counter-Terrorism and Security Act 2015 \(c. 6\)](#), s. 52(3)(c), **Sch. 5 para. 12(5)(b)**; S.I. 2015/1729, reg. 2
- F7** Words in s. 45(10) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 88(5)(b)** (with s. 312(1))

Modifications etc. (not altering text)

- C1** S. 45 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, **Sch. Pts. I, II**
- C2** Ss. 45, 46 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.**

Marginal Citations

- M1** 1978 c. 30.
- M2** 1978 c. 30.

Changes to legislation:

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