
STATUTORY INSTRUMENTS

1996 No. 3154

**The United Nations Arms Embargoes (Somalia,
Liberia and Rwanda) (Channel Islands) Order 1996**

Investigation, etc. of suspected ships, aircraft and vehicles

8.—(1) Where any authorised officer (which for the purposes of paragraphs (1) to (3) of this article means any such officer, other than a Departmental officer, as is referred to in section 284(1) of the Merchant Shipping Act 1995⁽¹⁾) has reason to suspect that any ship to which article 7 of this Order applies has been or is being or is about to be used in contravention of paragraph (1) of that article, he may—

- (a) request the master of the ship to furnish such information relating to the ship and her cargo and produce for his inspection such documents so relating and such cargo as he may specify; and the master shall comply with any such request;
- (b) either alone or accompanied and assisted by persons under his authority, board the ship and search her and, for that purpose, may use or authorise the use of reasonable force;
- (c) either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of a request under sub-paragraph (a) above, in the case of a ship that is reasonably suspected of being used or of being about to be used in contravention of article 7 of this Order, exercise the further powers described in paragraph (2) of this article with a view to the prevention of the commission (or the continued commission) of any such contravention or in order that enquiries into the matter may be pursued.

(2) Under sub-paragraph (c) of paragraph (1) of this article, the authorised officer may either direct the master to refrain, except with the consent of an authorised officer, from landing at any port specified by the officer any part of the ship's cargo that is so specified or request the master to take any one or more of the following steps—

- (a) to cause the ship not to proceed with the voyage on which she is then engaged or about to engage until the master is notified by any authorised officer that the ship may so proceed;
- (b) if the ship is then in a port in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey, to cause her to remain there until the master is notified by any authorised officer that the ship may depart;
- (c) if the ship is then in any other place, to take her to any such port specified by the officer and to cause her to remain there until the master is notified as mentioned in sub-paragraph (b) of this paragraph;
- (d) to take her to any other destination that may be specified by the officer in agreement with the master;

and the master shall comply with any such request or direction.

(3) Without prejudice to the provisions of paragraph (11) of this article, where—

- (a) a master refuses or fails to comply with a request made under this article that his ship shall or shall not proceed to or from any place; or

- (b) an authorised officer otherwise has reason to suspect that such a request that has been so made may not be complied with,

any authorised officer may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose enter upon, or authorise entry upon, that ship and use, or authorise the use of, reasonable force.

(4) Where—

- (a) in the case of the Bailiwick of Guernsey, any States Revenue Officer or any person authorised by Her Majesty’s Procureur for that purpose (either generally or in a particular case);
- (b) in the case of the Bailiwick of Jersey, the Bailiff or any person authorised by the Bailiff for that purpose (either generally or in a particular case),

has reason to suspect that any aircraft to which article 7 of this Order applies has been or is being or is about to be used in contravention of paragraph (1) of that article, he may—

- (i) request the charterer, the operator and the commander of the aircraft or any of them to furnish such information relating to the aircraft and its cargo and produce for his inspection such documents so relating and such cargo as he may specify, and the charterer, the operator and the commander shall comply with any such request;
- (ii) either alone or accompanied and assisted by persons under his authority, board the aircraft and search it and, for that purpose, may use or authorise the use of reasonable force; and
- (iii) if the aircraft is then in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey, either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of a request under sub-paragraph (a) above, further request the charterer, operator and the commander or any of them to cause the aircraft to remain in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey until notified that the aircraft may depart; and the charterer, the operator and the commander shall comply with any such request.

(5) Without prejudice to the provisions of paragraph (11) of this article, where any of the persons mentioned in sub-paragraph (a) or (b) of paragraph (4) of this article has reason to suspect that any request that an aircraft should remain in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey that has been made under sub-paragraph (iii) of that paragraph may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose—

- (a) enter, or authorise entry upon any land and upon that aircraft;
- (b) detain, or authorise the detention of, that aircraft; and
- (c) use, or authorise the use of, reasonable force.

