



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 5

#### MARINE PROTECTION AND ENHANCEMENT: THE SCOTTISH MARINE PROTECTION AREA

#### *Offences*

#### **98 Prohibited act taken in an emergency**

- (1) It is a defence for a person charged with an offence under section 94, 95 or 96 to prove that—
- (a) the act alleged to constitute the offence was carried out for the purpose of any of the following—
    - (i) saving life,
    - (ii) securing the safety of a vessel, aircraft or marine installation, and
  - (b) the person took steps within a reasonable time to inform the Scottish Ministers of the matters set out in subsection (2).
- (2) The matters are—
- (a) the fact that the act was carried out,
  - (b) the locality and circumstances in which it was carried out, and
  - (c) any substances or objects concerned.
- (3) The defence provided by subsection (1) is not available to a person where—
- (a) the court is not satisfied that the act either—
    - (i) was necessary for any of the purposes mentioned in subsection (1) (a), or
    - (ii) was a reasonable step to take in the circumstances, or
  - (b) the necessity for the act was due to the fault of the accused or a person acting under the accused's direction or control.

#### **Commencement Information**

**II** S. 98 in force at 1.7.2010 by S.S.I. 2010/230, art. 2(b)

**Changes to legislation:**

There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 98.