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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 102**

**The Sea Fishing (Control Procedures for Herring,  
Mackerel and Horse Mackerel) (Scotland) Order 2008**

**Penalties**

**8.**—(1) A person guilty of an offence under article 3(5), (6) or (7), or 4(4), or 6(4) or under 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—

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

(2) A person guilty of an offence under article 7, or under 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—

- (a) on summary conviction, to a fine not exceeding the amount specified in column 3 of the Schedule in relation to the specified Community provision the contravention of which, or failure to comply with, founded the offence; and
- (b) on conviction on indictment, to a fine.

(3) A person guilty of an offence under article 4(4) or 7 shall also be liable to the forfeiture of any fish in respect of which the offence was committed, or, on summary conviction only, to a fine not exceeding the value of any fish in respect of which the offence was committed.

(4) A person guilty of an offence under article 7 shall also be liable 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.