



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

141 Further provision about seizure

- (1) Where—
 - (a) any items which a marine enforcement officer wishes to seize and remove are in a container, and
 - (b) the officer reasonably considers that it would facilitate the seizure and removal of the items if they remained in the container for that purpose,any power to seize and remove the items conferred by section 140 includes power to seize and remove the container.
- (2) Where—
 - (a) any items which a marine enforcement officer wishes to seize and remove are not in a container, and
 - (b) the officer reasonably considers that it would facilitate the seizure and removal of the items if they were placed in a container suitable for that purpose,the officer may require the items to be placed into such a container.
- (3) If, in the opinion of a marine enforcement officer, it is not for the time being practicable for the officer to seize and remove any item, the officer may require—
 - (a) the person from whom the item is being seized, or
 - (b) where the officer is exercising a power of inspection conferred by section 134, 135 or 136, any person in or on the relevant premises,to secure that the item is not removed or otherwise interfered with until such time as the officer may seize and remove it.
- (4) 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 that

Status: This is the original version (as it was originally enacted).

person's control as the officer considers would facilitate the exercise of any power conferred by section 140 or this section.

- (5) Where a marine enforcement officer reasonably believes that a person is or has been carrying on a relevant activity, the officer may require that person to afford such 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 section 140 or this section.
- (6) In Part 1 of Schedule 1 to the Criminal Justice and Police Act 2001 (c.16) (powers of seizure to which section 50 applies), after paragraph 73L (inserted by section 253(7) of the 2009 Act) insert—

“Marine (Scotland) Act 2010 (asp 5)

73M Each of the powers of seizure conferred by section 140(1) and (3) of the Marine (Scotland) Act 2010.”.