



Inshore Fishing (Scotland) Act 1984

1984 CHAPTER 26

5 Powers of sea-fishery officers

- (1) The powers conferred by this section are exercisable by British sea-fishery officers, in relation to any British fishing boat within British fishery limits, for the purpose of enforcing the provisions of section 3 of this Act and of any order under this Act.
- (2) Any such officer may go on board any such 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) Any such officer may require the attendance of the master and any other persons on board any boat which he has boarded under subsection (2) above and may make any examination and inquiry which appears to him to be necessary for the purpose of enforcing the aforesaid provisions.
- (4) Without prejudice to the generality of subsection (3) above, any such officer—
 - (a) may examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board 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 this Act, 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 ;
 - (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 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.

Status: This is the original version (as it was originally enacted).

- (5) Where it appears to any such officer that an offence under section 4 of this Act has been committed in relation to any fishing boat, he may—
- (a) require the master of the boat 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
 - (b) detain or require the master to detain the boat in the port,
- and where such officer detains or requires the detention of a boat he 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.

- (6) Any such officer may seize—
- (a) any fish in respect of which an offence has been or is being committed under this Act;
 - (b) any net or other fishing gear which is used in the commission of an offence under this Act.

- (7) Any such officer may—
- (a) enter at any reasonable time any premises (other than a dwelling-house) used for carrying on any business in connection with the operation of fishing boats or activities connected therewith or ancillary thereto or with the treatment, storage or sale of sea fish ;
 - (b) require any person on the premises to produce any documents which are in his custody or possession relating to the catching, landing, transshipment, sale or disposal of any sea fish;

and, if he has reason to suspect that an offence under this Act has been committed, he may also—

- (c) search the premises for any such document and require any person on the premises to do anything which appears to him to be necessary for facilitating the search;
- (d) seize and detain any such document produced to him or found on the premises for the purpose of enabling the document to be used as evidence in proceedings for the offence.