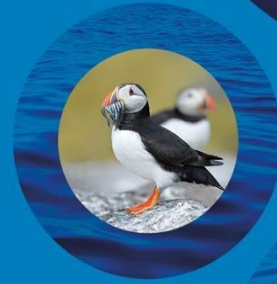
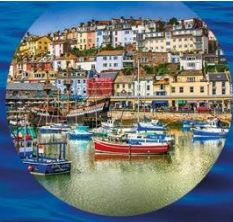




Marine  
Management  
Organisation

# Financial Administrative Penalties for Fisheries Offences



...ambitious for our seas and coasts

# Financial Administrative Penalties for Fisheries Offences

Issued by the Marine Management Organisation

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## Amendments

Date	Version	Details of Change
30/08/2012	V1	Approved and Published
24/12/2020	V2	Updated for EU Exit
07/11/2022	V3	Updated to include Penalty notice example calculations and permitted payment methods
18/11/2022	V3.1	Minor update amending legislation reference in paragraph 2.

## Introduction

1. These instructions take effect from **6 April 2011**.
2. This guidance is not exhaustive, nor is it a definitive statement of the law. The relevant legislation is [The Sea Fishing \(Penalty Notices\) \(England\) Order 2011 SI 2011 No 758](#)<sup>1</sup>.
3. Your local Marine Management Organisation (MMO) office will be able to provide further advice.
4. Similar schemes operate in Northern Ireland, Wales and Scotland and by the Inshore Fisheries Conservation Authorities (IFCAs).

## At a glance

5. The financial administrative penalties system has been designed to complement the existing enforcement system rather than replace it. You may be offered a penalty<sup>2</sup> as an alternative to criminal prosecution in certain circumstances. A penalty will only be offered where there is reason to believe that a person has committed an offence for which a financial administrative penalty may be issued ("penalty offence", see [Appendix 1](#) for a list of relevant penalty offences).
6. This scheme applies to penalty offences committed in relation to sea fishing (as listed in the Schedule to the Order) in England, and by English fishing vessels wherever they operate (Wales and the Welsh Zone excepted) or by other fishing vessels within English waters of British fishery limits. In accordance with the regulations, and where appropriate, the master, owner, charterer, representative, operator and/or legally liable person may be issued with a penalty notice.
7. In the event of a penalty offence being detected and a financial administrative penalty being offered, payment of the penalty within 28 days will discharge your liability to be prosecuted for the offence; however, you will be under no obligation to accept and pay the penalty if you wish to have the matter dealt with via court proceedings. Non-payment of the penalty will not constitute an offence in itself.
8. Financial administrative penalties will **not** be offered for:
  - obstruction, failure to comply with requirements made by Marine Enforcement Officers (MEOs<sup>3</sup>) or preventing another person from complying, and assaults/threats to MEOs or those assisting them – these will be referred for prosecution
  - offences under a recovery plan which attract automatic licence suspension when no further penalty will apply
  - certain illegal, unregulated and unreported (IUU) offences pertaining to the operation and engagement of IUU-listed vessels.
9. Written warnings may still be issued, however please note that a written warning or a financial administrative penalty may not always be issued for a first or subsequent offence where the authorities believe that the offending is of such a nature that court proceedings are more appropriate.

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1 The Sea Fishing (Penalty Notices) (England) Order 2011 (<https://www.legislation.gov.uk/ukSI/2011/758>) to be read as amended by The Sea Fishing (Penalty Notices and Designation) (England) (Amendment) (EU Exit) Order 2020 (<https://www.legislation.gov.uk/ukSI/2020/1635/made>)

2 Penalty in this document refers to a financial administrative penalty under the Sea Fishing (Penalty Notices) (England) Order 2011.

3 In this document marine enforcement officer (MEO) can be read as British sea fishery officer (BSFO) where applicable.

10. Repeat offending may result in increased penalties or automatic referral for prosecution.

11. For the full range of enforcement sanctions available to the MMO please see the MMO's [Compliance and Enforcement Strategy](#)<sup>4</sup>.

## Detection and investigation

12. Investigations into suspected fisheries offences will be undertaken by MEOs in accordance with the MMO's Compliance and Enforcement Strategy.

13. Within six weeks of finalising the investigation a decision will be made regarding action to be taken for the offences detected, at which time you will be notified of the decision in writing.

14. The investigation process can take some time. During this time your fishing licence may be frozen in accordance with fisheries departments' published policy (UK vessels only). If you are subsequently offered a penalty the licence freeze will remain in place until the penalty is paid or, if you choose not to pay the penalty, until subsequent court proceedings are concluded.

15. If a decision is made not to take further action then the licence freeze will be lifted.

16. A financial administrative penalty may be issued by the MMO for any of the penalty offences listed in [1](#), except for IFCA bylaw offences. All penalty notices issued by the MMO will be authorised by the relevant Head of Enforcement and Investigations.

## Consideration of a financial administrative penalty

17. Where there is evidence which gives an authorised officer reason to believe that a penalty offence has been committed, the facts of the case will be assessed against the following criteria for the purpose of deciding whether a financial administrative penalty is appropriate:

- **The severity of the infringement:** how serious the offence is including, where appropriate, environmental impact.
- **Previous infringement history** including what action was taken as a result of any previous infringements.
- **Other offences detected at the same time as the offence** in question and the nature of these offences – these may add to the seriousness of the overall infringement.
- **Value of catch:** this may affect the decision if the potential financial gain of the offence exceeds the proposed penalty. The value of the offending will be determined wherever possible by the previous week's average prices at the most appropriate market. This can include markets outside the UK if, for example, the vessel concerned routinely lands abroad. This decision will be made by the MMO.
- **Volume of catch:** this is particularly relevant to by-catch offences but may also factor in other offences where the volume of illegal catch is significant.
- Whether the species involved is subject to **stock recovery measures**.

