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WELSH STATUTORY INSTRUMENTS

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**2006 No. 2798**

**The Sea Fishing (Enforcement of Community  
Satellite Monitoring Measures) (Wales) Order 2006**

**PART 5**

**POWERS AND PROTECTION OF BRITISH SEA FISHERY OFFICERS**

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

**17.**—(1) For the purpose of enforcing this Order or any equivalent provision a British sea-fishery officer may exercise the powers conferred by this article in relation to—

- (a) a British fishing boat within Wales;
- (b) a Community fishing boat within Wales; or
- (c) a third country fishing boat within Wales.

(2) The officer may go on board the boat, with or without persons assigned to assist the officer in the duties of that officer, and for that purpose may require the boat to stop and do anything else which will facilitate 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 the officer to be necessary for the purpose mentioned in paragraph (1) and, in particular—

- (a) may search for, examine and may test any equipment of the boat, including the satellite-tracking device, and require persons on board the boat to do anything which appears to the officer to be necessary for facilitating the examination and test;
- (b) may require any person on board the boat to produce any document relating to the boat, or the equipment of the boat, to any fishing operations or other operations ancillary thereto or to the persons on board, which is in the custody or possession of that person;
- (c) for the purpose of ascertaining whether an offence under this Order or under any equivalent provision has been committed, may search the boat for any such document and may require any person on board the boat to do anything which appears to the officer to be necessary for facilitating the search;
- (d) inspect, take copies of and retain in the possession of the officer while the officer completes any search, examination or inspection provided for under this article, any such document produced to the officer or found on board;
- (e) may require the master or any person for the time being in charge of the boat to render any such document on a computer system into a visible and legible form in which it may be taken away;
- (f) where the boat is one in relation to which the officer has reason to suspect that an offence under this Order or under any equivalent provision has been committed, may 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 the offence; and

- (g) may remove, or authorise in writing any other person to remove, the satellite-tracking device, or any part thereof, and any other equipment on board which the officer considers necessary for the purpose of establishing—
  - (i) whether the satellite-tracking device has been tampered with, or
  - (ii) whether any other equipment on board is interfering with the transmission of the information set out in Article 5(1) of the Commission Regulationor for the purpose of examining, testing, repairing or replacing such equipment.
- (4) Where it appears to a British sea-fishery officer that an offence under this Order or under any equivalent provision has at any time been committed, the officer may—
  - (a) require the master of the boat in relation to which the offence took place to take, or the officer may take, the boat and its crew to the port which appears to the officer to be the nearest convenient port; and
  - (b) detain or require the master to detain the boat in the port,

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

#### **Protection of officers**

- 18.** A British sea-fishery officer or a person assisting such an officer by virtue of article 17(2) of this Order will not be liable in any civil or criminal proceedings for anything done in the purported exercise of the powers conferred by virtue of article 17 of this Order if the court is satisfied—
- (a) that the act was done in good faith;
  - (b) that there were reasonable grounds for doing it; and
  - (c) that it was done with reasonable skill and care.

#### **Obstruction etc**

- 19.—(1)** Any person who—
- (a) fails without reasonable excuse to comply with any requirement imposed by a British sea-fishery officer under the powers conferred on such an officer by virtue of article 17 of this Order;
  - (b) without reasonable excuse prevents, or attempts to prevent, any other person from complying with any such requirement; or
  - (c) intentionally obstructs any such officer who is exercising any of those powers, any person assisting such an officer by virtue of article 17(2) or any person authorised by such an officer under article 17(3)(g),
- is guilty of an offence.
- (2) A person guilty of an offence under paragraph (1) is liable—
- (a) on summary conviction to a fine not exceeding the statutory maximum; or
  - (b) on conviction on indictment to a fine.