
SCOTTISH STATUTORY INSTRUMENTS

1999 No. 88

The Lobsters and Crawfish (Prohibition of Fishing and Landing) (Scotland) Order 1999

Powers of British sea-fishery officers in relation to fishing boats

5.—(1) For the purpose of the enforcement of this Order a British sea-fishery officer may exercise the powers conferred by paragraphs (2) to (4) below—

- (a) anywhere in relation to any Scottish fishing boat; and
- (b) in any waters adjacent to the United Kingdom and within the Scottish zone in relation to any relevant British fishing boat.

(2) He may go on board the boat, with or without persons assigned to assist him in his duties, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of the boat.

(3) He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purpose mentioned in paragraph (1) above and, in particular—

- (a) may examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination;
- (b) may require any person on board the boat to produce any document relating to the boat, to its fishing operations or other operations ancillary thereto or to the persons on board which is in his custody or possession and may take copies of any such document;
- (c) for the purpose of ascertaining whether the master, owner or charterer of the boat has committed an offence under section 5(1) or (6) or 6(5) or (5A) of the Sea Fish (Conservation) Act 1967(1) as read with this Order, may search the boat for any such document and may require any person on board the boat to do anything which appears to him to be necessary for facilitating the search; and
- (d) where the boat is one in relation to which he has reason to suspect that such an offence has been committed, may seize and detain any such document produced to him or found on board for the purpose of enabling the document to be used as evidence in proceedings for the offence;

but nothing in sub-paragraph (d) above shall permit any document required by law to be carried on board the boat to be seized and detained except while the boat is detained in a port.

(4) Where it appears to a British sea-fishery officer that a contravention of this Order has at any time taken place within British fishery limits he may—

- (a) require the master of the boat in relation to which the contravention took place to take, or may himself take, the boat and its crew to the port which appears to him to be the nearest convenient port; and

(1) Section 5(6) was amended by the Fisheries Act 1981 (c. 29), section 22(2). Section 6(5) was amended and section 6(5A) was inserted by section 23(3) of that Act. By virtue of section 5(7) of the 1967 Act where section 5(6) is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) are guilty of an offence under subsection (6).

(b) detain or require the master to detain the boat in the port;
and where such an officer detains or requires the detention of a boat he shall serve on the master notice in writing stating that the boat will be or is required to be detained until the notice is withdrawn by the service on the master of a further notice in writing signed by a British sea-fishery officer.