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STATUTORY INSTRUMENTS

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**1991 No. 138**

**The Sea Fishing (Enforcement of  
Community Quota Measures) Order 1991**

**Powers of British sea-fishery officers**

- 6.—(1) For the purpose of enforcing article 3 of this Order, a British sea-fishery officer—
- (a) may go on board any fishing boat registered in the United Kingdom wherever it may be or any other fishing boat which is within British fishery limits;
  - (b) may require any such boat to stop and do anything else to enable him to board it;
  - (c) may require the attendance of the master of the boat or any other person on board;
  - (d) may require any person on board to assist him in the performance of his functions;
  - (e) may take with him, to assist him in performing his functions, any other person and any equipment or materials; and
  - (f) may make any examination or inquiry which appears to him to be necessary and, without prejudice to the generality of the foregoing, he may in particular—
    - (i) examine any fish on the boat and the equipment of the boat, including the fishing gear;
    - (ii) require the production of any document relating to the boat or to its fishing operations or other operations ancillary to its fishing operations;
    - (iii) search the boat for any such document, and require any person on board the boat to do anything which appears to the officer to be necessary for facilitating the search; and
    - (iv) take copies of any such document.
- (2) If a British sea-fishery officer has reasonable grounds to suspect that an offence under article 3 of this Order has been committed in respect of a boat that he has power to go on board under paragraph (1)(a) of this article, he may seize and detain any document produced to him or found on board the boat, and if he has reasonable grounds to suspect that an offence has been committed within British fishery limits, the officer—
- (a) may require the master to take, or may himself take, the boat and its crew to the port which appears to the officer to be the nearest convenient port; and
  - (b) may detain the boat in the port.
- (3) Nothing in paragraph (2) of this article shall permit any document required by law to be carried on board any boat to be seized or detained except while the boat is detained in a port.
- (4) If a British sea-fishery officer detains a boat, he shall serve on the master a notice stating that it is to be detained until the notice is withdrawn by the service on him of a further notice in writing signed by a British sea-fishery officer.
- (5) For the purpose of enforcing article 3 of this Order, a British sea-fishery officer—
- (a) may enter at any reasonable time any premises (other than a dwelling) 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) may examine any fish on the premises;
- (c) may require any person on the premises to produce any documents which are in his custody or possession relating to the catching, landing, transshipment, sale or disposal of sea fish;
- (d) may take copies of any such document;

and, if he has reasonable grounds to suspect that an offence under article 3 of this Order has been committed, the officer—

- (e) may search the premises for any such document and require any person on the premises to do anything which appears to the officer to be necessary for facilitating the search; and
  - (f) may seize and detain any such document produced to him or found on the premises.
- (6) A British sea-fishery officer may seize—
- (a) any fish in respect of which he has reasonable grounds to suspect that an offence under article 3 of this Order has been committed; and
  - (b) any net or other fishing gear which he has reasonable grounds to suspect has been used in the course of the commission of such an offence.