



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 7

COMMON ENFORCEMENT POWERS ETC.: LICENSING AND MARINE PROTECTION ETC.

#### *Miscellaneous and ancillary common enforcement powers*

#### **143 Power to record evidence of offences**

- (1) A marine enforcement officer may use any device for the purpose of taking visual images of anything which the officer believes is evidence of the commission of a relevant offence.
- (2) The power conferred by this section is exercisable in relation to anything that—
  - (a) is in or on,
  - (b) is attached to or otherwise forms part of,
  - (c) is controlled from,any vessel, marine installation, premises or vehicle.
- (3) The officer may require any person in or on the vessel, marine installation, premises or vehicle to afford such facilities and assistance with respect to matters under the person's control as the officer considers would facilitate the exercise of the power conferred by this section.

#### **144 Power to require name and address**

Where a marine enforcement officer reasonably believes that a person has committed a relevant offence, the officer may require the person to provide the person's name and address.

#### **145 Power to require production of licence, etc.**

- (1) Where a marine enforcement officer reasonably believes that—
  - (a) a person is or has been carrying on a relevant activity, and
  - (b) the person requires a licence or other authority to carry on the activity,

the officer may require the person to produce the licence or other authority.

- (2) If the person is unable to produce the licence or other authority when required to do so, the person must produce it at such place, and within such period of time, as the officer may specify.

#### **146 Power to require attendance of certain persons**

- (1) Where a marine enforcement officer has—
- (a) boarded a vessel or marine installation,
  - (b) entered any premises,
- for the purpose of carrying out any relevant functions, the officer may require the attendance of any of the persons mentioned in subsection (2).
- (2) The persons are—
- (a) the person who is for the time being in charge of the vessel or marine installation,
  - (b) any other person who is on board the vessel or marine installation,
  - (c) the owner or occupier of the premises,
  - (d) any person who is on the premises.

#### **147 Power to direct vessel or marine installation to port**

- (1) Where a marine enforcement officer—
- (a) considers that it would not be reasonably practicable to exercise a power which the officer wishes to exercise in relation to a vessel or marine installation without detaining it in a port, or
  - (b) reasonably believes that—
    - (i) a vessel or marine installation is itself evidence of the commission of a relevant offence, and
    - (ii) the only reasonably practicable way to preserve the evidence is to detain the vessel or marine installation in a port,
- the officer may do any of the things in subsection (2).
- (2) The things are—
- (a) take, or arrange for another person to take, the vessel or marine installation and its crew to the port which appears to the officer to be the nearest convenient port,
  - (b) require the person who is for the time being in charge of the vessel or marine installation to take it and its crew to that port.
- (3) When the vessel or marine installation has been taken to a port, the officer may—
- (a) detain it there,
  - (b) require the person for the time being in charge of it to do so.
- (4) A marine enforcement officer who detains a vessel or marine installation under this section must serve a notice on the person who is for the time being in charge of it.
- (5) The notice must state that the vessel or marine installation is to be detained until the notice is withdrawn.

- (6) A notice served under subsection (4) may be withdrawn by service of a further notice signed by any marine enforcement officer.

**148 Assistance, etc.**

- (1) To assist in carrying out any relevant functions, a marine enforcement officer may bring—
- (a) any other person,
  - (b) any equipment or materials.
- (2) A person who is brought by a marine enforcement officer to provide assistance may exercise any powers conferred by this Act which the officer may exercise, but only under the supervision or direction of the officer.

**149 Power to use reasonable force**

- (1) A marine enforcement officer may use reasonable force, if necessary, in the exercise of any power conferred by this Act.
- (2) A person assisting a marine enforcement officer under section 148 may use reasonable force, if necessary, in the exercise of any power conferred by this Act.