



Aviation and Maritime Security Act 1990

1990 CHAPTER 31

PART III

PROTECTION OF SHIPS AND HARBOUR AREAS AGAINST ACTS OF VIOLENCE

Powers of Secretary of State

19 Power of Secretary of State to require information.

- (1) The Secretary of State may, by notice in writing served on any of the following persons—
- (a) the owner, charterer, manager or master of—
 - (i) a British ship, or
 - (ii) any other ship which is in, or appears to the Secretary of State to be likely to enter, a harbour area,
 - (b) a harbour authority,
 - (c) any person who carries on harbour operations in a harbour area, and
 - (d) any person who is permitted to have access to a restricted zone of a harbour area for the purposes of the activities of a business carried on by him,
- require that person to provide the Secretary of State with such information specified in the notice as the Secretary of State may require in connection with the exercise by the Secretary of State of his functions under this Part of this Act.
- (2) A notice under subsection (1) above shall specify a date (not being earlier than seven days from the date on which the notice is served) before which the information required by the notice in accordance with subsection (1) above is to be furnished to the Secretary of State.
- (3) Any such notice may also require the person on whom it is served, after he has furnished to the Secretary of State the information required by the notice in accordance with subsection (1) above, to inform the Secretary of State if at any time the information previously furnished to the Secretary of State (including any information furnished in pursuance of a requirement imposed by virtue of this subsection) is

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rendered inaccurate by any change of circumstances (including the taking of any further measures for purposes to which this Part of this Act applies or the alteration or discontinuance of any measures already being taken).

- (4) In so far as such a notice requires further information to be furnished to the Secretary of State in accordance with subsection (3) above, it shall require that information to be furnished to him before the end of such period (not being less than seven days from the date on which the change of circumstances occurs) as is specified in the notice for the purposes of this subsection.
- (5) Any person who—
- (a) without reasonable excuse, fails to comply with a requirement imposed on him by a notice under this section, or
 - (b) in furnishing any information so required, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular,
- commits an offence.
- (6) A person guilty of an offence under subsection (5) above is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.
- (7) A notice served on a person under subsection (1) above may at any time—
- (a) be revoked by a notice in writing served on him by the Secretary of State, or
 - (b) be varied by a further notice under subsection (1) above.

Modifications etc. (not altering text)

C1 [S. 19](#) extended (with modifications) (Jersey) (1.1.1997) by [S.I. 1996/2881](#), [art. 2](#), [Sch. Pts. I, II](#)

20 Designation of restricted zones of harbour areas.

- (1) A harbour authority may, and shall if so requested in writing by the Secretary of State, apply to the Secretary of State for the designation of the whole or any part of the harbour area as a restricted zone for the purposes of this Part of this Act.
- [^{F1}(1A) A harbour operator may, and shall if so requested in writing by the Secretary of State, apply to the Secretary of State for the designation of the whole or any part of the operating area as a restricted zone for the purposes of this Part of this Act.]
- (2) An application under subsection (1) [^{F2}or (1A)]above shall be in such form, and accompanied by such plans, as the Secretary of State may require.
- (3) If the Secretary of State approves an application under subsection (1) [^{F2}or (1A)] above with or without modifications, he shall designate the restricted zone accordingly.
- (4) Before approving an application with modifications, the Secretary of State shall consult the [^{F3}applicant].
- (5) If a [^{F4}person] is requested in writing by the Secretary of State to make an application under subsection (1) [^{F5}or (1A)]above within a specified period but fails to do so within that period, the Secretary of State may designate the whole or any part of the harbour area [^{F6}or, as the case may be, of the operating area] as a restricted zone.

