



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 7

#### COMMON ENFORCEMENT POWERS ETC.: LICENSING AND MARINE PROTECTION ETC.

##### *Liability of marine enforcement officers*

#### **154 Liability of marine enforcement officers**

- (1) A person mentioned in subsection (2) is not to be liable in any civil or criminal proceedings for anything done (or omitted to be done) in or in connection with the discharge or purported discharge of the person's functions under this Act.
- (2) The persons are—
  - (a) any marine enforcement officer,
  - (b) any person assisting a marine enforcement officer by virtue of section 148.
- (3) Subsection (1) does not apply—
  - (a) if the act or omission is shown to have been in bad faith,
  - (b) if the act was carried out without reasonable skill or care,
  - (c) if there were no reasonable grounds for the act or omission,
  - (d) so as to prevent an award of damages in respect of the act or omission on the ground that it was unlawful as a result of section 6(1) of the Human Rights Act 1998 (c.42) (acts of public authorities incompatible with Convention rights).

#### **Modifications etc. (not altering text)**

- C1** Pt. 7 modified (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#), **ss. 35(6)**, 66(2) (with s. 65); S.S.I. 2013/249, art. 2
- C2** Ss. 151-155 applied (31.12.2010) by [The Marine \(Scotland\) Act 2010 \(Consequential Provisions\) Order 2010 \(S.I. 2010/2870\)](#), arts. 1, **9**
- C3** Ss. 151-155 modified (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#), **ss. 7(3)**, 66(2) (with s. 65); S.S.I. 2013/249, art. 2
- C4** Ss. 151-155 modified (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#), **ss. 35(7)**, 66(2) (with s. 65); S.S.I. 2013/249, art. 2

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*Changes to legislation: There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Cross Heading: Liability of marine enforcement officers. (See end of Document for details)*

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**Commencement Information**

**II** [S. 154](#) in force at 1.7.2010 by [S.S.I. 2010/230](#), **art. 2(f)**

**Changes to legislation:**

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Heading: Liability of marine enforcement officers.