
STATUTORY INSTRUMENTS

2012 No. 1755

**The Syria (Restrictive Measures)
(Overseas Territories) Order 2012**

Customs powers and investigations

Investigation etc. of suspected ships

21.—(1) Where an authorised officer reasonably suspects that a ship has been, is being, or is about to be used in the commission of an offence under article 7(1)—

- (a) the officer may (alone or assisted by persons under the officer’s authority) board the ship and search it and, for that purpose, may use or authorise the use of reasonable force;
- (b) the officer may request the owner or master of the ship to provide such information relating to the ship and its cargo and produce for inspection such documents and cargo as the officer may specify; and
- (c) the officer must seize any prohibited goods on the ship, and may take further action in accordance with paragraph (2).

(2) The further action referred to in paragraph (1)(c) is—

- (a) to direct the master of the ship to refrain from landing any part of the ship’s cargo specified under paragraph (1)(b) at any port specified by the officer, except with the officer’s consent, or
- (b) to request the master of the ship to take any of the following steps—
 - (i) to stop the ship from proceeding with the voyage on which it is engaged, or about to engage, until notified by an authorised officer that the ship may so proceed;
 - (ii) if the ship is in port in the Territory, to cause it to remain there until notified by an authorised officer that the ship may depart;
 - (iii) if the ship is in any other place, to take it to a port specified by the officer and keep it there until notified by an authorised officer that the ship may depart;
 - (iv) to take the ship to any other destination specified by the officer in agreement with the master.

(3) An authorised officer may take such steps as appear necessary to secure compliance with a request under paragraph (2)(b) where—

- (a) the master fails to comply with the request, or
- (b) the officer reasonably suspects that the request may not be complied with.

(4) Those steps may include in particular—

- (a) entering, or authorising entry upon, the ship, and
- (b) using, or authorising the use of, reasonable force.

(5) A master or owner of a ship (“P”) commits an offence if P—

- (a) fails to comply with a direction under paragraph (2)(a),

- (b) fails without reasonable excuse to comply with a request under paragraph (1)(b) or (2),
 - (c) knowingly or recklessly provides information or a document which is false in a material particular in response to a request under paragraph (1)(b), or
 - (d) wilfully obstructs an authorised officer, or a person acting under the officer’s authority, in the exercise of any power conferred by this article.
- (6) An authorised officer, or a person acting under the officer’s authority, must, if requested to do so, produce evidence of his or her authority before exercising any power conferred by this article.
- (7) In this article “authorised officer” means—
- (a) a commissioned naval or military officer;
 - (b) a British consular officer;
 - (c) a police or customs officer; or
 - (d) a person authorised by the Governor for the purpose of this article, whether generally or in a particular case.