

*These notes relate to the Marine (Scotland) Act 2010
(asp 5) which received Royal Assent on 10 March 2010*

MARINE (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT

Schedule 2 – Further Provision about Civil Sanctions under Part 4 (Marine Licensing)

Combination of sanctions

283. Paragraph 4 indicates that the Scottish Ministers can only combine sanctions for the same offence in certain ways. In addition to the combinations prohibited by paragraphs 2 and 3, they cannot take the following action in relation to the same offence:

- (a) impose a fixed monetary penalty where a variable monetary penalty has been imposed;
- (b) impose a variable monetary penalty where a fixed monetary penalty has been imposed;
- (c) impose a variable monetary penalty or stop notice where the person has discharged liability for a fixed monetary penalty under section 47(2)(b);
- (d) impose a fixed monetary penalty where a stop notice has been issued;
- (e) issue a stop notice where a fixed monetary penalty has been imposed.

All other permutations are possible.