



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 6

MANAGEMENT OF INSHORE FISHERIES

CHAPTER 1

INSHORE FISHERIES AND CONSERVATION AUTHORITIES

Offences

163 Offences

- (1) A person who contravenes any byelaw made under section 155 is guilty of an offence under this section.
- (2) Where any vessel is used in contravention of any byelaw made under section 155, the master, the owner and the charterer (if any) are each guilty of an offence under this section.
- (3) A person who is guilty of an offence under this section is liable on summary conviction to [^{F1}a fine].
- (4) Proceedings for an offence under this section may be taken, and the offence may for all incidental purposes be treated as having been committed, in any part of England and Wales.
- (5) In this section “contravention” includes failure to comply; and “contravene” is to be read accordingly.

Changes to legislation: *Marine and Coastal Access Act 2009, Cross Heading: Offences is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

- F1** Words in s. 163(3) substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 43(7)** (with reg. 5(1))

Commencement Information

- I1** S. 163 in force at 1.4.2011 by [S.I. 2011/556](#), **art. 2(2)(c)**

164 Powers of court following conviction

- (1) This section applies where a person is convicted of an offence under section 163.
- (2) The court by which the person is convicted may order the forfeiture of—
 - (a) any fishing gear used in the commission of the offence;
 - (b) any sea fisheries resources in respect of which the offence was committed.
- (3) The power conferred by subsection (2) to order the forfeiture of any sea fisheries resources includes power to order the forfeiture of any container in which the resources are being kept.
- (4) The court may, instead of ordering the forfeiture of any fishing gear or any sea fisheries resources, order the person to pay a sum of money representing the value of the fishing gear or resources.
- (5) In a case where the offence involved the breach of a condition of an IFC authority permit, the court may—
 - (a) suspend the permit, or
 - (b) disqualify the person from holding or obtaining any IFC authority permit relating to any activity to which that permit related,
for such period as the court thinks fit.
- (6) In subsection (5) “IFC authority permit” means a permit granted by an IFC authority.

Commencement Information

- I2** S. 164 in force at 1.4.2011 by [S.I. 2011/556](#), **art. 2(2)(c)**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 72A(2A) inserted by [2023 c. 55 s. 232\(2\)\(d\)](#)
- s. 72A(6)(a) words in s. 72A(6) renumbered as s. 72A(6)(a) by [2023 c. 55 s. 232\(2\)\(f\)\(i\)](#)
- s. 72A(6)(a) words inserted by [2023 c. 55 s. 232\(2\)\(f\)\(ii\)](#)
- s. 72A(6)(b) and word inserted by [2023 c. 55 s. 232\(2\)\(f\)\(iii\)](#)
- Sch. 6 para. 1(2)(da) inserted by [2023 c. 55 Sch. 8 para. 31\(2\)\(a\)](#)