
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 286

**The Registration of Fish Sellers and Buyers and
Designation of Auction Sites (Scotland) Regulations 2005**

Powers of British sea-fishery officers on land

14.—(1) For the purpose of enforcing these Regulations or any equivalent provision, any British sea-fishery officer may—

- (a) enter and inspect at any reasonable time any premises other than domestic premises not being used in connection with these Regulations or any equivalent provisions;
- (b) take with the officer such other persons as appear to the officer to be necessary and any equipment or materials;
- (c) examine any fish on the premises and require persons on the premises to do anything which appears to the officer to be necessary for facilitating the examination;
- (d) carry out at such premises such other inspections or tests as may reasonably be necessary;
- (e) require any person not to remove or cause to be removed any fish from such premises for such a period as may be reasonably necessary for the purposes of establishing whether an offence under these Regulations or any equivalent provisions has at any time been committed;
- (f) require any person on the premises to produce any documents which are in the custody or possession of that person relating to the catching, landing, transportation, trans shipment, sale or disposal of any fish or to the entry to, or exit from, any port or harbour by any fishing vessel;
- (g) for the purpose of ascertaining whether an offence under these Regulations or any equivalent provisions has been committed, search the premises for any such document and require any person on the premises to do anything which appears to the officer to be necessary for facilitating the search;
- (h) inspect and take copies of any such document produced to the officer or found on the premises;
- (i) require any appropriate or responsible person on the premises not to remove any such document produced to the officer or found on the premises;
- (j) require any appropriate or responsible person to render any such document on a computer system or other device in which data is recorded in electronic form into a visible and legible form, including requiring it to be produced in a form in which it may be taken away; and
- (k) if the officer has a reason to suspect that an offence under these Regulations or any equivalent provisions has been committed, seize and detain any such document produced to the officer or found on the premises for the purpose of enabling the document to be used as evidence in proceedings for the offence.

(2) The provisions of paragraph (1) shall also apply in relation to any land used in connection with any of the activities described in paragraph (1), or in respect of any vehicle which a British sea fishery officer has reasonable cause to believe is being used to transport fisheries products, as they

apply in relation to premises and, in the case of a vehicle, shall include power to require the vehicle to stop at any time and, if necessary, direct the vehicle to some other place to facilitate the inspection.

(3) If a sheriff on information on oath is satisfied—

(a) that there is reasonable ground to believe that any documents or other items which a British sea-fishery officer has power under this regulation to inspect are on any premises and that their inspection is likely to disclose evidence of the commission of an offence under these Regulations or any equivalent provisions; and

(b) is also satisfied either—

(i) that admission to the premises has been or is likely to be refused and that notice of intention to apply for a warrant has been given to the occupier; or

(ii) that an application for admission or the giving of such notice would defeat the object of the entry, or that the premises are unoccupied, or that the occupier is temporarily absent and it might defeat the object of the entry to await return of the occupier,

the sheriff may by warrant signed by the sheriff, and valid for one month, authorise a British sea fishery officer to enter the premises, if need be by reasonable force, and take with the officer such persons as appear to the officer to be necessary.

(4) If a sheriff on information on oath is satisfied that—

(a) there is reasonable ground to believe that any computers, or other devices which may be used to record data electronically, are on the premises and that their inspection is likely to disclose evidence of the commission of an offence under these Regulations or any equivalent provisions; and

(b) is also satisfied either—

(i) that admission to the premises has been or is likely to be refused and that notice of intention to apply for a warrant has been given to the occupier; or

(ii) that an application for admission or the giving of such notice would defeat the object of the entry, or that the premises are unoccupied, or that the occupier is temporarily absent and it might defeat the object of the entry to await return of the occupier,

the sheriff may by warrant signed by the sheriff, and valid for one month, authorise a British sea fishery officer to enter the premises, if need be by reasonable force, and take with the officer such persons as appear to the officer to be necessary, and to search for and seize any computers or other devices in which data may be recorded in electronic form, including any related equipment, and to undertake forensic examination of any such computer or other device including the copying of data and files held on any such computers or devices.