

## SCHEDULES

### SCHEDULE 2

#### ENFORCEMENT POWERS IN RELATION TO SHIPS

#### PART 2

#### SCOTLAND

##### *Power to stop, board, divert and detain*

- 12 (1) This paragraph applies if a Scottish constable or an enforcement officer has reasonable grounds to suspect that—
- (a) a listed offence is being, or has been, committed on the ship, or
  - (b) the ship is otherwise being used in connection with the commission of a listed offence.
- (2) The constable or enforcement officer may—
- (a) stop the ship;
  - (b) board the ship;
  - (c) require the ship to be taken to a port (in Scotland or elsewhere) and detained there.
- (3) Except as provided by sub-paragraph (5), authority of the Secretary of State is required before a constable or an enforcement officer may exercise the power conferred by sub-paragraph (2)(c) to require the ship to be taken to a port outside the United Kingdom.
- (4) Authority for the purposes of sub-paragraph (3) may be given only if the State or relevant territory in which the port is located is willing to receive the ship.
- (5) If the constable or enforcement officer is acting under authority given for the purposes of section 36(5), the constable or officer may require the ship to be taken to—
- (a) a port in the home state or relevant territory in question, or
  - (b) if the home state or relevant territory requests, any other State or relevant territory willing to receive the ship.
- (6) The constable or enforcement officer may require the master of the ship, or any member of its crew, to take such action as is necessary for the purposes of sub-paragraph (2) or (5).
- (7) A constable or an enforcement officer must give notice in writing to the master of any ship detained under this paragraph.

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*Status: This is the original version (as it was originally enacted).*

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- (8) The notice must state that the ship is to be detained until the notice is withdrawn by the giving of a further notice in writing signed by a constable or an enforcement officer.