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- (6) The whole or any part of a harbour area [^{F7}or, as the case may be, of an operating area] may be designated as a restricted zone, or part of a restricted zone, for specified days or times of day only.
- (7) The Secretary of State shall give notice to the [^{F8}person who made, or was requested to make, the application] of any designation under this section and the designation of the restricted zone shall take effect on the giving of the notice.
- (8) Where the whole or any part of a harbour area [^{F9}or, as the case may be, of an operating area] has been designated under this section as a restricted zone—
- (a) subsections (1) to (7) above also have effect in relation to any variation of the designation, and
 - (b) the designation may at any time be revoked by the Secretary of State.
- [^{F10}(9) In this Part of this Act harbour operator means a person who—
- (a) carries on harbour operations in a harbour area, and
 - (b) is designated for the purposes of this Part by an order made by the Secretary of State;
- and operating area means, in relation to that person, so much of the harbour area as is under his control.
- (10) An order under subsection (9) above may be revoked by a subsequent order.]

Textual Amendments

- F1** S. 20(1A) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 3(2)**; S.I. 1997/1539, art. 2, **Sch.**
- F2** Words in s. 20(2)(3) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 3(3)**; S.I. 1997/1539, art. 2, **Sch.**
- F3** Words in s. 20(4) substituted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 3(4)**; S.I. 1997/1539, art. 2, **Sch.**
- F4** Words in s. 20(5) substituted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 3(5)(a)**; S.I. 1997/1539, art. 2, **Sch.**
- F5** Words in s. 20(5) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 3(5)(b)**; S.I. 1997/1539, art. 2, **Sch.**
- F6** Words in s. 20(5) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 3(5)(c)**; S.I. 1997/1539, art. 2, **Sch.**
- F7** Words in s. 20(6) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 3(6)**; S.I. 1997/1539, art. 2, **Sch.**
- F8** Words in s. 20(7) substituted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 3(7)**; S.I. 1997/1539, art. 2, **Sch.**
- F9** Words in s. 20(8) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 3(8)**; S.I. 1997/1539, art. 2, **Sch.**
- F10** S. 20(9)(10) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 3(9)**; S.I. 1997/1539, art. 2, **Sch.**

Modifications etc. (not altering text)

- C2** S. 20 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, II

21 Power to impose restrictions in relation to ships.

- (1) For purposes to which this Part of this Act applies, the Secretary of State may give a direction in writing to a harbour authority or to the owner, charterer, manager or

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- master of a British ship, or of any other ship which is in a harbour area, requiring that person—
- (a) not to cause or permit persons or property to go or be taken on board any ship to which the direction relates, or to come or be brought into proximity to any such ship, unless such searches of those persons or that property as are specified in the direction have been carried out by constables or by other persons of a description specified in the direction, or
 - (b) not to cause or permit any such ship to go to sea unless such searches of the ship as are specified in the direction have been carried out by constables or by other persons of a description so specified.
- (2) For purposes to which this Part of this Act applies, the Secretary of State may give a direction in writing to the owner, charterer, manager or master of—
- (a) a British ship, or
 - (b) any other ship which is in a harbour area,
- requiring him not to cause or permit the ship to go to sea unless such modifications or alterations of the ship, or of apparatus or equipment installed in or carried on board the ship, as are specified in the direction have first been carried out, or such additional apparatus or equipment as is so specified is first installed in or carried on board the ship.
- (3) In giving any direction under subsection (2) above, the Secretary of State shall allow, and shall specify in the direction, such period as appears to him to be reasonably required for carrying out the modifications or alterations or installing or obtaining the additional apparatus or equipment in question; and the direction shall not take effect before the end of the period so specified.
- (4) Subject to the following provisions of this Part of this Act, a direction given to an owner, charterer or manager of a ship under subsection (1) or (2) above may be given so as to relate either to all the ships falling within that subsection of which at the time when the direction is given or at any subsequent time he is the owner, charterer or manager or only to one or more such ships specified in the direction; and a direction given to a harbour authority under subsection (1) above may be given so as to relate either to all ships which at the time when the direction is given or at any subsequent time are in any part of the harbour area, or to a class of such ships specified in the direction.
- (5) Subject to the following provisions of this Part of this Act, a direction under subsection (1) above may be given so as to relate—
- (a) either to all persons or only to one or more persons, or persons of one or more descriptions, specified in the direction, and
 - (b) either to property of every description or only to particular property, or property of one or more descriptions, so specified.
- (6) Subject to the following provisions of this Part of this Act, any direction given under this section to any person not to cause or permit anything to be done shall be construed as requiring him to take all such steps as in any particular circumstances are practicable and necessary to prevent that thing from being done.
- (7) A direction may be given under this section to a person appearing to the Secretary of State to be about to become such a person as is mentioned in subsection (1) or (2) above, but a direction given to a person by virtue of this subsection shall not take effect until he becomes a person so mentioned and, in relation to a direction so given, the preceding provisions of this section shall apply with the necessary modifications.

