
WELSH STATUTORY INSTRUMENTS

2006 No. 2799

**The Fishing Boats (Satellite-Tracking
Devices) (Wales) Scheme 2006**

Powers of authorised officers

8.—(1) An authorised officer at all reasonable hours and on producing, if required to do so, some duly authenticated document showing the authority of the officer, may exercise the powers specified in this paragraph for the purpose of ascertaining whether and to what extent —

- (a) a person is entitled to make an application under paragraph 3;
- (b) conditions under paragraphs 3(1) and 5(1) have been complied with;
- (c) an offence under section 17 of the Fisheries Act 1981 has been, or is being, committed, and
- (d) the satellite-tracking device is functioning.

(2) Subject to sub-paragraph (3) an authorised officer may enter upon any relevant premises.

(3) The power conferred by sub-paragraph (2) may be exercised in relation to premises used as a dwelling house only where reasonable notice of the intended exercise of the power has been given to all residents of that dwelling house.

(4) Any authorised officer who has entered any premises in accordance with sub-paragraph (2) may inspect those premises and any documents on those premises which are, or which such officer has reasonable cause to believe are, relevant documents.

(5) An authorised officer entering premises by virtue of this paragraph may be accompanied by such other person as the officer considers necessary and sub-paragraphs (2), (4), (6) and (7) apply in relation to such other person when acting under the instructions of the officer as if he or she were an authorised officer.

(6) An authorised officer may—

- (a) require any person who is an applicant or is an employee or agent of an applicant to produce any relevant documents and to supply such additional information in possession of the person or under his or her control relating to the application as the officer may reasonably request;
- (b) inspect any such documents and, where such documents are kept by means of a computer, have access to, and inspect and check the operation of, any computer and associated apparatus or material which has been used in connection with those documents;
- (c) require that copies of, or extracts from, any relevant documents be produced, and
- (d) inspect and remove for the purposes of further inspection any equipment on the fishing boat in respect of which an application has been made, including the satellite-tracking device.

(7) An authorised officer will not be liable to civil or criminal proceedings for anything done in purported exercise of the powers conferred on the officer by this Scheme if the court hearing such proceedings is satisfied that—

- (a) 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.

(8) In this paragraph—

“premises” (“*mangre*”) includes any fishing boat or other vehicle;

“relevant documents” (“*dogfennau perthnasol*”) means any documents relating to the fishing boat in respect of which an application has been made, and

“relevant premises” (“*mangre berthnasol*”) means the fishing boat in respect of which an application has been made and any premises in which the relevant documents are retained or in which an authorised officer has reasonable grounds to believe such documents may be retained.