



Modern Slavery Act 2015

2015 CHAPTER 30

PART 3

MARITIME ENFORCEMENT

35 Enforcement powers in relation to ships: England and Wales

- (1) An English and Welsh constable or an enforcement officer may exercise the powers set out in Part 1 of Schedule 2 (“Part 1 powers”) in relation to—
 - (a) a United Kingdom ship in England and Wales waters, foreign waters or international waters,
 - (b) a ship without nationality in England and Wales waters or international waters,
 - (c) a foreign ship in England and Wales waters, or
 - (d) a ship, registered under the law of a relevant territory, in England and Wales waters.
- (2) But Part 1 powers may be exercised only—
 - (a) for the purpose of preventing, detecting, investigating or prosecuting an offence under section 1 or 2, and
 - (b) in accordance with the rest of this section.
- (3) The authority of the Secretary of State is required before an English and Welsh constable or an enforcement officer may exercise Part 1 powers in relation to a United Kingdom ship in foreign waters.
- (4) Authority for the purposes of subsection (3) may be given only if the State or relevant territory in whose waters the powers would be exercised consents to the exercise of the powers.
- (5) The authority of the Secretary of State is required before an English and Welsh constable or an enforcement officer may exercise Part 1 powers in relation to a foreign ship, or a ship registered under the law of a relevant territory, within the territorial sea adjacent to the United Kingdom.

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- (6) Authority for the purposes of subsection (5) may be given in relation to a foreign ship only if—
- (a) the home state has requested the assistance of the United Kingdom for the purpose mentioned in subsection (2)(a),
 - (b) the home state has authorised the United Kingdom to act for that purpose, or
 - (c) the Convention otherwise permits the exercise of Part 1 powers in relation to the ship.
- (7) In giving authority for the purposes of subsection (5) in relation to a foreign ship the Secretary of State must give effect to any conditions or limitations that the home state imposes as part of a request or authorisation of the kind mentioned in subsection (6) (a) or (b) (if the authority is given as a result of that request or authorisation).

36 Enforcement powers in relation to ships: Scotland

- (1) A Scottish constable or an enforcement officer may exercise the powers set out in Part 2 of Schedule 2 (“Part 2 powers”) in relation to—
- (a) a United Kingdom ship in Scotland waters, foreign waters or international waters,
 - (b) a ship without nationality in Scotland waters or international waters,
 - (c) a foreign ship in Scotland waters, or
 - (d) a ship, registered under the law of a relevant territory, in Scotland waters.
- (2) But Part 2 powers may be exercised only—
- (a) for the purpose of preventing, detecting or investigating a listed offence, and
 - (b) in accordance with the rest of this section.
- (3) The authority of the Secretary of State is required before a Scottish constable or an enforcement officer may exercise Part 2 powers in relation to a United Kingdom ship in foreign waters.
- (4) Authority for the purposes of subsection (3) may be given only if the State or relevant territory in whose waters the powers would be exercised consents to the exercise of the powers.
- (5) The authority of the Secretary of State is required before a Scottish constable or an enforcement officer may exercise Part 2 powers in relation to a foreign ship, or a ship registered under the law of a relevant territory, within the territorial sea adjacent to the United Kingdom.
- (6) Authority for the purposes of subsection (5) may be given in relation to a foreign ship only if—
- (a) the home state has requested the assistance of the United Kingdom for the purpose mentioned in subsection (2)(a),
 - (b) the home state has authorised the United Kingdom to act for that purpose, or
 - (c) the Convention otherwise permits the exercise of Part 2 powers in relation to the ship.
- (7) In giving authority for the purposes of subsection (5) in relation to a foreign ship the Secretary of State must give effect to any conditions or limitations that the home state imposes as part of a request or authorisation of the kind mentioned in subsection (6) (a) or (b) (if the authority is given as a result of that request or authorisation).

- (8) For the purposes of subsection (2)(a), “listed offence” means an offence under—
- (a) section 22 of the Criminal Justice (Scotland) Act 2003 (asp 7) (traffic in prostitution etc);
 - (b) section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking for exploitation);
 - (c) section 47 of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13) (slavery, servitude and forced or compulsory labour).

