

*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.

Common enforcement powers of entry, search and seizure

Section 138 - Powers of search, examination, etc.

199. **Section 138** sets out the powers that a marine enforcement officer has with regard to search and examination etc. The powers allow an enforcement officer to search a vessel, marine installation, premises or vehicle (“relevant premises”) as part of an inspection and allow an officer to stop someone and detain them to perform a search (e.g. of their equipment). Section 138(3) to (9) enable an officer to examine anything that is in or on the relevant premises, or is attached to, or part of them, including anything that is controlled from them. Subsection (8) provides that the section does not authorise the search of a person. Where appropriate, the officer can also test or measure any object found, which includes live animals (for example, shellfish) or plants. If necessary, an enforcement officer may break open any container or other thing that has been locked. An officer could also require assistance from anyone within the premises or connected to the premises, or from someone who has been carrying an activity in relation to which the officer has enforcement powers.