



Marine (Scotland) Act 2010

2010 asp 5

PART 6

CONSERVATION OF SEALS

Authorisations to enter land

120 Power to enter land to obtain information about seals

- (1) The Scottish Ministers may, after consulting the Natural Environment Research Council, authorise any person to enter any land to obtain information about seals in order to enable or assist the Scottish Ministers to perform their functions under this Part.
- (2) Before granting such an authorisation, the Scottish Ministers must give notice to the occupier of the land setting out their intention to do so.
- (3) An authorisation must specify—
 - (a) the land to be entered, and
 - (b) the period (of no more than 8 weeks) during which the land may be entered.
- (4) An authorisation may be conditional.

121 Power to enter land to protect fisheries or fish farms from seals

- (1) The Scottish Ministers may, after consulting the Natural Environment Research Council, authorise a person to enter land in order to kill or take seals in accordance with a seal licence granted for the purpose of preventing them from causing serious damage to fisheries or fish farms.
- (2) Before granting such an authorisation, the Scottish Ministers must—
 - (a) give notice to the occupier of the land—
 - (i) setting out their intention to grant the authorisation, and
 - (ii) informing the occupier of the right to make representations to the Scottish Ministers within 28 days of the notice, and
 - (b) have regard to any timeous representations made by the occupier.

Status: This is the original version (as it was originally enacted).

- (3) An authorisation must specify—
 - (a) the land to be entered, and
 - (b) the period (of no more than 8 weeks) during which the land may be entered, and
 - (c) the number and species of seals that may be killed or taken.
- (4) An authorisation may be conditional.
- (5) Any seals killed or taken in pursuance of an authorisation belong to the Scottish Ministers (and may be disposed of as they think fit).

122 Duty to notify occupier

- (1) The duty to notify an occupier under section 120(2) or 121(2)(a) may be fulfilled—
 - (a) by hand delivering the notice to the occupier,
 - (b) by sending the notice, by first class post or by a registered or recorded delivery postal service, in an envelope addressed to the occupier at—
 - (i) where sent to an individual, the individual’s principal place of business or usual or last known abode,
 - (ii) where sent to a body corporate, the body’s registered or principal office, or
 - (iii) in any other case, the occupier’s last known address,
 - (c) by sending the notice to the occupier in some other way (including by email, fax or other electronic means)—
 - (i) which is legible and capable of being used for subsequent reference, and
 - (ii) which the sender reasonably considers likely to cause it to be delivered on the same or next day, or
 - (d) where the occupier’s name or address cannot be ascertained after reasonable enquiry—
 - (i) by hand delivering the notice to a responsible person on the land concerned, or
 - (ii) by fixing the notice to a conspicuous object on the land concerned.
- (2) A notice is, unless the contrary is proved, to be treated as having been given—
 - (a) where hand delivered, on the day of delivery,
 - (b) where posted, on the day on which it would be delivered in the ordinary course of post,
 - (c) where sent in a way described in subsection (1)(c), on the day after it is sent, or
 - (d) where fixed to an object, on the day it is so fixed.

123 Duty to produce authority

A person doing anything authorised under section 120 or 121 must produce evidence of the person’s authority if asked to do so.

124 Obstructing an authorised person

Preventing or obstructing a person from doing anything which the person is authorised to do under section 120 or 121 (intentionally or recklessly) is an offence.