



Marine (Scotland) Act 2010

2010 asp 5

PART 6

CONSERVATION OF SEALS

Supplementary

125 Advice on seal population

The Scottish Ministers must have regard to any advice about the management of seal populations which is given to them by the Natural Environment Research Council.

126 Police powers: search and seizure

A constable may stop any person who the constable suspects with reasonable cause of committing an offence under this Part and may—

- (a) without warrant, search any vehicle or vessel which the constable reasonably believes to have been used in connection with the commission of the offence,
- (b) seize any seal, seal skin or other thing liable to be forfeited under section 127.

127 Forfeiture

The court by which a person is convicted of an offence under this Part may order the forfeiture of—

- (a) any seal or seal skin in respect of which the offence was committed, or
- (b) any thing which the person possessed or controlled at the time of the offence which was capable of being used in connection with the offence.

128 Penalties

- (1) A person guilty of an offence under section 107 or 117 is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.

Status: This is the original version (as it was originally enacted).

- (2) A person guilty of an offence under section 108(4) is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
- (3) A person guilty of an offence under section 112(5) or 113(4) is liable, on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 5 on the standard scale, or to both.
- (4) A person guilty of an offence under section 124 is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

129 Duty to review seal licensing regime

- (1) The Scottish Ministers must review and publish a report on the operation of the seal licensing regime—
 - (a) within 5 years of section 110 coming into force, and
 - (b) within each subsequent period of 5 years beginning with the publication of a report.
- (2) When carrying out a review, the Scottish Ministers must—
 - (a) have regard to such scientific evidence on seal biology, welfare and behaviour, and on such other matters, as they consider relevant, and
 - (b) consult the Natural Environment Research Council and such other persons as they consider appropriate.
- (3) The Scottish Ministers must have regard to their most recent report when performing functions under the seal licensing regime.
- (4) In this section, “seal licensing regime” means the provisions of this Part relating to seal licences.

130 Repeal

The Conservation of Seals Act 1970 (c.30) is repealed.