



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 6

#### CONSERVATION OF SEALS

##### *Supplementary*

#### **125 Advice on seal population**

The Scottish Ministers must have regard to any advice about the management of seal populations which is given to them by the Natural Environment Research Council.

#### **126 Police powers: search and seizure**

A constable may stop any person who the constable suspects with reasonable cause of committing an offence under this Part and may—

- (a) without warrant, search any vehicle or vessel which the constable reasonably believes to have been used in connection with the commission of the offence,
- (b) seize any seal, seal skin or other thing liable to be forfeited under section 127.

#### **127 Forfeiture**

The court by which a person is convicted of an offence under this Part may order the forfeiture of—

- (a) any seal or seal skin in respect of which the offence was committed, or
- (b) any thing which the person possessed or controlled at the time of the offence which was capable of being used in connection with the offence.

#### **128 Penalties**

- (1) A person guilty of an offence under section 107 or 117 is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.

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*Status: This is the original version (as it was originally enacted).*

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- (2) A person guilty of an offence under section 108(4) is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
- (3) A person guilty of an offence under section 112(5) or 113(4) is liable, on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 5 on the standard scale, or to both.
- (4) A person guilty of an offence under section 124 is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

### **129 Duty to review seal licensing regime**

- (1) The Scottish Ministers must review and publish a report on the operation of the seal licensing regime—
  - (a) within 5 years of section 110 coming into force, and
  - (b) within each subsequent period of 5 years beginning with the publication of a report.
- (2) When carrying out a review, the Scottish Ministers must—
  - (a) have regard to such scientific evidence on seal biology, welfare and behaviour, and on such other matters, as they consider relevant, and
  - (b) consult the Natural Environment Research Council and such other persons as they consider appropriate.
- (3) The Scottish Ministers must have regard to their most recent report when performing functions under the seal licensing regime.
- (4) In this section, “seal licensing regime” means the provisions of this Part relating to seal licences.

### **130 Repeal**

The Conservation of Seals Act 1970 (c.30) is repealed.