
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 63

**The Sharks, Skates and Rays (Prohibition of Fishing,
Trans-shipment and Landing) (Scotland) Order 2012**

Powers of British sea-fishery officers in relation to fishing boats

8.—(1) For the purpose of enforcing this Order, a British sea-fishery officer may exercise the powers conferred by this article in relation to—

- (a) any Scottish fishing boat wherever it may be;
- (b) any [^{F1}other] fishing boat within the Scottish zone; ^{F2} ...
- ^{F2}(c)

(2) The officer may go on board the boat, with or without persons assigned to assist with the officer's duties, and may require the boat to stop and do anything else which will facilitate the boarding of the boat.

(3) The officer may require the attendance of the master, and other persons on board the boat, and may make any examination and inquiry which appears to the officer to be necessary for the purpose mentioned in paragraph (1) and, in particular—

- (a) may examine any fish on the boat and the boat's equipment, including fishing gear, and require persons on board the boat to do anything which appears to the officer to be necessary for facilitating the examination;
- (b) may require any person on board the boat to produce any document relating to the boat, to its fishing (or other ancillary) operations or to the persons on board, which is in the custody or possession of that person, and may take copies of any such document;
- (c) for the purpose of ascertaining whether the master, the owner or the charterer (if any) of the boat has committed an offence under section 5(1), 5(6), 6(5) or 6(5A) of the Sea Fish (Conservation) Act 1967(1), as read with this Order, may search the boat for any such document and may require any person on board the boat to do anything which appears to the officer to be necessary for facilitating the search; and
- (d) where the boat is one in relation to which the officer has reason to suspect that such an offence has been committed, may seize and detain any such document produced to the officer, or found on board, for the purpose of enabling the document to be used as evidence in proceedings for the offence,

but nothing in sub-paragraph (d) permits any document required by law to be carried on board the boat to be seized and detained except while the boat is detained in a port.

(4) Where it appears to a British sea-fishery officer that a contravention of this Order has at any time taken place, the officer may—

(1) Section 5(6) was amended by section 22(2)(b) of the 1981 Act and paragraph 3(4) of Schedule 15 to the Marine and Coastal Access Act 2009 ("the 2009 Act") (which extends to Scotland by virtue of section 158(1) of the 2010 Act). Section 5(6) should be read with sub-sections (6A) (inserted by paragraph 3(5) of Schedule 15 to the 2009 Act) and (7). Section 6(5) was amended, and section 6(5A) was inserted, by section 23(3) of the 1981 Act.

- (a) take, or require the master of the boat in relation to which the contravention took place to take, the boat and its crew to the port which appears to the officer to be the nearest convenient port; and
- (b) detain, or require the master to detain, the boat in the port.

(5) Where the officer detains or requires the detention of a boat under this article, the officer must serve notice in writing on the master stating that the boat is to be detained until the notice is withdrawn by the service on the master of a further notice in writing signed by a British sea-fishery officer.

Textual Amendments

- F1** Word in [art. 8\(1\)\(b\)](#) substituted (31.12.2020) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(a), [Sch. 2 para. 26\(8\)\(a\)](#) (with s. 50, [Sch. 4 para. 31](#))
- F2** [Art. 8\(1\)\(c\)](#) and word omitted (31.12.2020) by virtue of [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(a), [Sch. 2 para. 26\(8\)\(b\)](#) (with s. 50, [Sch. 4 para. 31](#))

Commencement Information

- I1** [Art. 8](#) in force at 30.3.2012, see [art. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Sharks, Skates and Rays (Prohibition of Fishing, Trans-shipment and Landing) (Scotland) Order 2012, Section 8.