
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 34

The Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures) (Scotland) Order 2000

Powers of British sea-fishery officers in relation to fishing boats

7.—(1) For the purposes of enforcement of article 4(1), or any provision extending to any other part of the United Kingdom made for the purposes of implementing a Community quota measure, a British sea-fishery officer may exercise in relation to—

- (a) any Scottish fishing boat wherever it may be; or
- (b) any other fishing boat which is within the Scottish zone,

the powers conferred by paragraphs (3) to (5) of this article.

(2) For the purposes of enforcement of article 4(2), or any provision extending to any other part of the United Kingdom made for the purposes of implementing a Community third country fishing measure, a British sea-fishery officer may exercise the powers conferred by paragraphs (3) to (5) in relation to any fishing boat within the Scottish zone.

(3) He may go on board the boat, with or without persons assigned to assist him in his duties, and may require the boat to stop and do anything else which will facilitate either the boarding of, or the disembarkation from, the boat.

(4) He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purposes of enforcement mentioned in paragraphs (1) or (2) and, in particular—

- (a) may search for fishery products or fishing gear on the boat and may examine any such products on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination;
- (b) may require any person on board the boat to produce any document relating to the boat, to any fishing operations or other operations ancillary thereto or to the persons on board which is in the custody or possession of that person;
- (c) for the purpose of ascertaining whether a relevant offence has been committed, may search the boat for any such document and may require any person on board the boat to do anything which appears to him to be necessary for facilitating the search;
- (d) inspect, take copies of and retain in his possession while he completes any search, examination or inspection provided for under this article, any such document produced to him or found on board;
- (e) may require the master or any person for the time being in charge of the boat to render all such documents on a computer system into visible and legible form and to produce them in a form in which they may be taken away; and
- (f) where the boat is one in relation to which he has reason to suspect that a relevant offence has been committed, may seize and detain any such document produced to him or found on board for the purpose of enabling the document to be used as evidence in proceedings for the offence,

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but nothing in sub-paragraph (f) shall permit any document required by law to be carried on board the boat to be seized and detained except while the boat is detained in a port.

(5) Where it appears to a British sea-fishery officer that a relevant offence has at any time been committed, he may—

- (a) require the master of the boat in relation to which the offence took place to take, or may himself take, the boat and its crew to the port which appears to him to be the nearest convenient port; and
- (b) detain or require the master to detain the boat in the port,

and where such an officer detains or requires the detention of a boat he shall serve on the master a notice in writing stating that the boat will be or is required to be detained until the notice is withdrawn by the service on the master of a further notice in writing signed by a British sea-fishery officer.