



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 8

#### ENFORCEMENT

#### CHAPTER 4

##### FISHERIES ENFORCEMENT POWERS

##### *Seizure for purposes of forfeiture*

#### **272 Bonds for release of seized fish or gear**

- (1) This section applies to any property which is being retained by the relevant authority under section 271.
- (2) The relevant authority may enter into an agreement with any person falling within subsection (3) for security for the property to be given to the relevant authority by way of bond in return for the release of the property.
- (3) The persons referred to in subsection (2) are—
  - (a) the owner, or any of the owners, of the property;
  - (b) in the case of property seized from a vessel, the owner or charterer, or any of the owners or charterers, of the vessel.
- (4) Any bond given under this section is to be—
  - (a) for such amount as may be agreed, or
  - (b) in the event of a failure to agree an amount, for such amount as may be determined by the court.

“The court” means a magistrates' court in England and Wales.

- (5) A person who gives a bond under this section must comply with such conditions as to the giving of the bond as the relevant authority may determine.

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**Changes to legislation:** Marine and Coastal Access Act 2009, Section 272 is up to date with all changes known to be in force on or before 24 April 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](#)

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- (6) If either of the grounds for release mentioned in subsection (7) applies, then any bond given under this section must be returned as soon as possible.
- (7) The grounds for release referred to in subsection (6) are—
- (a) that the relevant authority has decided not to take proceedings in respect of any offence in relation to which the property was seized;
  - (b) that any proceedings taken in respect of such an offence have concluded without any order for forfeiture having been made.
- (8) Any power which a court has to order the forfeiture of any fish or any fishing gear may instead be exercised in relation to any bond given under this section as security for that fish or fishing gear.

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**Commencement Information**

**II** [S. 272](#) in force at 12.1.2010 by [S.I. 2009/3345](#), art. 2, [Sch. para. 22](#)

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**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\(2\)\(a\)](#)