
Changes to legislation: There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Paragraph 13. (See end of Document for details)

SCHEDULE 2 FORFEITURE UNDER SECTION 46 OR 47

Power to return shellfish to the sea before forfeiture

- 13 (1) This paragraph applies to any shellfish—
- (a) seized by a British sea-fishery officer in the exercise of any power conferred by the sea fisheries legislation, and
 - (b) which the officer considers to be liable to forfeiture under section 47.
- (2) If the conditions in sub-paragraph (3) are met, the officer may return the shellfish to the sea even though the shellfish are not yet taken to be forfeited under this schedule and their forfeiture has not yet been ordered by the sheriff under this schedule.
- (3) The conditions are that—
- (a) the shellfish are alive, and
 - (b) the officer considers it appropriate to return them to the sea to allow their onward growth to maturity.
- (4) Sub-paragraphs (2) to (5) of paragraph 12 apply in a case where shellfish have been returned to the sea under this paragraph as they apply where fish have been destroyed under paragraph 12, but as if—
- (a) references to the fish were references to the shellfish,
 - (b) references to the destruction of the fish under paragraph 12 were references to the return of the shellfish to the sea under this paragraph, and
 - (c) the reference to the place where the fish were landed were a reference to the place where the shellfish would have been landed had they not been returned to the sea.

Commencement Information

II Sch. 2 para. 13 in force at 16.9.2013 by S.S.I. 2013/249, art. 2

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