

Changes to legislation: There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Paragraph 2. (See end of Document for details)

SCHEDULE 2

FURTHER PROVISION ABOUT CIVIL SANCTIONS UNDER PART 4 (MARINE LICENSING)

Modifications etc. (not altering text)

- C1** Sch. 2 applied (9.11.2020) by [The Marine Licensing \(Exempted Activities\) \(Scottish Inshore Region\) Amendment Order 2020 \(S.S.I. 2020/316\)](#), arts. 1, **14**

Fixed monetary penalties: other sanctions

- 2 (1) Provision under section 46 must secure that, in a case where a notice of intent referred to in section 47(2)(a) is served on a person—
- (a) no criminal proceedings for the offence to which the notice relates may be instituted against the person in respect of the act or omission to which the notice relates before the end of the period in which the person may discharge liability to the fixed monetary penalty pursuant to section 47(2)(b),
 - (b) if the person so discharges liability, the person may not at any time be convicted of the offence to which the notice relates in relation to that act or omission.
- (2) Provision under section 46 must also secure that, in a case where a fixed monetary penalty is imposed on a person—
- (a) the person may not at any time be convicted of the offence in relation to which the penalty is imposed in respect of the act or omission giving rise to the penalty,
 - (b) the Scottish Ministers may not issue a compliance notice or a remediation notice to that person in respect of the act or omission giving rise to the penalty.
- [^{F1}(c) a fixed penalty officer may not issue a fixed penalty notice to the person in respect of the act or omission giving rise to the fixed monetary penalty.]

Textual Amendments

- F1** Sch. 2 para. 2(2)(c) inserted (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#), **ss. 61(3), 66(2)** (with s. 65); S.S.I. 2013/249, art. 2

Commencement Information

- I1** Sch. 2 para. 2 in force at 6.4.2011 by S.S.I. 2011/58, **art. 3(a)**

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