



ST. HELENA

**(Chapter No. not allocated yet)**

## **PORT SECURITY ORDINANCE**

### **Non-authoritative Consolidated Text**

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown

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Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

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### **PORT SECURITY ORDINANCE**

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Ordinance 6 of 2006 ... in force on 28 July 2006

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<sup>1</sup> These contact details may change during 2011 or early in 2012. In case of difficulty, email [shgwebsite@sainthelena.gov.sh](mailto:shgwebsite@sainthelena.gov.sh) or telephone (+290) 2470.

**PORT SECURITY ORDINANCE**

*(Ordinance 6 of 2006)*

AN ORDINANCE TO MAKE PROVISION TO ENFORCE PROVISIONS OF THE INTERNATIONAL SHIP AND PORT SECURITY CODE IN ST. HELENA.

**Commencement**

*[28 July 2006]*

**Citation and commencement**

1. This Ordinance may be cited as the Port Security Ordinance, 2006.

**Interpretation**

2. In this Ordinance:-

“port area” means—

- (a) the whole of the area commonly known as ‘the wharf’ in Jamestown, and comprising the Land Registration parcels listed in the Schedule to this Ordinance, together with that part of the harbour which lies within 1000 metres of any land; and
- (b) such other area or areas of land (including land covered by water) as the Governor in Council may declare to be a port area by notice in the Gazette;

“port security officer” means and includes the Harbour Master, every deputy or assistant harbour master, every customs officer and every police officer; and expressions which are defined in the Harbours Ordinance, Cap 47, have same meanings in this Ordinance.

**Trespass in the port area**

3. (1) A person who, without the consent of a port security officer or other lawful authority, enters the port area or remains in the port area when requested to leave by a port security officer is guilty of an offence;

Provided that a person is not guilty of an offence under this subsection unless it is proved that he entered the port area or remained in the port area when requested to leave by a port security officer at a time when the Harbour Master has caused a sign to be prominently displayed at the entrance to the wharf to the effect that a person is guilty of an offence if he enters the port area without the consent of a port security officer or remains in the port area when requested to leave by a port security officer.

- (2) If, in any proceedings for an offence under this section, the accused claims that he had the consent of a port security officer or other lawful authority, the proof thereof shall lie upon the accused.

**Unauthorised presence on board ship**

4. (1) A person is guilty of an offence if, not being a person who is either engaged in Her Majesty’s service or has lawful authority to do so or other reasonable excuse, he:-

- (a) goes on board any relevant ship without the consent of the master or of any other person authorised to give it; or

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- (b) remains on board any relevant ship after being requested to leave by the master or a port security officer.
- (2) In this section, “relevant ship” means any ship, lighter, boat, raft, or similar vessel which is within the port area.

### **Power to question and search**

5. (1) Every person entering the port area shall answer such questions as any port security officer may put to him with respect to the purpose of his entry, or concerning any baggage or other property carried with him, and shall, if so required by the port security officer produce that baggage or other property for examination at such place and in such manner as the Officer may direct.

(2) A person is guilty of an offence if he makes a false statement to a port security officer, in relation to the purpose of his entry, or concerning any baggage or other property carried with him or refuses to produce any baggage or other property carried with him when requested to do so in accordance with section 5(1).

### **Penalties and power of arrest**

6. (1) A person who is guilty of an offence against this Ordinance is liable on summary conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding £5,000 or to both such fine and imprisonment.

(2) Notwithstanding the provisions of section 16 of the Magistrates’ Court Ordinance, Cap 10, the Magistrates’ Court has jurisdiction to impose the penalties provided for in subsection (1).

(3) A port security officer may arrest, without warrant, any person whom he has reasonable grounds to suspect is guilty of committing or attempting to commit an offence under this Ordinance.

### **SCHEDULE**

#### **The Port Area**

<b>Registration Section</b>	<b>Block</b>	<b>Parcel</b>
Jamestown	1	1
Jamestown	2	25
Jamestown	2	26
Jamestown	2	29