



Inshore Fishing (Scotland) Act 1994

1994 CHAPTER 27

An Act to amend the Inshore Fishing (Scotland) Act 1984 to make provision for the control of fishing in Scottish inshore waters by vehicles or equipment. [21st July 1994]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Further power to prohibit sea fishing in specified areas

- (1) Section 1 of the Inshore Fishing (Scotland) Act 1984 (general power to prohibit sea fishing in specified areas) shall be amended in accordance with the provisions of this section.
- (2) In subsection (1) the word “sea” where it second occurs shall be omitted.
- (3) In subsection (2)—
 - (a) the word “sea” where it first occurs shall be omitted;
 - (b) after paragraph (d) there shall be inserted—
 - “(dd) fishing from or by means of any vehicle or any vehicle of a specified description;
 - (ddd) fishing by means of a specified description of equipment”.
- (4) In subsection (3)—
 - (a) for the words “or (c)” there shall be substituted the words “(c) or (ddd)”;
 - (b) the word “sea” where it first occurs shall be omitted;
 - (c) for the words “the sea” there shall be substituted the words “Scottish inshore waters”.

2 Offences

In section 4 of that Act (offences), after subsection (1), there shall be inserted the following subsection—

“(1A) Where an offence is committed by way of a contravention of any order made under this Act or of a failure to comply with section 1(3) of this Act, and where a vehicle or equipment is used in the commission of the offence, each of the following persons shall (in addition to the contravenor) be guilty of an offence—

- (a) any person who caused or permitted the contravention;
- (b) the owner of the vehicle or equipment;
- (c) if the vehicle or equipment was subject to hire, the hirer; and
- (d) any person who was in charge of the vehicle or equipment.”

3 Powers of sea-fishery officers

(1) For subsections 1 to 4 of section 5 of that Act (powers of sea fishery officers) there shall be substituted the following subsections—

“(1) The powers conferred by this section are exercisable by British sea-fishery officers—

- (a) in relation to any British fishing boat within British fishery limits, for the purpose of enforcing the provisions of section 3 of this Act and of any order under this Act;
- (b) in relation to any vehicle or equipment, for the purpose of enforcing the provisions of any order under this Act.

(2) Any such officer may go on board any such boat or enter in or on any such vehicle or equipment, with or without persons assigned to him in his duties and for that purpose may require the boat, vehicle or equipment to be stopped and anything else to be done which will facilitate the boarding of the boat or the entering in or on of the vehicle or equipment.

(3) Any such officer may require the attendance of—

- (a) the master and any other persons on board any boat; or
- (b) the person in charge of, and any other persons in or on, any vehicle or equipment,

which he has boarded or entered under subsection (2) above and may make any examination and inquiry which appears to him to be necessary for the purpose of enforcing the aforesaid provisions.

(4) Without prejudice to the generality of subsection (3) above, any such officer—

- (a) may examine—
 - (i) any fish on the boat or in or on the vehicle or equipment; and
 - (ii) any apparatus on the boat or vehicle, including the fishing gear,

and require persons on board the boat or in charge of or in or on the vehicle or equipment to do anything which appears to him to be necessary for facilitating the examination;

- (b) may require any person on board the boat or in charge of or in or on the vehicle or equipment to produce any document relating to—
 - (i) the boat, vehicle or equipment;
 - (ii) its fishing operations or other operations ancillary thereto; or

- (iii) the persons on board the boat or in charge of or in or on the vehicle or equipment,
which is in his custody or possession, and may take copies of any such document;
- (c) for the purpose of ascertaining whether—
- (i) the master, owner or charterer of the boat; or
 - (ii) in relation to the vehicle or equipment, any person mentioned in section 4(1A) of this Act,
- has committed an offence under this Act, may search the boat, vehicle or equipment for any such document and may require any person on board the boat or in or on the vehicle or equipment to do anything which appears to him to be necessary for facilitating the search;
- (d) where the boat, vehicle or equipment is one in relation to which he has reason to suspect that such an offence has been committed, may seize and detain any such document produced to him or found on board the boat or in or on the vehicle or equipment for the purpose of enabling the document to be used as evidence in proceedings for the offence,
but nothing in paragraph (d) above shall permit any document required by law to be carried on board the boat to be seized and detained except while the boat is detained in a port.”

(2) After subsection (5) of that section there shall be inserted the following subsection—

“(5A) Where it appears to any such officer that an offence consisting of a contravention of an order made under this Act has been committed in relation to any vehicle or equipment, he may seize the vehicle or equipment.”

4 Consequential amendments of 1984 Act

- (1) In section 2 of that Act (power to prohibit carriage of nets) the word “sea” shall be omitted.
- (2) In section 9 of that Act (interpretation), in the definition of Scottish inshore waters, for the word “sea” where it first occurs there shall be substituted the word “area”.

5 Citation, commencement and extent

- (1) This Act may be cited as the Inshore Fishing (Scotland) Act 1994 and shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (2) This Act extends to Scotland only.