18. Where a single investigation results in the discovery of more than one offence then the offences will be broken down, categorised and given individual penalties to a maximum combined value of £10,000. The MMO may at its discretion decide not to offer a penalty notice but refer the matter for prosecution.

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<sup>4</sup> [www.marinemanagement.org.uk/about/documents/compliance\\_enforcement.pdf](http://www.marinemanagement.org.uk/about/documents/compliance_enforcement.pdf)

## Determining level of penalty

19. There are five basic levels of financial administrative penalty depending on the nature of the offence committed and where it is deemed appropriate for a financial administrative penalty (FAP) to be offered. These range from £250 to £5,000 as set out in the first column of the table below.

*Table 1: Penalty levels*

	<b>First offence</b>	<b>Second offence</b>	<b>Further offences</b>
<b>Level 1</b>	£250	£500	Referred for prosecution
<b>Level 2</b>	£500	£1,000	Referred for prosecution
<b>Level 3</b>	£1,000	£2,000	Referred for prosecution
<b>Level 4</b>	£2,000	£4,000	Referred for prosecution
<b>Level 5</b>	£5,000	£10,000	Referred for prosecution

20. All penalty offences have been categorised (see [Appendix 1](#)). Each category of offence has been rated according to the seriousness of the breach in question to determine the basic penalty level.

## Offence categories and penalty levels <sup>5</sup>

Category	Penalty level	First offence	Second offence	Further offences
1 Marketing offences	1	£250	£500	Referred for prosecution
2 Miscellaneous	2	£500	£1,000	
3 Technical conservation (Gear)	3	£1,000	£2,000	
4 Technical conservation (Catch)	3	£1,000	£2,000	
5 Recovery offences	3	£1,000	£2,000	
6 Control offences (including Registered Buyers and Sellers and UK licence offences)	3	£1,000	£2,000	
7 Access	4	£2,000	£4,000	
8 Illegal, unregulated and unreported fishing offences	4	£2,000	£4,000	
9 Undersize fish offences	2	£500	£1,000	
10 IFCA access offences	3	£1,000	£2,000	
11 IFCA technical conservation (catch)	2	£500	£1,000	
12 IFCA technical conservation (gear)	2	£500	£1,000	
13 IFCA permit	1	£250	£500	
14. Illegal fishing by non- UK vessels	5	£5,000	£10,000	

21. These penalties may be subject to adjustment in accordance with paragraphs 22 and 23.

22. Where the identified financial gain (connected to or resulting from the offence) is greater than the proposed level of penalty, the penalty offered will be increased by multiples of the relevant basic penalty level (£250, £500, £1,000, £2,000 or £5,000) until the value of the penalty is greater than that of the identified financial gain.

23. This could include **where appropriate**, offering a penalty of up to £10,000. If the financial gain is greater than £10,000, or the financial gain in relation to the offence is deemed to be of a serious nature, a FAP will not be offered and the offence will be referred to court.

24. Where multiple offences are detected, the identified financial gain will only be considered once in relation to the penalty offences. Where the financial gain has already been considered in the calculation of a penalty, the remaining penalty offences will be offered at the relevant basic

<sup>5</sup> IFCA by-law offences (Categories 10 to 13) are included in this table for completeness

penalty level in accordance with paragraph 19. As stated in paragraph 18, multiple penalty notices may be issued to a total combined value of £10,000.

25. The financial administrative penalty will be increased to the next level available if any of the legally liable persons offered the penalty have received a penalty for the same category of offence in the previous two years. This could include, in the case of a second offence attracting a level 4 penalty, offering a basic penalty of £4,000 which may be increased to a maximum of £10,000 to cover the identified financial gain.

26. Refer to [Appendix 3](#) for examples of administrative penalty calculations.

## Emergency byelaws

27. Where an emergency byelaw is in force, the penalties for offences created by such a byelaw will be in accordance with existing penalties for similar byelaws in [Appendix 1](#).

## Penalties applicable to IFCA byelaw offences

28. Offences against IFCA byelaws will fall under the IFCA FAP scheme and decisions as to the applicable penalty will be made by the relevant IFCA.

## Penalty notices

29. Once a decision has been made that a financial administrative penalty should be offered, a penalty notice will be issued by the MMO to those deemed liable for the penalty offence. This will detail the circumstances of the offence and the level of the penalty being offered. Notices will be hand-delivered or sent by post and will state how payments should be made if the offer of a penalty is accepted.

30. A penalty notice can be withdrawn before or after the payment of the penalty if it is issued in error, if it contains technical errors or is issued to the wrong person. Where a penalty notice is withdrawn, any monies paid will be repaid in full, but in appropriate circumstances a new penalty notice may be issued.

## Payment of the penalty

31. All penalties must be paid within 28 calendar days of issue of the penalty notice.

32. In accordance with the relevant regulations, liability for a financial administrative penalty lies with the master, owner, charterer, operator, representative and/or legally liable person. We will accept payment of the penalty by any one person as counting as payment for all others who are liable.

33. For example, where a fishing vessel master and owner are found to be legally responsible for a penalty offence and have both been issued with a £1,000 penalty notice for which they are jointly and severally liable, the MMO will not expect the master and owner each to pay £1,000. Instead, if the owner pays the £1,000, the notice issued to the master will be treated as having been paid.

34. Once payment has been received from a legally liable person in respect of a joint offence, a written notification ("notice of deemed payment") will be sent to the other legally liable person(s) stating that payment has been received in respect of the penalty offence(s), and indicating that their penalty is being treated as having been paid.

