STATUTORY INSTRUMENTS

2019 No. 600

The Republic of Belarus (Sanctions) (EU Exit) Regulations 2019

PART 9

Maritime enforcement

Exercise of maritime enforcement powers

57.—(1) A maritime enforcement officer may, for a purpose mentioned in paragraph (2) or (3), exercise any of the maritime enforcement powers in relation to—

(a) a British ship in foreign waters or international waters,

(b) a ship without nationality in international waters, or

(c) a foreign ship in international waters,

and a ship within sub-paragraph (a), (b) or (c) is referred to in this Part as "a relevant ship".

[[F1](2) The maritime enforcement powers may be exercised for the purpose of enforcing any of the following—

(a) the prohibition in regulation 21 (export of goods to, or for use in, Belarus)

(b) the prohibition in regulation 22 (supply and delivery of goods from a third country to Belarus);

(c) the prohibitions in regulation 23 (making available goods and technology to a person connected with, or for use in, Belarus);

(d) the prohibitions in regulation 24 (transfer of technology to a place in, or person connected with, Belarus);

(e) the prohibitions in regulation 27I(1) or (2), regulation 27J(1) or (3) or regulation 27K(1) or (2) (import, acquisition and supply and delivery of goods);

(f) a prohibition imposed by a condition of a licence issued under regulation 33 (trade licences) in relation to a prohibition mentioned in any of sub-paragraphs (a) to (e).**]**

(3) The maritime enforcement powers may also be exercised in relation to a relevant ship for the purpose of—

(a) investigating the suspected carriage of relevant goods on the ship, or

(b) preventing the continued carriage on the ship of goods suspected to be relevant goods.

(4) In this Part, "the maritime enforcement powers" are the powers conferred by regulations 59 and 60.

(5) This regulation is subject to regulation 61 (restrictions on exercise of maritime enforcement powers).

Textual Amendments

F1 Reg. 57(2) substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **41**

Commencement Information

I1 Reg. 57 not in force at made date, see reg. 1(2)

I2 Reg. 57 in force at 31.12.2020 by S.I. 2019/627, **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Maritime enforcement officers

58.—(1) The following persons are "maritime enforcement officers" for the purposes of this Part—

(a) a commissioned officer of any of Her Majesty's ships;

(b) a member of the Ministry of Defence Police (within the meaning of section 1 of the Ministry of Defence Police Act 1987 [M1]);

(c) a constable—

(i) who is a member of a police force in England and Wales,

(ii) within the meaning of section 99 of the Police and Fire Reform (Scotland) Act 2012 [M2], or

(iii) who is a member of the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve;

(d) a special constable—

(i) appointed under section 27 of the Police Act 1996 [M3],

(ii) appointed under section 9 of the Police and Fire Reform (Scotland) Act 2012, or

(iii) in Northern Ireland, appointed by virtue of provision incorporating section 79 of the Harbours, Docks, and Piers Clauses Act 1847 [M4];

(e) a constable who is a member of the British Transport Police Force;

(f) a port constable, within the meaning of section 7 of the Marine Navigation Act 2013 [M5], or a person appointed to act as a constable under provision made by virtue of section 16 of the Harbours Act 1964 [M6];

(g) a designated customs official within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009 (see section 14(6) of that Act) [M7];

(h) a designated NCA officer who is authorised by the Director General of the National Crime Agency (whether generally or specifically) to exercise the powers of a maritime enforcement officer under this Part.

(2) In this regulation, "a designated NCA officer" means a National Crime Agency officer who is either or both of the following—

(a) an officer designated under section 10 of the Crime and Courts Act 2013 as having the powers and privileges of a constable;

(b) an officer designated under that section as having the powers of a general customs official.

Commencement Information

I3 Reg. 58 not in force at made date, see reg. 1(2)

I4 Reg. 58 in force at 31.12.2020 by S.I. 2019/627, **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Marginal Citations

M1 1987 c.4. Section 1 was amended by the Police Act 1996 (c.16), **Schedule 7**, paragraph 41; the Police (Northern Ireland) Act 1998 (c.32), **Schedule 4**, paragraph 16; the Police (Northern Ireland) Act 2000 (c.32), **section 78(2)**; the Police Reform Act 2002 (c.30), **section 79(3)**; and S.I. 2013/602.

M2 2012 asp.8.

M3 1996 c.16. Section 27 was amended by the Police and Justice Act 2006 (c.48), **Schedule 2**, paragraph 23; the Policing and Crime Act 2009 (c.26), **Schedule 7**, paragraphs 1 and 6; and the Police Reform and Social Responsibility Act 2011 (c.13), **Schedule 16**, paragraphs 22 and 26.

M4 1847 c.27.

M5 2013 c.23.

M6 1964 c.40. Section 16 has been amended by various instruments but none are relevant to these Regulations.

