



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 8

ENFORCEMENT

CHAPTER 4

FISHERIES ENFORCEMENT POWERS

Inspection and seizure of objects at sea

264 Power to inspect and seize objects at sea

- (1) For the purposes of carrying out any relevant functions, an enforcement officer who has the power conferred by this section may inspect any object in the sea which the officer believes has been or is being used for or in connection with fishing.

The officer may lift an object out of the sea for the purposes of inspecting it under this section.

- (2) An enforcement officer who has inspected an object under this section may seize the object.
- (3) The power conferred by subsection (2) may only be exercised—
- (a) for the purposes of determining whether a relevant offence has been committed, or
 - (b) in relation to an object which an enforcement officer reasonably believes to be evidence of the commission of a relevant offence.
- (4) If, having inspected an object under this section, the officer decides not to seize it under subsection (2), the officer must, if it is reasonably practicable to do so, replace the object in the location where it was found.

Status: Point in time view as at 12/01/2010.

Changes to legislation: Marine and Coastal Access Act 2009, Chapter 4 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) If it is not reasonably practicable to replace the object in accordance with subsection (4), the officer may seize the object until such time as it may be collected by its owner.
- (6) Any power conferred by this section to seize an object includes power to seize—
 - (a) anything that is attached to the object;
 - (b) anything that is contained within the object.
- (7) Any reference in this section to replacing an object includes, in the case of fishing gear, a reference to re-setting the gear in the same way in which it was placed in the sea.
- (8) The powers conferred on an enforcement officer by this section are without prejudice to any powers exercisable by the officer apart from this section.

Commencement Information

II S. 264 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

265 Reports of inspections under section 264

- (1) This section applies where an enforcement officer inspects any object under section 264.
- (2) The officer must prepare a report in relation to the inspection.
- (3) The report must state—
 - (a) the date and time of the inspection;
 - (b) the identity of the officer who carried out the inspection;
 - (c) how the officer may be contacted.
- (4) In the case of an object seized under section 264(2) or (5), the report must also state—
 - (a) what has been seized;
 - (b) the reasons for its seizure;
 - (c) any further action that it is proposed will be taken in relation to the object.
- (5) Where the object has not been seized under section 264(2) or (5), the officer must, if it is reasonably practicable to do so, attach a copy of the report to the object.

If it is not reasonably practicable to attach a copy of the report to the object, the officer must serve a copy of the report on every person who appears to the officer to be the owner, or one of the owners, of the object.

- (6) In a case where the officer, after taking reasonable steps to do so, is unable to identify any person as owning the object, the officer must take such steps as the officer thinks fit to bring the contents of the report to the attention of persons likely to be interested in it.
- (7) Where—
 - (a) the object has been seized under section 264(2), and
 - (b) either of the conditions in subsection (8) is satisfied,
 the relevant authority must, if it has not already done so, serve a copy of the report on every person who appears to the authority to be the owner, or one of the owners, of the object.

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- (8) The conditions are—
- (a) that the relevant authority has decided not to take proceedings in respect of any offence in relation to which the object was seized;
 - (b) that any proceedings taken in respect of such an offence have concluded.
- (9) Where the object has been seized under section 264(5), the relevant authority must serve a copy of the report on every person who appears to the authority to be the owner, or one of the owners, of the object at the same time as it serves a notice of collection on that person under section 267.
- (10) In a case where the relevant authority, after taking reasonable steps to do so, is unable to identify any person as owning the object—
- (a) any reference in this section to a requirement for the authority to serve a copy of a report on such a person is to be read as a reference to a requirement to take such steps as the authority thinks fit to bring the contents of the report to the attention of persons likely to be interested in it, and
 - (b) the reference in subsection (9) to serving a notice of collection under section 267 is to be read as a reference to taking the steps referred to in subsection (5) of that section.

Commencement Information

I2 S. 265 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

266 Retention of objects seized under section 264(2)

- (1) Any object seized by an enforcement officer under section 264(2) may be retained by the relevant authority.
- (2) If either of the grounds of release in subsection (3) applies, the relevant authority must, as soon as is reasonably practicable, make the object available for collection.
- (3) The grounds of release referred to in subsection (2) are—
 - (a) that the relevant authority has decided not to take proceedings in respect of any offence in relation to which the object was seized;
 - (b) that any proceedings taken in respect of such an offence have concluded without any order for forfeiture having been made.
- (4) But subsection (2) does not apply if the object is liable to forfeiture under section 275 or 276.
- (5) Any reference in this section to an object seized under subsection (2) of section 264 includes a reference to anything seized by virtue of subsection (6) of that section.