## Objection to payment of the penalty

35. As payment of the penalty may have consequences for all the persons to whom it was issued, measures have been put in place to allow any of those persons jointly and severally liable to contest the process. A written notice of objection must be sent by post or delivered by hand, within 28 days of the penalty notice being issued, or within 5 days of the notice of deemed payment being given, if the person(s) are opposed to their penalty being treated as having been paid.

36. Where this happens, your penalty will not be treated as having been paid, with the result that, if the penalty remains unpaid at the end of the 28-day period, the case will be referred for prosecution in the usual way. (This will not affect those who have actually paid, or who do not object to having their penalty notice treated as having been paid.)

37. Should a prosecution result in conviction, the penalty you have paid will be applied towards any fine imposed by the court and any excess will be repaid to you. Should the court case result in acquittal, the penalty will be repaid to you in full.

38. Written notices of objection must be sent to: Head of Investigations and Enforcement, Financial Administrative Penalties, Marine Management Organisation, Neville House, Bell Street, North Shields N30 1LJ

## Payment of a penalty in relation to non-British registered fishing vessels

39. The financial administrative penalty scheme applies to all relevant legally liable persons as stated in paragraph 6, however a penalty will only be offered to a foreign fishing vessel if the penalty is accepted at the time it is offered, or the vessel may be detained to port for prosecution. 28 days will still be permitted for payment of the penalty, however, should no payment be made by the end of the 28 day period court proceedings will be issued and, if applicable, the vessel detained to port.

40. If, following payment of the penalty, you wish the matter to be referred for prosecution you must give written notice requesting that proceedings be brought. The notice must:

- a) indicate that the person giving the notice wishes proceedings to be brought in relation to the offence(s) to which the penalty notice relates
- b) be given within 28 days, beginning with the date the penalty notice was issued.

41. Should a prosecution result in conviction, the penalty you have paid will be applied towards any fine imposed by the court and any excess will be repaid to you. Should the court case result in acquittal, the penalty will be repaid to you in full.

## Central register of penalties

42. Details of all penalties will be held in a central register. If you choose not to pay a penalty and are found not guilty in court, no infringement will be recorded on the database and will not count as a previous offence in any future decisions.

## Methods of payment

43. Payment in cash or cheques are not permitted. Payments must be made by electronic transfer. Please use one of the payment methods [Appendix 2](#), quoting the reference number from the penalty notice (which will be in the form "PFVnnnnDE", for example PFV1234DE).

44. You must make your payment in time to allow it to be cleared before the end of the 28-day payment period.



45. Payments in euros must be sufficient to cover the total penalty value after conversion into sterling and relevant bank charges.

### **Receipt of payment**

46. You will be issued with a receipt and a record of the penalty notice will be kept. In some circumstances, the fact that you have paid a penalty notice might have evidential value in court proceedings.

47. If you do not pay the penalty notice in full, within the 28-day period, the offence will be referred for prosecution.

### **Amendments to guidance**

48. This guidance document will be amended and reviewed as necessary to accommodate changes to legislation relevant to the financial administrative penalty scheme.

### **Data sharing and the Data Protection Legislation**

49. Information may be shared, or input may be sought from other enforcement bodies as may be appropriate, subject to the Data Protection Legislation.

## Appendix 1: Penalty offence categories

<b>Category 1: Marketing offences</b>	
ECMA	Labelling
ECMB	Grading – size
ECMC	Grading – freshness
ECMX	Marketing – other offences
<b>Category 2: Miscellaneous Offences</b>	
ECBA	Miscellaneous Technical Conservation offence under 1241/19
ECCX	Catch – other offences (including quota regulation by-catch offences)
ECXA	Failure to display port letters and numbers on vessel or craft or Fisheries Activity
ECXB	Failure to display port letters and numbers on gear
ECXC	Failure to produce a certified fishroom plan or ullage tables
ECXE	Failure to provide a boarding ladder
ECXF	Failure to permit use of communications equipment
ECXL	Illegal or failure to use marker buoys
ECXM	Failure to notify gear (if subject to effort management regime)
ECXN	Failure to retrieve or notify lost gear
<b>Category 3: Technical conservation measures (gear) offences</b>	
ECAX	Fishing in restricted areas – other offences
ECGA	Incorrectly stowed gear
ECGB	Mesh size – required percentage of target species – towed gear
ECGC	Beam size
ECGD	Illegal attachment
ECGE	Illegal bottom side chafer
ECGF	Illegal topside chafer – type A
ECGG	Illegal topside chafer – type B
ECGH	Illegal strengthening bag
ECGJ	Illegal chafing piece
ECGK	Illegal cod line
ECGL	Illegal lifting strap
ECGM	Illegal round strap
ECGN	Illegal flapper
ECGO	Illegal strengthening rope
ECGP	Illegal torquette
ECGQ	Carriage of undersize nets
ECGR	Gill nets or passive gear – carriage or use or length or mesh size
ECGS	Illegal square mesh panel or failure to use square mesh panel
ECGT	Illegal headline panel
ECGU	Excess meshes in circumference
ECGV	Trawl or geometry

