
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 209

The Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures) (Scotland) Order 2004

Recovery of fines

7.—(1) Without prejudice to the provisions of section 221 of the Criminal Procedure (Scotland) Act 1995⁽¹⁾, where a court has imposed a fine on any person in respect of a relevant offence or an offence under article 12, that 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—

(i) of the conviction or until the fine is paid;

(ii) the order is renewed for a further period (not exceeding three months); or

(iii) on which a warrant is issued under sub paragraph (b) below,

whichever first occurs; or

(b) subject to paragraph (2), at any time after the imposition of the fine, issue a warrant for the arrestment and sale of any such boat, its gear and catch.

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

(3) A warrant issued under paragraph (1)(b), 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 a relevant offence 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.