Commencement Information

I3 S. 266 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

267 Disposal of objects seized under section 264

- (1) This section applies to—

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- (a) any object seized under section 264(2) which the relevant authority—
 - (i) no longer wishes to retain for any purpose, or
 - (ii) is required to make available for collection by virtue of section 266;
 - (b) any object seized under section 264(5).
- (2) In this section a “notice of collection” is a notice stating that—
- (a) the object specified in the notice is available to be collected from the location so specified, and
 - (b) if the object is not collected before the end of the period of three months beginning with the date specified in the notice, the relevant authority will dispose of the object.
- (3) The relevant authority must serve a notice of collection on every person who appears to the authority to be the owner, or one of the owners, of the object.
- (4) The relevant authority may take any other steps it thinks fit to notify every such person that the object is available to be collected.
- (5) If the relevant authority, after taking reasonable steps to do so, is unable to identify any person as owning the object in order to serve a notice of collection, the relevant authority must take such steps as it thinks fit to bring the information contained in the notice of collection to the attention of persons likely to be interested in it.
- (6) If the relevant authority complies with subsection (3) or subsection (5), as the case may be, the relevant authority may, at the end of the period mentioned in subsection (2)(b), dispose of the object in whatever way it thinks fit.
- (7) Any reference in this section to an object seized under subsection (2) or (5) of section 264 includes a reference to anything seized by virtue of subsection (6) of that section.

Commencement Information

I4 S. 267 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Seizure for purposes of forfeiture

268 Power to seize fish for purposes of forfeiture

- (1) An enforcement officer who has the power conferred by this section may seize and detain or remove any fish in respect of which the officer reasonably believes a relevant offence has been committed.
- (2) The power conferred by this section may only be exercised for the purposes of securing that, in the event of a conviction for a relevant offence, the court may exercise any relevant power of forfeiture in relation to fish in respect of which the offence was committed.
- (3) Where—
 - (a) any fish which an enforcement officer wishes to seize and remove are in a container, and
 - (b) the officer reasonably considers that it would facilitate the seizure and removal of the fish if they remained in the container for that purpose,

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any power to seize and remove the fish includes power to seize and remove the container.

(4) Where—

- (a) any fish which an enforcement officer wishes to seize and remove are not in a container, and
 - (b) the officer reasonably considers that it would facilitate the seizure and removal of the fish if they were placed in a container suitable for that purpose,
- the officer may require the fish to be placed into such a container.

(5) If, in the opinion of an enforcement officer, it is not for the time being practicable for the officer to seize and remove any fish, the officer may require—

- (a) the person from whom the fish are being seized, or
- (b) where the officer is exercising a power of inspection conferred by section 246, 247 or 248, any person in or on the relevant premises,

to secure that the fish are not removed or otherwise interfered with until such time as the officer may seize and remove them.

(6) Where an enforcement officer is exercising a power of inspection conferred by section 246, 247 or 248, the officer may require any person in or on the relevant premises to afford such facilities and assistance with respect to matters under that person's control as the officer considers would facilitate the exercise of any power conferred by this section.

(7) Where an enforcement officer reasonably believes that a person is or has been carrying on a relevant activity, the officer may require that person to afford such facilities and assistance with respect to matters under that person's control as the officer considers would facilitate the exercise in relation to that person of any power conferred by this section.

(8) In this section—

“relevant activity”, in relation to an enforcement officer, means any activity in respect of which the officer has functions;

“relevant power of forfeiture” means any power of a court to order the forfeiture of any fish in respect of which an offence has been committed;

“the relevant premises”, in relation to an enforcement officer exercising a power of inspection conferred by section 246, 247 or 248, means the vessel, marine installation, premises or vehicle in relation to which the power is being exercised.

