



Marine (Scotland) Act 2010

2010 asp 5

PART 7

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

Powers of marine enforcement officers

131 Enforcement of marine licensing regime

- (1) For the purposes of enforcing Part 4 a marine enforcement officer has—
 - (a) the common enforcement powers conferred by this Act,
 - (b) the power conferred by section 150 (to require information relating to certain substances and objects).
- (2) Subject to subsection (3), the powers which a marine enforcement officer has for the purposes of enforcing Part 4 may be exercised in the Scottish marine area and in any other part of Scotland.
- (3) Those powers may not be exercised in relation to any British warship.
- (4) In this section and section 132, “British warship” means a ship belonging to Her Majesty and forming part of Her Majesty's armed forces.

Modifications etc. (not altering text)

- C1** S. 131 modified (31.12.2010) by [The Marine \(Scotland\) Act 2010 \(Consequential Provisions\) Order 2010 \(S.I. 2010/2870\)](#), arts. 1, 6

Commencement Information

- I1** S. 131(1)-(3) in force at 6.4.2011 by [S.S.I. 2011/58](#), art. 3(b)
I2 S. 131(4) in force at 1.7.2010 by [S.S.I. 2010/230](#), art. 2(c)

Status: Point in time view as at 31/12/2020.

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

132 Enforcement of marine protection and nature conservation legislation

- (1) For the purposes of enforcing the marine protection and nature conservation legislation, a marine enforcement officer has the common enforcement powers conferred by this Act.
- (2) In this section, “the marine protection and nature conservation legislation” means—
 - (a) marine conservation orders,
 - (b) sections 95, 96, 107, 112(5) and 117,
 - (c) sections 1, 5 to 7, 9, [F1 10A, 11, 11A, 11B, 11C, 11E, 11G, 11I, 13, 14, 14ZC, 14A, 14B, 14K, 18A and 18B] of the Wildlife and the Countryside Act 1981 (c.69),
 - (d) regulations 39, 41 and 43 of the Conservation (Natural Habitats, &c.) Regulations,
 - (e) any byelaws made by virtue of regulation 36 of those Regulations.
- (3) Subject to subsections (4) and (5), the powers which a marine enforcement officer has for the purposes of enforcing the marine protection and nature conservation legislation may be exercised in the Scottish marine area and in any other part of Scotland.
- (4) The powers which a marine enforcement officer has for the purposes of enforcing the marine protection and nature conservation legislation may not be exercised in relation to a British warship.
- (5) Any of those powers may also not be exercised in relation to any vessel mentioned in subsection (6) unless, in the case of a third country vessel (other than a vessel falling within paragraph (b) or (c) of that subsection), the United Kingdom is entitled under international law to exercise those powers without the consent of the flag state.
- (6) The vessels are—
 - (a) a third country vessel,
 - (b) a warship that is being used by the government of a State other than the United Kingdom,
 - (c) any other vessel that is being used by such a government for any non-commercial purpose.
- (7) In this section—

“flag state”, in relation to a vessel, is the State whose flag the vessel is flying or is entitled to fly,

“third country vessel” means a vessel which—

 - (a) is flying the flag of, or is registered in, any State or territory [F2 other than the United Kingdom], and
 - (b) is not registered in [F3 the United Kingdom],

“vessel” does not include aircraft.

Textual Amendments

- F1** Words in s. 132(2)(c) substituted (2.7.2012) by *The Wildlife and Natural Environment (Scotland) Act 2011 (Consequential Modifications) Order 2012 (S.S.I. 2012/215)*, reg. 1, **Sch. para. 2**
- F2** Words in s. 132(7)(a) substituted (31.12.2020) by *The Marine Environment (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/55)*, regs. 1, **2(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 132(7)(b) substituted (31.12.2020) by *The Marine Environment (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/55)*, regs. 1, **2(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 31/12/2020.

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

Modifications etc. (not altering text)

- C2** S. 132 modified (31.12.2010) by [The Marine \(Scotland\) Act 2010 \(Consequential Provisions\) Order 2010 \(S.I. 2010/2870\)](#), arts. 1, 7

Commencement Information

- I3** S. 132 in force at 1.7.2010 by [S.S.I. 2010/230](#), **art. 2(d)**

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Cross
Heading: Powers of marine enforcement officers.