



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 4

#### MARINE LICENSING

##### *Offences*

#### **39 Breach of requirement for, or conditions of, licence**

- (1) A person who—
  - (a) contravenes section 20(1), or
  - (b) fails to comply with any condition of a marine licence, commits an offence.
- (2) A person who is bound by a condition of a licence by virtue of section 29(5) is not to be taken as having failed to comply with the condition unless the requirements of subsection (3) are satisfied.
- (3) The requirements are that—
  - (a) the Scottish Ministers have served the person with a notice under this subsection which specifies the condition together with a period (which must be a reasonable period, in all the circumstances of the case) within which the person must comply with the condition,
  - (b) the person has failed to comply with the condition within that period.
- (4) A person guilty of an offence under subsection (1) is liable—
  - (a) on summary conviction, to a fine not exceeding £50,000,
  - (b) on conviction on indictment, to a fine or to imprisonment for a period not exceeding 2 years, or to both.

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#### **Modifications etc. (not altering text)**

**C1** Ss. 39-42 applied (9.11.2020) by [The Marine Licensing \(Exempted Activities\) \(Scottish Inshore Region\) Amendment Order 2020 \(S.S.I. 2020/316\)](#), arts. 1, **12**

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*Status: Point in time view as at 09/11/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 39. (See end of Document for details)*

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#### **Commencement Information**

**II** S. 39 in force at 6.4.2011 by [S.S.I. 2011/58](#), [art. 3\(a\)](#)

**Status:**

Point in time view as at 09/11/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 39.