



Marine (Scotland) Act 2010

2010 asp 5

PART 4

MARINE LICENSING

Offences

39 Breach of requirement for, or conditions of, licence

- (1) A person who—
 - (a) contravenes section 20(1), or
 - (b) fails to comply with any condition of a marine licence, commits an offence.
- (2) A person who is bound by a condition of a licence by virtue of section 29(5) is not to be taken as having failed to comply with the condition unless the requirements of subsection (3) are satisfied.
- (3) The requirements are that—
 - (a) the Scottish Ministers have served the person with a notice under this subsection which specifies the condition together with a period (which must be a reasonable period, in all the circumstances of the case) within which the person must comply with the condition,
 - (b) the person has failed to comply with the condition within that period.
- (4) A person guilty of an offence under subsection (1) is liable—
 - (a) on summary conviction, to a fine not exceeding £50,000,
 - (b) on conviction on indictment, to a fine or to imprisonment for a period not exceeding 2 years, or to both.

Modifications etc. (not altering text)

- C1** Ss. 39-42 applied (9.11.2020) by [The Marine Licensing \(Exempted Activities\) \(Scottish Inshore Region\) Amendment Order 2020 \(S.S.I. 2020/316\)](#), arts. 1, **12**

Changes to legislation: There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 39. (See end of Document for details)

Commencement Information

II S. 39 in force at 6.4.2011 by [S.S.I. 2011/58](#), [art. 3\(a\)](#)

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