ECGW	Twine thickness
ECGX	Gear offences – other
ECGY	Failure to use or non-operational acoustic deterrent device
ECLV	Incorrect or failure to record discards in logbook
ECLW	Incorrect or failure to record undersize fish separately
UKGA	Square mesh panel – failure to use square mesh panel
UKGB	Square mesh panel – undersize mesh
UKGC	Square mesh panel – dimension
UKGD	Square mesh panel – position in trawl
UKGE	Trawl geometry
UKGF	Twin rig trawl restrictions
UKGG	Illegal scallop dredge
<b>Category 4: Technical conservation measures (catch) offences</b>	
ECCB	Failure to attain 95 per cent bivalve molluscs when fishing with dredges
ECCD	Catching herring for industrial use
ECCE	Landing cut out scallops or lobster tails
ECCF	Fishing for or retaining species – no quota allocated or exhausted
ECCG	Purse seining for Annex II species
ECCH	Illegal auto-sorting of catch
ECCJ	Illegal fish processing
ECCK	Salmon and sea trout
ECCL	Gill net catch composition requirements
ECCP	Prohibited Species
ECCQ	High grading offences
UKAC	Retaining bass from bass nursery area
UKAD	Landing crab claws
<b>Category 5: Recovery stock offences</b>	
CODA	Failure to catch 30 per cent nephrops in North Sea (80 to 109 mm)
CODB	Failure to meet catch composition (110 to 119 mm) saithe
CODC	Carriage or use of gear (100 to 119 mm)
CODD	Cod catch exceeding 20 per cent (32 to 119 mm)
CODE	Illegal headline panel (70 to 99 mm)
CODF	Illegal square mesh panel (70 to 99 mm)
CODG	Twine thickness
CODH	Exceeding net circumference (70 to 89) (90+)
CODI	Gear structures (multiple twine equal top and bottom quadrilateral mesh)
CODJ	Beam trawl – technical restrictions
CODK	Fixed nets – exceeding 30 per cent cod (mesh size range less than or equal to 139)
CODL	Illegal fishing in restricted or closed cod box
CODM	Failure to notify gears for management period
CODN	Failure to notify specific gear for each trip

CODP	Fishing in excess of authorised days
CODQ	Unauthorised gear (carriage or use of)
CODR	Failure to notify entry or exit in cod recovery area
CODT	Landing more than permitted quantity in non-designated ports (greater than 2 tonnes)
CODX	Other cod-related offences
DSSA	Retaining greater than 100 kg deep sea species without a permit
DSSB	Failure to record effort in log book
DSSC	Landing greater than 100 kg deep sea species at non-designated port
DSSF	Prohibition on shark finning
DSSG	Discarding of shark bodies
DSSH	Exceeding theoretical ratio of 5 per cent shark fins
DSSI	Failure to keep records of shark fins
DSSJ	Breach of notification requirement – landing shark fins
DSSK	Breach of licence permit conditions
ECCR	Discarding contrary to landing obligation
ECCT	Retaining or landing or selling undersized fish not subject to landing obligation
ECRA	Landing recovery species into non-designated port
ECRB	Failure to have a stowage plan or inaccurate stowage plan
ECRC	Failure to stow recovery species separately
HKEA	Hake catch exceeding 20 per cent (55 to 99 mm non-beam
HKEB	Hake catch exceeding 5 per cent (55 to 99 mm beam trawls)
HKEC	Twine thickness
HKED	Exceeding permitted meshes in circumference
HKEE	Illegal headline panel
HKEF	Unauthorised towed gear (carriage or use gear) (hake)
HKEG	Unauthorised fixed gear (carriage or use gear) (hake)
HKEJ	Landing more than permitted quantity in non-designated port (hake)
HKEN	Failure to notify entry or exit into biologically sensitive area
PELA	Landing greater than 10 tonnes of pelagic species at non-designated port
PELB	Failure to give accurate 4 hour notification of landing
PELD	Failure to weigh fish on landing
PELF	Misrecording or under declaration of pelagic species
SOLA	Fishing in excess of authorised days
SOLG	Failure to notify entry or exit into RWCS
<b>Category 6: Control offences (including Registered Buyers and Sellers and UK licence</b>	
ECCM	Failure to move fishing area (trigger level exceeded in two hauls)
ECEA	Failure to submit log book data by electronic means
ECEB	Failure to submit log book data by electronic means daily or at specified times
ECEC	Failure to submit landing declaration by electronic means
ECED	Failure to submit landing declaration by electronic means within 24 hours of landing
ECEF	Failure to submit transshipment declaration by electronic means

ECEG	Failure to retain return message
ECEH	Failure to retain e-log data until landing declaration submitted
ECEI	Failure to transmit manual fishing reports daily or at specified times
ECEJ	Unauthorised departure from port with non-functioning e-log
ECEK	Failure to submit sales note by electronic means
ECEL	Failure to submit sales note by electronic means within 24 hours
ECEM	Failure to submit takeover declaration by electronic means
ECEN	Failure to submit takeover declaration by electronic means within 24 hours
ECEO	Failure to submit prior notification by electronic means
ECEX	Other electronic reporting offences
ECLA	Failure to carry log book
ECLB	Failure to complete log book
ECLC	Failure to complete landing declaration
ECLD	Incorrect or failure to record species – log book (including 10 per cent margin of
ECLE	Incorrect or failure to record species – landing declaration
ECLF	Incorrect or failure to record catch location
ECLG	Incorrect or failure to record gear type
ECLH	Incorrect gear measurements
ECLJ	Illegal log book change
ECLK	Failure to record transshipment details or submit transshipment declaration
ECLL	Failure to submit a log book or log sheet
ECLM	Failure to submit a landing declaration
ECLN	Late submission of log book
ECLO	Late submission of landing declaration
ECLP	Incorrect or failure to record effort (Western Waters and recovery areas)
ECLQ	Failure to provide sales notes
ECLR	Inaccurate sales notes
ECLS	Late submission of sales notes
ECLT	Inaccurate or failure to provide transport documentation
ECLU	Failure to submit or inaccurate takeover declaration
ECLX	Log book offences – other
ECMD	Failure to comply with traceability requirements
ECPA	Fishing with engine power in excess of licence
ECPB	Use of uncertified engine
ECPC	Failure to provide certification documentation
ECPD	Failure to notify new or replacement or modified engine
ECSA	Failure to maintain or have on board a fully operational satellite tracking device
ECSB	Failure to provide position reports at required frequency
ECSC	Provision of false information to Fisheries Monitoring Centre
ECSD	Interfering with transmission of satellite position reports
ECSE	Proceeding to sea without authorisation

