
S T A T U T O R Y I N S T R U M E N T S

1975 No. 1224

HARBOURS, DOCKS, PIERS AND FERRIES

The Mersey Docks and Harbour (Police) Order 1975

<i>Made</i>	- - - -	21st March 1975
<i>Laid before Parliament</i>		22nd April 1975
<i>Coming into Operation</i>		19th June 1975

The Secretary of State, in exercise of the powers conferred on him by section 14 of the Harbours Act 1964(a) and now vested in him(b) and of all other powers enabling him in that behalf and on the application of The Mersey Docks and Harbour Company (hereinafter called "the Company") hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Mersey Docks and Harbour (Police) Order 1975 and shall come into operation on the date fixed in accordance with the Statutory Orders (Special Procedure) Acts 1945 and 1965(c).

(2) The Mersey Docks and Harbour Acts and Order 1857 to 1974 and this Order may be cited together as the Mersey Docks and Harbour Acts and Orders 1857 to 1975.

Definitions

2. In this Order, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say:—

"arrestable offence" means an offence for which the sentence is fixed by law or for which a person, not previously convicted, may under or by virtue of an enactment be sentenced to imprisonment for a term of five years;

"constable" means a constable appointed under article 3 (Appointment and powers of constables) of this Order;

"Company premises" means all land outside the port belonging to or for the time being held by the Company;

(a) 1964 c. 40.

(b) S.I. 1970/1681 (1970 III, p. 5551).

(c) 9 & 10 Geo. 6 c. 18; 1965 c. 43.

“the port” means the port of Liverpool as defined in the Mersey Docks and Harbour Act 1971(a) (including all land within the ring ownership boundary as defined in section 11 of the Mersey Docks and Harbour Board Act 1971(b));

“port police area” means—

- (a) the port; and
- (b) any place within one mile outside the limits of the port; and

“specified premises” means premises specified in an agreement made under article 6 (Services of police force at specified premises) of this Order and for the time being in force.

Appointment and powers of constables

3.—(1) Any two justices of the peace may appoint such persons as shall be nominated for that purpose by the Company to act as constables within the port police area, and a person so appointed shall, on appointment, be attested as a constable by making a declaration before a justice of the peace, in the form set out in the Schedule to this Order, and while acting as such within the port police area shall have all the powers and privileges of a constable.

(2) A justice of the peace may at the request of the Company suspend or terminate the appointment of a person appointed under this article.

(3) If the appointment of a person appointed under this article is terminated, that person shall thereupon cease to be a constable.

Powers of entry on and search of vessels and vehicles

4.—(1) A constable may enter and search a vessel within the port police area—

- (a) if he, with reasonable cause, suspects that an arrestable offence has been, or is about to be, committed on board the vessel; or
- (b) in order to arrest a person whom he may lawfully arrest; or
- (c) if he, with reasonable cause, believes that by so doing he will be able to facilitate the detection of an arrestable offence committed, or the prevention of an arrestable offence which he, with reasonable cause, suspects is about to be committed within the port police area;

and may detain anything found on board which he, with reasonable cause, suspects to have been stolen or otherwise unlawfully obtained.

(2) A constable may enter and search a vessel or vehicle within the port police area if he, with reasonable cause, suspects that anything which has been stolen or otherwise unlawfully obtained within the port, Company premises or specified premises may be found therein, and may detain anything found on board the vessel or in the vehicle, as the case may be, which he with reasonable cause suspects to have been so stolen or obtained.

(3) The powers conferred on a constable by this article shall not derogate from or in any way diminish any other power which the constable may have.

(a) 1971 c. lvii.

(b) 1971 c. x.

Unlawful possession

5.—(1) A constable may within the port police area stop and search a person whom he, with reasonable cause, suspects of having or conveying in any manner anything which has been stolen or otherwise unlawfully obtained within the port, Company premises or specified premises and may detain that person if he has, or is conveying in any manner, anything which the constable with reasonable cause suspects to have been so stolen or obtained.

