

*These notes relate to the Aquaculture and Fisheries (Scotland)
Act 2007 (asp 12) which received Royal Assent on 5th April 2007*

AQUACULTURE AND FISHERIES (SCOTLAND) ACT 2007

EXPLANATORY NOTES

THE ACT

Part 4: Sea Fisheries

Fixed penalty notices

Section 30 – Restriction on proceedings and notification of procurator fiscal

70. Section 30(1) prevents proceedings in respect of an offence to which a notice relates from being brought against the person to whom the notice relates unless the procurator fiscal has been notified in accordance with subsection (2) or (3). Subsection (2) requires the Scottish Ministers (unless the notice has been withdrawn under section 31) to notify the procurator fiscal if they receive intimation, in terms of section 29(1), that the person to whom the notice was issued does not intend to pay the fixed penalty. Subsection (3) requires the Scottish Ministers (unless the notice has been withdrawn) to notify the procurator fiscal if payment of the fixed penalty has not been made before the expiry of the period for paying and no intimation has been made under section 29(1). Subsection (4) makes provision about the evidential status of a certificate stating that payment of an amount specified in the certificate was or was not received by a specified date, providing that any such certificate which purports to be signed by or on behalf of the Scottish Ministers is sufficient evidence of the facts stated.