



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

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 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,

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- (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 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

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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 [^{F1}one-tenth of level 5 on the standard scale][^{F1}one-tenth of the greater of £5,000 or level 4 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.

Textual Amendments

- F1** Words in s. 24(9) substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), [Sch. 3 para. 5\(5\)](#) (with [reg. 5\(1\)](#))

Modifications etc. (not altering text)

- C1** S. 24 extended (with modifications) (Jersey) (1.1.1997) by [S.I. 1996/2881](#), art. 2, [Sch. Pts. I, II](#)
- C2** Ss. 9-43 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the extending S.I.) by [The Maritime Security \(Jersey\) Order 2014 \(S.I. 2014/265\)](#), art. 2, [Sch.](#)

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