M7 2009 c.11. Designated customs officials are designated, as either a general customs official or a customs revenue official, under sections 3 and 11 of this Act respectively.

Power to stop, board, search etc

59.—(1) This regulation applies if a maritime enforcement officer has reasonable grounds to suspect that a relevant ship is carrying prohibited goods or relevant goods.

(2) The officer may—

(a) stop the ship;

(b) board the ship;

(c) for the purpose of exercising a power conferred by paragraph (3) or regulation 60, require the ship to be taken to, and remain in, a port or anchorage in the United Kingdom or any other country willing to receive it.

(3) Where the officer boards a ship by virtue of this regulation, the officer may—

(a) stop any person found on the ship and search that person for—

(i) prohibited goods or relevant goods, or

(ii) any thing that might be used to cause physical injury or damage to property or to endanger the safety of any ship;

(b) search the ship, or any thing found on the ship (including cargo) for prohibited goods or relevant goods;

(4) The officer may—

(a) require a person found on a ship boarded by virtue of this regulation to provide information or produce documents;

(b) inspect and copy such information or documents.

(5) The officer may exercise a power conferred by paragraph (3)(a)(i) or (b) only to the extent reasonably required for the purpose of discovering prohibited goods or relevant goods.

(6) The officer may exercise the power conferred by paragraph (3)(a)(ii) in relation to a person only where the officer has reasonable grounds to believe that the person might use a thing to cause physical injury or damage to property or to endanger the safety of any ship.

(7) The officer may use reasonable force, if necessary, in the exercise of any power conferred by this regulation.

Commencement Information

I5 Reg. 59 not in force at made date, see reg. 1(2)

I6 Reg. 59 in force at 31.12.2020 by S.I. 2019/627, **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Seizure power

60.—(1) This regulation applies if a maritime enforcement officer is lawfully on a relevant ship (whether in exercise of the powers conferred by regulation 59 or otherwise).

(2) The officer may seize any of the following which are found on the ship, in any thing found on the ship, or on any person found on the ship—

(a) goods which the officer has reasonable grounds to suspect are prohibited goods or relevant goods, or

(b) things within regulation 59(3)(a)(ii).

(3) The officer may use reasonable force, if necessary, in the exercise of any power conferred by this regulation.

Commencement Information

I7 Reg. 60 not in force at made date, see reg. 1(2)

I8 Reg. 60 in force at 31.12.2020 by S.I. 2019/627, **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Restrictions on exercise of maritime enforcement powers

61.—(1) The authority of the Secretary of State is required before any maritime enforcement power is exercised in reliance on regulation 57 in relation to—

(a) a British ship in foreign waters, or

(b) a foreign ship in international waters.

(2) In relation to a British ship in foreign waters other than the sea and other waters within the seaward limits of the territorial sea adjacent to any relevant British possession, the Secretary of State may give authority under paragraph (1) only if the State in whose waters the power would be exercised consents to the exercise of the power.

(3) In relation to a foreign ship in international waters, the Secretary of State may give authority under paragraph (1) only if—

(a) the home state has requested the assistance of the United Kingdom for a purpose mentioned in regulation 57(2) or (3),

(b) the home state has authorised the United Kingdom to act for such a purpose, or

(c) the United Nations Convention on the Law of the Sea 1982 [M8] or a UN Security Council Resolution otherwise permits the exercise of the power in relation to the ship.

Commencement Information

I9 Reg. 61 not in force at made date, see reg. 1(2)

I10 Reg. 61 in force at 31.12.2020 by S.I. 2019/627, **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Marginal Citations

M8 Cmnd 8941.

Interpretation of Part 9

62.—(1) Subject to paragraph (2), any expression used in this Part and in section 19 or 20 of the Act has the same meaning in this Part as it has in section 19 or (as the case may be) section 20 of the Act.

(2) For the purpose of interpreting any reference to "prohibited goods" or "relevant goods" in this Part, any reference in section 19 or 20 of the Act to a "relevant prohibition or requirement" is to be read as a reference to any prohibition specified in **[**[F2]regulation 57(2)(a) to (e)**]**.

Textual Amendments

F2 Words in reg. 62(2) substituted (31.12.2020 immediately after IP completion day) by The Sanctions (EU Exit) (Miscellaneous Amendments) (No. 2) Regulations 2020 (S.I. 2020/590), regs. 1(2), **6(5)**; S.I. 2020/1514, **reg. 4**

Commencement Information

I11 Reg. 62 not in force at made date, see reg. 1(2)

I12 Reg. 62 in force at 31.12.2020 by S.I. 2019/627, **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Changes to legislation:
There are currently no known outstanding effects for the The Republic of Belarus (Sanctions) (EU Exit) Regulations 2019, PART 9.