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- (8) Any person who, without reasonable excuse, fails to comply with a direction given to him under this section is guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.
- (9) Where a person is convicted of an offence under subsection (8) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he is guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.

Modifications etc. (not altering text)

C3 S. 21 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, II

22 Power to require harbour authorities to promote searches in harbour areas.

- (1) For purposes to which this Part of this Act applies, the Secretary of State may give a direction in writing ^{F11}to—
- (a) a harbour authority, or
 - (b) a harbour operator,
- requiring that person to use his best endeavours] to secure that such searches to which this section applies as are specified in the direction are carried out by constables or by other persons of a description specified in the direction.
- (2) The searches to which this section applies, in relation to a harbour area, are searches—
- (a) of the harbour area or any part of it,
 - (b) of any ship which at the time when the direction is given or at any subsequent time is in the harbour area, and
 - (c) of persons and property (other than ships) which may at any time be in the harbour area.
- ^{F12}(2A) The searches to which this section applies, in relation to an operating area, are searches—
- (a) of the operating area or any part of it,
 - (b) of any ship which at the time when the direction is given or at any subsequent time is in the operating area, and
 - (c) of persons and property (other than ships) which may at any time be in the operating area.]
- (3) Where a direction under this section to a harbour authority is for the time being in force, then, subject to subsections (4) and (5) below, if a constable or any other person specified in the direction in accordance with this section has reasonable cause to suspect that an article to which this subsection applies is in, or may be brought into, any part of the harbour area, he may, by virtue of this subsection and without a warrant, search any part of the harbour area or any ship, vehicle, goods or other moveable property of any description which, or any person who, is for the time being in any part of the harbour area, and for that purpose—

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- (a) may enter any building or works in the harbour area, or enter upon any land in the harbour area, if need be by force,
 - (b) may go on board any such ship and inspect the ship,
 - (c) may stop any such ship and, for so long as may be necessary for that purpose, prevent it from being moved, and
 - (d) may stop any such vehicle, goods, property or person and detain it or him for so long as may be necessary for that purpose.
- [^{F13}(3A) Subsection (3) above applies in relation to a direction under this section to a harbour operator as it applies in relation to a direction to a harbour authority, but as if the references to the harbour area (or to any part of the harbour area) were references to the operating area (or any part of the operating area).]
- (4) In the case of premises used only as a private dwelling any power to search or enter conferred by subsection (3) above may not be exercised except—
 - (a) under the authority of a warrant issued by a justice of the peace; and
 - (b) by a constable who is a member of a body of constables maintained—
 - (i) in England, Scotland or Wales by a police authority or an authority which has entered into an agreement with the Police Complaints Authority under section 96(1) of the ^{M1}Police and Criminal Evidence Act 1984; or
 - (ii) in Northern Ireland, by the Police Authority for Northern Ireland or an authority which has entered into an agreement with the Independent Commission for Police Complaints for Northern Ireland under Article 16 of the ^{M2}Police (Northern Ireland) Order 1987.
 - (5) If, on an application made by a constable, a justice of the peace is satisfied that there are reasonable grounds for suspecting that an article to which subsection (3) above applies is in any premises used only as a private dwelling, he may issue a warrant authorising a constable to enter and search the premises.
 - (6) Subsection (3) above applies to the following articles—
 - (a) any firearm, or any article having the appearance of being a firearm, whether capable of being discharged or not,
 - (b) any explosive, any article manufactured or adapted (whether in the form of a bomb, grenade or otherwise) so as to have the appearance of being an explosive, whether it is capable of producing a practical effect by explosion or not, or any article marked or labelled so as to indicate that it is or contains an explosive, and
 - (c) any article (not falling within either of the preceding paragraphs) made or adapted for use for causing injury to or incapacitating a person or for destroying or damaging property, or intended by the person having it with him for such use, whether by him or by any other person.
 - (7) Any person who—
 - (a) without reasonable excuse, fails to comply with a direction given to him under this section, or
 - (b) intentionally obstructs a person acting in the exercise of a power conferred on him by subsection (3) above,
 commits an offence.
 - (8) A person guilty of an offence under subsection (7) above is liable—

