
STATUTORY INSTRUMENTS

2018 No. 437

The Sea Fish (Marketing Standards) (England and Wales and Northern Ireland) Regulations 2018

Power to inspect and seize etc.

7.—(1) An authorised officer who has entered premises for the purposes of enforcing a relevant provision may for that purpose—

- (a) inspect and search the premises;
- (b) carry out such investigations or tests as may reasonably be necessary;
- (c) examine any fish, containers for fish and labels found on the premises;
- (d) seize and detain any fish in respect of which the officer has reasonable grounds to suspect that there has been a contravention of the relevant provision;
- (e) seize and detain any containers for fish and labels which the officer has reasonable grounds to suspect are relevant to the commission of an offence under these Regulations;
- (f) take samples from any fish (and send them for laboratory testing);
- (g) require any person not to remove or cause to be removed any fish from the premises for such period as may be necessary for the purpose of examination of it by the authorised officer;
- (h) require any person at the premises to produce any documents which are in the possession or custody of that person relating to the catching, landing, grading or marketing of any fish on the premises;
- (i) inspect and take copies of any documents;
- (j) have access to, inspect and check the data on any computer and any associated equipment;
- (k) require a person to render a document or record held on a computer into a visible or legible form;
- (l) take copies of any data held on any computer or associated equipment; and
- (m) require any person to provide any such assistance, information, facilities or equipment as is reasonable.

(2) An authorised officer must—

- (a) as soon as reasonably practicable, provide to the person appearing to be responsible for any item that the authorised officer seizes under paragraph (1) a written receipt for that item; and
- (b) as soon as is reasonably practicable after deciding that the item is no longer required, return it to that person, apart from—
 - (i) any item to be used as evidence in court proceedings; and
 - (ii) any fish.

(3) Where an authorised officer has seized items under paragraph (1) for use in evidence in court proceedings and—

- (a) it is subsequently decided—
 - (i) that no court proceedings are to be brought, or
 - (ii) that those items are no longer needed as evidence in court proceedings, or
- (b) the court proceedings are completed and no order in relation to those items has been made by the court,

an authorised officer must return the items to the person appearing to be responsible for them as soon as is reasonably practicable.

(4) In this regulation, “fish” means any fishery or aquaculture product that an authorised officer reasonably believes is a product listed in Article 3 of Regulation 2406/96 or Annex 1 of Regulation 1379/2013.

Commencement Information

II [Reg. 7](#) in force at 30.4.2018, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Sea Fish (Marketing Standards) (England and Wales and Northern Ireland) Regulations 2018, Section 7.