



Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

PART 3

SEA FISHERIES

Detention of vessels in connection with court proceedings

38 Power of sheriff to order release of vessels

- (1) This section applies where a vessel is being detained under section 36.
- (2) If, on an application to a sheriff by the master, an owner or a charterer of the vessel, the sheriff is satisfied as to either of the matters mentioned in subsection (4), the sheriff may order that the vessel be released.
- (3) An application under subsection (2) is to be made by way of summary application.
- (4) Those matters are that—
 - (a) the continued detention of the vessel under section 36 is not necessary to secure that the master, an owner or a charterer of the vessel will attend court, or
 - (b) there are no grounds for believing that the court referred to in subsection (1) (b)(ii) of that section will order the vessel to be detained.

Commencement Information

II S. 38 in force at 16.9.2013 by [S.S.I. 2013/249](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Section 38.