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WELSH STATUTORY INSTRUMENTS

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**2005 No. 1717**

**The Scallop Fishing (Wales) Order 2005**

**Powers of British sea-fishery officers**

**8.—(1)** For the purposes of enforcing this Order or any equivalent order, a British sea fishery officer may exercise the powers conferred by this article in relation to any British fishing boat in Welsh waters.

(2) The officer may go on board the boat, with or without persons assigned to assist in that officer's duties, and for that purpose 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 of enforcing this Order or any equivalent order as read with the Act and, in particular —

- (i) may examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to be necessary for facilitating the examination; and
- (ii) may require any person on board the boat to produce any document which is in that person's custody or possession relating to the boat, to its fishing operations or other operations ancillary thereto or to the persons on board and may take copies of any such document;
- (iii) for the purpose of ascertaining whether the master, owner or charterer of the boat has committed an offence under the Act 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;
- (iv) if the boat is one in relation to which the officer has reason to suspect that such an offence has been committed, may subject to paragraph (4) 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) Nothing in paragraph (3)(iv) 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.

(5) A British sea-fishery officer to whom it appears that a contravention of any provision of this Order has at any time taken place may —

- (a) require the master of the boat to take the boat and its crew to the port which appears 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 must 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.