



# Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

## PART 3

### SEA FISHERIES

#### *Detention of vessels in connection with court proceedings*

#### **38 Power of sheriff to order release of vessels**

- (1) This section applies where a vessel is being detained under section 36.
- (2) If, on an application to a sheriff by the master, an owner or a charterer of the vessel, the sheriff is satisfied as to either of the matters mentioned in subsection (4), the sheriff may order that the vessel be released.
- (3) An application under subsection (2) is to be made by way of summary application.
- (4) Those matters are that—
  - (a) the continued detention of the vessel under section 36 is not necessary to secure that the master, an owner or a charterer of the vessel will attend court, or
  - (b) there are no grounds for believing that the court referred to in subsection (1)(b)(ii) of that section will order the vessel to be detained.