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- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.
- (9) Where a person is convicted of an offence under subsection (7)(a) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he is guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.
- (10) Subsection (3) above has effect without prejudice to the operation, in relation to any offence under this Act—
- (a) in England and Wales, of sections 17, 24 and 25 of the ^{M3}Police and Criminal Evidence Act 1984 (which confer power to arrest without warrant and to enter premises for the purpose of making an arrest) or of section 3 of the ^{M4}Criminal Law Act 1967 (use of force in making arrest etc.), or
 - (b) in Scotland, of any rule of law relating to the power to arrest without warrant, or
 - (c) in Northern Ireland, of Articles 19, 26 and 27 of the ^{M5}Police and Criminal Evidence (Northern Ireland) Order 1989 or of section 3 of the ^{M6}Criminal Law Act (Northern Ireland) 1967.

Textual Amendments

- F11** Words in s. 22(1) substituted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 4(2)**; 1997/1539, art. 2, Sch.
- F12** S. 22(2A) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 4(3)**; S.I. 1997/1539, art. 2, **Sch.**
- F13** S. 22(3A) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 4(4)**; S.I. 1997/1539, art. 2, **Sch.**

Modifications etc. (not altering text)

- C4** S. 22 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, II

Marginal Citations

- M1** 1984 c. 60.
- M2** S.I. 1987/938 (N.I. 10).
- M3** 1984 c. 60.
- M4** 1967 c. 58.
- M5** S.I. 1989/1341 (N.I. 12).
- M6** 1967 c. 18 (N.I.).

23 Power to require other persons to promote searches.

- (1) For purposes to which this Part of this Act applies, the Secretary of State may give a direction in writing to any person ^{F14} . . . who—
- (a) carries on harbour operations in a harbour area, or
 - (b) is permitted to have access to a restricted zone of a harbour area for the purposes of the activities of a business carried on by him,
- requiring him to use his best endeavours to secure that such searches to which this section applies as are specified in the direction are carried out by constables or by other persons of a description specified in the direction.

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- [^{F15}(1A) A direction may not be given under this section to—
- (a) a harbour authority, or
 - (b) a harbour operator.]
- (2) The searches to which this section applies are—
- (a) in relation to a person falling within subsection (1)(a) above, searches—
 - (i) of any land which he occupies within the harbour area, and
 - (ii) of persons or property which may at any time be on that land; and
 - (b) in relation to a person falling within subsection (1)(b) above, searches—
 - (i) of any land which he occupies outside the harbour area for the purposes of his business, and
 - (ii) of persons or property which may at any time be on that land.
- (3) Any person who, without reasonable excuse, fails to comply with a direction given to him under this section is guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.
- (4) Where a person is convicted of an offence under subsection (3) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he is guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.

