
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 20

**The Sea Fishing (Enforcement of Community
Satellite Monitoring Measures) (Scotland) Order 2000**

Recovery of fines

7.—(1) Without prejudice to section 221 of the Criminal Procedure (Scotland) Act 1995⁽¹⁾, where a fine is imposed by a court on the master, owner, charterer or any other person who is convicted by it of an offence under this Order or of the kind referred to in article 6(3) above, the court may for the purposes of recovering the fine—

- (a) order any boat involved in the commission of the offence and its gear and catch to be detained for a period not exceeding three months from the date of conviction or until the fine is paid, the order is renewed for a further such period or a warrant is issued under sub paragraph (a) below whichever occurs first; or
- (b) issue a warrant for arrestment and sale of any such boat and its gear and catch.

(2) The court shall not issue a warrant under paragraph (1)(b) above without first affording the owner of the boat, its gear or catch liable to be included in the warrant an opportunity to be heard.

(3) A warrant issued under paragraph (1)(b) above, whatever the amount of the fine imposed, may be executed in the same manner as if the proceedings were on an extract decree of the sheriff in a summary cause.

(4) Where, in relation to a fine in respect of an offence of the kind referred to in article 6(3) above, a transfer of fine order under section 222 of the Criminal Procedure (Scotland) Act 1995, section 90 of the Magistrates' Courts Act 1980⁽²⁾ or article 95 of the Magistrates' Courts (Northern Ireland) Order 1981⁽³⁾ specifies a court of summary jurisdiction in Scotland this article shall apply as if the fine were a fine imposed by that court.

(1) 1995 c. 46.

(2) 1980 c. 43.

(3) S.I.1981/1675 (N.I. 26)