
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 39

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

Powers of sea-fishery officers on land

7.—(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 (11) of this article in relation to—

- (a) any premises (other than a dwelling-house) used for—
 - (i) carrying on any business in connection with the operation of fishing boats;
 - (ii) an activity connected with or ancillary to the operation of fishing boats; or
 - (iii) the treatment, storage or sale of sharks, shark fins or remaining parts of sharks;
- (b) any vehicle which the officer has reasonable cause to believe is being used to transport sharks, shark fins or remaining parts of sharks.

(2) The officer may enter and inspect, at any reasonable time, the premises or vehicle (and, in the case of a vehicle, for that purpose require the vehicle to stop or require the operator to take the vehicle to a particular place).

(3) The officer may, in exercising the power conferred by paragraph (2), take with the officer such other persons as appear to the officer to be necessary and any equipment or materials.

(4) The officer may examine any sharks, shark fins or remaining parts of sharks on the premises or vehicle and require persons on the premises or vehicle to do anything which appears to the officer to be necessary for facilitating the examination.

(5) The officer may on the premises or vehicle carry out such other inspections and tests as may reasonably be necessary.

(6) The officer may require any person not to remove or cause to be removed any sharks, shark fins or remaining parts of sharks from the premises or vehicle for such a period as may be reasonably necessary for the purposes of establishing whether an offence under this Order has at any time been committed.

(7) The officer may require any person on the premises or vehicle to produce any relevant document in the person's custody or possession.

(8) The officer may, for the purpose of establishing whether an offence under this Order has been committed, search the premises or vehicle for any relevant document, and may require any person on the premises or vehicle to do anything which appears to the officer to be necessary for facilitating the search.

(9) The officer may inspect and take copies of any relevant document produced or found on the premises or vehicle.

(10) The officer may require any person to render any relevant document on a computer system into a visible and legible form and to produce it in a form in which it may be taken away.

(11) If the officer has reasonable grounds to suspect that an offence under this Order has been committed, the officer may seize and detain any relevant document produced or found on the

premises or vehicle, for the purpose of enabling the document to be used as evidence in proceedings for the offence.

(12) A sheriff may, if satisfied by evidence on oath as to the matters mentioned in paragraph (13), grant a warrant authorising a British sea-fishery officer to enter premises (if necessary using reasonable force), accompanied by such persons as appear to the officer to be necessary.

(13) Those matters are–

- (a) that there are reasonable grounds to believe that the examination or inspection is likely to disclose evidence of the commission of an offence under this Order; and
- (b) that any of the following is the case–
 - (i) admission to the premises has been or is likely to be refused and that notice of intention to apply for a warrant under paragraph (12) has been given to the occupier;
 - (ii) an application for admission, or the giving of such notice, would defeat the object of entry;
 - (iii) the premises are unoccupied or the occupier is temporarily absent and it might defeat the object of entry to await the return of the occupier.

(14) A warrant under paragraph (12) is valid for the period of one month beginning with the date on which it is granted or for such shorter period as the sheriff may specify.

Commencement Information

II [Art. 7](#) in force at 1.3.2007, see [art. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Sea Fishing (Prohibition on the Removal of Shark Fins) (Scotland) Order 2007, Section 7.