Commencement Information

I5 S. 268 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

269 Power to seize fishing gear for purposes of forfeiture

- (1) An enforcement officer who has the power conferred by this section may seize and detain or remove any fishing gear which the officer reasonably believes has been used in the commission of a relevant offence.
- (2) The power conferred by this section may only be exercised for the purposes of securing that, in the event of a conviction for a relevant offence, the court may exercise any

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relevant power of forfeiture in relation to fishing gear used in the commission of the offence.

(3) If, in the opinion of an enforcement officer, it is not for the time being practicable for the officer to seize and remove any fishing gear, the officer may require—

- (a) the person from whom the fishing gear is being seized, or
- (b) where the officer is exercising a power of inspection conferred by section 246, 247 or 248, any person in or on the relevant premises,

to secure that the fishing gear is not removed or otherwise interfered with until such time as the officer may seize and remove it.

(4) Where an enforcement officer is exercising a power of inspection conferred by section 246, 247 or 248, the officer may require any person in or on the relevant premises to afford such facilities and assistance with respect to matters under that person's control as the officer considers would facilitate the exercise of any power conferred by this section.

(5) Where an enforcement officer reasonably believes that a person is or has been carrying on a relevant activity, the officer may require that person to afford such facilities and assistance with respect to matters under that person's control as the officer considers would facilitate the exercise in relation to that person of any power conferred by this section.

(6) In this section—

“relevant activity”, in relation to an enforcement officer, means any activity in respect of which the officer has functions;

“relevant power of forfeiture” means any power of a court to order the forfeiture of any fishing gear used in the commission of an offence;

“the relevant premises”, in relation to an enforcement officer exercising a power of inspection conferred by section 246, 247 or 248, means the vessel, marine installation, premises or vehicle in relation to which the power is being exercised.

Commencement Information

I6 S. 269 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

270 Procedure in relation to seizure under section 268 or 269

(1) An enforcement officer who seizes any property under section 268 or 269 must, if it is reasonably practicable to do so, serve a notice on each of the following persons—

- (a) every person who appears to the officer to have been the owner, or one of the owners, of the property at the time of its seizure;
- (b) in the case of property seized from a vessel, the master, owner and charterer (if any) of the vessel at that time;
- (c) in the case of property seized from premises, every person who appears to the officer to have been an occupier of the premises at that time;
- (d) in any other case, the person (if any) from whom the property was seized.

(2) The notice must state—

- (a) what has been seized;

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- (b) the reason for its seizure;
 - (c) the offence which the officer believes has been committed;
 - (d) any further action that it is proposed will be taken;
 - (e) that, unless the property is liable to forfeiture under section 275 or 276, it is to be detained until such time as it is released or its forfeiture is ordered by the court.
- (3) Subsections (4) and (5) apply in a case where the property was seized following an inspection carried out in exercise of the power conferred by section 264.
- (4) The officer must serve a copy of the report referred to in section 265 on every person falling within paragraph (a) of subsection (1) above at the same time as the officer serves a notice on that person under this section.
- (5) In a case where the officer, after taking reasonable steps to do so, is unable to identify any person as owning the property—
- (a) any reference in this section to a requirement to serve a notice on that person is to be read as a reference to a requirement to take such steps as the officer thinks fit to bring the contents of the notice to the attention of persons likely to be interested in it, and
 - (b) the reference in subsection (4) to serving a copy of the report referred to in section 265 is to be read as a reference to taking the steps referred to in subsection (10)(a) of that section.

Commencement Information

I7 S. 270 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

271 Retention of property seized under section 268 or 269

- (1) Any property seized by an enforcement officer under section 268 or 269 may be retained by the relevant authority.
- (2) If either of the grounds for release in subsection (3) applies, the relevant authority must, as soon as is reasonably practicable, make the property available for collection.
- (3) The grounds for release referred to in subsection (2) are—
- (a) that the relevant authority has decided not to take proceedings in respect of any offence in relation to which the property was seized;
 - (b) that any proceedings taken in respect of such an offence have concluded without any order for forfeiture having been made.
- (4) But subsection (2) does not apply if the property is liable to forfeiture under section 275 or 276.

Commencement Information

I8 S. 271 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

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272 Bonds for release of seized fish or gear

- (1) This section applies to any property which is being retained by the relevant authority under section 271.
- (2) The relevant authority may enter into an agreement with any person falling within subsection (3) for security for the property to be given to the relevant authority by way of bond in return for the release of the property.
- (3) The persons referred to in subsection (2) are—
 - (a) the owner, or any of the owners, of the property;
 - (b) in the case of property seized from a vessel, the owner or charterer, or any of the owners or charterers, of the vessel.
- (4) Any bond given under this section is to be—
 - (a) for such amount as may be agreed, or
 - (b) in the event of a failure to agree an amount, for such amount as may be determined by the court.

