



Criminal Justice (International Co-operation) Act 1990

1990 CHAPTER 5

PART II

THE VIENNA CONVENTION

Offences at sea

18 Offences on British ships

Anything which would constitute a drug trafficking offence if done on land in any part of the United Kingdom shall constitute that offence if done on a British ship.

19 Ships used for illicit traffic

- (1) This section applies to a British ship, a ship registered in a state other than the United Kingdom which is a party to the Vienna Convention (a “Convention state”) and a ship not registered in any country or territory.
- (2) A person is guilty of an offence if on a ship to which this section applies, wherever it may be, he—
 - (a) has a controlled drug in his possession; or
 - (b) is in any way knowingly concerned in the carrying or concealing of a controlled drug on the ship,
knowing or having reasonable grounds to suspect that the drug is intended to be imported or has been exported contrary to section 3(1) of the Misuse of Drugs Act 1971 or the law of any state other than the United Kingdom.
- (3) A certificate purporting to be issued by or on behalf of the government of any state to the effect that the importation or export of a controlled drug is prohibited by the law of that state shall be evidence, and in Scotland sufficient evidence, of the matters stated.

Status: This is the original version (as it was originally enacted).

- (4) A person guilty of an offence under this section is liable—
- (a) in a case where the controlled drug is a Class A drug—
 - (i) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
 - (ii) on conviction on indictment, to imprisonment for life or a fine or both;
 - (b) in a case where the controlled drug is a Class B drug—
 - (i) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
 - (ii) on conviction on indictment, to imprisonment for a term not exceeding fourteen years or a fine or both;
 - (c) in a case where the controlled drug is a Class C drug—
 - (i) on summary conviction, to imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum or both;
 - (ii) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine or both.
- (5) In this section “a controlled drug” and the references to controlled drugs of a specified Class have the same meaning as in the said Act of 1971; and an offence under this section shall be included in the offences to which section 28 of that Act (defences) applies.

20 Enforcement powers

- (1) The powers conferred on an enforcement officer by Schedule 3 to this Act shall be exercisable in relation to any ship to which section 18 or 19 above applies for the purpose of detecting and the taking of appropriate action in respect of the offences mentioned in those sections.
- (2) Those powers shall not be exercised outside the landward limits of the territorial sea of the United Kingdom in relation to a ship registered in a Convention state except with the authority of the Secretary of State; and he shall not give his authority unless that state has in relation to that ship—
- (a) requested the assistance of the United Kingdom for the purpose mentioned in subsection (1) above; or
 - (b) authorised the United Kingdom to act for that purpose.
- (3) In giving his authority pursuant to a request or authorisation from a Convention state the Secretary of State shall impose such conditions or limitations on the exercise of the powers as may be necessary to give effect to any conditions or limitations imposed by that state.
- (4) The Secretary of State may, either of his own motion or in response to a request from a Convention state, authorise a Convention state to exercise, in relation to a British ship, powers corresponding to those conferred on enforcement officers by Schedule 3 to this Act but subject to such conditions or limitations, if any, as he may impose.
- (5) Subsection (4) above is without prejudice to any agreement made, or which may be made, on behalf of the United Kingdom whereby the United Kingdom undertakes not to object to the exercise by any other state in relation to a British ship of powers corresponding to those conferred by that Schedule.

- (6) The powers conferred by that Schedule shall not be exercised in the territorial sea of any state other than the United Kingdom without the authority of the Secretary of State and he shall not give his authority unless that state has consented to the exercise of those powers.

21 Jurisdiction and prosecutions

- (1) Proceedings under this Part of this Act or Schedule 3 in respect of an offence on a ship may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.
- (2) No such proceedings shall be instituted—
- (a) in England or Wales except by or with the consent of the Director of Public Prosecutions or the Commissioners of Customs and Excise;
 - (b) in Northern Ireland except by or with the consent of the Director of Public Prosecutions for Northern Ireland or those Commissioners.
- (3) Without prejudice to subsection (2) above no proceedings for an offence under section 19 above alleged to have been committed outside the landward limits of the territorial sea of the United Kingdom on a ship registered in a Convention state shall be instituted except in pursuance of the exercise with the authority of the Secretary of State of the powers conferred by Schedule 3 to this Act; and section 3 of the Territorial Waters Jurisdiction Act 1878 (consent of Secretary of State for certain prosecutions) shall not apply to those proceedings.