(2) A person detained under paragraph (1) of this article who is brought before a magistrates' court charged with having in his possession or conveying in any manner anything which may with reasonable cause be suspected of being stolen or otherwise unlawfully obtained shall, unless he is able to satisfy the court as to how he came by the same, be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds.

Services of police force at specified premises

6.—(1) The Company may on such terms and conditions as it thinks fit agree with a person or body who owns or has an interest in premises to make available the services of the Company's police force to that person or body in respect of those premises.

(2) In this article "premises" means—

- (a) premises within the port; and
- (b) premises within the port police area but outside the port which are primarily occupied for or in connection with ships, goods or passengers using or intending to use the Company's facilities.

Police Federation

7.—(1) There shall be a Port of Liverpool Police Federation (in this article referred to as "the federation") whose function shall be to represent the constables in all matters affecting their welfare and efficiency other than matters of discipline and promotion affecting individuals, and every constable (other than the senior officer and his deputy) shall be a member of the federation.

(2) As soon as the Company is satisfied that an effective force has been established by the appointment of constables pursuant to article 3 of this Order and their initial training, but in any event not later than one year after the coming into force of this Order, the Company shall make arrangements for the holding of the first meeting of the federation, and at that meeting the federation shall, by a simple majority vote, elect a chairman and secretary from among its members. The federation shall make its own arrangements for the holding of subsequent meetings, but shall give to the Company at least 14 days' notice of each such meeting.

(3) The federation shall regulate its own procedure, which shall be subject to the reasonable approval of the Company.

(4) Without prejudice to any arrangements for informal consultation, the federation may make written representations to the senior officer of police of the port police area or to the Company, and in matters of importance the chairman may make oral representations to that officer or to the Managing Director or other the chief executive officer for the time being of the Company, or in the absence of any such officer to his deputy.

(5) The federation may, subject to the reasonable approval of the Company, make arrangements for the raising of funds by the federation by voluntary subscription, for the use and management of funds derived from such subscriptions, and for the audit of such funds.

(6) The proceedings at any meeting held pursuant to paragraph (2) of this article shall not be invalidated by the absence of any member of the federation.

(7) The federation shall be entirely independent of, and unassociated with, any body or person outside the police service but may employ a person outside that service in an administrative or advisory capacity.

(8) Subject to the provisions of this article, a constable shall not be a member of a trade union or of an association having for its objects or one of its objects the control or influence of pay, pensions or conditions of service of police constables:

Provided that where the Company is satisfied that there are special circumstances which warrant it, it may permit a constable to be a member of, but not to be represented by, such a trade union or association.

Impersonating a constable

8. A person who, with intent to deceive, impersonates a constable or makes any statement or does any act calculated falsely to suggest that he is a constable, shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both.

Liability

9. The Company shall be liable in respect of torts committed by members of its police force (appointed pursuant to article 3 (Appointment and powers of constables) of this Order) in the performance or purported performance of their functions in like manner as a master is liable in respect of torts committed by his servants in the course of their employment and accordingly shall in respect of any such tort be treated for all purposes as a joint tortfeasor.

Costs of Order

10. The Company shall out of any moneys for the time being in their hands pay and discharge all the costs, charges and expenses of the Company of and incidental to the preparing, applying for and obtaining of this order.

Signed by authority of
the Secretary of State

Fred Mulley,
Minister for Transport,
Department of the Environment

21st March 1975.

SCHEDULE

Article 3

Form of Declaration on Appointment of Constable

I
of
do solemnly and sincerely declare and affirm that I will well and truly serve our
Sovereign Lady, the Queen, in the office of constable, without favour or affection,

malice or ill-will; and that I will, to the best of my power and in the area of my lawful authority as a constable, cause the peace to be kept and preserved and prevent all offences against the persons and properties of Her Majesty's subjects there; and that while I continue to hold the office of constable, I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides for the appointment of constables, with powers, within the port of Liverpool and one mile of its limits and for the establishment of a Port of Liverpool Police Federation to represent the interests of constables so appointed.

STATUTORY INSTRUMENTS

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