



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 8

#### ENFORCEMENT

#### CHAPTER 1

#### ENFORCEMENT OFFICERS

#### *Other enforcement officers*

#### **242 Marine licensing: enforcement in Scottish offshore region**

- (1) The Scottish Ministers may appoint persons for the purposes of enforcing Part 4 of this Act, except so far as relating to any activity falling within section 113(3) (activities relating to certain reserved matters).
- (2) For the purposes referred to in subsection (1), a person appointed under this section has—
  - (a) the common enforcement powers conferred by this Act;
  - (b) the power conferred by section 263.
- (3) Subject to subsection (8), the powers which a person appointed under this section has for the purposes referred to in subsection (1) may be exercised—
  - (a) in the Scottish offshore region (and in relation to any vessel, aircraft or marine structure in that region);
  - (b) in any area within the United Kingdom or the UK inshore region, in relation to an offence which the person reasonably believes has been committed within the Scottish offshore region;
  - (c) in relation to any vessel, aircraft or marine structure in any other area within the UK marine area which has been pursued there in accordance with subsection (4).

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**Changes to legislation:** Marine and Coastal Access Act 2009, Section 242 is up to date with all changes known to be in force on or before 19 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) View outstanding changes

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- (4) A vessel, aircraft or marine structure is pursued in accordance with this subsection if—
- (a) immediately before the pursuit of the vessel, aircraft or structure commences, the vessel, aircraft or structure is in the Scottish offshore region,
  - (b) before the pursuit of the vessel, aircraft or structure commences, a signal is given for it to stop, and
  - (c) the pursuit of the vessel, aircraft or structure is not interrupted.
- (5) The signal referred to in subsection (4)(b) must be given in such a way as to be audible or visible from the vessel, aircraft or structure in question.
- (6) For the purposes of subsection (4)(c), pursuit is not interrupted by reason only of the fact that—
- (a) the method of carrying out the pursuit, or
  - (b) the identity of the vessel or aircraft carrying out the pursuit, changes during the course of the pursuit.
- (7) Nothing in this section affects any right of hot pursuit which a person appointed under this section may have under international law.
- (8) The powers which a person appointed under this section has for the purposes referred to in subsection (1) may not be exercised in relation to any British warship.
- (9) In this section “UK inshore region” means the area of sea within the seaward limits of the territorial sea adjacent to the United Kingdom.
- (10) Any term used in this section and in Part 4 of this Act has the same meaning in this section as it has in that Part.

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**Commencement Information**

**II** S. 242 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(b)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 72A(2A) inserted by [2023 c. 55 s. 232\(2\)\(d\)](#)
- s. 72A(6)(a) words in s. 72A(6) renumbered as s. 72A(6)(a) by [2023 c. 55 s. 232\(2\)\(f\)\(i\)](#)
- s. 72A(6)(a) words inserted by [2023 c. 55 s. 232\(2\)\(f\)\(ii\)](#)
- s. 72A(6)(b) and word inserted by [2023 c. 55 s. 232\(2\)\(f\)\(iii\)](#)
- Sch. 6 para. 1(2)(da) inserted by [2023 c. 55 Sch. 8 para. 31\(2\)\(a\)](#)