



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 8 **U.K.**

#### ENFORCEMENT

### CHAPTER 2 **U.K.**

#### COMMON ENFORCEMENT POWERS

##### *Miscellaneous and ancillary powers*

#### 255 Power to record evidence of offences **U.K.**

- (1) An enforcement officer may use any device for the purpose of taking visual images of anything which the officer believes is evidence of the commission of a relevant offence.
- (2) The power conferred by this section is exercisable in relation to—
  - (a) anything that is in or on,
  - (b) anything that is attached to or otherwise forms part of, or
  - (c) anything that is controlled from,any vessel, marine installation, premises or vehicle.
- (3) The officer may require any person in or on the vessel, marine installation, premises or vehicle to afford such facilities and assistance with respect to matters under that person's control as the officer considers would facilitate the exercise of the power conferred by this section.

#### Commencement Information

**II** S. 255 in force at 12.1.2010 by [S.I. 2009/3345](#), art. 2, [Sch. para. 21](#)

*Status: Point in time view as at 27/07/2021.*

*Changes to legislation: Marine and Coastal Access Act 2009, Cross Heading: Miscellaneous and ancillary powers is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## 256 Power to require name and address **U.K.**

Where an enforcement officer reasonably believes that a person has committed a relevant offence, the officer may require the person to provide the person's name and address.

### Commencement Information

**I2** S. 256 in force at 12.1.2010 by [S.I. 2009/3345](#), art. 2, [Sch. para. 21](#)

## 257 Power to require production of licence, etc **U.K.**

- (1) Where an enforcement officer reasonably believes—
  - (a) that a person is or has been carrying on a relevant activity, and
  - (b) that the person requires a licence or other authority to carry on that activity,
 the officer may require the person to produce that licence or other authority.
- (2) If the person is unable to produce the licence or other authority when required to do so, the person must produce it at such place, and within such period of time, as the officer may specify.

### Commencement Information

**I3** S. 257 in force at 12.1.2010 by [S.I. 2009/3345](#), art. 2, [Sch. para. 21](#)

## 258 Power to require attendance of certain persons **U.K.**

- (1) This section applies where an enforcement officer has—
  - (a) boarded a vessel or marine installation, or
  - (b) entered any premises.
- (2) For the purposes of carrying out any relevant functions, the officer may require the attendance of—
  - (a) the person who is for the time being in charge of the vessel or marine installation;
  - (b) any other person who is on board the vessel or marine installation;
  - (c) the owner or occupier of the premises;
  - (d) any person who is on the premises.

### Commencement Information

**I4** S. 258 in force at 12.1.2010 by [S.I. 2009/3345](#), art. 2, [Sch. para. 21](#)

## 259 Power to direct vessel or marine installation to port **U.K.**

- (1) This section applies where—
  - (a) an enforcement officer considers that it would not be reasonably practicable for the officer to exercise a power which the officer wishes to exercise in

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- relation to a vessel or marine installation without detaining the vessel or marine installation in a port, or
- (b) an enforcement officer reasonably believes that—
- (i) a vessel or marine installation is itself evidence of the commission of a relevant offence, and
- (ii) the only reasonably practicable way to preserve that evidence is to detain the vessel or marine installation in a port.
- (2) The officer may—
- (a) take, or arrange for another person to take, the vessel or marine installation and its crew to the port which appears to the officer to be the nearest convenient port, or
- (b) require the person who is for the time being in charge of the vessel or marine installation to take it and its crew to that port.
- (3) When the vessel or marine installation has been taken to a port, the officer may—
- (a) detain it there, or
- (b) require the person for the time being in charge of it to do so.
- (4) An enforcement officer who detains any vessel or marine installation under this section must serve a notice on the person who is for the time being in charge of it.
- (5) The notice must state that the vessel or marine installation is to be detained until the notice is withdrawn.
- (6) A notice served under subsection (4) may be withdrawn by service of a further notice signed by an appropriate enforcement officer.
- (7) In subsection (6) the reference to an appropriate enforcement officer is a reference to any enforcement officer acting on behalf of the same relevant authority as the enforcement officer who served the notice under subsection (4), and includes a reference to that officer.

“Relevant authority” means the person or body on whose behalf the officer who detained the vessel or marine installation was acting.

#### Commencement Information

**I5** S. 259 in force at 12.1.2010 by [S.I. 2009/3345](#), art. 2, [Sch. para. 21](#)

## 260 Assistance etc **U.K.**

- (1) To assist in carrying out any relevant functions, an enforcement officer may bring—
- (a) any other person;
- (b) any equipment or materials.
- (2) A person who is brought by an enforcement officer to provide assistance may exercise any powers conferred by this Act which the officer may exercise, but only under the supervision or direction of the officer.

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**Commencement Information**

**I6** S. 260 in force at 12.1.2010 by [S.I. 2009/3345](#), art. 2, [Sch. para. 21](#)

**261 Power to use reasonable force U.K.**

- (1) An enforcement officer may use reasonable force, if necessary, in the exercise of any power conferred by this Act.
- (2) A person assisting an enforcement officer under section 260 may use reasonable force, if necessary, in the exercise of any power conferred by this Act.

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**Commencement Information**

**I7** S. 261 in force at 12.1.2010 by [S.I. 2009/3345](#), art. 2, [Sch. para. 21](#)

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**Changes to legislation:**

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