



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 7

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

#### *Common enforcement powers of entry, search and seizure*

#### **137 Dwellings**

- (1) A marine enforcement officer may not by virtue of section 134, 135 or 136 enter a dwelling unless a justice has issued a warrant authorising the officer to enter it.
- (2) A justice may issue such a warrant only if, on an application by the officer, the justice is satisfied—
  - (a) that the officer has reasonable grounds for believing that there is material in the dwelling which for the purposes of carrying out any relevant functions the officer wishes to inspect, examine or seize, and
  - (b) that any of the following conditions is satisfied—
    - (i) that it is not practicable to communicate with any person entitled to grant entry to the dwelling,
    - (ii) that it is not practicable to communicate with any person entitled to grant access to the material,
    - (iii) that entry to the dwelling is unlikely to be granted unless a warrant is produced,
    - (iv) the purposes of entry may be frustrated or seriously prejudiced unless a marine enforcement officer arriving at the dwelling can secure immediate entry to it.
- (3) Schedule 3 contains further provision about warrants issued under this section.

#### **Commencement Information**

**II** S. 137 in force at 1.7.2010 by [S.S.I. 2010/230](#), [art. 2\(e\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 137.