(6) Where—

- (a) in the case of the Bailiwick of Guernsey, any States Revenue Officer or any person authorised by Her Majesty’s Procureur for that purpose (either generally or in a particular case);
- (b) in the case of the Bailiwick of Jersey, the Bailiff or any person authorised by the Bailiff for that purpose (either generally or in a particular case),

has reason to suspect that any vehicle in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey has been or is being or is about to be used in contravention of paragraph (1) of article 7 of this Order, he may request the operator and driver of the vehicle or either of them—

- (i) to furnish such information relating to the vehicle and any goods contained in it, and produce for his inspection such documents so relating and such goods as he may specify; and the operator and the driver shall comply with any such request; and

- (ii) either alone or accompanied and assisted by persons under his authority, board the vehicle and search it and, for that purpose, may use or authorise the use of reasonable force; and
- (iii) either there and then or upon consideration of any information furnished or document or goods produced in pursuance of a request under sub-paragraph (a) above, further require the operator or driver to cause the vehicle to remain in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey until notified that the vehicle may depart; and the operator and the driver shall comply with any such request.

(7) Without prejudice to the provisions of paragraph (11) of this article, where any person mentioned in sub-paragraph (a) or (b) of paragraph (6) of this article has reason to suspect that any request that a vehicle should remain in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey that has been made under sub-paragraph (iii) of that paragraph may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose—

- (a) enter, or authorise entry upon any land and upon that vehicle;
- (b) detain, or authorise the detention of, that vehicle; and
- (c) use, or authorise the use of, reasonable force.

(8) A person authorised by Her Majesty's Procureur or, as the case may be, the Bailiff, to exercise any power for the purposes of paragraph (4), (5), (6) or (7) of this article shall, if requested to do so, produce evidence of his authority before exercising that power.

(9) No information furnished or document produced by any person in pursuance of a request made under this article shall be disclosed except—

- (a) with the consent of the person by whom the information was furnished or the document was produced:

Provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right;

- (b) to any person who would have been empowered under this article to request that it be furnished or produced or to any person holding or acting in any office under or in the service of the Crown in respect of the Government of the United Kingdom or under or in the service of the States of Guernsey or Alderney or the Chief Pleas of Sark or, as the case may be, under or in the service of the States of Jersey; or
- (c) on the authority of Her Majesty's Procureur in the case of the Bailiwick of Guernsey, or of the Bailiff in the case of the Bailiwick of Jersey, to any organ of the United Nations or to any person in the service of the United Nations or of the Government of any other country for the purpose of assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to Somalia, Liberia or Rwanda decided upon by the Security Council of the United Nations; or
- (d) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Order or, with respect to any of the matters regulated by this Order, for an offence under any enactment relating to customs or an offence against any provision of law with respect to similar matters which is for the time being in force in the Bailiwick of Guernsey or in the Bailiwick of Jersey.

(10) Any power conferred by this article to request the furnishing of information of the production of a document or of cargo for inspection shall include a power to specify whether the information should be furnished orally or in writing and in what form and to specify the time by which and the place in which the information should be furnished or the document or cargo produced for inspection.

(11) Each of the following persons shall be guilty of an offence under this Order, that is to say—

- (a) a master of a ship who disobeys any direction given under paragraph (1) of this article with respect to the landing of any cargo;
 - (b) a master of a ship or a charterer or an operator or a commander of an aircraft or an operator or driver of a vehicle who—
 - (i) without reasonable excuse, refuses or fails within a reasonable time to comply with any request made under this article by any person empowered to make it; or
 - (ii) wilfully furnishes false information or produces false documents to such a person in response to such a request;
 - (c) a master or a member of a crew of a ship or a charterer or an operator or a commander or a member of a crew of an aircraft who wilfully obstructs any person exercising powers conferred by or under this article (or any person acting under the authority of such a person) in the exercise of those powers.
- (12) Nothing in this article shall be construed so as to prejudice any other enactment or rule of law conferring powers or imposing restrictions or enabling restrictions to be imposed with respect to ships, aircraft or vehicles.