ECSF	Failure to provide manual position reports when requested
ECTA	Transshipping recovery species without weighing or control observer
ECTB	Transshipping pelagic recovery species without notification
ECTC	Landing transhipped unweighed pelagic species into non-designated port
ECUA	Unauthorised fishing in Western Waters by Spanish vessels
ECUB	Unauthorised fishing in Western Waters by French vessels
ECUC	Unauthorised fishing in Western Waters by Dutch vessels
ECUD	Unauthorised fishing in Western Waters by Belgian vessels
ECUE	Unauthorised fishing in Western Waters by German vessels
ECUF	Unauthorised fishing in Western Waters by Danish vessels
ECUG	Unauthorised fishing in Western Waters by Swedish vessels
ECUH	Unauthorised fishing in Western Waters by Irish vessels
ECUL	Unlicensed fishing by Faroese vessels
ECUM	Unlicensed fishing by Norwegian vessels
ECUX	Unlicensed fishery – other offences
ECXD	Failure to produce valid fisheries administration fishing licence or authorisation
ECXH	Incorrect or failure to send hailing in report
ECXJ	Incorrect or failure to give prior notification of arrival into port
ECXK	Transshipping at sea
MSRZ	Breach of razor permit
RBSB	Registered buyer – failure to comply with conditions of registration
RBSC	Registered buyer – failure to keep or produce records
RBSD	Unregistered buyer
RBSE	Buying of fish from unlicensed vessel
RBSG	Registered seller – failure to comply with conditions of registration
RBSH	Registered seller – failure to keep or produce records
RBSI	Unregistered seller
RBSJ	Sale of fish from unlicensed vessel
RBSL	Auction site – failure to comply with conditions of registration
RBSM	Failure to keep weighing records
RBSN	Inaccurate or failure to weigh catch
UKCA	Fishing without the authority of a licence
UKCB	Non-carriage of a valid licence
UKCC	Transshipping without the authority of a licence
UKCD	Non-carriage of valid registration papers
UKCE	Failure to register a vessel fishing for profit
UKCF	Offence – licence conditions (such as potting box)
UKCG	Offence – UK quota (including closed fishery to UK vessels)
UKCH	Offence – vessel quota (over quota cases)
UKCK	Offence – falsifying licence application or transfer
UKCL	Offence – licence conditions – designated ports (not recovery species)

UKCM	Licence condition – hake (HKE), megrim (LEZ) or anglerfish (ANF)
UKCO	Late submission of Catch Record information
UKCP	Non-submission of Catch Record information
UKCQ	Inaccurate submission of Catch recording information (including 10 % margin of
<b>Category 7: Access offences</b>	
ECAA	Illegal fishing in British fishery limits – access
ECAB	Illegal fishing within 6 mile limit – designation
ECAC	Illegal fishing within 12 mile limit – designation
ECAD	Illegal fishing within mackerel box (see ECCA)
ECAE	Illegal fishing within herring boxes
ECAF	Illegal fishing within east coast sprat box
ECAG	Illegal fishing in South West herring box (Celtic Sea)
ECAH	Illegal fishing in north of Scotland box
ECAJ	Illegal fishing within Norway pout box
ECAK	Illegal fishing in plaice box
ECAL	Illegal fishing in Irish Sea (Cod Recovery Plan)
ECAM	Illegal fishing in North Sea (Cod Recovery Plan)
ECAN	Contravention of hake recovery measures
ECAO	Illegal fishing in sandeel box
ECAP	Illegal fishing within 12 mile limit by beam trawlers
ECCN	Illegal fishing in real time closure area
UKAA	Closed fishery – scallops
UKAB	Fishing for bass in bass nursery area
UKCN	Retaining species when fishery closed (Landing Obligation)
<b>Category 8: Illegal, unreported and unregulated fishing offences</b>	
IUUA	Failure to give prior notification
IUUB	Transshipping in UK waters (third country vessel)
IUUC	Failure to obtain a validated catch certificate (imports)
IUUD	Illegal targeting of fish subject to a moratorium or prohibited
IUUE	Illegal transshipping or operation with IUU vessel
IUUF	Illegal operation or supply or employment of Community listed IUU vessel
IUUG	Falsification or use of falsified documents
IUUH	Illegal movement of controlled consignment
IUUI	Disclosure of confidential Fisheries Administration information
IUUX	Illegal Unreported Unregulated Fishing – other offences
<b>Category 9: Undersized fish offences (Fisheries Administration, UK, IFCA)</b>	
ECFA	Undersize fish – retained or stored or offered for sale
UKFA	Undersized – crabs
UKFC	Undersized – lobsters
UKFD	Undersized – scallops
UKFX	Undersized – other UK undersize fish offences

