

## SCHEDULES

### SCHEDULE 14

Section 75

#### MARITIME ENFORCEMENT

- 1 The Immigration Act 1971 is amended as follows.
- 2 In section 25(1) (offence of assisting unlawful immigration to member State), in paragraphs (a) and (b) after “breach” insert “or attempted breach”.
- 3 In section 25A (helping an asylum-seeker to enter United Kingdom) in subsection (1)(a)—
  - (a) after “arrival” insert “or attempted arrival”, and
  - (b) after “entry” insert “or attempted entry”.
- 4 In section 25B (assisting entry to United Kingdom in breach of deportation or exclusion order)—
  - (a) in subsection (1), in paragraphs (a) and (b) after “breach” insert “or attempted breach”,
  - (b) for subsection (2) substitute—
    - “(2) Subsection (3) applies where the Secretary of State has made an order excluding an individual from the United Kingdom on the grounds of public policy, public security or public health, other than a temporary exclusion order.”,
  - (c) in subsection (3)—
    - (i) in paragraphs (a) and (b) after “remain” insert “, or attempt to arrive in, enter or remain”, and
    - (ii) in paragraph (c) for the words from “personally” to the end substitute “made an order excluding the individual from the United Kingdom on the grounds of public policy, public security or public health”, and
  - (d) after subsection (4) insert—
    - “(5) In this section a “temporary exclusion order” means an order under section 2 of the Counter-Terrorism and Security Act 2015.”
- 5 In section 28 (proceedings) after subsection (2) insert—
  - “(2A) Section 3 of the Territorial Waters Jurisdiction Act 1878 (consent of Secretary of State for certain prosecutions) does not apply to proceedings for an offence under section 25, 25A or 25B.”
- 6 In section 28A(3) (arrest without warrant) in paragraphs (a) and (b) after “committed” insert “or attempted to commit”.
- 7 After Part 3 insert—

## “PART 3A

### MARITIME ENFORCEMENT

#### **28M Enforcement powers in relation to ships: England and Wales**

- (1) An immigration officer, an English and Welsh constable or an enforcement officer may exercise the powers set out in Part 1 of Schedule 4A (“Part 1 powers”) in relation to any of the following in England and Wales waters—
  - (a) a United Kingdom ship;
  - (b) a ship without nationality;
  - (c) a foreign ship;
  - (d) a ship registered under the law of a relevant territory.
- (2) But Part 1 powers may be exercised only—
  - (a) for the purpose of preventing, detecting, investigating or prosecuting an offence under section 25, 25A or 25B, and
  - (b) in accordance with the rest of this section.
- (3) The authority of the Secretary of State is required before an immigration officer, 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.
- (4) Authority for the purposes of subsection (3) may be given in relation to a foreign ship only if the Convention permits the exercise of Part 1 powers in relation to the ship.

#### **28N Enforcement powers in relation to ships: Scotland**

- (1) An immigration officer, a Scottish constable or an enforcement officer may exercise the powers set out in Part 2 of Schedule 4A (“Part 2 powers”) in relation to any of the following in Scotland waters—
  - (a) a United Kingdom ship;
  - (b) a ship without nationality;
  - (c) a foreign ship;
  - (d) a ship registered under the law of a relevant territory.
- (2) But Part 2 powers may be exercised only—
  - (a) for the purpose of preventing, detecting, investigating or prosecuting an offence under section 25, 25A or 25B, and
  - (b) in accordance with the rest of this section.
- (3) The authority of the Secretary of State is required before an immigration officer, 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.

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- (4) Authority for the purposes of subsection (3) may be given in relation to a foreign ship only if the Convention permits the exercise of Part 2 powers in relation to the ship.

### **28O Enforcement powers in relation to ships: Northern Ireland**

- (1) An immigration officer, a Northern Ireland constable or an enforcement officer may exercise the powers set out in Part 3 of Schedule 4A (“Part 3 powers”) in relation to any of the following in Northern Ireland waters—
- (a) a United Kingdom ship;
  - (b) a ship without nationality;
  - (c) a foreign ship;
  - (d) a ship registered under the law of a relevant territory.
- (2) But Part 3 powers may be exercised only—
- (a) for the purpose of preventing, detecting, investigating or prosecuting an offence under section 25, 25A or 25B, and
  - (b) in accordance with the rest of this section.
- (3) The authority of the Secretary of State is required before an immigration officer, 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.
- (4) Authority for the purposes of subsection (3) may be given in relation to a foreign ship only if the Convention permits the exercise of Part 3 powers in relation to the ship.

