



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

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

#### ENFORCEMENT

### CHAPTER 4 **U.K.**

#### FISHERIES ENFORCEMENT POWERS

##### *Seizure for purposes of forfeiture*

#### **269 Power to seize fishing gear for purposes of forfeiture **U.K.****

- (1) An enforcement officer who has the power conferred by this section may seize and detain or remove any fishing gear which the officer reasonably believes has been used in the commission of a relevant offence.
- (2) The power conferred by this section may only be exercised for the purposes of securing that, in the event of a conviction for a relevant offence, the court may exercise any relevant power of forfeiture in relation to fishing gear used in the commission of the offence.
- (3) If, in the opinion of an enforcement officer, it is not for the time being practicable for the officer to seize and remove any fishing gear, the officer may require—
  - (a) the person from whom the fishing gear is being seized, or
  - (b) where the officer is exercising a power of inspection conferred by section 246, 247 or 248, any person in or on the relevant premises,to secure that the fishing gear is not removed or otherwise interfered with until such time as the officer may seize and remove it.
- (4) Where an enforcement officer is exercising a power of inspection conferred by section 246, 247 or 248, the officer may require any person in or on the relevant premises to afford such facilities and assistance with respect to matters under that

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**Status:** Point in time view as at 27/07/2021.

**Changes to legislation:** Marine and Coastal Access Act 2009, Section 269 is up to date with all changes known to be in force on or before 12 September 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)

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person's control as the officer considers would facilitate the exercise of any power conferred by this section.

(5) Where an enforcement officer reasonably believes that a person is or has been carrying on a relevant activity, the officer may require that person to afford such facilities and assistance with respect to matters under that person's control as the officer considers would facilitate the exercise in relation to that person of any power conferred by this section.

(6) In this section—

“relevant activity”, in relation to an enforcement officer, means any activity in respect of which the officer has functions;

“relevant power of forfeiture” means any power of a court to order the forfeiture of any fishing gear used in the commission of an offence;

“the relevant premises”, in relation to an enforcement officer exercising a power of inspection conferred by section 246, 247 or 248, means the vessel, marine installation, premises or vehicle in relation to which the power is being exercised.

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**Commencement Information**

**II** S. 269 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

**Status:**

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