
STATUTORY INSTRUMENTS

2003 No. 229

The Sea Fishing (Restriction on Days at Sea) Order 2003

Penalties

12.—(1) A person guilty in England and Wales of an offence under article 3(1), 6(6), 8, 9, 10 or 11 of this Order, or under any equivalent provision shall be liable—

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

(2) The court by or before which a person is convicted of an offence under article may order the forfeiture of:

- (a) any fish in respect of which the offence was committed; and
- (b) in respect of an offence under article 3(1), 8 or 9, any fishing gear used in the course of, or in activities leading to, the commission of the offence.

(3) Any person found guilty of an offence under article 3(1), 8 or 9 or under any equivalent provision shall, subject to the following provisions of this article, be liable on summary conviction to a fine not exceeding the value of the fish in respect of which the offence was committed.

(4) A person shall not be liable to a fine under paragraph (3) in respect of such an offence if, under paragraph (2), the court orders the forfeiture of the fish in respect of which that offence was committed; and where a fine is imposed under paragraph (3) in respect of any offence, the court shall not have power under paragraph (2) to order the forfeiture of the fish in respect of which the offence was committed.

(5) Subject to paragraph (4), any fine to which a person is liable under paragraph (3) shall be in addition to any other penalty (whether pecuniary or otherwise) to which he is liable in respect of that offence under this article.