

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping and Maritime Security Act 1997, SCHEDULE 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 25.

AMENDMENTS OF PART III OF AVIATION AND MARITIME SECURITY ACT 1990

- 1 Part III of the ^{M1}Aviation and Maritime Security Act 1990 (protection of ships and harbour areas against acts of violence) shall have effect subject to the amendments made by this Schedule.

Marginal Citations

M1 1990 c. 31.

Meaning of “harbour area”

- 2 In section 18 (purposes to which Part III applies), for subsection (3) there is substituted—

“(3) In this Part of this Act “harbour area” means—

(a) the aggregate of—

(i) any harbour in the United Kingdom in respect of which there is a harbour authority within the meaning of the ^{M2}Merchant Shipping Act 1995, and

(ii) any land which is adjacent to such a harbour and which is either land occupied by the harbour authority or land in respect of which the harbour authority has functions of improvement, maintenance or management, or

(b) any hoverport which does not form part of any area which falls within paragraph (a)(i) or (ii) above.”

Marginal Citations

M2 1995 c. 21.

Designation of restricted zones

- 3 (1) Section 20 (designation of restricted zones of harbour areas) is amended as follows.

(2) After subsection (1) there is inserted—

“(1A) A harbour operator may, and shall if so requested in writing by the Secretary of State, apply to the Secretary of State for the designation of the whole or any part of the operating area as a restricted zone for the purposes of this Part of this Act.”

(3) In subsections (2) and (3), after “(1)” there is inserted “ or (1A) ”.

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- (4) In subsection (4), for “harbour authority” there is substituted “applicant”.
- (5) In subsection (5)—
- (a) for “harbour authority” there is substituted “person”,
 - (b) after “(1)” there is inserted “or (1A)”, and
 - (c) after “harbour area” there is inserted “or, as the case may be, of the operating area”.
- (6) In subsection (6), after “harbour area” there is inserted “or, as the case may be, of an operating area”.
- (7) In subsection (7) for “harbour authority” there is substituted “person who made, or was requested to make, the application”.
- (8) In subsection (8) after “harbour area” there is inserted “or, as the case may be, of an operating area”.
- (9) After subsection (8) there is inserted—
- “(9) In this Part of this Act “harbour operator” means a person who—
- (a) carries on harbour operations in a harbour area, and
 - (b) is designated for the purposes of this Part by an order made by the Secretary of State;
- and “operating area” means, in relation to that person, so much of the harbour area as is under his control.
- (10) An order under subsection (9) above may be revoked by a subsequent order.”

Power to promote searches

- 4 (1) Section 22 (power to require harbour authorities to promote searches) is amended as follows.
- (2) In subsection (1), for “to a harbour authority requiring it to use its best endeavours” there is substituted “to—
- (a) a harbour authority, or
 - (b) a harbour operator,
- requiring that person to use his best endeavours”.
- (3) After subsection (2) there is inserted—
- “(2A) The searches to which this section applies, in relation to an operating area, are searches—
- (a) of the operating area or any part of it,
 - (b) of any ship which at the time when the direction is given or at any subsequent time is in the operating area, and
 - (c) of persons and property (other than ships) which may at any time be in the operating area.”
- (4) After subsection (3) there is inserted—
- “(3A) Subsection (3) above applies in relation to a direction under this section to a harbour operator as it applies in relation to a direction to a harbour authority,

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but as if the references to the harbour area (or to any part of the harbour area) were references to the operating area (or any part of the operating area).”

- 5 In section 23 (power to require other persons to promote searches), in subsection (1), “(other than a harbour authority)” is omitted and after that subsection there is inserted—

“(1A) A direction may not be given under this section to—

- (a) a harbour authority, or
- (b) a harbour operator.”

Removal of firearms

- 6 In section 26(1) (direction not to require or authorise any person to carry a firearm), at the end of subsection (1) there is inserted “ except to the extent necessary for the purpose of removing any firearm found pursuant to a search under section 22 of this Act from the restricted zone and delivering the firearm to a person authorised to carry it ”.

Inspection of ships and harbour areas

- 7 In section 36(2) (powers of authorised person on inspection of ships or harbour areas), in paragraph (c), for “or the occupier of the land” there is substituted “ the occupier of the land or any harbour operator ”.

False statements

- 8 In section 37 (false statements relating to baggage, cargo etc.), in subsection (2) (persons to whom false statements must not be made) after paragraph (a) there is inserted—

“(aa) a harbour operator.”.

- 9 In section 38 (false statements in connection with identity documents), in subsection (3) (persons to whom false statements must not be made) after paragraph (a) there is inserted—

“(aa) a harbour operator.”.

Unauthorised presence in restricted zone

- 10 (1) Section 39 (unauthorised presence in restricted zone) is amended as follows.
- (2) In subsection (1)(a) and (b) for “the harbour authority or a person acting on behalf of the harbour authority” there is substituted “ the competent authority, or a person acting on behalf of that authority ”.
- (3) After subsection (2) there is inserted—
- “(2A) A constable or any person acting on behalf of the competent authority may use such force as is reasonable in the circumstances to remove from a restricted zone a person remaining in it in contravention of subsection (1) (b) above.
- (2B) For the purposes of this section the competent authority in relation to a restricted zone is—

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- (a) if the zone was designated on the application of a harbour authority, that authority; and
- (b) if the zone was designated on the application of a harbour operator, that operator.”

Meaning of “harbour”, “harbour authority” etc.

- 11 (1) Section 46 (interpretation of Part III) is amended as follows.
- (2) In subsection (1)—
- (a) for the definition of “harbour” there is substituted—
 - ““harbour” has the same meaning as in the ^{M3}Merchant Shipping Act 1995;”,
 - (b) for the definition of “harbour authority” there is substituted—
 - ““harbour authority” means—
 - (a) a harbour authority within the meaning of the ^{M4}Merchant Shipping Act 1995, or
 - (b) the manager of any hoverport which does not form part of an area mentioned in section 18(3)(a)(i) or (ii) of this Act;”,
 - (c) for the definition of “harbour operations” there is substituted—
 - ““harbour operations” means—
 - (a) the marking or lighting of a harbour or any part of it,
 - (b) the berthing or dry docking of a ship or the towing or moving of a ship into or out of or within the harbour area,
 - (c) the transportation, handling or warehousing of goods within the harbour area, or
 - (d) the embarking, disembarking or movement of passengers within the harbour area; - “harbour operator” has the meaning given by section 20(9) of this Act;”,
 - (d) after the definition of “naval services” there is inserted—
 - ““operating area” has the meaning given by section 20(9) of this Act;”,
 - and
 - (e) the definition of “restricted zone” is omitted.
- (3) After subsection (2) there is inserted—
- “(2A) In this Part of this Act “restricted zone” means an area designated under section 20 of this Act; and references to a restricted zone of a harbour area include references to a restricted zone which is or is part of an operating area.”

Marginal Citations

M3 1995 c. 21.

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