



Fisheries Act 2020

2020 CHAPTER 22

Access and licensing: offences and consequential amendments

19 Penalties for offences

- (1) A person who commits an offence under section 12(3), 14(6) or 16(6) or paragraph 1(4) or 3(2) or (3) of Schedule 3 is liable—
 - (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland or Northern Ireland—
 - (i) in the case of an offence under paragraph 3(2) or (3) of Schedule 3, to a fine not exceeding the statutory maximum, and
 - (ii) in any other case, to a fine not exceeding £50,000;
 - (c) on conviction on indictment, to a fine.
- (2) The court by or before which a person is convicted of an offence under section 12(3), 14(6) or 16(6) or paragraph 1(4) of Schedule 3 may—
 - (a) order that the owner or charterer (if any) of the fishing boat used to commit the offence or, as the case may be, of the fishing boat named in the licence of which a condition is broken, be disqualified for a specified period from holding a sea fishing licence in respect of that fishing boat;
 - (b) (subject to subsection (4)) order the forfeiture of any fish, or any net or other fishing gear, in respect of which the offence was committed and of any net or other fishing gear used in committing the offence.
- (3) A person who commits an offence under section 14(6) or 16(6) or paragraph 1(4) of Schedule 3 is (subject to subsection (4)) liable on summary conviction to a fine not exceeding the value of the fish in respect of which the offence was committed.
- (4) A person is not liable to a fine under subsection (3) if, under subsection (2)(b), the court orders the forfeiture of the fish in respect of which the offence was committed; and where a fine is imposed under subsection (3), the court may not under subsection (2)(b) order the forfeiture of the fish in respect of which the offence was committed.

- (5) A fine to which a person is liable under subsection (3) is in addition to any other penalty (whether pecuniary or otherwise) to which the person is liable in respect of the same offence (whether under this section or under any other enactment).

20 Offences by bodies corporate etc

- (1) Where a relevant offence is committed by a body corporate and is proved—
- (a) to have been committed with the consent or connivance of an officer, or
 - (b) to be attributable to the neglect of any such person,
- that person (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) In subsection (1) “officer” means—
- (a) a director, manager, secretary or similar officer of the body corporate, or
 - (b) a person purporting to act in such a capacity.
- (3) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and omissions of a member in connection with that management as if the member were a director of the body corporate.
- (4) Where a relevant offence is committed by a Scottish partnership and is proved—
- (a) to have been committed with the consent or connivance of a partner or a person purporting to act as a partner, or
 - (b) to be attributable to any neglect on the part of any such person,
- that person (as well as the partnership) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (5) In this section “relevant offence” means an offence under section 12(3), 14(6) or 16(6) or paragraph 1(4) or 3(2) or (3) of Schedule 3.

21 Jurisdiction of court to try offences

Proceedings for an offence under section 12(3), 14(6) or 16(6) or paragraph 1(4) or 3(2) or (3) of Schedule 3 may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

22 Minor and consequential amendments

Schedule 4 contains—

- (a) in Part 1, consequential amendments relating to the provision made by section 12;
- (b) in Part 2—
 - (i) minor amendments relating to the licensing of fishing boats, and
 - (ii) consequential amendments relating to the provision made by sections 14 to 21;
- (c) in Part 3, transitional provision relating to the provision made by sections 14 to 21.