



Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

PART 1

AQUACULTURE

CHAPTER 2

FISH FARMING: EQUIPMENT AND WELLBOATS

Wellboats

8 Power to detain wellboats in connection with court proceedings

- (1) This section applies where—
- (a) a marine enforcement officer has reasonable grounds for suspecting that an offence under section 5(5) has been committed by the master, an owner or a charterer of a wellboat (referred to as “A”), and
 - (b) the officer reasonably believes that—
 - (i) if proceedings are taken against A for the offence, there is a real risk that A will not attend court unless the wellboat is detained under this section, or
 - (ii) if A is convicted of the offence and the court by or before which A is convicted imposes a fine on A, it is likely that the court will order the vessel to be detained.
- (2) Where this section applies, a marine enforcement officer may—
- (a) take, or arrange for another person to take, the wellboat and its crew to the port that appears to the officer to be the nearest convenient port, or
 - (b) require any person who is for the time being in charge of the wellboat to take it and its crew to that port.
- (3) When the wellboat has been taken to port, the officer may—

Changes to legislation: *There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Section 8. (See end of Document for details)*

- (a) detain it there, or
 - (b) require the person for the time being in charge of it to do so.
- (4) A marine enforcement officer who detains a wellboat under this section must, if it is reasonably practicable to do so, serve a notice on the person who is for the time being in charge of the wellboat.
- (5) The notice must state—
- (a) the reasons for detaining the wellboat, and
 - (b) the circumstances in which the wellboat may be released.

Commencement Information

II [S. 8](#) in force at 16.9.2013 by [S.S.I. 2013/249](#), [art. 2](#)

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