“The court” means a magistrates' court in England and Wales.
- (5) A person who gives a bond under this section must comply with such conditions as to the giving of the bond as the relevant authority may determine.
- (6) If either of the grounds for release mentioned in subsection (7) applies, then any bond given under this section must be returned as soon as possible.
- (7) The grounds for release referred to in subsection (6) are—
 - (a) that the relevant authority has decided not to take proceedings in respect of any offence in relation to which the property was seized;
 - (b) that any proceedings taken in respect of such an offence have concluded without any order for forfeiture having been made.
- (8) Any power which a court has to order the forfeiture of any fish or any fishing gear may instead be exercised in relation to any bond given under this section as security for that fish or fishing gear.

Commencement Information

19 [S. 272](#) in force at 12.1.2010 by [S.I. 2009/3345](#), art. 2, [Sch. para. 22](#)

273 Power of relevant authority to sell seized fish in its possession

- (1) Any fish which are being retained by the relevant authority under section 271 may be sold by the authority.
- (2) Any power which a court has to order the forfeiture of any fish may instead be exercised in relation to the proceeds of any sale of the fish under this section.
- (3) Subject to subsection (6), the proceeds of any sale under this section may be retained by the relevant authority until such time as—
 - (a) a court exercises any power it has to order the forfeiture of the proceeds, or
 - (b) either of the grounds for release mentioned in subsection (4) applies.
- (4) The grounds for release referred to in subsection (3) are—

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- (a) that the relevant authority has decided not to take proceedings in respect of any offence in relation to which the fish were seized;
 - (b) that any proceedings taken in respect of such an offence have concluded without any order for forfeiture having been made.
- (5) If either of the grounds for release mentioned in subsection (4) applies, the relevant authority must, as soon as is reasonably practicable, release the proceeds of sale to any person who appears to the authority to have been the owner, or one of the owners, of the fish at the time of the seizure of the fish.
- (6) If the proceeds of sale are still in the relevant authority's possession after the end of the period of six months beginning with the date on which the fish were sold, the relevant authority may retain the proceeds and apply them in any manner it thinks fit.
- The relevant authority may exercise its power under this subsection to retain and apply the proceeds of sale only if it is not practicable at the time when the power is exercised to dispose of the proceeds by releasing them immediately to the person to whom they are required to be released.
- (7) Subject to subsection (9), any fish sold under this section must be sold at auction.
- (8) Before selling the fish, the relevant authority must give the owner of the fish a reasonable opportunity to make representations as to the manner in which the fish are sold.
- (9) If—
- (a) the owner of the fish requests that the fish be sold—
 - (i) at a particular auction, or
 - (ii) by a method of sale other than auction,and
 - (b) the relevant authority does not consider that it would be unreasonable to comply with that request,
- the relevant authority must comply with the request when selling the fish.
- (10) The relevant authority may deduct any reasonable expenses it has incurred in selling any fish under this section from the proceeds of the sale.
- (11) In a case where there is more than one owner of the fish, subsection (9) applies only if the request is made by or on behalf of all of them.

Commencement Information

I10 S. 273 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

274 Disposal of property seized under section 268 or 269

- (1) This section applies to any property seized under section 268 or 269 which the relevant authority—
- (a) no longer wishes to retain for any purpose, or
 - (b) is required to make available for collection by virtue of section 271.
- (2) In this section a “notice of collection” is a notice stating that—

