



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 7

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

#### *Offences in relation to marine enforcement officers*

#### **155 Offences in relation to marine enforcement officers**

- (1) A person commits an offence if the person—
  - (a) fails without reasonable excuse to comply with a requirement reasonably made, or a direction reasonably given, by a marine enforcement officer in the exercise of any power conferred by the Act,
  - (b) prevents any other person from complying with any such requirement or direction.
- (2) But a person does not commit an offence by reason of a failure to comply with a requirement under section 145(1) (to produce a licence or other authority for the carrying on of a relevant activity) if the person complies with section 145(2) (production of licence or other authority at a place and within a period specified by the marine enforcement officer).
- (3) A person who provides information in pursuance of a requirement reasonably made by a marine enforcement officer in the exercise of the power conferred by section 150 (requiring information relating to certain substances or objects) commits an offence if—
  - (a) the information is false in a material particular and the person—
    - (i) knows that it is,
    - (ii) is reckless as to whether it is,
  - (b) the person intentionally fails to disclose any material particular.
- (4) A person who intentionally obstructs a marine enforcement officer in the performance of any of the officer's functions under this Act commits an offence.
- (5) A person who assaults a marine enforcement officer in the performance of any of the officer's functions under this Act commits an offence.

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*Changes to legislation: There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 155. (See end of Document for details)*

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- (6) A person who, with intent to deceive, falsely pretends to be a marine enforcement officer commits an offence.
- (7) A person who is guilty of an offence under subsection (1), (3) or (6) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum,
  - (b) on conviction on indictment, to a fine.
- (8) A person who is guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding £20,000.
- (9) A person who is guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding £50,000.
- (10) In this section, any reference to a marine enforcement officer includes a reference to a person assisting a marine enforcement officer by virtue of section 148.

**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

**Commencement Information**

- I1** S. 155 in force at 1.7.2010 by [S.S.I. 2010/230](#), **art. 2(f)**

**Changes to legislation:**

There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 155.