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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 39**

**The Sea Fishing (Prohibition on the Removal  
of Shark Fins) (Scotland) Order 2007**

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

6.—(1) For the purpose of enforcing article 3 of this Order, a British sea-fishery officer may exercise the powers conferred by paragraphs (2) to (6) in relation to a relevant fishing boat.

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

(3) The officer may require the attendance of the master and any other person on board the boat and may make any examination and inquiry which appears to the officer to be necessary for the purpose of enforcing this Order.

(4) In particular under subsection (3) the officer may—

- (a) search the boat for sharks, shark fins and remaining parts of sharks;
- (b) examine any sharks, shark fins and remaining parts of sharks on the boat and the equipment (including the fishing gear) of the boat, and require persons on board the boat to do any thing which appears to the officer to be necessary for facilitating the examination;
- (c) require any person on the boat to produce any relevant document in the person's custody or possession;
- (d) for the purpose of ascertaining whether an offence under this Order has been committed, search the boat for any relevant 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;
- (e) inspect, take copies of and retain possession of, while any search, examination or inspection provided for under this article is being carried out, any relevant document produced to the officer or found on board;
- (f) require the master or any other person for the time being in charge of the boat to render any relevant document on a computer system into visible and legible form and to produce it in a form in which it may be taken away; and
- (g) where the boat is one in relation to which the officer has reason to suspect that a relevant offence has been committed, seize and detain any relevant document produced to the officer or found on board, for the purpose of enabling the document to be used as evidence in proceedings for the offence.

(5) But paragraph (4)(g) does not permit any document required by law to be carried on a boat to be seized and detained except while the boat is detained in a port.

(6) Where it appears to a British sea-fishery officer that an offence under this Order has at any time been committed the officer—

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

(b) may detain, or require the master to detain, the boat in the port.

(7) Where a British sea-fishery officer detains or requires the detention of a boat under paragraph (6)(b), the officer must serve notice in writing on the master stating that the boat is or, as the case may be, is required to, be detained until the time mentioned in paragraph (8).

(8) That time is when the master is served with a notice in writing signed by a British sea-fishery officer stating that the previous notice ceases to have effect.