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- (a) the property specified in the notice is available to be collected from the location so specified, and
 - (b) if the property is not collected before the end of the period of three months beginning with the date specified in the notice, the relevant authority will dispose of the property.
- (3) The relevant authority must serve a notice of collection on every person who appears to the authority to be the owner, or one of the owners, of the property.
 - (4) The relevant authority may take any other steps it considers appropriate to notify every such person that the property is available to be collected.
 - (5) If the relevant authority, after taking reasonable steps to do so, is unable to identify any person as owning the property, the relevant authority must—
 - (a) if it is reasonably practicable to do so, serve a notice of collection on every person who is an appropriate person for the purposes of this subsection, and
 - (b) take such steps as it thinks fit to bring the information contained in the notice of collection to the attention of persons likely to be interested in it.
 - (6) For the purposes of subsection (5), the following persons are “appropriate persons”—
 - (a) in the case of property seized from a vessel, the master, owner and charterer (if any) of the vessel at the time of the seizure of the property;
 - (b) in the case of property seized from premises, every person who appears to the relevant authority to have been an occupier of the premises at that time;
 - (c) in any other case, the person (if any) from whom the property was seized.
 - (7) If the relevant authority complies with subsection (3) or subsection (5), as the case may be, the relevant authority may, at the end of the period mentioned in subsection (2)(b), dispose of the property in whatever way it thinks fit.

Commencement Information

I11 S. 274 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Forfeiture

275 Forfeiture etc of prohibited items

- (1) Any item to which this section applies is liable to forfeiture under this section if the use of that item for sea fishing would in any circumstances constitute an offence under the law of England and Wales.
- (2) This section applies to any item seized on board a vessel or from the sea by an enforcement officer in the exercise of any power conferred by this Act.
- (3) Any item forfeited under this section is to be forfeited to the relevant authority and may be disposed of by that authority in any manner it thinks fit.

Commencement Information

I12 S. 275 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

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276 Forfeiture etc of fish failing to meet size requirements

- (1) Any fish to which this section applies are liable to forfeiture under this section if, by virtue of the fish failing to meet requirements as to size, an offence under the law of England and Wales has been committed in respect of the fish.
- (2) This section applies to fish seized by an enforcement officer in the exercise of any power conferred by this Act.
- (3) Any fish forfeited under this section are to be forfeited to the relevant authority and may be disposed of by that authority in any manner it thinks fit.

Commencement Information

I13 S. 276 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

277 Further provision about forfeiture under section 275 or 276

Schedule 18 (which makes provision in relation to the forfeiture of property liable to forfeiture under section 275 or 276) has effect.

Commencement Information

I14 S. 277 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

278 Forfeiture by court following conviction

- (1) This section applies where a court by or before which a person is convicted of an offence under the fisheries legislation orders the forfeiture of any fish or any fishing gear in respect of that offence.
- (2) The court must order that the property to be forfeited is to be taken into the possession of the person or body by whom proceedings for the offence were brought.
- (3) The property may be disposed of as that person or body thinks fit.
- (4) Any proceeds arising from the disposal of the property may be retained by the person or body.
- (5) The court may order any person convicted of the offence to pay any costs reasonably incurred by any person or body in storing the property that is to be forfeited.
- (6) In this section—
 - “the fisheries legislation” means—
 - (a) any enactments relating to sea fishing (including any enactment relating to fishing for shellfish, salmon or migratory trout);
 - (b) any enforceable EU restrictions and enforceable EU obligations relating to sea fishing;
 - “enforceable EU obligation” means an obligation to which section 2(1) of the European Communities Act 1972 (c. 68) applies;
 - “enforceable EU restriction” means a restriction to which section 2(1) of that Act applies.

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Commencement Information

I15 S. 278 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Detention of vessels in connection with court proceedings

279 Power to detain vessels in connection with court proceedings

- (1) This section applies where—
- (a) an enforcement officer has reasonable grounds for suspecting that a relevant offence has been committed by the master, owner or charterer of a vessel, and
 - (b) the officer reasonably believes that—
 - (i) if proceedings are taken against the person for the offence, there is a real risk that the person will not attend court unless the vessel is detained under this section, or
 - (ii) if the person is convicted of the offence and the court by or before which the person is convicted imposes a fine on that person, it is likely that the court will order the vessel to be detained.
- (2) Where this section applies, an enforcement officer who has the power conferred by this section may—
- (a) take, or arrange for another person to take, the vessel and its crew to the port which appears to the officer to be the nearest convenient port, or
 - (b) require any person who is for the time being in charge of the vessel to take it and its crew to that port.
- (3) When a vessel has been taken to a port in pursuance of this section, the officer may—
- (a) detain it there, or
 - (b) require the person for the time being in charge of it to do so.
- (4) An enforcement officer who detains any vessel under this section must, if it is reasonably practicable to do so, serve a notice on—
- (a) the owner of the vessel,
 - (b) the charterer (if any) of the vessel, and
 - (c) the person who is for the time being in charge of the vessel.
- (5) The notice must state—
- (a) the reasons for detaining the vessel;
 - (b) the circumstances in which the vessel may be released.