### **28P Hot pursuit of ships in United Kingdom waters**

- (1) An immigration officer, 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 England and Wales waters, and
  - (c) the condition in subsection (7) is met.
- (2) Part 1 powers may be exercised under subsection (1) only—
- (a) for the purpose mentioned in subsection (2)(a) of section 28M, and
  - (b) (if relevant) in accordance with subsections (3) and (4) of that section.
- (3) An immigration officer, 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 Scotland waters, and
  - (c) the condition in subsection (7) is met.

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- (4) Part 2 powers may be exercised under subsection (3) only—
  - (a) for the purpose mentioned in subsection (2)(a) of section 28N, and
  - (b) (if relevant) in accordance with subsections (3) and (4) of that section.
- (5) An immigration officer, 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 Northern Ireland waters, and
  - (c) the condition in subsection (7) is met.
- (6) Part 3 powers may be exercised under subsection (5) only—
  - (a) for the purpose mentioned in subsection (2)(a) of section 28O, and
  - (b) (if relevant) in accordance with subsections (3) and (4) of that section.
- (7) The condition referred to in subsection (1)(c), (3)(c) and (5)(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.
- (8) The signal referred to in subsection (7)(a) must be given in such a way as to be audible or visible from the ship.
- (9) For the purposes of subsection (7)(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.
- (10) Nothing in this Part affects any other legal right of hot pursuit that a constable or an enforcement officer may have.

### **28Q Interpretation of Part 3A**

- (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 person who is a commissioned officer of any of Her Majesty’s ships, or
- (b) 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,

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- (b) a member of the British Transport Police Force, or
- (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;

“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;

“Northern Ireland constable” means only a person who is—

- (a) a member of the Police Service of Northern Ireland,
- (b) a member of the Police Service of Northern Ireland Reserve, or
- (c) a person appointed as a special constable in Northern Ireland by virtue of provision incorporating section 79 of the Harbours, Docks, and Piers Clauses Act 1847;

“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 4A;

“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 constable, within the meaning of section 99 of the Police and Fire Reform (Scotland) Act 2012 ([asp 8](#));

“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.

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- (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.”

8 After Schedule 4 insert—

“SCHEDULE  
4A

Sections 28M, 28N  
and 28O

ENFORCEMENT POWERS IN RELATION TO SHIPS

**PART 1**

ENGLAND AND WALES

**Introductory**

- 1 (1) This Part of this Schedule sets out the powers exercisable by immigration officers, English and Welsh constables and enforcement officers (referred to in this Part of this Schedule as “relevant officers”) under sections 28M and 28P(1).
- (2) In this Part of this Schedule—
- “items subject to legal privilege” has the same meaning as in the Police and Criminal Evidence Act 1984 (see section 10 of that Act);
  - “the ship” means the ship in relation to which the powers set out in this Part of this Schedule are exercised.

**Power to stop, board, divert and detain**

- 2 (1) This paragraph applies if a relevant officer has reasonable grounds to suspect that—
- (a) an offence under section 25, 25A or 25B is being, or has been, committed on the ship, or
  - (b) the ship is otherwise being used in connection with the commission of an offence under any of those sections.
- (2) The relevant officer may—
- (a) stop the ship;
  - (b) board the ship;
  - (c) require the ship to be taken to a port in the United Kingdom and detained there.

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- (3) The relevant officer may require the master of the ship, or any member of its crew, to take such action as is necessary for the purposes of sub-paragraph (2)(c).
- (4) A relevant officer must give notice in writing to the master of any ship detained under this paragraph.
- (5) The notice must state that the ship is to be detained until the notice is withdrawn by the giving of a further notice in writing signed by a relevant officer.

