
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 173

Sea Fishing (Restriction on Days at Sea) Order (Northern Ireland) 2004

Penalties and defence

14.—(1) A person guilty of an offence under Article 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 or 13 or under any equivalent provision shall be liable –

- (a) on summary conviction to a fine not exceeding £50,000;
- (b) on conviction on indictment to a fine.

(2) The court by or before which a person is convicted of an offence under Article 3, 4, 5, 7, 8, 9, 10, 11 or 12 or under any equivalent provision may order forfeiture of:

- (a) any fish in respect of which the offence was committed; and
- (b) except in the case of an offence under Article 7 or any equivalent provision, any fishing gear used in the course of, or in activities leading to, the commission of the offence.

(3) Any person found guilty of an offence under Article 3, 4, 5, 7, 8, 9, 10, 11 or 12 or under any equivalent provision shall be liable on summary conviction to a fine not exceeding the value of the fish in respect of which the offence was committed.

(4) A person shall not be liable to a fine under paragraph (3) in respect of such an offence if, under paragraph (2), the court orders the forfeiture of the fish in respect of which that offence was committed; and where a fine is imposed under paragraph (3) in respect of any offence, the court shall not have the power under paragraph (2) to order forfeiture of the fish in respect of which the offence was committed.

(5) Subject to paragraph (4), any fine to which a person is liable under paragraph (3) shall be in addition to any other penalty (whether preliminary or otherwise) to which he is liable in respect of that offence under this Article.

(6) In any proceedings for an offence under Article 4(1)(b), it shall be a defence for a person to show that the number of days absent from port carrying any type of fishing gear comprising the offence was no greater than the number of days of absence carrying that gear purportedly but not validly transferred to that person's fishing boat under Article 6 and that he did not know and had no reasonable cause to suspect that the donor was not entitled to transfer the days.

(7) References in this Article to fish in respect of which an offence was committed include fish caught at any time in the period during which the offence was committed.