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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 7**

**The Sea Fishing (Enforcement of Community Control Measures) (Scotland) Order 2000**

**Penalties**

4.—(1) A person guilty of an offence under article 3(1), or any equivalent provision extending to any other part of the United Kingdom proceedings in respect of which were brought in Scotland by virtue of section 30(2A) of the Fisheries Act 1981<sup>(1)</sup>, shall be liable—

- (a) on summary conviction to a fine not exceeding the amount specified in the appropriate entry in Column 4 of the Schedule; or
- (b) on conviction on indictment to a fine.

(2) A person guilty of an offence under article 3(1), or any equivalent provision referred to in paragraph (1), in respect of a contravention of, or failure to comply with—

- (a) Articles 19a.2, 20.1, 20a or 21c.2 of the Council Regulation shall also be liable—
  - (i) to the forfeiture of any net or other fishing gear in respect of which the offence was committed, or which was used in committing the offence, or which was used for catching any fish in respect of which the offence was committed; and
  - (ii) to the forfeiture of any fishery product in respect of which the offence was committed, or, on summary conviction only, to a fine not exceeding the value of any such product in respect of which the offence was committed; or
- (b) Articles 6, 8.1, 9, 11, 12, 13 or 17.2, Articles 19b and 19c or Articles 19e, 20.2, 28c (in relation to the requirements in respect of logbooks and recording of catches on board) or 28d of the Council Regulation shall also be liable to the forfeiture of any fishery product in respect of which the offence was committed, or to a fine not exceeding the value of any such product.

(3) A person guilty of an offence under article 3(2), or any equivalent provision extending to any other part of the United Kingdom proceedings in respect of which were brought in Scotland by virtue of section 30(2A) of the Fisheries Act 1981, shall be liable—

- (a) on summary conviction to a fine not exceeding £50,000; or
- (b) on conviction on indictment to a fine.

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<sup>(1)</sup> Section 30(2A) was inserted by the Scotland Act (Consequential Modification) (No. 2) Order 1999, Schedule 2, paragraph 68(5)(a).