### **Power to search and obtain information**

- 3 (1) This paragraph applies if a relevant officer has reasonable grounds to suspect that there is evidence on the ship (other than items subject to legal privilege) relating—
  - (a) to an offence under section 25, 25A and 25B, or
  - (b) to an offence that is connected with an offence under any of those sections.
- (2) The relevant officer may search—
  - (a) the ship;
  - (b) anyone on the ship;
  - (c) anything on the ship (including cargo).
- (3) The relevant officer may require a person on the ship to give information about himself or herself or about anything on the ship.
- (4) The power to search conferred by sub-paragraph (2)—
  - (a) is only a power to search to the extent that it is reasonably required for the purpose of discovering evidence of the kind mentioned in sub-paragraph (1), and
  - (b) in the case of a search of a person, does not authorise a relevant officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves.
- (5) In exercising a power conferred by sub-paragraph (2) or (3) a relevant officer may—
  - (a) open any containers;
  - (b) require the production of documents, books or records relating to the ship or anything on it (but not including anything the relevant officer has reasonable grounds to believe to be an item subject to legal privilege);
  - (c) make photographs or copies of anything the production of which the relevant officer has power to require.
- (6) The power in sub-paragraph (5)(b) to require the production of documents, books or records includes, in relation to documents, books or records kept in electronic form, power to require the provision of the documents, books or records in a form in which they are legible and can be taken away.

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- (7) Sub-paragraph (5) is without prejudice to the generality of the powers conferred by sub-paragraphs (2) and (3).
- (8) A power conferred by this paragraph may be exercised on the ship or elsewhere.

#### **Power of arrest and seizure**

- 4 (1) This paragraph applies if a relevant officer has reasonable grounds to suspect that an offence under section 25, 25A or 25B has been, or is being, committed on the ship.
- (2) The relevant officer may arrest without warrant anyone whom the constable or officer has reasonable grounds for suspecting to be guilty of the offence.
- (3) The relevant officer may seize and retain anything found on the ship which appears to the officer to be evidence of the offence (but not including anything that the constable or officer has reasonable grounds to believe to be an item subject to legal privilege).
- (4) A power conferred by this paragraph may be exercised on the ship or elsewhere.

#### **Protective searches of persons**

- 5 (1) A relevant officer may search a 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.
- (2) The power conferred by sub-paragraph (1) may be exercised—
  - (a) only if the officer has reasonable grounds to believe that anything of a kind mentioned in that sub-paragraph is concealed on the person; and
  - (b) only to the extent that it is reasonably required for the purpose of discovering any such thing.
- (3) The relevant officer may seize and retain anything which the officer has reasonable grounds to believe might—
  - (a) cause physical injury,
  - (b) cause damage to property, or
  - (c) endanger the safety of any ship.
- (4) If the person is detained, nothing seized under sub-paragraph (3) may be retained when the person is released from detention.
- (5) A power conferred by this paragraph to search a person does not authorise a relevant officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves, but it does authorise the search of a person's mouth.

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- (6) A power conferred by this paragraph may be exercised on the ship or elsewhere.

### **Search for nationality documents**

- 6 (1) A relevant officer may require a person found on the ship to produce a nationality document.
- (2) The relevant officer may search a person found on the ship where the officer has reasonable grounds to believe that a nationality document is concealed on the person.
- (3) The power conferred by sub-paragraph (2) may be exercised—
- (a) only if the officer has reasonable grounds to believe that a nationality document is concealed on the person; and
  - (b) only to the extent that it is reasonably required for the purpose of discovering any such document.
- (4) Subject as follows, the officer may seize and retain a nationality document for as long as the officer believes the person to whom it relates will arrive in the United Kingdom by virtue of the exercise of the power in paragraph 2.
- (5) The power to retain a nationality document in sub-paragraph (4) does not affect any other power of an immigration officer to retain a document.
- (6) Where the nationality document has been seized and retained by a relevant officer who is not an immigration officer, the document must be passed to an immigration officer as soon as is practicable after the ship has arrived in the United Kingdom.
- (7) The power conferred by this paragraph to search a person does not authorise a relevant officer to—
- (a) require the person to remove any clothing in public other than an outer coat, jacket or gloves, or
  - (b) seize and retain any document the officer has reasonable grounds to believe to be an item subject to legal privilege.
- (8) In this paragraph a “nationality document”, in relation to a person, means any document which might—
- (a) establish the person’s identity, nationality or citizenship, or
  - (b) indicate the place from which the person has travelled to the United Kingdom or to which the person is proposing to go.
- (9) A power conferred by this paragraph may be exercised on the ship or elsewhere.

