
Changes to legislation: There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Cross Heading: Notice of intended forfeiture. (See end of Document for details)

SCHEDULE 2 FORFEITURE UNDER SECTION 46 OR 47

Notice of intended forfeiture

- 2 (1) The Scottish Ministers must serve notice of the intended forfeiture of the property (“notice of intended forfeiture”) on each of the following—
- (a) every person who appears to the Scottish Ministers to have been an owner of the property at the time of its seizure,
 - (b) in the case of property seized on board 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 Scottish Ministers 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 of intended forfeiture must set out—
- (a) a description of the property,
 - (b) the grounds of the intended forfeiture,
 - (c) information about how a person may give a notice of claim under this schedule, and
 - (d) the period within which such a notice must be given.
- (3) In a case where—
- (a) the property was seized following an inspection carried out in exercise of the power conferred by section 39, and
 - (b) the Scottish Ministers, after taking reasonable steps to do so, are unable to identify any person as owning the property,
- the reference in sub-paragraph (1) to a requirement to serve notice of intended forfeiture on such a person is to be read as a reference to a requirement to take such steps as the Scottish Ministers think fit to bring the contents of the notice to the attention of persons likely to be interested in it.
- (4) Property may be forfeited or taken as forfeited under this schedule only if—
- (a) the requirements of this paragraph have been complied with in respect of the property, or
 - (b) it was not reasonably practicable for them to be complied with.

Commencement Information

II Sch. 2 para. 2 in force at 16.9.2013 by S.S.I. 2013/249, art. 2

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