CWCA	Undersized fish (byelaw)
DSCA	Undersized fish (byelaw)
EACA	Undersized fish (byelaw)
KECB	Undersized fish (byelaw)
NECA	Undersized fish (byelaw)
NWCB	Undersized fish (byelaw)
SCCA	Undersized fish (byelaw)
SHCB	Undersized fish (byelaw)
SUCA	Undersize fish (byelaw)
IFCA	Undersize fish (regulated or several or hybrid order)
IFCG	Undersize fish (emergency byelaw)
<b>Category 10: IFCA access offences</b>	
CWAA	Illegal trawling by vessel (exceeded length or kilowatts)
CWAB	Trawling in prohibited area
CWAC	Illegal use of purse seines and ring nets by vessel (exceeded length)
CWAD	Illegal fishing for shellfish (exceeded length)
CWAE	Illegal fishing (gillnets) in temporary closed area
CWAF	Illegal scallop dredging during specified times (1900 to 0700)
CWAG	Illegal use of scallop dredges within the Fal and Helford Special Area of Conservation
CWAH	Illegal fishing during temporary closure (Camel and Fowey)
CWAI	Illegal use of nets during prohibited times (Camel and Fowey)
CWAJ	Use of fixed nets in prohibited areas
CWAK	Illegal netting and trawling in specified areas (Camel and Fowey)
DSAA	Illegal fishing (time/month)/ trawlers exceeding daily catch rate
DSAB	Illegal trawling in start bay
DSAC	Illegal use of trawl/trammel net within restricted area
DSAD	Illegal fishing in temporary closed area (shellfish)
DSAE	Illegal fishing in river exe
DSAF	Illegal spearfishing in Lundy Marine Conservation Zone
DSAG	Illegal fishing (trawling or nets) in Lundy Marine Conservation Zone
DSAH	Illegal use of pots or traps in Lundy Marine Conservation Zone
DSAI	Illegal use of fixed engine (prohibited area)
DSAJ	Illegal fishing (excess vessel size)
DSAK	Illegal netting (Tamar, Plym, Yealm)
DSAL	Illegal scallop dredging in Salcombe Estuary
DSAM	Illegal mussel dredging in Dart Estuary
DSAN	Removal of seafish from Lundy no take zone
DSAO	Illegal netting in River Exe
EAAA	Illegal removal or disturbance of shellfish during temporary closure
EAAB	Illegal trawling within 3 mile limit
EAAC	Illegal inland fixed engine



EAAD	Illegal fishing with towed gear for bivalve molluscs
KEAA	Illegal fishing within 6 mile limit (size or power)
KEAB	Illegal vessel size (length or beam)
KEAC	Illegal fishing in closed bivalve bed
KEAD	Illegal fishing in closed cockle bed
KEAE	Illegal fishing in temporary shellfish closed area
KEAF	Illegal fishing in specified areas during closed period
KEAG	Removal of herring after fishery closed
KEAH	Illegal fishing in bass nursery area
NEAA	Illegal trawling within 6 mile limit or 3 to 6 mile limit (size or power)
NEAB	Illegal dredging during closed season/dredging within 3 mile limit
NEAC	Illegal fishing in temporary shellfish closed area
NEAD	Illegal cockle fishing during closed season or temporary closure
NEAE	Illegal use of fixed engine (specified area)
NEAF	Removal of seafish from Flamborough no take zone
NHAA	Illegal trawling (vessel size)
NHAB	Illegal use of purse seine or ring net or encircling net
NHAC	Illegal pair trawling
NHAD	Illegal fixed engine (specified area or times)
NHAE	Illegal dredging – number of dredges
NWAA	Illegal fishing in specified areas (vessel size or greater than 221 kilowatts)
NWAB	Illegal fixed engine or beach seine or drift net (specified areas or periods)
NWAC	Illegal use of multiple trawls
NWAD	Use of illegal towed gear (plaice)
NWAE	Illegal fishing with bottom towed gear
NWAF	Illegal use of seine nets
NWAG	Illegal mobile net (specified areas)
NWAH	Illegal fishing for winkles (other than by hand picking)
NWAI	Illegal fishing (mussels or cockles) (temporary or seasonal closure)
NWAJ	Illegal fishing during temporary closure (shellfish)
NWAK	Illegal fishing for mussels (south of Penmaen-Bach point)
SCAA	Illegal fishing (dredges)
SCAB	Illegal fishing (vessel tonnage or size)
SHAA	Illegal trawling (mechanically powered)
SHAB	Illegal fishing by vessel over 12 metres
SHAC	Use of unregistered vessel
SHAD	Illegal shellfish dredging during specified times (1600 to 0800)
SHAE	Illegal scallop dredging (numbers of dredges or specified time 1900 to 0700)
SHAF	Illegal fishing for cockles during closed season
SHAG	Illegal fishing for oysters during closed season (March to October)
SHAH	Illegal fishing in shellfish temporary closed area

SHAI	Illegal fixed engines (specified areas or times)
SUAA	Illegal removal of periwinkles during closed season (15 May to 15 September)
SUAB	Illegal removal of oysters during closed season (1 May to 31 October)
SUAC	Illegal use of fixed engine (prohibited area 1 May to 30 September)
SUAD	Illegal fishing (excess vessel size)
SUAE	Illegal trawling (1 May to 31 October)
SUAF	Illegal dredging (1 June to 31 October, within 3 mile limit)
IFCB	Illegal fishing or dredging (regulated or several or hybrid order)
IFCC	Use of unlicensed vessel (regulated or several or hybrid order)
IFCH	Illegal fishing or access (emergency byelaw)
<b>Category 11: IFCA technical conservation (catch) offences</b>	
CWCB	Removal of v-notched or mutilated lobster
CWCC	Removal of crawfish parts
CWCD	Removal of berried lobster or crawfish
CWCF	Removal of crab parts or exceeding 30 kg permitted netting by-catch
CWCG	Removal of parts of escallops
DSCB	Removal of crab parts
DSCC	Removal of shore crab
DSCD	Removal of berried and/or undersize lobster
DSCE	Removal of v-notched or mutilated lobster
DSCH	Failure to re-deposit shellfish
EACB	Use of edible crab as bait
EACC	Removal of soft-shelled or berried crab or lobster
EACD	Removal of crab and lobster parts
EACE	Failure to re-deposit shellfish
EACF	Removal of whitefooted crab
EACG	Removal of tope or part(s)
KECA	Removal of berried lobster
KECC	Exceeding mussel maximum quantity limitation
KECE	Exceeding cockle maximum quantity limitation or failure to store correctly
KECG	Removal of oyster cultch
KECH	Illegal fishing for winkles (other than by hand picking)
KECI	Failure to re-deposit shellfish
NECB	Exceeding daily catch limit for cockles or removal of undersize cockles
NECC	Removal of v-notched or mutilated lobster
NECD	Removal of lobster parts
NECE	Removal of crab parts or exceeding 10 per cent permitted netting by-catch
NECF	Use of edible crab as bait
NECG	Failure to re-deposit shellfish
NECH	Removal of tope or part(s)
NHCA	Removal of v-notched or mutilated lobster

