

SCHEDULE 2
FORFEITURE UNDER SECTION 46 OR 47

Power to destroy fish before forfeiture

- 12 (1) The Scottish Ministers may destroy any fish which they consider to be liable to forfeiture under section 47 even if the fish are not yet taken to be forfeited under this schedule and their forfeiture has not yet been ordered by the sheriff under this schedule.
- (2) If, in proceedings on a forfeiture application under this schedule, the sheriff is not satisfied that any fish destroyed under this paragraph were liable to forfeiture under section 47, the Scottish Ministers must, if requested to do so, pay to the claimant a sum of money equal to the market value of the fish at the time of their seizure.
- (3) A claimant who accepts a sum of money paid under sub-paragraph (2) has no right of action on account of the seizure, detention or destruction of the fish.
- (4) For the purposes of sub-paragraph (2), the market value of the fish at the time of their seizure is taken to be the average of the prices at which fish of the same kind were sold in the calendar month preceding the time of seizure at the designated auction nearest to the place where the fish were landed.
- (5) In sub-paragraph (4), “designated auction” means a centre for the auction of fish designated by the Scottish Ministers for the purposes of this paragraph.