



# Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

## PART 3

### SEA FISHERIES

#### *Inspection and seizure of objects used in commercial sea fishing*

#### **41 Retention of objects seized under section 39(3)**

- (1) An object seized by a British sea-fishery officer under section 39(3) may be retained by the Scottish Ministers.
- (2) If any of the grounds of release in subsection (3) applies, the Scottish Ministers must, as soon as is reasonably practicable, make the object available for collection.
- (3) The grounds of release are—
  - (a) that a procurator fiscal has decided not to take proceedings in respect of any offence in relation to which the object was seized,
  - (b) where a fixed penalty notice has been issued in respect of such an offence, that the appropriate fixed penalty has been paid,
  - (c) that any proceedings taken in respect of such an offence have concluded without an order for forfeiture having been made in respect of the object.
- (4) Subsection (2) does not apply if the object is liable to forfeiture under section 46.
- (5) Any reference in this section to an object seized under subsection (3) of section 39 includes a reference to anything seized by virtue of subsection (7) of that section.