37 Enforcement powers in relation to ships: Northern Ireland

- (1) A Northern Ireland constable or an enforcement officer may exercise the powers set out in Part 3 of Schedule 2 (“Part 3 powers”) in relation to—
- (a) a United Kingdom ship in Northern Ireland waters, foreign waters or international waters,
 - (b) a ship without nationality in Northern Ireland waters or international waters,
 - (c) a foreign ship in Northern Ireland waters, or
 - (d) a ship, registered under the law of a relevant territory, in Northern Ireland waters.
- (2) But Part 3 powers may be exercised only—
- (a) for the purpose of preventing, detecting, investigating or prosecuting a listed offence, and
 - (b) in accordance with the rest of this section.
- (3) The authority of the Chief Constable of the Police Service of Northern Ireland is required before an enforcement officer may exercise any Part 3 powers.
- (4) The authority of the Secretary of State is required before a Northern Ireland constable or an enforcement officer may exercise Part 3 powers in relation to a United Kingdom ship in foreign waters.
- (5) Authority for the purposes of subsection (4) may be given only if the State or relevant territory in whose waters the powers would be exercised consents to the exercise of the powers.
- (6) The authority of the Secretary of State is required before a Northern Ireland constable or an enforcement officer may exercise Part 3 powers in relation to a foreign ship, or a ship registered under the law of a relevant territory, within the territorial sea adjacent to the United Kingdom.
- (7) Authority for the purposes of subsection (6) may be given in relation to a foreign ship only if—
- (a) the home state has requested the assistance of the United Kingdom for the purpose mentioned in subsection (2)(a),
 - (b) the home state has authorised the United Kingdom to act for that purpose, or
 - (c) the Convention otherwise permits the exercise of Part 3 powers in relation to the ship.
- (8) In giving authority for the purposes of subsection (6) in relation to a foreign ship the Secretary of State must give effect to any conditions or limitations that the home state imposes as part of a request or authorisation of the kind mentioned in subsection (7) (a) or (b) (if the authority is given as a result of that request or authorisation).

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

- (9) For the purposes of subsection (2)(a), “listed offence” means an offence under—
- (a) section 1 of the [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2 \(N.I.\)\)](#) (slavery, servitude and forced or compulsory labour);
 - (b) section 2 of that Act (human trafficking).

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—
- (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.

39 Interpretation of Part 3

(1) In this Part—

“the Convention” means the United Nations Convention on the Law of the Sea 1982 (Cmnd 8941) and any modifications of that Convention agreed after the passing of this Act that have entered into force in relation to the United Kingdom;

“enforcement officer” means—

- (a) a designated customs official, within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009 (see section 14(6) of that Act),
- (b) a person who is a commissioned officer of any of Her Majesty’s ships, or
- (c) a person in command or charge of any aircraft or hovercraft of the Royal Navy, the Army or the Royal Air Force;

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

“English and Welsh constable” means only a person who is—

- (a) a member of a police force in England and Wales,
- (b) a member of the British Transport Police Force,
- (c) a port constable, within the meaning of section 7 of the Marine Navigation Act 2013, or a person appointed to act as a constable under provision made by virtue of section 16 of the Harbours Act 1964, or
- (d) a National Crime Agency officer having the powers and privileges of a constable in England and Wales under the Crime and Courts Act 2013;

“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;

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“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;

“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;

“Northern Ireland constable” means a member of the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve;

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

“Part 1 powers” means the powers set out in Part 1 of Schedule 2;

“Part 2 powers” means the powers set out in Part 2 of that Schedule;

“Part 3 powers” means the powers set out in Part 3 of that Schedule;

“relevant territory” means—

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

“Scottish constable” means only a person who is—

- (a) a constable, within the meaning of section 99 of the Police and Fire Reform (Scotland) Act 2012 ([asp 8](#)), or
- (b) a National Crime Agency officer having the powers and privileges of a constable in Scotland under the Crime and Courts Act 2013;

“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

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- (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.