



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 8

ENFORCEMENT

CHAPTER 4

FISHERIES ENFORCEMENT POWERS

Forfeiture

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,

Changes to legislation: *Marine and Coastal Access Act 2009, Section 278 is up to date with all changes known to be in force on or before 21 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*

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}[^{F3}assimilated] restriction or [^{F3}assimilated] obligation] relating to sea fishing;

^{F4}
...

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)
- F3** 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

- I1** 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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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\(2\)\(a\)](#)