NHCB	Removal of soft-shelled or berried crab or lobster
NHCD	Removal of crab, velvet crab or lobster parts
NHCE	Use of edible crab as bait
NHCF	Failure to re-deposit shellfish
NWCA	Exceeding 1 tonne cockles or maximum 3 crew
NWCC	Failure to re-deposit shellfish
NWCD	Failure to riddle or return immature fish
NWCE	Removal of v-notched or mutilated lobster
NWCF	Removal of berried lobsters
SHCA	Removal of prawns from closed fishery (Poole Harbour)
SHCC	Failure to return cockle siftings evenly
SHCD	Removal of periwinkles from closed fishery
SHCE	Removal of oyster cultch
SHCF	Carriage of oysters
SHCG	Carriage of clams
SHCH	Failure to re-deposit shellfish
SHCI	Removal of berried lobsters
SUCB	Illegal removal of oyster cultch or other materials
SUCC	Removal of more than 200 scallops in 24 hours (trawling)
SUCD	Failure to re-deposit shellfish
IFCD	Illegal removal of cultch, spat or other material (regulated or several or hybrid order)
IFCF	Exceeding maximum catch limit (regulated or several or hybrid order)
IFCJ	Exceeding maximum catch limit (emergency byelaw)
IFCK	Illegal removal of cultch, spat or other material (emergency byelaw)
<b>Category 12: IFCA technical conservation (gear) offences</b>	
CWGA	Use of illegal scallop dredge
CWGC	Illegal use of fixed engine (prohibited area, depth, time of year)
CWGD	Use of mesh less than 250 mm in specified areas
CWGE	Use of prohibited cockle instrument (Cornish estuaries)
DSGA	Use of illegal scallop dredge
DSGB	Fixed engine mesh size (greater than 71 mm, 90 to 93 mm), set depth
DSGC	Illegal pots for crustacea (escape gap)
EAGA	Use of illegal or unapproved gear in mollusc fishery
KEGA	Illegal oyster dredge
KEGB	Illegal bivalve mollusc dredge
KEGC	Illegal mussel dredge
KEGD	Illegal cockle dredge
KEGE	Illegal cockle gear (riddle)
KEGF	Use of unapproved cockle fishing instrument
KEGG	Illegal parlour pots (escape gap)
KEGH	Failure to mark pots and traps

KEGI	Illegal fixed engines
KEGJ	Exceeded fixed net soak time
KEGK	Failure to mark gear
KEGL	Illegal fishing using undersize gear (drift or trawl)
KEGM	Illegal demersal trawl
NEGA	Failure to clear trawl nets every 3 hours
NEGB	Failure to clear push net every 30 minutes
NEGC	Failure to clear shrimp and prawn nets every hour
NEGD	Illegal use of seine nets within 3 mile limit
NEGE	Illegal scallop dredge
NEGF	Illegal cockle fishing instrument
NEGG	Illegal or unmarked fixed engine
NHGA	Illegal fixed engine (authorisation/placement)
NHGB	Illegal dredge
NHGC	Failure to mark gear
NHGD	Illegal multi-rig trawling
NHGE	Exceeding permitted number of pots or gear hauling
NWGA	Illegal fixed engine (specified construction or conditions of use)
NWGB	Illegal or non-approved fishing gear (bivalve molluscs)
NWGC	Illegal otter trawl or beam trawl (prawns or shrimps)
NWGD	Use of illegal mesh size (trawl)
NWGF	Illegal mesh size (nets other than trawls in byelaw 4)
NWGG	Illegal mesh size (small mesh nets)
NWGH	Foul hooking
NWGI	Illegal pots or trap or creel (escape gap)
NWGJ	Failure to mark gear
NWVK	Illegal or unmarked gear (other than set and drift nets)
NWGL	Illegal or unmarked set and drift nets
NWGN	Illegal attachment
SHGA	Illegal cockle fishing instrument
SHGB	Illegal method of removal – periwinkles
SHGC	Illegal oyster dredge
SHGD	Illegal scallop dredge
SHGE	Illegal dredge or fishing method (oysters, clams, mussels)
SHGF	Illegally placed stake or stop net (Langstone Harbour)
SHGG	Foul hooking (mullet or bass)
SHGH	Illegal use of electric current
SHGI	Carriage of shellfish dredge, scoop or handrake (Poole)
SUGA	Illegal suction dredging for oysters
SUGB	Illegal use of fixed engine (headline depth)
SUGC	Illegal fishing (non-specified method)

SUGD	Excess number of pots or failure to mark gear
IFCE	Use or carriage of illegal gear (regulated or several or hybrid order)
IFCI	Use or carriage of illegal gear (emergency byelaw)
<b>Category 13: IFCA permit offences</b>	
CWPA	Fishing for lobster, crawfish or crab without a permit.
DSPA	Use of fixed engine without a permit
EAPA	Retention for scientific purposes without authorisation
EAPB	Failure to provide shellfish fishing activity data
KEPA	Fishing for cockles without a permit or conditions of permit
NEPA	Fishing for lobster, crab, velvet crab, whelk without a permit
NEPB	Failure to comply with conditions of shellfish entitlement or limited shellfish permit
NEPC	Fishing for cockles without a permit or conditions of permit
NEPD	Use of fixed engine without a permit or failure to comply with permit conditions
NEPE	Retention for scientific purposes without authorisation
NHPA	Fishing without a permit or failure to comply with conditions of permit
NHPB	Retention for scientific purposes without authorisation
NWPA	Fishing without a permit or failure to comply with conditions of permit
NWPB	Fishing without a permit or failure to comply with conditions of permit (fixed engine)
NWPC	Fishing without a permit or failure to comply with conditions of permit (mobile gear)
NWPD	Retention for scientific purposes without authorisation
SHCJ	Non-submission of Poole Harbour dredge permit monthly catch return form
SHCK	Submission of incomplete Poole Harbour dredge permit monthly catch return form
SUPA	Retention for scientific purposes without authorisation
SUPB	Unlicensed removal of lobster
<b>Category 14: Illegal fishing by non-UK vessels</b>	
UKAG	Deploying gear in UK waters without Authority

