Changes to legislation: Marine and Coastal Access Act 2009, Cross Heading: Detention of vessels in connection with court proceedings is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 8

ENFORCEMENT

CHAPTER 4

FISHERIES ENFORCEMENT POWERS

Detention of vessels in connection with court proceedings

279 Power to detain vessels in connection with court proceedings

- (1) This section applies where—
 - (a) an enforcement officer has reasonable grounds for suspecting that a relevant offence has been committed by the master, owner or charterer of a vessel, and
 - (b) the officer reasonably believes that—
 - (i) if proceedings are taken against the person for the offence, there is a real risk that the person will not attend court unless the vessel is detained under this section, or
 - (ii) if the person is convicted of the offence and the court by or before which the person is convicted imposes a fine on that person, it is likely that the court will order the vessel to be detained.
- (2) Where this section applies, an enforcement officer who has the power conferred by this section may—
 - (a) take, or arrange for another person to take, the vessel and its crew to the port which appears to the officer to be the nearest convenient port, or
 - (b) require any person who is for the time being in charge of the vessel to take it and its crew to that port.
- (3) When a vessel has been taken to a port in pursuance of this section, the officer may—

Changes to legislation: Marine and Coastal Access Act 2009, Cross Heading: Detention of vessels in connection with court proceedings is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) detain it there, or
- (b) require the person for the time being in charge of it to do so.
- (4) An enforcement officer who detains any vessel under this section must, if it is reasonably practicable to do so, serve a notice on—
 - (a) the owner of the vessel,
 - (b) the charterer (if any) of the vessel, and
 - (c) the person who is for the time being in charge of the vessel.
- (5) The notice must state—
 - (a) the reasons for detaining the vessel;
 - (b) the circumstances in which the vessel may be released.

Commencement Information

II S. 279 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

280 Release of vessels detained under section 279

- (1) This section applies where a vessel is being detained under section 279.
- (2) The vessel ceases to be detained under that section if one of the following things occurs—
 - (a) the notice of detention is withdrawn;
 - (b) the court orders the release of the vessel under section 281;
 - (c) any proceedings taken against the master, owner or charterer of the vessel have concluded;
 - (d) the court referred to in section 279(1)(b)(ii) exercises any power it has to order the vessel to be detained.
- (3) A notice of detention may be withdrawn by service of a further notice signed by an appropriate enforcement officer.
- (4) In subsection (3) the reference to an appropriate enforcement officer is a reference to any enforcement officer acting on behalf of the same relevant authority as the enforcement officer who served the notice of detention, and includes a reference to that officer.
- (5) If any of the grounds for release mentioned in subsection (6) applies, then any notice of detention must be withdrawn as soon as possible.
- (6) The grounds for release referred to in subsection (5) are—
 - (a) that the relevant authority has decided not to take proceedings against the master, owner or charterer of the vessel;
 - (b) that there are no grounds for believing that any person referred to in paragraph (a) against whom proceedings have been, or may be, taken will fail to attend court;
 - (c) that there are no grounds for believing that the court referred to in section 279(1)(b)(ii) will order the vessel to be detained.
- (7) In this section "notice of detention" means a notice served under section 279(4).

Part 8 - Enforcement

Chapter 4 - Fisheries enforcement powers

Document Generated: 2024-06-18

Changes to legislation: Marine and Coastal Access Act 2009, Cross Heading: Detention of vessels in connection with court proceedings is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

S. 280 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

281 Power of court to order release of vessels

- (1) This section applies where a vessel is being detained under section 279.
- (2) If, on an application made to a magistrates' court in England and Wales by the owner or charterer, or any of the owners or charterers, of the vessel, the court is satisfied that
 - the continued detention of the vessel under section 279 is not necessary to secure that the master, owner or charterer of the vessel will attend court, or
 - there are no grounds for believing that the court referred to in section 279(1) (b)(ii) will order the vessel to be detained,

the court may order that the vessel be released.

Commencement Information

S. 281 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

282 **Bonds for release of vessels**

- (1) Where a vessel is being detained under section 279, the relevant authority may enter into an agreement with the owner or charterer, or any of the owners or charterers, of the vessel for security for the vessel to be given to the relevant authority by way of bond in return for the withdrawal of the notice of detention.
- (2) Any bond given under this section is to be—
 - (a) for such amount as may be agreed, or
 - in the event of a failure to agree an amount, for such amount as may be determined by the court.
 - "The court" means a magistrates' court in England and Wales.
- (3) A person who gives a bond under this section must comply with such conditions as to the giving of the bond as the relevant authority may determine.
- (4) If any of the grounds for release mentioned in subsection (5) applies, then any bond given under this section must be returned as soon as possible.
- (5) The grounds for release referred to in subsection (4) are
 - that the relevant authority has decided not to take proceedings against the master, owner or charterer of the vessel;
 - that there are no grounds for believing that any person referred to in paragraph (a) against whom proceedings have been, or may be, taken will fail to attend court;
 - (c) that there are no grounds for believing that the court referred to in section 279(1)(b)(ii) would, in the absence of the bond, have ordered the vessel to be detained;
 - (d) that any proceedings taken against the master, owner or charterer of the vessel have concluded without any fine having been imposed.

Changes to legislation: Marine and Coastal Access Act 2009, Cross Heading: Detention of vessels in connection with court proceedings is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(6) Where a court imposes a fine on the master, owner or charterer of the vessel, the court may order any sum of money given as a bond under this section to be used towards the payment of the fine.

If the fine is less than the amount of the bond, any sum not required to be used in payment of the fine must be returned to the person who gave the bond as soon as possible.

(7) In this section "notice of detention" means a notice served under section 279(4).

Commencement Information

I4 S. 282 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

283 Power of court to order repayment of bonds

- (1) This section applies where a notice of detention served under section 279(4) in respect of a vessel has been withdrawn in return for a bond given as security for the vessel under section 282.
- (2) If, on an application to a magistrates' court in England and Wales by the person who gave the bond, the court is satisfied that—
 - (a) the continued detention of the bond under section 282 is not necessary to secure that the master, owner or charterer of the vessel will attend court, or
 - (b) there are no grounds for believing that the court referred to in section 279(1)(b) (ii) would, in the absence of the bond, have ordered the vessel to be detained, the court may order that the bond be returned to the person who gave it.

Commencement Information

I5 S. 283 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Changes to legislation:

provisions):

Marine and Coastal Access Act 2009, Cross Heading: Detention of vessels in connection with court proceedings is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters: Whole provisions yet to be inserted into this Act (including any effects on those

- s. 72A(2A) inserted by 2023 c. 55 s. 232(2)(d)
- s. 72A(6)(a) words in s. 72A(6) renumbered as s. 72A(6)(a) by 2023 c. 55 s. 232(2) (f)(i)
- s. 72A(6)(a) words inserted by 2023 c. 55 s. 232(2)(f)(ii)
- s. 72A(6)(b) and word inserted by 2023 c. 55 s. 232(2)(f)(iii)
- Sch. 6 para. 1(2)(da) inserted by 2023 c. 55 Sch. 8 para. 31(2)(a)