Commencement Information

I16 S. 279 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

280 Release of vessels detained under section 279

- (1) This section applies where a vessel is being detained under section 279.

Status: Point in time view as at 12/01/2010.

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- (2) The vessel ceases to be detained under that section if one of the following things occurs—
- (a) the notice of detention is withdrawn;
 - (b) the court orders the release of the vessel under section 281;
 - (c) any proceedings taken against the master, owner or charterer of the vessel have concluded;
 - (d) the court referred to in section 279(1)(b)(ii) exercises any power it has to order the vessel to be detained.
- (3) A notice of detention may be withdrawn by service of a further notice signed by an appropriate enforcement officer.
- (4) In subsection (3) the reference to an appropriate enforcement officer is a reference to any enforcement officer acting on behalf of the same relevant authority as the enforcement officer who served the notice of detention, and includes a reference to that officer.
- (5) If any of the grounds for release mentioned in subsection (6) applies, then any notice of detention must be withdrawn as soon as possible.
- (6) The grounds for release referred to in subsection (5) are—
- (a) that the relevant authority has decided not to take proceedings against the master, owner or charterer of the vessel;
 - (b) that there are no grounds for believing that any person referred to in paragraph (a) against whom proceedings have been, or may be, taken will fail to attend court;
 - (c) that there are no grounds for believing that the court referred to in section 279(1)(b)(ii) will order the vessel to be detained.
- (7) In this section “notice of detention” means a notice served under section 279(4).

Commencement Information

I17 S. 280 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

281 Power of court to order release of vessels

- (1) This section applies where a vessel is being detained under section 279.
- (2) If, on an application made to a magistrates' court in England and Wales by the owner or charterer, or any of the owners or charterers, of the vessel, the court is satisfied that—
- (a) the continued detention of the vessel under section 279 is not necessary to secure that the master, owner or charterer of the vessel will attend court, or
 - (b) there are no grounds for believing that the court referred to in section 279(1)(b)(ii) will order the vessel to be detained,
- the court may order that the vessel be released.

Commencement Information

I18 S. 281 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Status: Point in time view as at 12/01/2010.

Changes to legislation: Marine and Coastal Access Act 2009, Chapter 4 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

282 Bonds for release of vessels

- (1) Where a vessel is being detained under section 279, the relevant authority may enter into an agreement with the owner or charterer, or any of the owners or charterers, of the vessel for security for the vessel to be given to the relevant authority by way of bond in return for the withdrawal of the notice of detention.
- (2) Any bond given under this section is to be—
 - (a) for such amount as may be agreed, or
 - (b) in the event of a failure to agree an amount, for such amount as may be determined by the court.

“The court” means a magistrates' court in England and Wales.
- (3) A person who gives a bond under this section must comply with such conditions as to the giving of the bond as the relevant authority may determine.
- (4) If any of the grounds for release mentioned in subsection (5) applies, then any bond given under this section must be returned as soon as possible.
- (5) The grounds for release referred to in subsection (4) are—
 - (a) that the relevant authority has decided not to take proceedings against the master, owner or charterer of the vessel;
 - (b) that there are no grounds for believing that any person referred to in paragraph (a) against whom proceedings have been, or may be, taken will fail to attend court;
 - (c) that there are no grounds for believing that the court referred to in section 279(1)(b)(ii) would, in the absence of the bond, have ordered the vessel to be detained;
 - (d) that any proceedings taken against the master, owner or charterer of the vessel have concluded without any fine having been imposed.
- (6) Where a court imposes a fine on the master, owner or charterer of the vessel, the court may order any sum of money given as a bond under this section to be used towards the payment of the fine.

If the fine is less than the amount of the bond, any sum not required to be used in payment of the fine must be returned to the person who gave the bond as soon as possible.

- (7) In this section “notice of detention” means a notice served under section 279(4).

