

*These notes relate to the Marine (Scotland) Act 2010
(asp 5) which received Royal Assent on 10 March 2010*

MARINE (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT

Part 8 Sea Fisheries

Chapter 1: The Sea Fish (Conservation) Act 1967

Section 158 - Extension of modifications relating to Sea Fish (Conservation) Act 1967

Penalties for offences

234. Section 11 of the Sea Fish (Conservation) Act 1967 sets the levels of fine applicable for persons found guilty of offences under specified sections of that Act. Offences under section 3, 4(9A) or 5(6) attract a fine not exceeding £5,000 on summary conviction or an unlimited fine on conviction on indictment. Offences under section 1, 2 or 6(5) attract a fine not exceeding the statutory maximum on summary conviction or an unlimited fine on conviction on indictment. By applying Section 199 of the Marine and Coastal Access Act 2009 to Scotland, section 158 amends section 11 to increase these levels of fine on summary conviction to a maximum of £50,000 or on indictment to an unlimited fine.
235. Section 15 of the Sea Fish (Conservation) Act 1967 provides penalties for certain offences relating to the enforcement of orders under that Act by British sea-fishery officers. By applying section 199 of the Marine and Coastal Access Act to Scotland section 158 amends section 15 to replace paragraph (b) of subsection (2C) with two new subsections which provide for maximum fines on summary conviction for the offences of obstructing or assaulting an enforcement officer in the exercise of his duties under section 15 of £20,000 and £50,000 respectively.
236. Section 16 of the Sea Fish (Conservation) Act 1967 provides for the enforcement of section 2 and orders made under section 1 of that Act. By applying section 199 of the Marine and Coastal Access Act 2009 to Scotland, section 158 amends section 16 to replace subsection (1A) with two new subsections which provide for maximum fines on summary conviction for the offences of obstructing or assaulting an enforcement officer in the exercise of his powers under subsection (1) of £20,000 and £50,000 respectively.