
Changes to legislation: There are currently no known outstanding effects for the Nationality and Borders Act 2022, Paragraph 7. (See end of Document for details)

SCHEDULES

SCHEDULE 7

MARITIME ENFORCEMENT

7 After section 28P insert—

“28PA Power to seize and dispose of ships etc.

- (1) This section applies if—
 - (a) an immigration officer has reasonable grounds to suspect that a ship has been used in the commission of a relevant offence, and
 - (b) the ship is in United Kingdom waters or otherwise in the United Kingdom.
- (2) Subject to subsection (3), the immigration officer may seize the ship and any property relating to the operation or use of the ship.
- (3) The authority of the Secretary of State is required before an immigration officer may seize anything under this section.
- (4) If an immigration officer seizes a foreign ship or a ship registered under the law of a relevant territory, the Secretary of State must notify the home state or relevant territory in question that the ship has been seized.
- (5) In subsection (4) “home state”, in relation to a foreign ship, means—
 - (a) the State in which the ship is registered, or
 - (b) the State whose flag the ship is otherwise entitled to fly.
- (6) Where a ship without nationality, or property relating to the operation or use of a ship without nationality, is seized under this section—
 - (a) section 26 of the UK Borders Act 2007 (disposal of property) and any regulations made under that section do not apply in respect of that ship or other property, and
 - (b) subsections (7) to (12) apply instead.
- (7) The Secretary of State may—
 - (a) return the ship or other property to the person whom the Secretary of State believes to be its owner, or
 - (b) after the relevant period—
 - (i) dispose of the ship or other property, or
 - (ii) determine that the ship or other property is to be retained to be used in the course of, or in connection with, a function under the Immigration Acts.
- (8) On the making of a determination under subsection (7)(b)(ii), the ship or other property vests in the Secretary of State.

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- (9) The relevant period is the period of 31 days beginning with the date on which the ship or other property was seized.
- (10) Before exercising a power under subsection (7)(b), the Secretary of State must make reasonable efforts to—
- (a) ascertain the identity of the owner of the ship or other property, and
 - (b) subject to subsection (11), notify that person that the ship or other property has been seized.
- (11) The Secretary of State is not required to notify a person under subsection (10)(b) if to do so may prejudice any criminal investigation or criminal proceedings.
- (12) Disposal under this section may be in any manner the Secretary of State thinks fit, including—
- (a) by sale;
 - (b) by dismantling;
 - (c) by destruction;
 - (d) by donation of the ship or other property to a charity or other not-for-profit body.”

Commencement Information

I1 Sch. 7 para. 7 not in force at Royal Assent, see [s. 87\(1\)](#)

I2 [Sch. 7 para. 7](#) in force at 28.6.2022 by [S.I. 2022/590](#), regs. 1(2), 2, [Sch. 1 para. 22](#) (with [Sch. 2 para. 8](#))

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