



Modern Slavery Act 2015

2015 CHAPTER 30

PART 3

MARITIME ENFORCEMENT

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
 - (b) (if relevant) in accordance with subsections (5) to (7) of that section.
- (6) For the purposes of subsection (4)(b), “relevant waters” are—

Status: This is the original version (as it was originally enacted).

- (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.