



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 a fine not exceeding £50,000.
- (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.

164 Powers of court following conviction

- (1) This section applies where a person is convicted of an offence under section 163.

Status: This is the original version (as it was originally enacted).

- (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.