
STATUTORY INSTRUMENTS

2012 No. 1756

**The Iran (Restrictive Measures)
(Overseas Territories) Order 2012**

Customs powers and investigations

Investigation etc. of suspected aircraft

24.—(1) Where an authorised person reasonably suspects that an aircraft has been, is being, or is about to be used in the commission of an offence under article 8(1)—

- (a) the person may (alone or assisted by persons under the authorised person’s authority) board the aircraft and search it and, for that purpose, may use or authorise the use of reasonable force;
- (b) the person may request the charterer, operator or commander of the aircraft to provide such information relating to the aircraft and its cargo and produce for inspection such documents and cargo as the person may specify; and
- (c) if the aircraft is in the Territory, the person may request the charterer, operator or commander to keep the aircraft and any of its cargo in the Territory until notified that the aircraft and its cargo may depart.

(2) An authorised person may take such steps as appear necessary to secure compliance with a request under paragraph (1)(c) where—

- (a) the charterer, operator or commander fails to comply with the request, or
- (b) the person reasonably suspects that the request may not be complied with.

(3) Those steps may include in particular—

- (a) entering, or authorising entry upon, the aircraft or any land;
- (b) detaining, or authorising the detention of, the aircraft and any of its cargo;
- (c) seizing any prohibited goods; and
- (d) using, or authorising the use of, reasonable force.

(4) A charterer, operator or commander of an aircraft (“P”) commits an offence if P—

- (a) fails without reasonable excuse to comply with a request under paragraph (1),
- (b) knowingly or recklessly provides information or a document which is false in a material particular in response to a request under paragraph (1)(b), or
- (c) wilfully obstructs an authorised person, or a person acting under that person’s authority, in the exercise of any power conferred by this article.

(5) An authorised person, or a person acting under that person’s authority, must, if requested to do so, produce evidence of his or her authority before exercising any power conferred by this article.

(6) In this article, “authorised person” means a person authorised by the Governor for the purpose of this article either generally or in a particular case.