



# Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

## PART 3

### SEA FISHERIES

#### *Detention of vessels in connection with court proceedings*

#### **36 Power to detain vessels in connection with court proceedings**

- (1) This section applies where—
- (a) a British sea-fishery officer has reasonable grounds for suspecting that an offence under the sea fisheries legislation has been committed by the master, an owner or a charterer of a vessel (referred to as “A”), and
  - (b) the officer reasonably believes that—
    - (i) if proceedings are taken against A for the offence, there is a real risk that A will not attend court unless the vessel is detained under this section, or
    - (ii) if A is convicted of the offence and the court by or before which A is convicted imposes a fine on A, it is likely that the court will order the vessel to be detained.
- (2) Where this section applies, a British sea-fishery officer may—
- (a) take, or arrange for another person to take, the vessel and its crew to the port that appears to the officer to be the nearest convenient port, or
  - (b) require any person who is for the time being in charge of the vessel to take it and its crew to that port.
- (3) When the vessel has been taken to a port, the officer may—
- (a) detain it there, or
  - (b) require the person for the time being in charge of it to do so.

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*Status: This is the original version (as it was originally enacted).*

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- (4) A British sea-fishery officer who detains a vessel under this section must, if it is reasonably practicable to do so, serve a notice on the person who is for the time being in charge of the vessel.
- (5) The notice must state—
- (a) the reasons for detaining the vessel, and
  - (b) the circumstances in which the vessel may be released.