



# Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

## PART 3

### SEA FISHERIES

#### *Enforcement of sea fisheries legislation*

#### **35 Powers of British sea-fishery officers to enforce sea fisheries legislation**

- (1) For the purposes of enforcing the sea fisheries legislation, a British sea-fishery officer has—
  - (a) the common enforcement powers conferred by Part 7 of the Marine (Scotland) Act 2010, and
  - (b) the powers conferred by sections 36 and 39.
- (2) Subject to subsection (3), the powers which a British sea-fishery officer has by virtue of subsection (1) for the purposes of enforcing the sea fisheries legislation may be exercised—
  - (a) in the Scottish enforcement area, and
  - (b) in relation to any Scottish fishing boat wherever it may be.
- (3) Those powers may not be exercised in relation to any British warship (that is, any ship belonging to Her Majesty and forming part of Her Majesty's armed forces).
- (4) The powers which a British sea-fishery officer has by virtue of subsection (1) are without prejudice to any other powers exercisable by the officer for the purposes of enforcing the sea fisheries legislation.
- (5) However, the officer may exercise any such other power only in a case where the officer is unable to exercise a power which the officer has by virtue of subsection (1).
- (6) So far as necessary for the purposes, or in consequence, of the exercise of the powers referred to in subsection (1)(a), references in Part 7 of the Marine (Scotland) Act 2010 to a marine enforcement officer are to be read as including references to a British sea-fishery officer.

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*Status: This is the original version (as it was originally enacted).*

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- (7) Sections 151 to 155 of the Marine (Scotland) Act 2010 (duties and liabilities of, and offences in relation to, marine enforcement officers) have effect as if—
- (a) any reference to a power conferred by Part 7 of that Act included a reference to—
    - (i) such a power as applied by subsection (1)(a), and
    - (ii) the powers conferred by sections 36 and 39, and
  - (b) any reference to a marine enforcement officer's functions under that Act included a reference to the functions of a British sea-fishery officer under—
    - (i) Part 7 of that Act as applied by subsection (1)(a), and
    - (ii) sections 36 and 39.