
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 492

**The Sea Fishing (Enforcement of Community Measures)
(Penalty Notices) Order (Northern Ireland) 2008**

Commencement of proceedings after payment of penalty in relation to fishing boats from outside the United Kingdom

9.—(1) This Article applies in relation to a penalty notice issued to the master, the owner or the charterer of a fishing boat other than—

- (a) an English fishing boat;
- (b) a Northern Ireland fishing boat;
- (c) a Scottish fishing boat; or
- (d) a Welsh fishing boat.

(2) Where a person in receipt of a penalty notice to which this Article applies has paid the penalty in accordance with Article 5, that person may give written notice in accordance with paragraph (3) requesting that proceedings be brought for the penalty offence to which the penalty notice relates.

(3) A notice must—

- (a) indicate that the person giving the notice wishes proceedings to be brought for the penalty offence to which the penalty notice relates; and
- (b) be given no later than the end of the period of 28 days beginning with the date on which the penalty notice was issued.

(4) Where a person has given such notice, proceedings may be brought against that person.

(5) Where the proceedings are discontinued or the person is acquitted of the offence, the penalty notice shall be treated as never having been issued and any penalty paid must be repaid.

(6) Where the person is convicted of the offence, the penalty notice shall be treated as never having been issued and paragraph (7) or (8) applies, as appropriate.

(7) If a fine is imposed on the person in respect of the penalty offence a British sea fishery officer must—

- (a) apply so much of the penalty as does not exceed the amount of the fine in or towards payment of the fine; and
- (b) repay any amount of the penalty in excess of the amount of the fine.

(8) If no fine is imposed on the person in respect of the penalty offence any penalty paid must be repaid.