



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.

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)

(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](#)

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