

## STATUTORY INSTRUMENTS

# 2015 No. 191

## The Sea Fishing (Enforcement and Miscellaneous Provisions) Order 2015

### Recovery of fines

3.—(1) This article applies where a court in England or Wales imposes a fine on a person convicted of an offence under—

- (a) section 30(1) of the Fisheries Act 1981 <sup>F1</sup>... <sup>M1</sup>; or
- (b) an order extending to any part of the United Kingdom which is to any extent made under section 30(2) of that Act.

(2) The court may, for the purposes of recovering the fine—

- (a) issue a warrant of distress against the fishing boat involved in the commission of the offence, its gear or catch or any property of the person convicted;
- (b) order that the fishing boat, its gear or catch be detained until the earliest of—
  - (i) the expiry of a period not exceeding three months from the date of the conviction;
  - (ii) payment of the fine;
  - (iii) the recovery of the amount of the fine in pursuance of any such warrant.

(3) Sections 77(1) and 78 of the Magistrates' Courts Act 1980 <sup>M2</sup> (postponement of issue of, and defects in, warrants of distress) apply to a warrant of distress issued under this article as they apply to a warrant of distress issued under Part 3 of that Act.

(4) Where, in relation to a fine in respect of an offence referred to in paragraph (1), an order under article 95 of the Magistrates' Courts (Northern Ireland) Order 1981 <sup>M3</sup> or section 222 of the Criminal Procedure (Scotland) Act 1995 <sup>M4</sup> (which deal with the transfer of fines from one jurisdiction to another) specifies a local justice area in England or Wales, this article applies as if the fine were imposed by a court within that area.

(5) In this article, “fine” includes any pecuniary penalty, pecuniary forfeiture or pecuniary compensation payable under a conviction.

**F1** Words in art. 3(1)(a) omitted (31.12.2020) by virtue of [The Fisheries \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/746\)](#), regs. 1, **12(3)**; 2020 c. 1, Sch. 5 para. 1(1)

### Marginal Citations

- M1** Section 30(1) was amended by section 293(2) of the [Marine and Coastal Access Act 2009 \(c.23\)](#) and by S.I. 2011/1043.
- M2** 1980 c.43; section 77(1) was amended by paragraph 47 of Schedule 13 to the [Tribunals, Courts and Enforcement Act 2007 \(c.15\)](#). Section 78 was amended by sections 37 and 46 of the [Criminal Justice Act 1982 \(c.48\)](#), and paragraph 219 of Schedule 8 to the Courts Act 2003.
- M3** S.I. 1981/1675 (N.I. 26).
- M4** 1995 c.46; section 222 was amended by paragraph 20(3) of Schedule 1 to the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6)

**Changes to legislation:**

There are currently no known outstanding effects for the The Sea Fishing (Enforcement and Miscellaneous Provisions) Order 2015, Section 3.