Commencement Information

I19 S. 282 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

283 Power of court to order repayment of bonds

- (1) This section applies where a notice of detention served under section 279(4) in respect of a vessel has been withdrawn in return for a bond given as security for the vessel under section 282.
- (2) If, on an application to a magistrates' court in England and Wales by the person who gave the bond, the court is satisfied that—

Status: Point in time view as at 12/01/2010.

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- (a) the continued detention of the bond under section 282 is not necessary to secure that the master, owner or charterer of the vessel will attend court, or
 - (b) there are no grounds for believing that the court referred to in section 279(1)(b)(ii) would, in the absence of the bond, have ordered the vessel to be detained,
- the court may order that the bond be returned to the person who gave it.

Commencement Information

I20 S. 283 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Production of equipment

284 Power to require production of certain equipment

- (1) An enforcement officer who has the power conferred by this section may require any person on board a vessel to produce any equipment falling within subsection (2).
- (2) The equipment referred to in subsection (1) is—
 - (a) any automatic recording equipment or transmitting equipment used in accordance with a condition included in a licence by virtue of section 4(6) or 4A(6) of the Sea Fish (Conservation) Act 1967 (c. 84);
 - (b) any equipment which is required to be carried on board a vessel by virtue of a byelaw made by an inshore fisheries and conservation authority under section 155;
 - (c) any equipment which is required to be carried on board a vessel by virtue of an order made by the Welsh Ministers under section 189.

Commencement Information

I21 S. 284 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Supplementary

285 Service of notices, etc

- (1) Any notice or other thing that is required to be served on or given to a person under any provision of this Chapter may be served on or given to the person only by one of the following methods—
 - (a) personal delivery;
 - (b) addressing it to the person and leaving it at the appropriate address;
 - (c) addressing it to the person and sending it to that address by post.
- (2) “The appropriate address”, in relation to the owner of a vessel that is registered in any country or territory, means the address given by that register as the address of the owner of the vessel.
- (3) In relation to any other person “the appropriate address” means—
 - (a) in the case of a body corporate, its registered or principal office in the United Kingdom;

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- (b) in the case of a firm, the principal office of the partnership;
 - (c) in the case of an unincorporated body or association, the principal office of the body or association;
 - (d) in any other case, the person's usual or last known place of residence in the United Kingdom or last known place of business in the United Kingdom.
- (4) In the case of—
- (a) a company registered outside the United Kingdom,
 - (b) a firm carrying on business outside the United Kingdom, or
 - (c) an unincorporated body or association with offices outside the United Kingdom,
- the references in subsection (3) to its principal office include references to its principal office within the United Kingdom (if any).

Commencement Information

I22 S. 285 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

286 Conclusion of proceedings

- (1) This section applies for determining when any proceedings have concluded for the purposes of this Chapter.
- (2) Where proceedings are terminated by an appealable decision, they are not to be regarded as concluded—
 - (a) until the end of the ordinary time for appeal against the decision, if no appeal in respect of the decision is brought within that time, or
 - (b) if an appeal in respect of the decision is brought within that time, until the conclusion of the appeal.
- (3) Subsection (2) applies for determining, for the purposes of paragraph (b) of that subsection, when proceedings on an appeal are concluded as it applies for determining when the original proceedings are concluded.
- (4) Any reference in subsection (2) to a decision which terminates proceedings includes a reference to a verdict, sentence, finding or order that puts an end to the proceedings.
- (5) An appealable decision is a decision of a description against which an appeal will lie, whether by way of case stated or otherwise and whether with or without permission.
- (6) Any reference in this section to an appeal includes a reference to an application for permission to appeal.

Commencement Information

I23 S. 286 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

287 Interpretation of this Chapter

In this Chapter—

“fish” includes shellfish;

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“relevant authority” means—

- (a) in relation to the seizure of any object or property by an enforcement officer, the person or body on whose behalf the officer who seized it was acting;
- (b) in relation to the detention of a vessel by an enforcement officer, the person or body on whose behalf the officer who detained the vessel was acting;

“relevant function”, in relation to an enforcement officer, means any function of that officer;

“relevant offence”, in relation to an enforcement officer, means any offence in respect of which the officer has functions;

“shellfish” includes crustaceans and molluscs of any kind;

“vessel” includes any ship or boat or any description of vessel used in navigation.

Commencement Information

I24 S. 287 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Status:

Point in time view as at 12/01/2010.

Changes to legislation:

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