



# Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

## PART 3

### SEA FISHERIES

#### *Retention and disposal of property seized by BSFOs*

#### **43 Retention of property seized by British sea-fishery officers**

- (1) This section applies to property—
  - (a) seized by a British sea-fishery officer in the exercise of any power conferred by the sea fisheries legislation, other than an object seized under section 39, and
  - (b) which was seized—
    - (i) in the Scottish enforcement area, or
    - (ii) on board a Scottish fishing boat.
- (2) The officer must deliver the property to the Scottish Ministers as soon as reasonably practicable.
- (3) Subsection (2) is subject to paragraph 13 of schedule 2.
- (4) The Scottish Ministers may retain the property.
- (5) If any of the grounds of release in subsection (6) applies, the Scottish Ministers must, as soon as is reasonably practicable, make the property available for collection.
- (6) The grounds of release are—
  - (a) that a procurator fiscal has decided not to take proceedings in respect of any offence in relation to which the property was seized,
  - (b) where a fixed penalty notice has been issued in respect of such an offence, that the appropriate fixed penalty has been paid,
  - (c) that any proceedings taken in respect of such an offence have concluded without an order for forfeiture having been made in respect of the property.

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*Changes to legislation: There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Section 43. (See end of Document for details)*

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(7) Subsection (5) does not apply if the property is liable to forfeiture under section 46 or 47.

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**Commencement Information**

**I1** [S. 43](#) in force at 16.9.2013 by [S.S.I. 2013/249](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Section 43.