



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 7

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

##### *Common enforcement powers of entry, search and seizure*

#### **138 Powers of search, examination, etc.**

- (1) Where a marine enforcement officer is exercising a power of inspection conferred by section 134, 135 or 136, the officer may—
  - (a) search the relevant premises for any item,
  - (b) examine anything that is in or on the relevant premises.
- (2) Where a marine enforcement officer reasonably believes that a person is or has been carrying on a relevant activity, the officer may—
  - (a) search or examine anything which appears to be in the person's possession or control,
  - (b) stop and detain the person for the purposes of such search or examination.
- (3) A marine enforcement officer may carry out any measurement or test of anything which the officer has power under this section to examine.
- (4) The power conferred by subsection (3) includes power to take a sample from any live animal or plant.
- (5) For the purposes of exercising any power conferred by this section, a marine enforcement officer may, so far as is reasonably necessary for the purpose, break open any container or other locked thing.
- (6) Where a marine enforcement officer is exercising a power of inspection conferred by section 134, 135 or 136, the officer may require any person in or on the relevant premises to afford such facilities and assistance with respect to matters under the person's control as the officer considers would facilitate the exercise of any power conferred by this section.
- (7) Where a marine enforcement officer reasonably believes that a person is or has been carrying on a relevant activity, the officer may require the person to afford such

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*Status: This is the original version (as it was originally enacted).*

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facilities and assistance with respect to matters under that person's control as the officer considers would facilitate the exercise in relation to that person of any power conferred by this section.

- (8) Nothing in this section confers any power to search a person.
- (9) The reference in subsection (1) to anything that is in or on the relevant premises includes a reference to—
  - (a) anything that is attached to or otherwise forms part of the relevant premises,
  - (b) anything that is controlled from the relevant premises.
- (10) In this section—
  - “animal” includes any eggs, larvae, pupae or other immature stage of an animal,
  - “item” includes—
    - (a) any document or record (in whatever form it is held),
    - (b) any animal or plant,
  - “sample” means a sample of blood, tissue or other biological material.