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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 371**

**The Prohibition of Fishing for Scallops (Scotland) Order 2003**

**Powers of British sea-fishery officers**

6.—(1) For the purpose of enforcing the provisions of this Order a British sea-fishery officer may exercise in relation to—

- (a) any Scottish fishing boat wherever it may be; and
- (b) any relevant British fishing boat in the Scottish zone,

the powers set out in this article.

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

(3) The officer may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to the officer 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 the officer 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 the custody or possession of that person and may take copies of any such document;
- (c) for the purpose of ascertaining whether the master, owner or charterer of the boat has contravened 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 the officer to be necessary for facilitating the search; and
- (d) where the boat is one in relation to which the officer has reason to suspect that such a contravention has been committed, may seize and detain any such document produced to the officer or found on board for the purpose of enabling the document to be used as evidence in proceedings relating to the contravention,

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 the officer that a contravention of this Order has at any time taken place within the Scottish zone, the officer may—

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

and where the officer detains or requires the detention of a boat, the officer shall serve on the master a 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.