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WELSH STATUTORY INSTRUMENTS

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**2000 No. 1078**

**The Sea Fishing (Enforcement of Community  
Satellite Monitoring Measures) (Wales) Order 2000**

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

7.—(1) For the purpose of the enforcement of article 4 of this Order, or any equivalent provision in an order extending to any other part of the United Kingdom made for the purposes of implementing a Community satellite monitoring measure, a British sea-fishery officer may exercise in relation to any fishing boat within the territorial sea adjacent to Wales the powers conferred by paragraphs (2) [F1to (8)] of this article.

(2) The officer may go on board the boat, with or without persons assigned to assist with his or her duties, and may require the boat to stop and do anything else which will facilitate either the boarding of, or the disembarkation from, 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) of this article and, in particular—

- (a) may search for and examine, and may test, any equipment of the boat, including the satellite tracking device, and require persons on board the boat to do anything which appears to the officer to be necessary for facilitating such a search, examination or test;
- (b) may require any person on board the boat to produce any document relating to the boat, or the equipment of the boat, to any fishing operations or other operations ancillary thereto or to the persons on board which is in that person's custody or possession;
- (c) for the purpose of ascertaining whether a relevant offence has been committed, 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;
- (d) inspect, take copies of and retain in his or her possession while completing any search, examination and inspection provided for under this article, any such document produced to the officer or found on board;
- (e) without prejudice to sub-paragraphs (c) and (d), may require the master and any person for the time being in charge of the boat to render all such documents on a computer system into a visible and legible form, including requiring any such document to be produced in a form in which it may be taken away; and
- (f) where the boat is one in relation to which the officer has reason to suspect that a relevant offence has been committed, may seize and detain any such document produced or found on board for the purpose of enabling the document to be used as evidence in proceedings for the offence.

(4) Where it appears to a British sea-fishery officer that a relevant offence has at any time been committed, the officer may—

- (a) require the master of the boat in relation to which the offence took place to take, or the officer may personally 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;

and where such an officer detains or requires the detention of a boat the officer 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>(5) WhWhere it appears to a British sea fisheries officer that the satellite tracking device on a relevant British fishing boat or a Scottish fishing boat failed, at a time when the boat was not in port, to operate in accordance with article 3(5) of this Order, that officer may, subject to paragraph (7), at any time when the boat is in port, serve on the master or the owner a notice under paragraph (6).

(6) The notice referred to in paragraph (5) is a notice which—

(a) requires the boat to be detained in port from the time of service of the notice until the expiry of the specified monitoring period; and

(b) requires that throughout the specified monitoring period the device shall be set (as nearly as its condition allows) so as to transmit the required information to the Fisheries Monitoring Centre of the United Kingdom—

(i) in the case of a device designed to be capable of being polled, at least every two hours; and

(ii) in the case of a device not so designed, at least every hour.

(7) A notice under paragraph (6) shall not be served later than 30 days after the day on which it appears to the British sea fisheries officer that the satellite tracking device last failed to operate in accordance with article 3(5) of this Order.

(8) In this article—

(a) in paragraphs (5) and (7) the reference to article 3(5) of this Order includes a provision to the same effect made by an order which applies to waters beyond the territorial sea adjacent to Wales;

(b) in paragraph (6) “the specified monitoring period” means a period of 24 hours which is specified in the notice (which period shall not begin later than 9.00 a.m. on the weekday next following the day on which the notice is served).]

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#### Textual Amendments

**F1** Words in art. 7(1) substituted (1.4.2002) by *The Sea Fishing (Enforcement of Community Satellite Monitoring Measures) (Wales) Order 2000 Amendment Regulations 2002 (S.I. 2002/677)*, **art. 8(2)**, reg. 1(1)

**F2** Art. 7(5)-(8) inserted (1.4.2002) by *The Sea Fishing (Enforcement of Community Satellite Monitoring Measures) (Wales) Order 2000 Amendment Regulations 2002 (S.I. 2002/677)*, **art. 8(3)**, reg. 1(1)

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#### Commencement Information

**I1** Art. 7 in force at 7.4.2000, see **art. 1(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Sea Fishing (Enforcement of Community Satellite Monitoring Measures) (Wales) Order 2000, Section 7.