



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 7

#### COMMON ENFORCEMENT POWERS ETC.: LICENSING AND MARINE PROTECTION ETC.

##### *Common enforcement powers of entry, search and seizure*

#### **140 Powers of seizure, etc.**

- (1) A marine enforcement officer who is exercising a power of inspection conferred by section 134, 135 or 136 may—
  - (a) seize and detain or remove any item found on the relevant premises,
  - (b) take copies of or extracts from any document or record found on the relevant premises.
- (2) Where a marine enforcement officer reasonably believes that a person is or has been carrying on a relevant activity, the officer may seize and detain or remove any item which appears to be in the person's possession or control.
- (3) A marine enforcement officer to whom any document or record has been produced in accordance with a requirement imposed under section 139(2) may—
  - (a) seize and detain or remove the document or record,
  - (b) take copies or extracts from the document or record.

In this subsection, "document" includes anything falling within paragraph (a) or (b) of section 139(3).
- (4) The powers conferred by this section may be exercised only—
  - (a) for the purposes of determining whether a relevant offence has been committed, or
  - (b) in relation to an item which a marine enforcement officer reasonably believes to be evidence of the commission of a relevant offence.
- (5) Subject to subsection (6), a marine enforcement officer who is exercising a power of inspection conferred by section 134, 135 or 136 may not remove from the relevant premises any item which is required by law to be kept on the relevant premises.

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*Status: This is the original version (as it was originally enacted).*

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- (6) A marine enforcement officer may remove such an item from a vessel while it is being detained in a port.
- (7) Nothing in this section confers power on a marine enforcement officer to seize an item which the officer has reasonable grounds to believe would in legal proceedings be protected from disclosure on grounds of confidentiality of communications.