



# Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

## PART 3

### SEA FISHERIES

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

#### **45 Disposal of property retained by Scottish Ministers under section 43**

- (1) This section applies to any property being retained by the Scottish Ministers under section 43 which they—
  - (a) no longer wish to retain for any purpose, or
  - (b) are required to make available for collection by virtue of that section.
- (2) In this section, a “notice of collection” is a notice stating that—
  - (a) the property specified in the notice is available to be collected from the location so specified, and
  - (b) if the property is not collected before the end of the period of 3 months beginning with the date specified in the notice, the Scottish Ministers will dispose of the property.
- (3) The Scottish Ministers must serve a notice of collection on every person who appears to them to be an owner of the property.
- (4) The Scottish Ministers may take any other steps they consider appropriate to notify every such person that the property is available to be collected.
- (5) If the Scottish Ministers, after taking reasonable steps to do so, are unable to identify any person as owning the property, they must—
  - (a) if it is reasonably practicable to do so, serve a notice of collection on every person who is an appropriate person for the purposes of this subsection, and
  - (b) take such steps as they think fit to bring the information contained in the notice of collection to the attention of persons likely to be interested in it.

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**Changes to legislation:** There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Section 45. (See end of Document for details)

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- (6) For the purposes of subsection (5) each of the following is an “appropriate person”—
- (a) in the case of property seized from a vessel, the master, owner and charterer (if any) of the vessel at the time of the seizure of the property,
  - (b) in the case of property seized from premises, every person who appears to the Scottish Ministers to have been an occupier of the premises at that time,
  - (c) in any other case, the person (if any) from whom the property was seized.
- (7) If the Scottish Ministers comply with subsection (3) or (as the case may be) (5), they may, at the end of the period mentioned in subsection (2)(b), dispose of the property in whatever way they think fit.

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**Commencement Information**

**II** [S. 45](#) 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 45.