### **Assistants**

- 7 (1) A relevant officer may—
- (a) be accompanied by other persons, and
  - (b) take equipment or materials,

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to assist the officer in the exercise of powers under this Part of this Schedule.

- (2) A person accompanying a relevant officer under sub-paragraph (1) may perform any of the officer's functions under this Part of this Schedule, but only under the officer's supervision.

### **Reasonable force**

- 8 A relevant officer may use reasonable force, if necessary, in the performance of functions under this Part of this Schedule.

### **Evidence of authority**

- 9 A relevant officer must produce evidence of the officer's authority if asked to do so.

### **Protection of relevant officers**

- 10 A relevant officer is not liable in any criminal or civil proceedings for anything done in the purported performance of functions under this Part of this Schedule if the court is satisfied that—
- (a) the act was done in good faith, and
  - (b) there were reasonable grounds for doing it.

### **Offences**

- 11 (1) A person commits an offence under the law of England and Wales if the person—
- (a) intentionally obstructs a relevant officer in the performance of functions under this Part of this Schedule, or
  - (b) fails without reasonable excuse to comply with a requirement made by a relevant officer in the performance of those functions.
- (2) A person who provides information in response to a requirement made by a relevant officer in the performance of functions under this Part of this Schedule commits an offence under the law of England and Wales 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 relevant officer may arrest without warrant anyone whom the officer has reasonable grounds for suspecting to be guilty of an offence under this paragraph.
- (4) A person guilty of an offence under this paragraph is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, to a fine or to both.
- (5) In the application of sub-paragraph (4) in relation to an offence committed before the coming into force of section 281(5) of the Criminal

Justice Act 2003 the reference to 51 weeks is to be read as a reference to 6 months.

## PART 2

### SCOTLAND

#### Introductory

- 12 (1) This Part of this Schedule sets out the powers exercisable by immigration officers, Scottish constables and enforcement officers (referred to in this Part of this Schedule as “relevant officers”) under sections 28N and 28P(3).
- (2) In this Part of this Schedule—
- “items subject to legal privilege” has the same meaning as in Chapter 3 of Part 8 of the Proceeds of Crime Act 2002 (see section 412 of that Act);
- “the ship” means the ship in relation to which the powers set out in this Part of this Schedule are exercised.

#### Power to stop, board, divert and detain

- 13 (1) This paragraph applies if a relevant officer has reasonable grounds to suspect that—
- (a) an offence under section 25, 25A or 25B is being, or has been, committed on the ship, or
- (b) the ship is otherwise being used in connection with the commission of an offence under any of those sections.
- (2) The relevant officer may—
- (a) stop the ship;
- (b) board the ship;
- (c) require the ship to be taken to a port in the United Kingdom and detained there.
- (3) The relevant officer may require the master of the ship, or any member of its crew, to take such action as is necessary for the purposes of subparagraph (2)(c).
- (4) A relevant officer must give notice in writing to the master of any ship detained under this paragraph.
- (5) The notice must state that the ship is to be detained until the notice is withdrawn by the giving of a further notice in writing signed by a relevant officer.

#### Power to search and obtain information

- 14 (1) This paragraph applies if a relevant officer has reasonable grounds to suspect that there is evidence on the ship (other than items subject to legal privilege) relating—

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- (a) to an offence under section 25, 25A or 25B, or
  - (b) to an offence that is connected with an offence under any of those sections.
- (2) The relevant officer may search—
- (a) the ship;
  - (b) anyone on the ship;
  - (c) anything on the ship (including cargo).
- (3) The relevant officer may require a person on the ship to give information about himself or herself or about anything on the ship.
- (4) The power to search conferred by sub-paragraph (2)—
- (a) is only a power to search to the extent that it is reasonably required for the purpose of discovering evidence of the kind mentioned in sub-paragraph (1), and
  - (b) in the case of a search of a person, does not authorise a relevant officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves.
- (5) In exercising a power conferred by sub-paragraph (2) or (3) a relevant officer may—
- (a) open any containers;
  - (b) require the production of documents, books or records relating to the ship or anything on it (but not including anything the relevant officer has reasonable grounds to believe to be an item subject to legal privilege);
  - (c) make photographs or copies of anything the production of which the relevant officer has power to require.
- (6) The power in sub-paragraph (5)(b) to require the production of documents, books or records includes, in relation to documents, books or records kept in electronic form, power to require the provision of the documents, books or records in a form in which they are legible and can be taken away.
- (7) Sub-paragraph (5) is without prejudice to the generality of the powers conferred by sub-paragraphs (2) and (3).
- (8) A power conferred by this paragraph may be exercised on the ship or elsewhere.

