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STATUTORY INSTRUMENTS

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**2000 No. 435**

**The Sea Fishing (Enforcement of Measures for the Recovery of the Stock of Cod) (Irish Sea) Order 2000**

**Recovery of fines**

5.—(1) Where a fine is imposed by a magistrates' court in England or Northern Ireland on the master, owner or charterer, or a member of the crew, of a fishing boat who is convicted by the court of a relevant offence or an offence under article 10 of this Order, the court may—

- (a) issue a warrant of distress against the boat involved in the commission of the offence and its gear and catch and any property of the person convicted for the purpose of levying the amount of the fine; and
- (b) order such boat and its gear and catch to be detained for a period not exceeding three months from the date of the conviction or until the fine is paid or the amount of the fine is levied in pursuance of any such warrant, whichever occurs first.

(2) Sections 77(1) and 78 of the Magistrates' Courts Act 1980<sup>(1)</sup> (postponement of issue of, and defects in, warrants of distress) shall apply to a warrant of distress issued under this article in England as they apply to a warrant of distress issued under Part III of that Act.

(3) Article 114(2) and 154 of the Magistrates' Courts (Northern Ireland) Order 1981<sup>(2)</sup> (postponement of issue of certain warrants and objections as to want of form or variance between complaint etc. and evidence adduced) shall apply to a warrant of distress issued under this article in Northern Ireland as it applies to a warrant referred to in those articles of that Order.

(4) Where in relation to a fine in respect of a relevant offence a transfer of fine order under section 90 of the Magistrates' Courts Act 1980, Article 95 of the Magistrates' Courts (Northern Ireland) Order 1981 or section 222 of the Criminal Procedure (Scotland) Act 1995<sup>(3)</sup> specifies a petty sessions area in England or a petty sessions district in Northern Ireland this article shall apply as if the fine were imposed by a court within that petty sessions area or petty sessions district.

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(1) 1980 c. 43; the maximum fines in section 78 were converted to levels on the standard scale by sections 37 and 46 of the Criminal Justice Act 1982 (c. 48).  
(2) S.I.1981/1675 (NI 26).  
(3) 1995, c. 46.