

*Status: This version of this provision is prospective.*

**Changes to legislation:** *Modern Slavery Act 2015, Section 38 is up to date with all changes known to be in force on or before 06 July 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*



# Modern Slavery Act 2015

## 2015 CHAPTER 30

### PART 3

#### MARITIME ENFORCEMENT

PROSPECTIVE

#### **38 Hot pursuit of ships in United Kingdom waters**

- (1) An English and Welsh constable or an enforcement officer may exercise Part 1 powers in relation to a ship in Scotland waters or in Northern Ireland waters if—
  - (a) the ship is pursued there,
  - (b) immediately before the pursuit of the ship, the ship was in relevant waters, and
  - (c) the condition in subsection (10) is met.
- (2) Part 1 powers may be exercised under subsection (1) only—
  - (a) for the purpose mentioned in subsection (2)(a) of section 35, and
  - (b) (if relevant) in accordance with subsections (5) to (7) of that section.
- (3) For the purposes of subsection (1)(b), “relevant waters” are—
  - (a) in the case of a United Kingdom ship or a ship without nationality, England and Wales waters or international waters;
  - (b) in the case of a foreign ship or a ship registered under the law of a relevant territory, England and Wales waters.
- (4) A Scottish constable or an enforcement officer may exercise Part 2 powers in relation to a ship in England and Wales waters or in Northern Ireland waters if—
  - (a) the ship is pursued there,
  - (b) immediately before the pursuit of the ship, the ship was in relevant waters, and
  - (c) the condition in subsection (10) is met.
- (5) Part 2 powers may be exercised under subsection (4) only—
  - (a) for the purpose mentioned in subsection (2)(a) of section 36, and

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- (b) (if relevant) in accordance with subsections (5) to (7) of that section.
- (6) For the purposes of subsection (4)(b), “relevant waters” are—
  - (a) in the case of a United Kingdom ship or a ship without nationality, Scotland waters or international waters;
  - (b) in the case of a foreign ship or a ship registered under the law of a relevant territory, Scotland waters.
- (7) A Northern Ireland constable or an enforcement officer may exercise Part 3 powers in relation to a ship in England and Wales waters or in Scotland waters if—
  - (a) the ship is pursued there,
  - (b) immediately before the pursuit of the ship, the ship was in relevant waters, and
  - (c) the condition in subsection (10) is met.
- (8) Part 3 powers may be exercised under subsection (7) only—
  - (a) for the purpose mentioned in subsection (2)(a) of section 37, and
  - (b) (if relevant) in accordance with subsections (6) to (8) of that section.
- (9) For the purposes of subsection (7)(b), “relevant waters” are—
  - (a) in the case of a United Kingdom ship or a ship without nationality, Northern Ireland waters or international waters;
  - (b) in the case of a foreign ship or a ship registered under the law of a relevant territory, Northern Ireland waters.
- (10) The condition referred to in subsection (1)(c), (4)(c) and (7)(c) is that—
  - (a) before the pursuit of the ship, a signal is given for it to stop, and
  - (b) the pursuit of the ship is not interrupted.
- (11) The signal referred to in subsection (10)(a) must be given in such a way as to be audible or visible from the ship.
- (12) For the purposes of subsection (10)(b), pursuit is not interrupted by reason only of the fact that—
  - (a) the method of carrying out the pursuit, or
  - (b) the identity of the ship or aircraft carrying out the pursuit, changes during the course of the pursuit.
- (13) Nothing in this Part affects any right of hot pursuit that a constable or an enforcement officer may have under international law.

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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\(1\)](#)