### **Power of arrest and seizure**

- 15 (1) This paragraph applies if a relevant officer has reasonable grounds to suspect that an offence under section 25, 25A or 25B has been, or is being, committed on the ship.
- (2) The relevant officer may arrest without warrant anyone whom the officer has reasonable grounds for suspecting to be guilty of the offence.
- (3) The relevant officer may seize and retain anything found on the ship which appears to the officer to be evidence of the offence (but not

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including anything that the officer has reasonable grounds to believe to be an item subject to legal privilege).

- (4) A power conferred by this paragraph may be exercised on the ship or elsewhere.

### **Protective searches of persons**

- 16 (1) The relevant officer may search a 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.
- (2) The power conferred by sub-paragraph (1) may be exercised—
- (a) only if the officer has reasonable grounds to believe that anything of a kind mentioned in that sub-paragraph is concealed on the person; and
  - (b) only to the extent that it is reasonably required for the purpose of discovering any such thing.
- (3) The relevant officer may seize and retain anything which the officer has reasonable grounds to believe might—
- (a) cause physical injury,
  - (b) cause damage to property, or
  - (c) endanger the safety of any ship.
- (4) If the person is detained, nothing seized under sub-paragraph (3) may be retained when the person is released from detention.
- (5) A power conferred by this paragraph to search a person does not authorise a relevant officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves, but it does authorise the search of a person's mouth.
- (6) A power conferred by this paragraph may be exercised on the ship or elsewhere.

### **Search for nationality documents**

- 17 (1) The relevant officer may require a person found on the ship to produce a nationality document.
- (2) The relevant officer may search a person found on the ship where the officer has reasonable grounds to believe that a nationality document is concealed on the person.
- (3) The power conferred by sub-paragraph (2) may be exercised—
- (a) only if the officer has reasonable grounds to believe that a nationality document is concealed on the person; and
  - (b) only to the extent that it is reasonably required for the purpose of discovering any such document.

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- (4) Subject as follows, the officer may seize and retain a nationality document for as long as the officer believes the person to whom it relates will arrive in the United Kingdom by virtue of the exercise of the power in paragraph 13.
- (5) The power to retain a nationality document in sub-paragraph (4) does not affect any other power of an immigration officer to retain a document.
- (6) Where the nationality document has been seized and retained by a relevant officer who is not an immigration officer, the document must be passed to an immigration officer as soon as is practicable after the ship has arrived in the United Kingdom.
- (7) The power conferred by this paragraph to search a person does not authorise a relevant officer to—
  - (a) require the person to remove any clothing in public other than an outer coat, jacket or gloves, or
  - (b) seize and retain any document the officer has reasonable grounds to believe to be an item subject to legal privilege.
- (8) In this paragraph a “nationality document”, in relation to a person, means any document which might—
  - (a) establish the person’s identity, nationality or citizenship, or
  - (b) indicate the place from which the person has travelled to the United Kingdom or to which the person is proposing to go.
- (9) A power conferred by this paragraph may be exercised on the ship or elsewhere.

### **Assistants**

- 18 (1) A relevant 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 Part of this Schedule.
- (2) A person accompanying a relevant officer under sub-paragraph (1) may perform any of the officer’s functions under this Part of this Schedule, but only under the officer’s supervision.

### **Reasonable force**

- 19 A relevant officer may use reasonable force, if necessary, in the performance of functions under this Part of this Schedule.

### **Evidence of authority**

- 20 A relevant officer must produce evidence of the officer’s authority if asked to do so.

