



Marine (Scotland) Act 2010

2010 asp 5

PART 7

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

Miscellaneous and ancillary common enforcement powers

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- (5) The notice must state that the vessel or marine installation is to be detained until the notice is withdrawn.

Status: This is the original version (as it was originally enacted).

- (6) A notice served under subsection (4) may be withdrawn by service of a further notice signed by any marine enforcement officer.