



Marine (Scotland) Act 2010

2010 asp 5

PART 6 **S**

CONSERVATION OF SEALS

Supplementary

125 Advice on seal population **S**

The Scottish Ministers must have regard to any advice about the management of seal populations which is given to them by [^{F1}United Kingdom Research and Innovation].

Textual Amendments

- F1** Words in s. 125 substituted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\), s. 124\(5\), Sch. 12 para. 25; S.I. 2018/241, reg. 2\(t\)](#) (with transitional and savings provisions in [S.I. 2018/245, regs. 2, 3, 26](#))

Commencement Information

- I1** S. 125 in force at 1.9.2010 by [S.S.I. 2010/230, art. 3\(d\)](#)

126 Police powers: search and seizure **S**

A constable may stop any person who the constable suspects with reasonable cause of committing an offence under this Part and may—

- (a) without warrant, search any vehicle or vessel which the constable reasonably believes to have been used in connection with the commission of the offence,
- (b) seize any seal, seal skin or other thing liable to be forfeited under section 127.

Commencement Information

- I2** S. 126 in force at 31.1.2011 by [S.S.I. 2010/230, art. 4\(e\)](#)

Changes to legislation: There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Cross Heading: Supplementary. (See end of Document for details)

127 Forfeiture **S**

The court by which a person is convicted of an offence under this Part may order the forfeiture of—

- (a) any seal or seal skin in respect of which the offence was committed, or
- (b) any thing which the person possessed or controlled at the time of the offence which was capable of being used in connection with the offence.

Commencement Information

I3 S. 127 in force at 31.1.2011 by S.S.I. 2010/230, art. 4(e)

128 Penalties **S**

[^{F2}(A1) A person guilty of an offence under section 107 is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding £40,000 (or both),
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).]

- (1) A person guilty of an offence under section ^{F3}... 117 is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.
- (2) A person guilty of an offence under section 108(4) is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
- (3) A person guilty of an offence under section 112(5) or 113(4) is liable, on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 5 on the standard scale, or to both.
- (4) A person guilty of an offence under section 124 is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

Textual Amendments

F2 S. 128(A1) inserted (30.11.2020) by *Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020* (asp 14), ss. 14(7)(a), 22(2); S.S.I. 2020/379, reg. 2(1), sch. (with reg. 3)

F3 Words in s. 128(1) repealed (30.11.2020) by *Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020* (asp 14), ss. 14(7)(b), 22(2); S.S.I. 2020/379, reg. 2(1), sch. (with reg. 3)

Commencement Information

I4 S. 128(1)-(3) in force at 31.1.2011 by S.S.I. 2010/230, art. 4(f)

I5 S. 128(4) in force at 1.9.2010 by S.S.I. 2010/230, art. 3(e)

129 Duty to review seal licensing regime **S**

- (1) The Scottish Ministers must review and publish a report on the operation of the seal licensing regime—
 - (a) within 5 years of section 110 coming into force, and

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- (b) within each subsequent period of 5 years beginning with the publication of a report.
- (2) When carrying out a review, the Scottish Ministers must—
 - (a) have regard to such scientific evidence on seal biology, welfare and behaviour, and on such other matters, as they consider relevant, and
 - (b) consult [^{F4}United Kingdom Research and Innovation] and such other persons as they consider appropriate.
- (3) The Scottish Ministers must have regard to their most recent report when performing functions under the seal licensing regime.
- (4) In this section, “seal licensing regime” means the provisions of this Part relating to seal licences.

Textual Amendments

- F4** Words in s. 129(2)(b) substituted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 12 para. 25](#); S.I. 2018/241, reg. 2(t) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 26)

Commencement Information

- I6** S. 129 in force at 31.1.2011 by [S.S.I. 2010/230](#), [art. 4\(g\)](#)

130 Repeal S

The Conservation of Seals Act 1970 (c.30) is repealed.

Commencement Information

- I7** [S. 130](#) in force at 31.1.2011 by [S.S.I. 2010/230](#), [art. 4\(g\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Cross
Heading: Supplementary.