### **Protection of relevant officers**

- 21 A relevant officer is not liable in any criminal or civil proceedings for anything done in the purported performance of functions under this Part of this Schedule if the court is satisfied that—
- (a) the act was done in good faith, and
  - (b) there were reasonable grounds for doing it.

### **Offences**

- 22 (1) A person commits an offence under the law of Scotland if the person—
- (a) intentionally obstructs a relevant officer in the performance of functions under this Part of this Schedule, or
  - (b) fails without reasonable excuse to comply with a requirement made by a relevant officer in the performance of those functions.
- (2) A person who provides information in response to a requirement made by a relevant officer in the performance of functions under this Part of this Schedule commits an offence under the law of Scotland 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 relevant officer may arrest without warrant anyone whom the officer has reasonable grounds for suspecting to be guilty of an offence under this paragraph.
- (4) A person guilty of an offence under this paragraph is liable on summary conviction to imprisonment for a term not exceeding 12 months, to a fine not exceeding level 5 on the standard scale or to both.

## **PART 3**

### **NORTHERN IRELAND**

#### **Introductory**

- 23 (1) This Part of this Schedule sets out the powers exercisable by immigration officers, Northern Ireland constables and enforcement officers (referred to in this Part of this Schedule as “relevant officers”) under sections 28O and 28P(5).
- (2) In this Part of this Schedule—
- “items subject to legal privilege” has the same meaning as in the Police and Criminal Evidence (Northern Ireland) Order 1989 (SI 1989/1341 (NI 12)) (see Article 12 of that Order);
- “the ship” means the ship in relation to which the powers set out in this Part of this Schedule are exercised.

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

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### **Power to stop, board, divert and detain**

- 24 (1) This paragraph applies if a relevant officer has reasonable grounds to suspect that—
- (a) an offence under section 25, 25A or 25B is being, or has been, committed on the ship, or
  - (b) the ship is otherwise being used in connection with the commission of an offence under any of those sections.
- (2) The relevant officer may—
- (a) stop the ship;
  - (b) board the ship;
  - (c) require the ship to be taken to a port in the United Kingdom and detained there.
- (3) The relevant officer may require the master of the ship, or any member of its crew, to take such action as is necessary for the purposes of sub-paragraph (2)(c).
- (4) A relevant officer must give notice in writing to the master of any ship detained under this paragraph.
- (5) The notice must state that the ship is to be detained until the notice is withdrawn by the giving of a further notice in writing signed by a relevant officer.

### **Power to search and obtain information**

- 25 (1) This paragraph applies if a relevant officer has reasonable grounds to suspect that there is evidence on the ship (other than items subject to legal privilege) relating—
- (a) to an offence under section 25, 25A or 25B, or
  - (b) to an offence that is connected with an offence under any of those sections.
- (2) The relevant officer may search—
- (a) the ship;
  - (b) anyone on the ship;
  - (c) anything on the ship (including cargo).
- (3) The relevant officer may require a person on the ship to give information about himself or herself or about anything on the ship.
- (4) The power to search conferred by sub-paragraph (2)—
- (a) is only a power to search to the extent that it is reasonably required for the purpose of discovering evidence of the kind mentioned in sub-paragraph (1), and
  - (b) in the case of a search of a person, does not authorise a relevant officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves.

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- (5) In exercising a power conferred by sub-paragraph (2) or (3) a relevant officer may—
  - (a) open any containers;
  - (b) require the production of documents, books or records relating to the ship or anything on it (but not including anything the officer has reasonable grounds to believe to be an item subject to legal privilege);
  - (c) make photographs or copies of anything the production of which the officer has power to require.
- (6) The power in sub-paragraph (5)(b) to require the production of documents, books or records includes, in relation to documents, books or records kept in electronic form, power to require the provision of the documents, books or records in a form in which they are legible and can be taken away.
- (7) Sub-paragraph (5) is without prejudice to the generality of the powers conferred by sub-paragraphs (2) and (3).
- (8) A power conferred by this paragraph may be exercised on the ship or elsewhere.

