



Inshore Fishing (Scotland) Act 1984

1984 CHAPTER 26

4 Offences.

(1) Any person who contravenes section 3 of this Act or any order made under this Act, or who fails to comply with section 1(3) of this Act shall be guilty of an offence; and where a fishing boat is used in the commission of such an offence, the master, the owner and the charterer (if any) shall each be guilty of an offence under this section.

[^{F1}(1A) Where an offence is committed by way of a contravention of any order made under this Act or of a failure to comply with section 1(3) of this Act, and where a vehicle or equipment is used in the commission of the offence, each of the following persons shall (in addition to the contravenor) be guilty of an offence—

- (a) any person who caused or permitted the contravention;
- (b) the owner of the vehicle or equipment;
- (c) if the vehicle or equipment was subject to hire, the hirer; and
- (d) any person who was in charge of the vehicle or equipment.]

[^{F2}(1B) A person commits an offence if—

- (a) the person is found in, or in the immediate vicinity of, the area specified in an order under section 1 of this Act;
- (b) the person is found there at, or about, a time at which the prohibition under the order applies;
- (c) when so found, the person is in possession of such equipment, vehicle, apparatus or other gear or paraphernalia (including clothing) as may be used for the purpose of fishing in contravention of the order; and
- (d) it is reasonable to infer from those facts (either by themselves or taken together with other circumstances) that the person intends to fish in contravention of the order.]

(2) Any person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £5,000 or, on conviction on indictment, to a fine.

(3) Proceedings for an offence under this section or section 6 of this Act may be taken in any sheriff court, and the offence dealt with by the sheriff in every respect as if the offence had been committed wholly within his jurisdiction.

Changes to legislation: There are currently no known outstanding effects for the Inshore Fishing (Scotland) Act 1984, Section 4. (See end of Document for details)

- (4) The court by or before which a person is convicted of an offence under this section may, in addition to imposing any penalty under subsection (2) above—
- (a) order the forfeiture of any fish in respect of which the offence was committed or, alternatively, impose a fine not exceeding the value of such fish;
 - (b) order the forfeiture of any net or other fishing gear used in the commission of the offence,
- and any fish or gear forfeited under this subsection shall be disposed of as the court may direct.

Textual Amendments

- F1** S. 4(1A) inserted (8.8.1994) by 1994 c. 27, s. 2; S.I. 1994/2124, art. 2
- F2** S. 4(1B) inserted (16.9.2013) by Aquaculture and Fisheries (Scotland) Act 2013 (asp 7), ss. 49(2), 66(2) (with s. 65); S.S.I. 2013/249, art. 2

Changes to legislation:

There are currently no known outstanding effects for the Inshore Fishing (Scotland) Act 1984, Section 4.