

Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 8

ENFORCEMENT

CHAPTER 4

FISHERIES ENFORCEMENT POWERS

Forfeiture

275 Forfeiture etc of prohibited items

- (1) Any item to which this section applies is liable to forfeiture under this section if the use of that item for sea fishing would in any circumstances constitute an offence under the law of England and Wales.
- (2) This section applies to any item seized on board a vessel or from the sea by an enforcement officer in the exercise of any power conferred by this Act.
- (3) Any item forfeited under this section is to be forfeited to the relevant authority and may be disposed of by that authority in any manner it thinks fit.

Commencement Information

II S. 275 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Forfeiture etc of fish failing to meet size requirements

(1) Any fish to which this section applies are liable to forfeiture under this section if, by virtue of the fish failing to meet requirements as to size, an offence under the law of England and Wales has been committed in respect of the fish.

Chapter 4 – Fisheries enforcement powers Document Generated: 2024-05-27

Changes to legislation: Marine and Coastal Access Act 2009, Cross Heading: Forfeiture is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) This section applies to fish seized by an enforcement officer in the exercise of any power conferred by this Act.
- (3) Any fish forfeited under this section are to be forfeited to the relevant authority and may be disposed of by that authority in any manner it thinks fit.

Commencement Information

I2 S. 276 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Further provision about forfeiture under section 275 or 276

Schedule 18 (which makes provision in relation to the forfeiture of property liable to forfeiture under section 275 or 276) has effect.

Commencement Information

I3 S. 277 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

278 Forfeiture by court following conviction

- (1) This section applies where a court by or before which a person is convicted of an offence under the fisheries legislation orders the forfeiture of any fish or any fishing gear in respect of that offence.
- (2) The court must order that the property to be forfeited is to be taken into the possession of the person or body by whom proceedings for the offence were brought.
- (3) The property may be disposed of as that person or body thinks fit.
- (4) Any proceeds arising from the disposal of the property may be retained by the person or body.
- (5) The court may order any person convicted of the offence to pay any costs reasonably incurred by any person or body in storing the property that is to be forfeited.
- (6) In this section—

[F1"assimilated restriction" means a restriction that—

- (a) was created or arose by or under the EU Treaties before IP completion day, and
- (b) forms part of assimilated law,

as modified from time to time;]

"the fisheries legislation" means—

- (a) any enactments relating to sea fishing (including any enactment relating to fishing for shellfish, salmon or migratory trout);
- (b) any [F2[F3assimilated] restriction or [F3assimilated] obligation] relating to sea fishing;

F4

Part 8 - Enforcement

Chapter 4 – Fisheries enforcement powers

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Textual Amendments

- F1 Words in s. 278(6) inserted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), Sch. para. 70(4)(a)
- **F2** Words in s. 278(6) substituted (31.12.2020) by The Fisheries (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/746), regs. 1, **4(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- Word in s. 278(6) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), Sch. para. 70(4)(b)
- F4 Words in s. 278(6) omitted (1.1.2024) by virtue of The Retained EU Law (Revocation and Reform)
 Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), Sch. para. 70(4)
 (c)

Commencement Information

I4 S. 278 in force at 12.1.2010 by S.I. 2009/3345, art. 2, Sch. para. 22

Changes to legislation:

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View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters: Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 72A(2A) inserted by 2023 c. 55 s. 232(2)(d)
- s. 72A(6)(a) words in s. 72A(6) renumbered as s. 72A(6)(a) by 2023 c. 55 s. 232(2) (f)(i)
- s. 72A(6)(a) words inserted by 2023 c. 55 s. 232(2)(f)(ii)
- s. 72A(6)(b) and word inserted by 2023 c. 55 s. 232(2)(f)(iii)
- Sch. 6 para. 1(2)(da) inserted by 2023 c. 55 Sch. 8 para. 31(2)(a)