



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 6

#### CONSERVATION OF SEALS

##### *Authorisations to enter land*

#### **120 Power to enter land to obtain information about seals**

- (1) The Scottish Ministers may, after consulting [<sup>F1</sup>United Kingdom Research and Innovation], authorise any person to enter any land to obtain information about seals in order to enable or assist the Scottish Ministers to perform their functions under this Part.
- (2) Before granting such an authorisation, the Scottish Ministers must give notice to the occupier of the land setting out their intention to do so.
- (3) An authorisation must specify—
  - (a) the land to be entered, and
  - (b) the period (of no more than 8 weeks) during which the land may be entered.
- (4) An authorisation may be conditional.

#### **Textual Amendments**

- F1** Words in s. 120(1) substituted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 12 para. 25](#); [S.I. 2018/241](#), [reg. 2\(t\)](#) (with transitional and savings provisions in [S.I. 2018/245](#), regs. 2, 3, 26)

#### **Commencement Information**

- II** S. 120 in force at 1.9.2010 by [S.S.I. 2010/230](#), [art. 3\(c\)](#)

#### **<sup>F2</sup>121 Power to enter land to protect fisheries or fish farms from seals**

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*Changes to legislation: There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Cross Heading: Authorisations to enter land. (See end of Document for details)*

#### Textual Amendments

- F2** S. 121 repealed (1.2.2021) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020 \(asp 14\)](#), **ss. 14(3)**, 22(2); S.S.I. 2020/379, reg. 2(2)

### 122 Duty to notify occupier

- (1) The duty to notify an occupier under section 120(2) <sup>F3</sup>... may be fulfilled—
- (a) by hand delivering the notice to the occupier,
  - (b) by sending the notice, by first class post or by a registered or recorded delivery postal service, in an envelope addressed to the occupier at—
    - (i) where sent to an individual, the individual's principal place of business or usual or last known abode,
    - (ii) where sent to a body corporate, the body's registered or principal office, or
    - (iii) in any other case, the occupier's last known address,
  - (c) by sending the notice to the occupier in some other way (including by email, fax or other electronic means)—
    - (i) which is legible and capable of being used for subsequent reference, and
    - (ii) which the sender reasonably considers likely to cause it to be delivered on the same or next day, or
  - (d) where the occupier's name or address cannot be ascertained after reasonable enquiry—
    - (i) by hand delivering the notice to a responsible person on the land concerned, or
    - (ii) by fixing the notice to a conspicuous object on the land concerned.
- (2) A notice is, unless the contrary is proved, to be treated as having been given—
- (a) where hand delivered, on the day of delivery,
  - (b) where posted, on the day on which it would be delivered in the ordinary course of post,
  - (c) where sent in a way described in subsection (1)(c), on the day after it is sent, or
  - (d) where fixed to an object, on the day it is so fixed.

#### Textual Amendments

- F3** Words in s. 122(1) repealed (1.2.2021) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020 \(asp 14\)](#), **ss. 14(4)**, 22(2); S.S.I. 2020/379, reg. 2(2)

#### Commencement Information

- I2** S. 122 in force at 1.9.2010 by [S.S.I. 2010/230](#), **art. 3(d)**

### 123 Duty to produce authority

A person doing anything authorised under section 120 <sup>F4</sup>... must produce evidence of the person's authority if asked to do so.

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**Changes to legislation:** There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Cross Heading: Authorisations to enter land. (See end of Document for details)

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**Textual Amendments**

- F4** Words in s. 123 repealed (1.2.2021) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020 \(asp 14\)](#), **ss. 14(5)**, 22(2); S.S.I. 2020/379, reg. 2(2)
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**Commencement Information**

- I3** S. 123 in force at 1.9.2010 by [S.S.I. 2010/230](#), **art. 3(d)**

**124 Obstructing an authorised person**

Preventing or obstructing a person from doing anything which the person is authorised to do under section 120<sup>F5</sup> ... (intentionally or recklessly) is an offence.

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**Textual Amendments**

- F5** Words in s. 124 repealed (1.2.2021) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020 \(asp 14\)](#), **ss. 14(6)**, 22(2); S.S.I. 2020/379, reg. 2(2)
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**Commencement Information**

- I4** S. 124 in force at 1.9.2010 by [S.S.I. 2010/230](#), **art. 3(d)**

**Changes to legislation:**

There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Cross  
Heading: Authorisations to enter land.