



# Modern Slavery Act 2015

## 2015 CHAPTER 30

### PART 3

#### MARITIME ENFORCEMENT

#### **36 Enforcement powers in relation to ships: Scotland**

- (1) A Scottish constable or an enforcement officer may exercise the powers set out in Part 2 of Schedule 2 (“Part 2 powers”) in relation to—
  - (a) a United Kingdom ship in Scotland waters, foreign waters or international waters,
  - (b) a ship without nationality in Scotland waters or international waters,
  - (c) a foreign ship in Scotland waters, or
  - (d) a ship, registered under the law of a relevant territory, in Scotland waters.
- (2) But Part 2 powers may be exercised only—
  - (a) for the purpose of preventing, detecting or investigating a listed offence, and
  - (b) in accordance with the rest of this section.
- (3) The authority of the Secretary of State is required before a Scottish constable or an enforcement officer may exercise Part 2 powers in relation to a United Kingdom ship in foreign waters.
- (4) Authority for the purposes of subsection (3) may be given only if the State or relevant territory in whose waters the powers would be exercised consents to the exercise of the powers.
- (5) The authority of the Secretary of State is required before a Scottish constable or an enforcement officer may exercise Part 2 powers in relation to a foreign ship, or a ship registered under the law of a relevant territory, within the territorial sea adjacent to the United Kingdom.
- (6) Authority for the purposes of subsection (5) may be given in relation to a foreign ship only if—

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**Changes to legislation:** Modern Slavery Act 2015, Section 36 is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (a) the home state has requested the assistance of the United Kingdom for the purpose mentioned in subsection (2)(a),
  - (b) the home state has authorised the United Kingdom to act for that purpose, or
  - (c) the Convention otherwise permits the exercise of Part 2 powers in relation to the ship.
- (7) In giving authority for the purposes of subsection (5) in relation to a foreign ship the Secretary of State must give effect to any conditions or limitations that the home state imposes as part of a request or authorisation of the kind mentioned in subsection (6) (a) or (b) (if the authority is given as a result of that request or authorisation).
- (8) For the purposes of subsection (2)(a), “listed offence” means an offence under—
- [<sup>F1</sup>(a) section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12) (offence of human trafficking);]
  - [<sup>F1</sup>(b) section 4 of that Act (slavery, servitude and forced or compulsory labour).]

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**Textual Amendments**

- F1** S. 36(8)(a)(b) substituted for s. 36(8)(a)-(c) (17.12.2016) by [The Human Trafficking and Exploitation \(Scotland\) Act 2015 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1031\)](#), art. 1(1), [Sch. para. 3\(3\)](#) (with art. 4(4))
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**Commencement Information**

- I1** S. 36 in force at 8.8.2016 by [S.I. 2016/740](#), [reg. 2\(b\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 50A(5A) inserted by [2023 c. 37 s. 28\(1\)](#)