
STATUTORY INSTRUMENTS

2000 No. 1081

The Sea Fishing (Enforcement of Community Conservation Measures) Order 2000

Penalties

4.—(1) A person guilty in England or Northern Ireland of an offence under article 3(1) of this Order, or under any equivalent provision in any other order extending to any part of the United Kingdom proceedings in respect of which were brought in England or Northern Ireland by virtue of section 30(2A) of the Fisheries Act 1981, shall be liable—

- (a) on summary conviction to a fine not exceeding the amount specified in column 3 of the Schedule in relation to the specified Community measure, the contravention of, or failure to comply with, which founded the offence;
- (b) on conviction on indictment to a fine.

(2) A person found guilty in England or Northern Ireland of an offence under article 3(2) of this Order, or under any equivalent provision in any other order extending to any part of the United Kingdom proceedings in respect of which were brought in England or Northern Ireland by virtue of section 30(2A) of the Fisheries Act 1981, shall be liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment to a fine.

(3) Subject to the following provisions of this article, the court by or before which a person is convicted of a relevant offence may order the forfeiture of:

- (a) any fish in respect of which the offence was committed; and
- (b) in respect of an offence under article 3(1) of this Order, any net or other fishing gear used in committing the offence.

(4) Any person found guilty of a relevant offence shall, subject to paragraph (6), be liable on summary conviction to a fine not exceeding the value of the fish in respect of which the offence was committed.

(5) A person shall not be liable to a fine under paragraph (4) in respect of a relevant offence if, under paragraph (3), the court orders the forfeiture of the fish in respect of which the offence was committed; and where a fine is imposed under paragraph (4) in respect of any relevant offence, the court shall not have power under paragraph (3) to order the forfeiture of the fish in respect of which the relevant offence was committed.

(6) Subject to paragraph (5), any fine to which a person is liable under paragraph (4) in respect of a relevant offence shall be in addition to any other penalty (whether pecuniary or otherwise) to which he is liable in respect of that offence under this article or under any other enactment.