
WELSH STATUTORY INSTRUMENTS

2003 No. 1855

**The Prohibition of Fishing with
Multiple Trawls (Wales) Order 2003**

Powers of British sea-fishery officers in relation to fishing boats

4.—(1) For the purpose of the enforcement of this Order or any equivalent Order, a British sea-fishery officer may exercise the powers conferred by paragraphs (2) to (4) of this article in relation to any British fishing boat in Welsh waters.

(2) The officer may go on board the boat, with or without persons assigned to assist in his or her duties, and may require the boat to stop and do anything else which will facilitate either the boarding of, or the disembarkation from, the boat.

(3) The officer may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to be necessary for the purpose mentioned in paragraph (1) of this article and, in particular —

- (a) may examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears 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 or her custody or possession;
- (c) for the purpose of ascertaining whether the master, owner or charterer of the boat has committed an offence under section 5(1) or (6) of the Act⁽¹⁾ as read with this Order or any equivalent Order, may search the boat for any such document and may require any person on board the boat to do anything which appears to be necessary for facilitating the search; and
- (d) where the boat is one in relation to which the officer has reason to suspect that such an offence has been committed, may take copies of and seize and detain any such document produced to the officer or found on board for the purpose of enabling the document to be used as evidence in proceedings for this offence;

but nothing in sub-paragraph (d) 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.

(4) Where it appears to a British sea-fishery officer that a contravention of this Order has at any time taken place within British fishery limits, the officer may —

- (a) require the master of the boat in relation to which the contravention took place to take, or the officer may take, the boat and its crew to the port which appears to him or her to be the nearest convenient port; and
- (b) detain or require the master to detain the boat in the port;

⁽¹⁾ Subsection (6) was amended by section 22(2) of the Fisheries Act 1981. By virtue of subsection (7), where subsection (6) is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) are guilty of an offence under that subsection.

and where such an officer detains or requires the detention of a boat he or she 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.