
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 53

The Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Order 2000

Penalties

4.—(1) A person guilty of an offence under article 3(1) or any equivalent provision extending to any other part of the United Kingdom proceedings in respect of which were brought in Scotland by virtue of section 30(2A) of the Fisheries Act 1981(1), shall be liable on summary conviction—

- (a) to a fine not exceeding the amount specified in column 3 of the Schedule in relation to the Community conservation measure, the contravention of, or failure to comply with, which founded the offence; and
- (b) either—
 - (i) to a fine not exceeding the value of any fish in respect of which the offence was committed, or
 - (ii) to the forfeiture of any fish in respect of which the offence was committed; and
- (c) to the forfeiture of any net or other fishing gear in respect of which the offence was committed, or which was used in committing the offence, or which was used for catching any fish in respect of which the offence was committed.

(2) A person guilty of an offence under article 3(1) or any equivalent provision referred to in paragraph (1), shall be liable on conviction on indictment—

- (a) to a fine;
- (b) to the forfeiture of any fish in respect of which the offence was committed; and
- (c) to the forfeiture of any net or other fishing gear in respect of which the offence was committed, or which was used in committing the offence, or which was used for catching any fish in respect of which the offence was committed.

(3) A person guilty of an offence under article 3(2) or any equivalent provision extending to any other part of the United Kingdom proceedings in respect of which were brought in Scotland by virtue of section 30(2A) of the Fisheries Act 1981, shall be liable on summary conviction—

- (a) to a fine not exceeding the statutory maximum; and
- (b) either—
 - (i) to a fine not exceeding the value of the fish in respect of which the offence was committed, or
 - (ii) to the forfeiture of the fish in respect of which the offence was committed.

(4) A person guilty of an offence under article 3(2) or any equivalent provision referred to in paragraph (3), shall be liable on conviction on indictment—

- (a) to a fine; and
- (b) to the forfeiture of the fish in respect of which the offence was committed.

(1) Section 30(2A) was inserted by the Scotland Act (Consequential Modifications) (No. 2) Order 1999, Schedule 2, paragraph 68(5)(a).

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