



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 8

#### ENFORCEMENT

#### CHAPTER 1

#### ENFORCEMENT OFFICERS

#### *Other enforcement officers*

#### **243 Enforcement of MCZs in Scottish offshore region**

- (1) The Scottish Ministers may appoint persons for the purposes of enforcing section 140 of this Act.
- (2) For the purposes of enforcing section 140 of this Act, a person appointed under this section has the common enforcement powers conferred by this Act.
- (3) Subject to subsections (8) and (9), the powers which a person appointed under this section has for the purposes of enforcing section 140 of this Act may be exercised—
  - (a) in the Scottish offshore region (and in relation to any vessel, aircraft or marine installation in that region);
  - (b) in any area within the United Kingdom or the UK inshore region, in relation to an offence which the person reasonably believes has been committed within the Scottish offshore region;
  - (c) in relation to any vessel, aircraft or marine installation in any other area within the UK marine area which has been pursued there in accordance with subsection (4).
- (4) A vessel, aircraft or marine installation is pursued in accordance with this subsection if—

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*Status: This is the original version (as it was originally enacted).*

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- (a) immediately before the pursuit of the vessel, aircraft or installation commences, the vessel, aircraft or installation is in the Scottish offshore region,
  - (b) before the pursuit of the vessel, aircraft or installation commences, a signal is given for it to stop, and
  - (c) the pursuit of the vessel, aircraft or installation is not interrupted.
- (5) The signal referred to in subsection (4)(b) must be given in such a way as to be audible or visible from the vessel, aircraft or installation in question.
- (6) For the purposes of subsection (4)(c), pursuit is not interrupted by reason only of the fact that—
  - (a) the method of carrying out the pursuit, or
  - (b) the identity of the vessel or aircraft carrying out the pursuit, changes during the course of the pursuit.
- (7) Nothing in this section affects any right of hot pursuit which a person appointed under this section may have under international law.
- (8) The powers which a person appointed under this section has for the purposes of enforcing section 140 of this Act may not be exercised in relation to any British warship.
- (9) The powers which a person appointed under this section has for the purposes of enforcing section 140 of this Act may not be exercised in relation to any vessel within subsection (10) unless—
  - (a) in the case of a third country vessel, other than a vessel falling within paragraph (b) or (c) of that subsection, the United Kingdom is entitled under international law to exercise those powers without the consent of the flag state, or
  - (b) the Commissioners have given authority to exercise those powers.
- (10) The vessels are—
  - (a) a third country vessel;
  - (b) a warship that is being used by the government of a State other than the United Kingdom;
  - (c) any other vessel that is being used by such a government for any non-commercial purpose.
- (11) The Commissioners may give authority under subsection (9)(b) only if the flag state has consented to the United Kingdom exercising those powers (whether generally or in relation to the vessel in question).
- (12) In giving such authority, the Commissioners must impose such conditions or limitations on the exercise of the powers as are necessary to give effect to any conditions or limitations imposed by the flag state.
- (13) In this section “UK inshore region” means the area of sea within the seaward limits of the territorial sea adjacent to the United Kingdom.