## Appendix 2: Payment methods

**Payment in cash or cheques will not be accepted.**

### Electronic transfer

#### **Sterling transfers from UK bank accounts via BACS or non-BACS**

Bank: NatWest  
Account Name: MMO - PFV Account  
Sort Code: 60-70-80  
Account Number: 10026142  
IBAN: GB88NWBK60708010026142  
Branch: London Corporate Service Centre, CPB Services, 2nd Floor,  
280 Bishopsgate, London, EC2M 4RB  
Reference: **Penalty Notice Reference Number**

#### **Sterling transfers from bank accounts outside the UK, foreign currency to sterling receipt from an overseas**

##### **Bank account (cross-border)**

Amount in sterling or amount in foreign currency sufficient to cover the sterling penalty after converting

Account with institution: NWBKGB2L  
Beneficiary customer: GB88NWBK60708010026142  
Account name: MMO - PFV Account  
Remittance information: Account 10026142, " MMO - PFV Account "  
Reference: **Penalty Notice Reference Number**

Queries on payment should be emailed to the [finance.mmo@marinemanagement.org.uk](mailto:finance.mmo@marinemanagement.org.uk) with the Penalty Notice Reference number in the subject header

## Appendix 3: Penalty notice calculation examples

### Example 1:

Beam trawler operating in Lyme Bay (ICES Area VIIe), using a mesh size below the baseline mesh size for the catch retained onboard.

Offence category	Penalty level	First offence	Second offence
3 Technical conservation (Gear)	3	£1,000	£2,000

Catch Retained onboard

Species	Weight	Av Price (kg)	Value
BLL	30kg	£9.82	£294.84
SOL	190kg	£20.52	£3,898.80
PLE	60kg	£3.50	£210.00
<b>Total</b>			<b>£4,403.64</b>

**First Offence:** Basic Penalty Level is £1,000; however the value of the retained catch at the time the offence was detected is £4,403.64. The financial gain is above the proposed penalty level. The penalty in this instance is increased by multiples of the basic level, until it is greater than the identified financial gain. The penalty would therefore be **£5,000**

**Second Offence:** Basic Penalty Level is £2,000; however the value of the retained catch at the time the offence was detected is £4,403.64. The financial gain is above the proposed penalty level. The penalty in this instance is increased by multiples of the basic level, until it is greater than the identified financial gain. The penalty would therefore be **£6,000**

### Example 2:

Dutch beam trawler operating in ICES Area IVc, using a permitted mesh size for the targeting of SOL.

Offence category	Penalty level	First offence	Second offence
6 Control Offences	3	£1,000	£2,000

Catch Retained onboard according to e-Log:

Species	Weight	Av Price (kg)	Value
SOL	1200kg	£20.52	£24,624
PLE	800kg	£3.50	£2,800
<b>Total</b>			<b>£27,424</b>

**SOL check weighed. BO estimate = 1550kg.**

$$\frac{(1200 - 1550)}{1200} \times 100 = 29.17\% \text{ UR}$$

**Total amount of unrecorded catch: 350kg**  
**Total value of unrecorded catch: £7,182**

**First Offence:** Basic Penalty Level is £1,000; however the value of the retained catch at the time the offence was detected is £7,182. The financial gain is above the proposed penalty level.

The penalty in this instance is increased by multiples of the basic level, until it is greater than the identified financial gain. The penalty would therefore be **£8,000**

**Second Offence:** Basic Penalty Level is £2,000; however the value of the retained catch at the time the offence was detected is £7,182. The financial gain is above the proposed penalty level. The penalty in this instance is increased by multiples of the basic level, until it is greater than the identified financial gain. The penalty would therefore be **£8,000**

**Example 3:**

Scallop operating in the east English Channel (ICES Area VIId), which has retained scallops below the Minimum Conservation Reference Size

Offence category	Penalty level	First offence	Second offence
9 Undersize fish offences	2	£500	£1,000

Undersized scallops retained

Species	Weight	Av Price (kg)	Value
SCE	660kg	£2.00	£1,320.84

**First Offence:** Basic Penalty Level is £500; however the value of the retained catch at the time the offence was detected is £1,320.84. The financial gain is above the proposed penalty level. The penalty in this instance is increased by multiples of the basic level, until it is greater than the identified financial gain. The penalty would therefore be **£1,500**

**Second Offence:** Basic Penalty Level is £1000; however the value of the retained catch at the time the offence was detected is £1,320.84. The financial gain is above the proposed penalty level. The penalty in this instance is increased by multiples of the basic level, until it is greater than the identified financial gain. The penalty would therefore be **£2,000**

**Note that for catch below MCRS and prohibited species; whilst there is no market value for this catch, the lowest grade market value for the species should be used for MCRS catch value calculation. If a value cannot be established for prohibited species either through determining the value of a similar species or by identifying a value from an area in which it is not prohibited, and the severity exceeds an OWW, then consideration should be given to referral for prosecution.**