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WELSH STATUTORY INSTRUMENTS

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**2006 No. 1796**

**The Sea Fishing (Northern Hake Stock) (Wales) Order 2006**

**Recovery of fines**

**10.**—(1) Where a fine is imposed by a magistrates' court on a person in charge of a fishing boat who is convicted by the court of an offence under this Order or any equivalent provision, the court may—

- (a) issue a warrant of distress against the boat involved in the commission of the offence and its fishing gear and catch and any property of the person convicted for the purpose of levying the amount of the fine; and
- (b) order the boat and its gear and catch to be detained for a period not exceeding three months from the date of conviction or until the fine is paid or the amount of the fine is levied in pursuance of any such warrant, whichever occurs first.

(2) Sections 77(1) and 78 of the Magistrates Courts Act 1980(1) (postponement of issue of, and defects in, warrants of distress) apply to a warrant of distress issued under this article as they apply to a warrant of distress issued under Part III of that Act.

(3) Where, in relation to a fine in respect of an offence under this Order or any equivalent provision, an order under Article 95 of the Magistrate's Courts (Northern Ireland) Order 1981(2) or section 222 of the Criminal Procedure (Scotland) Act 1995(3) (both of which deal with transfer of fines from one jurisdiction to another) specifies a local justice area in Wales, this article applies as if the fine were imposed by a court within that local justice area.

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(1) 1980 c. 43. Section 78 was amended by the Criminal Justice Act 1982 (c. 48), sections 37 and 46, and the Courts Act 2003 (c. 39), section 109(1) and Schedule 8 paragraph 219(a).  
(2) S.I.1981/1675 (NI 26).  
(3) 1995 c. 46.