



# Inshore Fishing (Scotland) Act 1984

## 1984 CHAPTER 26

### 5 Powers of sea-fishery officers.

- [<sup>F1</sup>(1) The powers conferred by this section are exercisable by British sea-fishery officers—
- (a) in relation to any British fishing boat within British fishery limits, for the purpose of enforcing the provisions of section 3 of this Act and of any order under this Act;
  - (b) in relation to any vehicle or equipment, for the purpose of enforcing the provisions of any order under this Act.
- (2) Any such officer may go on board any such boat or enter in or on any such vehicle or equipment, with or without persons assigned to him in his duties and for that purpose may require the boat, vehicle or equipment to be stopped and anything else to be done which will facilitate the boarding of the boat or the entering in or on of the vehicle or equipment.
- (3) Any such officer may require the attendance of—
- (a) the master and any other persons on board any boat; or
  - (b) the person in charge of, and any other persons in or on, any vehicle or equipment,
- which he has boarded or entered under subsection (2) above and may make any examination and inquiry which appears to him to be necessary for the purpose of enforcing the aforesaid provisions.
- (4) Without prejudice to the generality of subsection (3) above, any such officer—
- (a) may examine—
    - (i) any fish on the boat or in or on the vehicle or equipment; and
    - (ii) any apparatus on the boat or vehicle, including the fishing gear,and require persons on board the boat or in charge of or in or on the vehicle or equipment to do anything which appears to him to be necessary for facilitating the examination;
  - (b) may require any person on board the boat or in charge of or in or on the vehicle or equipment to produce any document relating to—
    - (i) the boat, vehicle or equipment;

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*Changes to legislation: There are currently no known outstanding effects for the Inshore Fishing (Scotland) Act 1984, Section 5. (See end of Document for details)*

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- (ii) its fishing operations or other operations ancillary thereto; or
- (iii) the persons on board the boat or in charge of or in or on the vehicle or equipment,

which is in his custody or possession, and may take copies of any such document;

- (c) for the purpose of ascertaining whether—
  - (i) the master, owner or charterer of the boat; or
  - (ii) in relation to the vehicle or equipment, any person mentioned in section 4(1A) of this Act,

has committed an offence under this Act, may search the boat, vehicle or equipment for any such document and may require any person on board the boat or in or on the vehicle or equipment to do anything which appears to him to be necessary for facilitating the search;

- (d) where the boat, vehicle or equipment is one in relation to which he has reason to suspect that such an offence has been committed, may seize and detain any such document produced to him or found on board the boat or in or on the vehicle or equipment for the purpose of enabling the document to be used as evidence in proceedings for the offence,

but nothing in paragraph (d) above shall permit 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.]

- (5) Where it appears to any such officer that an offence under section 4 of this Act has been committed in relation to any fishing boat, he may—
  - (a) require the master of the boat to take, or may himself take, the boat and its crew to the port which appears to him to be the nearest convenient port; and
  - (b) detain or require the master to detain the boat in the port,

and where such officer detains or requires the detention of a boat he shall serve on the master a notice in writing stating that the boat will be or is required 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.

[<sup>F2</sup>(5A) Where it appears to any such officer that an offence consisting of a contravention of an order made under this Act has been committed in relation to any vehicle or equipment, he may seize the vehicle or equipment.]

- (6) Any such officer may seize—
  - (a) any fish in respect of which an offence has been or is being committed under this Act;
  - (b) any net or other fishing gear which is used in the commission of an offence under this Act.

- (7) Any such officer may—
  - (a) enter at any reasonable time any premises (other than a dwelling-house) used for carrying on any business in connection with the operation of fishing boats or activities connected therewith or ancillary thereto or with the treatment, storage or sale of sea fish;
  - (b) require any person on the premises to produce any documents which are in his custody or possession relating to the catching, landing, transhipment, sale or disposal of any sea fish;

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and, if he has reason to suspect that an offence under this Act has been committed, he may also—

- (c) search the premises for any such document and require any person on the premises to do anything which appears to him to be necessary for facilitating the search;
- (d) seize and detain any such document produced to him or found on the premises for the purpose of enabling the document to be used as evidence in proceedings for the offence.

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**Textual Amendments**

- F1** S. 5(1)-(4) substituted (8.8.1994) by 1994 c. 27, s. 3(1); S.I. 1994/2124, art. 2
- F2** S. 5(5A) inserted (8.8.1994) by 1994 c. 27, s. 3(2); S.I. 1994/2124, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Inshore Fishing (Scotland) Act 1984, Section 5.