



Policing and Crime Act 2017

2017 CHAPTER 3

PART 4

POLICE POWERS

CHAPTER 5

MARITIME ENFORCEMENT: ENGLISH AND WELSH OFFENCES

Supplementary provision

91 Maritime enforcement powers: supplementary: protective searches

- (1) This section applies where a power conferred by section 88 is exercised in relation to a ship.
- (2) A law enforcement officer may search any person found on the ship for anything which the officer has reasonable grounds to believe the person might use to—
 - (a) cause physical injury,
 - (b) cause damage to property, or
 - (c) endanger the safety of any ship.
- (3) The power under subsection (2) may be exercised on board the ship or elsewhere.
- (4) A law enforcement officer searching a person under subsection (2) may seize and retain anything found if the law enforcement officer has reasonable grounds to believe that the person might use it for a purpose mentioned in paragraphs (a) to (c) of that subsection.
- (5) Anything seized under subsection (4) may be retained only for so long as there are reasonable grounds to believe that it might be used as mentioned in that subsection.

Status: This is the original version (as it was originally enacted).

- (6) The power to search a person conferred by subsection (2) does not authorise a law enforcement officer to require the person to remove any clothing in public, other than an outer coat, jacket or gloves.

92 Maritime enforcement powers: other supplementary provision

- (1) A law enforcement officer may—
- (a) be accompanied by other persons, and
 - (b) take equipment or materials,
- to assist the officer in the exercise of powers under this Chapter.
- (2) A law enforcement officer may use reasonable force, if necessary, in the performance of functions under this Chapter.
- (3) A person accompanying a law enforcement officer under subsection (1) may perform any of the officer's functions under this Chapter, but only under the officer's supervision.
- (4) A law enforcement officer must produce evidence of the officer's authority if asked to do so.
- (5) A law enforcement officer is not liable in any criminal or civil proceedings for anything done in the purported performance of functions under this Chapter if the court is satisfied that—
- (a) the act was done in good faith, and
 - (b) there were reasonable grounds for doing it.
- (6) The powers conferred by this Chapter do not affect any other powers that a law enforcement officer may have.

93 Maritime enforcement powers: offences

- (1) A person commits an offence if the person—
- (a) intentionally obstructs a law enforcement officer in the performance of functions under this Chapter, or
 - (b) fails without reasonable excuse to comply with a requirement imposed by a law enforcement officer in the performance of those functions.
- (2) A person who provides information in response to a requirement imposed by a law enforcement officer in the performance of functions under this Chapter commits an offence if—
- (a) the information is false in a material particular, and the person either knows it is or is reckless as to whether it is, or
 - (b) the person intentionally fails to disclose any material particular.
- (3) A law enforcement officer may arrest without warrant anyone whom the officer has reasonable grounds for suspecting to be guilty of an offence under this section.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine.

94 Maritime enforcement powers: code of practice

- (1) The Secretary of State must prepare and issue a code of practice in respect of the practice to be followed by law enforcement officers when arresting a person under the power conferred by section 90.
- (2) The code must, in particular, provide guidance as to the information to be given to the person at the time of arrest (whether about procedural rights or other matters).
- (3) A failure of a law enforcement officer to comply with any provision of the code does not of itself render the law enforcement officer liable to any criminal or civil proceedings.
- (4) The code—
 - (a) is admissible in evidence in criminal and civil proceedings, and
 - (b) may be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.
- (5) The Secretary of State may at any time revise the whole or any part of the code.
- (6) The code, or any revision of the code, does not come into operation until the Secretary of State so provides by regulations.
- (7) Regulations under this section are to be made by statutory instrument.
- (8) A statutory instrument containing regulations under this section that bring the code into operation may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (9) A statutory instrument containing regulations under this section that bring a revision of the code into operation must be laid before Parliament (if the regulations are made without a draft having been laid and approved as mentioned in subsection (8)).
- (10) Where a statutory instrument, or draft of a statutory instrument, is laid under this section, the code or revision of the code to which it relates must also be laid.

95 Interpretation

- (1) In this Chapter—

“designated NCA officer” means a National Crime Agency officer who is either or both of the following—

 - (a) an officer designated under section 10 of the Crime and Courts Act 2013 as having the powers and privileges of a constable;
 - (b) an officer designated under that section as having the powers of a general customs official;

“England and Wales waters” means the sea and other waters within the seaward limits of the territorial sea adjacent to England and Wales;

“foreign ship” means a ship which—

 - (a) is registered in a State other than the United Kingdom, or
 - (b) is not so registered but is entitled to fly the flag of a State other than the United Kingdom;

“foreign waters” means the sea and other waters within the seaward limits of the territorial sea adjacent to any relevant territory or State other than the United Kingdom;

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

“home state”, in relation to a foreign ship, means—

- (a) the State in which the ship is registered, or
- (b) the State whose flag the ship is otherwise entitled to fly;

“international waters” means waters beyond the territorial sea of the United Kingdom or of any other State or relevant territory;

“items subject to legal privilege” has the same meaning as in the Police and Criminal Evidence Act 1984 (see section 10 of that Act);

“law enforcement officer” has the meaning given by section 84(3);

“maritime enforcement powers” has the meaning given by section 84(2);

“relevant territory” means—

- (a) the Isle of Man;
- (b) any of the Channel Islands;
- (c) a British overseas territory;

“Scotland waters” means the sea and other waters within the seaward limits of the territorial sea adjacent to Scotland;

“ship” includes every description of vessel (including a hovercraft) used in navigation;

“ship without nationality” means a ship which—

- (a) is not registered in, or otherwise entitled to fly the flag of, any State or relevant territory, or
- (b) sails under the flags of two or more States or relevant territories, or under the flags of a State and relevant territory, using them according to convenience;

“United Kingdom ship” means a ship which—

- (a) is registered under Part 2 of the Merchant Shipping Act 1995,
- (b) is a Government ship within the meaning of that Act,
- (c) is not registered in any State or relevant territory but is wholly owned by persons each of whom has a United Kingdom connection, or
- (d) is registered under an Order in Council under section 1 of the Hovercraft Act 1968.

- (2) For the purposes of paragraph (c) of the definition of “United Kingdom ship” in subsection (1), a person has a “United Kingdom connection” if the person is—
 - (a) a British citizen, a British overseas territories citizen or a British Overseas citizen,
 - (b) an individual who is habitually resident in the United Kingdom, or
 - (c) a body corporate which is established under the law of a part of the United Kingdom and has its principal place of business in the United Kingdom.
- (3) References in this Chapter to the United Nations Convention on the Law of the Sea include references to any modifications of that Convention agreed after the passing of this Act that have entered into force in relation to the United Kingdom.