

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (International Co-operation) Act 1990, SCHEDULE 3. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3 **U.K.**

Section 20.

#### ENFORCEMENT POWERS IN RESPECT OF SHIPS

##### Modifications etc. (not altering text)

**C1** Sch. 3 extended (with modifications) (to Anguilla) (14.7.1994) by S.I. 1994/1635, art. 2, Sch. 1.

##### Commencement Information

**II** Schedule 3 wholly in force; Sch. 3 partly in force for certain purposes 23.4.1991 and wholly in force at 1.7.1991. See s. 32(2) and S.I. 1991/1072, arts. 2(b), 3, Schedule Pt. II

#### *Preliminary*

- 1 (1) In this Schedule “an enforcement officer” means—
- (a) a constable;
  - (b) an officer commissioned by the Commissioners of Customs and Excise under section 6(3) of the <sup>M1</sup>Customs and Excise Management Act 1979; and
  - (c) any other person of a description specified in an order made for the purposes of this Schedule by the Secretary of State.
- (2) The power to make an order under sub-paragraph (1)(c) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) In this Schedule “the ship” means the ship in relation to which the powers conferred by this Schedule are exercised.

##### Modifications etc. (not altering text)

**C2** Sch. 3 para. 1 extended (15.2.1992) by S.I. 1992/77, art.2.

##### Commencement Information

**I2** Sch. 3 para. 1 wholly in force; Para. 1(1)(c) in force for certain purposes at 23.4.1991 and para. 1 wholly in force at 1.7.1991. See s. 32(2) and S.I. 1991/1072, arts. 2(b), 3 Schedule Pt. II

##### Marginal Citations

**M1** 1979 c. 2.

#### *Power to stop, board, divert and detain*

- 2 (1) An enforcement officer may stop the ship, board it and, if he thinks it necessary for the exercise of his functions, require it to be taken to a port in the United Kingdom and detain it there.

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- (2) Where an enforcement officer is exercising his powers with the authority of the [<sup>F1</sup>Commissioners of Customs and Excise] given under section 20(2) of this Act the officer may require the ship to be taken to a port in the Convention state in question or, if that state has so requested, in any other country or territory willing to receive it.
- (3) For any of those purposes he may require the master or any member of the crew to take such action as may be necessary.
- (4) If an enforcement officer detains a vessel he shall serve on the master a notice in writing stating that it is to be detained until the notice is withdrawn by the service on him of a further notice in writing signed by an enforcement officer.

#### Textual Amendments

**F1** Words in [Sch. 3 para. 2\(2\)](#) substituted (1.12.1993) by [1993 c. 36, s. 23\(2\)\(c\)](#) (with [s. 78\(6\)](#)); [S.I. 1993/2734, art. 2](#), Sch.

#### Commencement Information

**I3** [Sch. 3 para. 2](#) wholly in force at 1.7.1991 see [s. 32\(2\)](#) and [S.I. 1991/1072, art. 2\(b\)](#), [Schedule Pt. II](#)

#### *Power to search and obtain information*

- 3 (1) An enforcement officer may search the ship, anyone on it and anything on it including its cargo.
- (2) An enforcement officer may require any person on the ship to give information concerning himself or anything on the ship.
- (3) Without prejudice to the generality of those powers an enforcement officer may—
  - (a) open any containers;
  - (b) make tests and take samples of anything on the ship;
  - (c) require the production of documents, books or records relating to the ship or anything on it;
  - (d) make photographs or copies of anything whose production he has power to require.

#### Commencement Information

**I4** [Sch. 3 para. 3](#) wholly in force at 1.7.1991 see [s. 32\(2\)](#) and [S.I. 1991/1072, art. 2\(b\)](#), [Schedule Pt. II](#)

#### *Powers in respect of suspected offence*

- 4 If an enforcement officer has reasonable grounds to suspect that an offence mentioned in section 18 or 19 of this Act has been committed on a ship to which that section applies he may—
  - (a) arrest without warrant anyone whom he has reasonable grounds for suspecting to be guilty of the offence; and
  - (b) seize and detain anything found on the ship which appears to him to be evidence of the offence.

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**Commencement Information**

**I5** Sch. 3 para. 4 wholly in force at 1.7.1991 see s. 32(2) and S.I. 1991/1072, art. 2(b), Schedule Pt. II

*Assistants*

- 5 (1) An enforcement officer may take with him, to assist him in exercising his powers—
- (a) any other persons; and
  - (b) any equipment or materials.
- (2) A person whom an enforcement officer takes with him to assist him may perform any of the officer's functions but only under the officer's supervision.

**Commencement Information**

**I6** Sch. 3 para. 5 wholly in force at 1.7.1991 see s. 32(2) and S.I. 1991/1072, art. 2(b), Schedule Pt. II

*Use of reasonable force*

- 6 An enforcement officer may use reasonable force, if necessary, in the performance of his functions.

**Commencement Information**

**I7** Sch. 3 para. 6 wholly in force at 1.7.1991 see s. 32(2) and S.I. 1991/1072, art. 2(b), Schedule Pt. II

*Evidence of authority*

- 7 An enforcement officer shall, if required, produce evidence of his authority.

**Commencement Information**

**I8** Sch. 3 para. 7 wholly in force at 1.7.1991 see s. 32(2) and S.I. 1991/1072, art. 2(b), Schedule Pt. II

*Protection of officers*

- 8 An enforcement officer shall not be liable in any civil or criminal proceedings for anything done in the purported performance of his functions under this Schedule if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

**Commencement Information**

**I9** Sch. 3 para. 8 wholly in force at 1.7.1991 see s. 32(2) and S.I. 1991/1072, art. 2(b), Schedule Pt. II

*Offences*

- 9 (1) A person is guilty of an offence if he—

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- (a) intentionally obstructs an enforcement officer in the performance of any of his functions under this Schedule;
  - (b) fails without reasonable excuse to comply with a requirement made by an enforcement officer in the performance of those functions; or
  - (c) in purporting to give information required by an officer for the performance of those functions—
    - (i) 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; or
    - (ii) intentionally fails to disclose any material particular.
- (2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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**Commencement Information**

**I10** Sch. 3 para. 9 wholly in force at 1.7.1991 see s. 32(2) and S.I. 1991/1072, art. 2(b), Schedule Pt. II

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