Textual Amendments

F14 Words in s. 23(1) repealed (17.7.1997) by 1997 c. 28, ss. 25, 29(2), Sch. 4 para. 5, **Sch. 7 Pt. I**; S.I. 1997/1539, art. 2, **Sch.**

F15 S. 23(1A) inserted (17.7.1997) by 1997 c. 28, s. 25, **Sch. 4 para. 5**; S.I. 1997/1539, art. 2, **Sch.**

Modifications etc. (not altering text)

C5 S. 23 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, **II**

24 General power to direct measures to be taken for purposes to which Part III applies.

- (1) Subsection (2) below applies to—
- (a) any person who is the owner, charterer or manager of one or more ships which—
 - (i) are British ships, or
 - (ii) are in a harbour area,
 - (b) any harbour authority,
 - (c) any person other than a harbour authority who carries on harbour operations in a harbour area, and
 - (d) any person who is permitted to have access to a restricted zone of a harbour area for the purposes of the activities of a business carried on by him.
- (2) Subject to the following provisions of this section, the Secretary of State may give a direction in writing to any person to whom this subsection applies requiring him to

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take such measures for purposes to which this Part of this Act applies as are specified in the direction—

- (a) in the case of a direction given to a person as the owner, charterer or manager of a ship, in respect of all the ships falling within subsection (1)(a) above of which (at the time when the direction is given or at any subsequent time) he is the owner, charterer or manager, or in respect of any such ships specified in the direction,
 - (b) in the case of a direction given to a harbour authority, in respect of the harbour area,
 - (c) in the case of a direction given to a person as a person falling within subsection (1)(c) above, in respect of the harbour operations carried on by him, and
 - (d) in the case of a direction given to a person as a person who is permitted to have access to a restricted zone as mentioned in subsection (1)(d) above, in respect of such activities carried on by that person in that zone as are specified in the direction.
- (3) Without prejudice to the generality of subsection (2) above, the measures to be specified in a direction given under this section to any person to whom that subsection applies may include the provision by that person of persons charged with the duty (at such times as may be specified in the direction)—
- (a) where the direction is given to a person as the owner, charterer or manager of ships, of guarding the ships against acts of violence,
 - (b) where the direction is given to a harbour authority, of guarding the harbour area, or persons or property (including ships) in any part of the harbour area, against acts of violence,
 - (c) where the direction is given to a person as falling within subsection (1)(c) above, of guarding against acts of violence any ship in the harbour area which is for the time being under his control, or
 - (d) where the direction is given to a person as falling within subsection (1)(d) above, of guarding—
 - (i) any land outside the harbour area occupied by him for the purposes of his business, any vehicles or equipment used for those purposes and any goods which are in his possession for those purposes, and
 - (ii) any ship which is for the time being under his control,for purposes to which this Part of this Act applies.
- (4) A direction given under this section may be either of a general or of a specific character, and may require any measures specified in the direction to be taken at such time or within such period as may be so specified.
- (5) A direction under this section—
- (a) shall not require any search (whether of persons or of property), and
 - (b) shall not require the modification or alteration of any ship, or of any of its apparatus or equipment, or the installation or carriage of additional apparatus or equipment, or prohibit any ship from being caused or permitted to go to sea without some modification or alteration of the ship or its apparatus or equipment or the installation or carriage of additional apparatus or equipment.
- (6) A direction may be given under this section to a person appearing to the Secretary of State to be about to become a person to whom subsection (2) above applies, but a direction given to a person by virtue of this subsection shall not take effect until he

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becomes a person to whom subsection (2) above applies and, in relation to a direction so given, the preceding provisions of this section shall apply with the necessary modifications.

- (7) Any person who—
- (a) without reasonable excuse, fails to comply with a direction given to him under this section, or
 - (b) intentionally interferes with any building constructed or works executed on any land in compliance with a direction under this section or with anything installed on, under, over or across any land in compliance with such a direction,
- commits an offence.
- (8) A person guilty of an offence under subsection (7) above is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.
- (9) Where a person is convicted of an offence under subsection (7)(a) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he is guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.
- (10) The ownership of any property shall not be affected by reason only that it is placed on or under, or affixed to, any land in compliance with a direction under this section.

Modifications etc. (not altering text)

C6 S. 24 extended (with modifications) (Jersey) (1.1.1997) by S.I. 1996/2881, art. 2, Sch. Pts. I, II

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