



---

*Number 29 of 2004*

---

**MARITIME SECURITY ACT 2004**

---

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Offences.
3. Extra-territorial jurisdiction.
4. Power of arrest and detention.
5. Delivery of detained person to authorities in Convention state.
6. Search.
7. Proceedings.
8. Evidence.
9. Double jeopardy.
10. Amendment of Criminal Procedure Act 1967.
11. Amendment of Extradition (Amendment) Act 1994.
12. Amendment of Bail Act 1997.
13. Expenses.
14. Short title.

SCHEDULE 1

CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION, DONE AT ROME ON 10 MARCH 1988

SCHEDULE 2

PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF FIXED PLATFORMS LOCATED ON THE CONTINENTAL SHELF, DONE AT ROME ON 10 MARCH 1988

[No. 29.]                      *Maritime Security Act 2004.*                      [2004.]

ACTS REFERRED TO

Bail Act 1997	1997, No. 16
Continental Shelf Act 1968	1968, No. 14
Criminal Justice (Safety of United Nations Workers) Act 2000	2000, No. 16
Criminal Procedure Act 1967	1967, No. 12
European Arrest Warrant Act 2003	2003, No. 45
Extradition Act 1965	1965, No. 17
Extradition (Amendment) Act 1994	1994, No. 6
Extradition Acts 1965 to 2001	
Mercantile Marine Act 1955	1955, No. 29



---

*Number 29 of 2004*

---

**MARITIME SECURITY ACT 2004**

---

AN ACT TO GIVE EFFECT TO THE UNITED NATIONS CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION, DONE AT ROME ON 10 MARCH 1988, AND TO THE PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF FIXED PLATFORMS LOCATED ON THE CONTINENTAL SHELF, DONE AT ROME ON THAT DATE. [19th July 2004]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

**1.—(1)** In this Act, unless the context otherwise requires— Interpretation.

“act” includes omission and a reference to doing an act includes a reference to making an omission;

“Convention” means the Convention for the suppression of unlawful acts against the safety of maritime navigation, done at Rome on 10 March 1988;

“Convention state” means a state (other than the State) which is a state party to the Convention or Protocol;

“fixed platform” means an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes and located within an area designated under section 2 of the Continental Shelf Act 1968;

“Irish ship” means a ship, as so defined in section 9 of the Mercantile Marine Act 1955, wherever situate;

“master”, in relation to a ship, means the person having for the time being the command or charge of the ship;

“Protocol” means the Protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf, done at Rome on 10 March 1988;

“ship” means a vessel of any type not permanently attached to the sea-bed, including dynamically supported craft, submersibles or any other floating craft, but does not include—

[No. 29.] *Maritime Security Act 2004.* [2004.]

S.1

- (a) a warship,
- (b) a ship owned or operated by a state when being used as a naval auxiliary or for customs or police purposes, or
- (c) a ship which has been withdrawn from navigation or laid up,

and, in relation to a ship which is not an Irish ship, means such a ship which is in the territorial seas of the State.

(2) References in this Act to a member of the Defence Forces are references to such a member acting at the request of a member of the Garda Síochána not below the rank of inspector.

(3) For convenience of reference the texts of the Convention and Protocol in the English language are set out in *Schedules 1* and *2*.

(4) In this Act—

- (a) a reference to a section or Schedule is to a section of, or Schedule to, this Act,
- (b) a reference to a subsection, paragraph or subparagraph is to the subsection, paragraph or subparagraph of the provision in which the reference occurs, and
- (c) a reference to any other enactment is to that enactment as amended by or under any other enactment (including this Act).

Offences.

**2.—(1)** A person who unlawfully and intentionally does any of the following acts is guilty of an offence:

- (a) seizing or exercising control over a ship or fixed platform by force or threat of force or any other form of intimidation;
- (b) performing an act of violence against a person on board a ship or fixed platform if that act is likely to endanger the safe navigation of the ship or the safety of the fixed platform;
- (c) destroying a ship or fixed platform;
- (d) causing damage—
  - (i) to a ship or its cargo which is likely to endanger its safe navigation, or
  - (ii) to a fixed platform which is likely to endanger its safety;
- (e) placing or causing to be placed on a ship or fixed platform, by any means, a device or substance which is likely to—
  - (i) destroy the ship or fixed platform, or
  - (ii) cause the damage referred to in *paragraph (d)*;
- (f) destroying or seriously damaging maritime navigational facilities or seriously interfering with their operation, if the destruction, damage or interference is likely to endanger the safe navigation of a ship;

[2004.] *Maritime Security Act 2004.* [No. 29.]

- (g) endangering the safe navigation of a ship by communicating information which the person knows to be false; S.2
- (h) injuring or killing any person in connection with doing any of the acts mentioned elsewhere in this subsection;
- (i) with the aim of compelling a person to do or not to do any act, threatening to endanger the safe navigation of a ship by doing any of the acts mentioned elsewhere in this subsection;
- (j) attempting to do any of the acts mentioned in this subsection.

(2) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for life.

**3.—**(1) *Section 2(1)* applies to an act done outside the State in relation to a ship or a fixed platform if it is done— Extra-territorial jurisdiction.

- (a) by any person on board or against an Irish ship,
- (b) by a citizen of Ireland on board or against a ship (other than an Irish ship) or a fixed platform, or
- (c) subject to *subsection (2)*, by a person who is not a citizen of Ireland on board or against a ship (other than an Irish ship) or a fixed platform.

(2) In the case of an act done in the circumstances mentioned in *subsection (1)(c)*, the Director of Public Prosecutions may not take, or consent to the taking of, proceedings for an offence in respect of that act except as authorised by *section 7(4)*.

(3) In this section—

“fixed platform” and “ship” mean a fixed platform and ship which are outside the State;

“outside the State” means—

- (a) in relation to a fixed platform, outside an area designated under section 2 of the Continental Shelf Act 1968, and
- (b) in relation to a ship, outside the territorial seas of the State.

**4.—**(1) A member of the Garda Síochána or Defence Forces may arrest without warrant anyone whom the member, with reasonable cause, suspects to be guilty of an offence under *section 2*. Power of arrest and detention.

(2) Where a member of the Garda Síochána or Defence Forces suspects, with reasonable cause, that a person who is about to board, or is on board, a ship or fixed platform intends to commit an offence under *section 2* on or in relation to that ship or fixed platform, the member may—

- (a) prevent the person from boarding the ship or fixed platform or from travelling on board the ship,
- (b) without warrant board the ship or fixed platform and remove the person from it, or