



Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

PART 5

MISCELLANEOUS

Fixed penalty notices

61 Fixed penalty notices and civil sanctions under the Marine (Scotland) Act 2010

(1) Schedule 2 to the Marine (Scotland) Act 2010 (further provision about civil sanctions under Part 4 (marine licensing)) is amended in accordance with this section.

(2) For paragraph 1 (interpretation) substitute—

“1 In this schedule—

“civil sanction” means a fixed monetary penalty or a variable monetary penalty,

“fixed penalty notice” means a fixed penalty notice under section 25(1) of the Aquaculture and Fisheries (Scotland) Act 2007,

“fixed penalty officer” has the meaning given in section 25(3) of that Act.”.

(3) In paragraph 2 (fixed monetary penalties: other sanctions), after sub-paragraph (2)(b) insert—

“(c) a fixed penalty officer may not issue a fixed penalty notice to the person in respect of the act or omission giving rise to the fixed monetary penalty.”.

(4) In paragraph 3 (variable monetary penalties: other sanctions), after sub-paragraph (b) insert—

“(c) a fixed penalty officer may not issue a fixed penalty notice to the person in respect of the act or omission giving rise to the variable monetary penalty.”.

(5) After paragraph 4, insert—

“Civil sanctions and fixed penalty notices

- 4A (1) Provision under section 46 must secure that, in a case where a fixed penalty notice is issued to a person in respect of a relevant offence, the Scottish Ministers may not—
- (a) serve on the person a notice of intent referred to in section 47(2) (a) in relation to an act or omission constituting the relevant offence, or
 - (b) impose a fixed monetary penalty on the person in relation to an act or omission constituting the relevant offence.
- (2) Provision under section 48 must secure that, in a case where a fixed penalty notice is issued to a person in respect of a relevant offence, the Scottish Ministers may not—
- (a) serve on the person a notice of intent referred to in section 49(2) (a) in relation to an act or omission constituting the relevant offence, or
 - (b) impose a variable monetary penalty on the person in relation to an act or omission constituting the relevant offence.
- (3) In this paragraph “relevant offence” has the meaning given in section 25(2) of the Aquaculture and Fisheries (Scotland) Act 2007.”.