



# Merchant Shipping and Maritime Security Act 1997

## 1997 CHAPTER 28

### *Extension of powers to deal with emergencies at sea*

#### **1 Temporary exclusion zones.**

In the <sup>M1</sup>Merchant Shipping Act 1995 (in this Act referred to as “the 1995 Act”), after section 100 there is inserted—

#### *“ Temporary exclusion zones*

##### **100A Power to establish temporary exclusion zones.**

- (1) Subsection (2) below applies where a ship, structure or other thing—
  - (a) is in United Kingdom waters or a part of the sea specified by virtue of section 129(2)(b); and
  - (b) is wrecked, damaged or in distress;and in this section and section 100B “the relevant casualty” means that ship, structure or other thing.
- (2) If it appears to the Secretary of State—
  - (a) that significant harm will or may occur as a direct or indirect result of the relevant casualty being wrecked, damaged or in distress, and
  - (b) that if access to an area around the relevant casualty were restricted in accordance with section 100B, significant harm, or the risk of such harm, would be prevented or reduced,he may by direction identify an area to which access is so restricted (“a temporary exclusion zone”).
- (3) In this section “significant harm” means—
  - (a) significant pollution in the United Kingdom, in United Kingdom waters or in a part of the sea specified by virtue of section 129(2)(b); or

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*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping and Maritime Security Act 1997, Section 1. (See end of Document for details)*

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- (b) significant damage to persons or property.
- (4) A temporary exclusion zone may not include any area which is neither within United Kingdom waters nor within a part of the sea specified by virtue of section 129(2)(b).
- (5) If it appears to the Secretary of State at any time after a temporary exclusion zone is established that the zone is larger than is needed for the purpose of preventing or reducing significant harm, or the risk of such harm, he shall by direction vary the direction establishing the zone accordingly.
- (6) Subject to subsections (4) and (5) above, a temporary exclusion zone may be identified by reference to the position of the relevant casualty from time to time.
- (7) If it appears to the Secretary of State at any time after a temporary exclusion zone is established that the zone is not needed for the purpose of preventing or reducing significant harm, or the risk of such harm, he shall by direction revoke the direction establishing the zone.
- (8) Where the Secretary of State gives a direction under this section, he shall—
  - (a) as soon as practicable, publish it in such manner as he considers appropriate for bringing it to the attention of persons likely to be affected by it; and
  - (b) within the period of 24 hours from the giving of the direction, send a copy of it to the International Maritime Organization.
- (9) Subsection (2) above does not apply where an order under section 2 of the <sup>M2</sup>Protection of Wrecks Act 1973 has effect in relation to the relevant casualty.

#### **100B Temporary exclusion zones: offences**

- (1) If a direction establishing a temporary exclusion zone contains a statement of a description mentioned in subsection (2) below, then, subject to subsection (4) below, no ship shall enter or remain in the zone.
- (2) The statement is one to the effect that the direction is given for the purpose of preventing or reducing significant pollution, or the risk of significant pollution, in the United Kingdom, in United Kingdom waters or in a part of the sea specified by virtue of section 129(2)(b).
- (3) If a direction establishing a temporary exclusion zone does not contain a statement of a description mentioned in subsection (2) above, then, subject to subsections (4) and (5) below—
  - (a) no ship shall enter or remain in any part of the zone that is in United Kingdom waters; and
  - (b) no United Kingdom ship shall enter or remain in any part of the zone that is in a part of the sea specified by virtue of section 129(2)(b).
- (4) A ship may enter or remain in a temporary exclusion zone or a part of such a zone if it does so—
  - (a) in accordance with the direction establishing the zone;
  - (b) with the consent of the Secretary of State; or
  - (c) in accordance with regulations made by the Secretary of State for the purposes of this section.

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- (5) A qualifying foreign ship may enter a temporary exclusion zone or a part of such a zone if in doing so it is exercising the right of transit passage through straits used for international navigation.
- (6) If a ship enters or remains in a temporary exclusion zone or a part of such a zone in contravention of subsection (1) or (3) above then, subject to subsection (7) below, its owner and its master shall each be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding £50,000;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (7) It shall be a defence for a person charged with an offence under this section to prove that the existence or area of the temporary exclusion zone was not, and would not on reasonable enquiry have become, known to the master.”

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**Marginal Citations**

**M1** 1995 c. 21.

**M2** 1973 c. 33.

**Changes to legislation:**

There are currently no known outstanding effects for the Merchant Shipping and Maritime Security Act 1997, Section 1.