

*These notes relate to the Marine (Scotland) Act 2010
(asp 5) which received Royal Assent on 10 March 2010*

MARINE (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT

Part 7 – Common Enforcement Powers Etc.: Licensing and Marine Protection Etc.

Powers of marine enforcement officers

Section 132 - Enforcement of marine protection and nature conservation legislation

193. **Section 132** outlines the powers that marine enforcement officers have for the purpose of enforcing nature conservation legislation. For the purpose of this section, “nature conservation legislation” means the specific pieces of legislation listed in subsection (2). That subsection lists marine conservation orders, sections 95, 96, 107 112(5) and 117 of the Bill, certain sections of the Wildlife and Countryside Act 1981, certain regulations in the Conservation (Natural Habitats, &c) Regulations 1994 and byelaws made under regulation 36 of those Regulations. Powers may be exercised in the Scottish marine area and in any other part of Scotland. The powers may not be exercised in relation to any British warship. Additionally, the powers may not be exercised in relation to a third country vessel, a non-UK warship or any other vessel that is being used by a country other than the UK for any non-commercial purpose. The exception to this is where in the case of a third country vessel (other than a warship or a vessel being used by a third country for any non-commercial purpose) the United Kingdom is entitled under international law to exercise those powers without the consent of the flag state. The term “vessel” in this context does not include aircraft.