#### **Power of arrest and seizure**

- 26 (1) This paragraph applies if a relevant officer has reasonable grounds to suspect that an offence under section 25, 25A or 25B has been, or is being, committed on the ship.
- (2) The relevant officer may arrest without warrant anyone whom the officer has reasonable grounds for suspecting to be guilty of the offence.
- (3) The relevant officer may seize and retain anything found on the ship which appears to the officer to be evidence of the offence (but not including anything that the constable or officer has reasonable grounds to believe to be an item subject to legal privilege).
- (4) A power conferred by this paragraph may be exercised on the ship or elsewhere.

#### **Protective searches of persons**

- 27 (1) The relevant officer may search a 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.
- (2) The power conferred by sub-paragraph (1) may be exercised—
  - (a) only if the officer has reasonable grounds to believe that anything of a kind mentioned in that sub-paragraph is concealed on the person; and

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- (b) only to the extent that it is reasonably required for the purpose of discovering any such thing.
- (3) The relevant officer may seize and retain anything which the officer has reasonable grounds to believe might—
  - (a) cause physical injury,
  - (b) cause damage to property, or
  - (c) endanger the safety of any ship
- (4) If the person is detained, nothing seized under sub-paragraph (3) may be retained when the person is released from detention.
- (5) A power conferred by this paragraph to search a person does not authorise a relevant officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves, but it does authorise the search of a person's mouth.
- (6) A power conferred by this paragraph may be exercised on the ship or elsewhere.

#### **Search for nationality documents**

- 28 (1) The relevant officer may require a person found on the ship to produce a nationality document.
- (2) The relevant officer may search a person found on the ship where the officer has reasonable grounds to believe that a nationality document is concealed on the person.
- (3) The power conferred by sub-paragraph (2) may be exercised—
  - (a) only if the officer has reasonable grounds to believe that a nationality document is concealed on the person; and
  - (b) only to the extent that it is reasonably required for the purpose of discovering any such document.
- (4) Subject as follows, the officer may seize and retain a nationality document for as long as the officer believes the person to whom it relates will arrive in the United Kingdom by virtue of the exercise of the power in paragraph 24.
- (5) The power to retain a nationality document in sub-paragraph (4) does not affect any other power of an immigration officer to retain a document.
- (6) Where the nationality document has been seized and retained by a relevant officer who is not an immigration officer, the document must be passed to an immigration officer as soon as is practicable after the ship has arrived in the United Kingdom.
- (7) The power conferred by this paragraph to search a person does not authorise a relevant officer to—
  - (a) require the person to remove any clothing in public other than an outer coat, jacket or gloves, or
  - (b) seize and retain any document the officer has reasonable grounds to believe to be an item subject to legal privilege.

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- (8) In this paragraph a “nationality document”, in relation to a person, means any document which might—
- (a) establish the person’s identity, nationality or citizenship, or
  - (b) indicate the place from which the person has travelled to the United Kingdom or to which the person is proposing to go.
- (9) A power conferred by this paragraph may be exercised on the ship or elsewhere.

### **Assistants**

- 29 (1) A relevant 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 Part of this Schedule.
- (2) A person accompanying a relevant officer under sub-paragraph (1) may perform any of the officer’s functions under this Part of this Schedule, but only under the officer’s supervision.

### **Reasonable force**

- 30 A relevant officer may use reasonable force, if necessary, in the performance of functions under this Part of this Schedule.

### **Evidence of authority**

- 31 A relevant officer must produce evidence of the officer’s authority if asked to do so.

### **Protection of relevant officers**

- 32 A relevant officer is not liable in any criminal or civil proceedings for anything done in the purported performance of functions under this Part of this Schedule if the court is satisfied that—
- (a) the act was done in good faith, and
  - (b) there were reasonable grounds for doing it.

### **Offences**

- 33 (1) A person commits an offence under the law of Northern Ireland if the person—
- (a) intentionally obstructs a relevant officer in the performance of functions under this Part of this Schedule, or
  - (b) fails without reasonable excuse to comply with a requirement made by a relevant officer in the performance of those functions.
- (2) A person who provides information in response to a requirement made by a relevant officer in the performance of functions under this Part of this Schedule commits an offence under the law of Northern Ireland if—

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- (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 relevant officer may arrest without warrant anyone whom the officer has reasonable grounds for suspecting to be guilty of an offence under this paragraph.
- (4) A person guilty of an offence under this paragraph is liable on summary conviction to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale or to both.”