

Welsh Government

Marine and Fisheries Division

**Financial Administrative Penalties (FAPs) for
Fisheries Offences**

Guidance Notes

Contents

Contents

Introduction	3
At a glance	3
Detection and investigation	4
Determining level of penalty	5
Penalty notices	7
Payment of the penalty.....	7
Objection to payment of the penalty	7
Payment of a penalty in relation to non-United Kingdom registered fishing vessels	8
Central register of penalties.....	8
Methods of payment.....	8
Receipt of payment	8
Amendments to guidance.....	9
Data sharing and the Data Protection Act.....	9
Annex 1: Contact details for Welsh Government offices	10
Annex 2: Penalty offence categories	11
Annex 3: Payment templates.....	18
Annex 4: Payment methods	256
Annex 5: Payment details from foreign currencies.....	27

Introduction

1. These instructions take effect from **April 2021**.
2. This guidance is not exhaustive, nor is it a definitive statement of the law. The relevant legislation is [The Sea Fishing \(Penalty Notices\) \(Wales\) Order 2019 SI 2019 No 363](#)¹.
3. For further advice and guidance on this scheme please contact the Welsh Government Marine and Fisheries Division Milford Haven Office (see Appendix 1)
4. Similar schemes operate in England, Northern Ireland and Scotland.

At a glance

5. The financial administrative penalties (FAP) system has been designed to complement the existing enforcement system rather than replace it. You may be offered a penalty² as an alternative to criminal prosecution in certain circumstances. A penalty will only be offered where there is sufficient evidence to prosecute an individual for an offence which is covered by the FAPs scheme (a 'penalty offence'). The penalty offences are listed in Appendix 2.

6. The scheme applies to any sea fishing activity within Wales and the Welsh Zone. In accordance with the regulations, and where appropriate, the master, owner, charterer, operator and/or legally liable person may be issued with a penalty notice.

7. In the event of a FAP being offered, payment of the penalty within 28 days will effectively discharge your liability to be convicted of 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. Save in exceptional circumstances, FAPs will **not** be offered for:

- offences relating to stocks subject to special measures or a recovery or management plan which attracts automatic suspension of licence when no further penalty would apply.
- third or subsequent offences within the same category of offence.

The regulations do not allow a FAP to be issued in relation to an offences involving assaults or threats to Marine Enforcement Officers (MEOs)³ or those assisting them, obstruction or failure to comply with the requirements of MEOs.

¹ <https://www.legislation.gov.uk/wsi/2019/363/contents>

² Penalty in this document refers to a financial administrative penalty under The Sea Fishing (Penalty Notices) (Wales) Order 2019.

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

9. Written warnings may still be issued, however please note that a written warning or a FAP may not always be issued for a first or subsequent offence where the authorities believe that the offending is of such a nature that prosecution is more appropriate.

10. Repeat offending may result in increased penalties or prosecution.

11. For the full range of enforcement sanctions available to the Welsh Government Marine and Fisheries Division (the 'Division') please contact the Milford Haven Office on the number listed on page 10.

Detection and investigation

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

13. Within six weeks of finishing the investigation a decision will be made regarding action to be taken for the offences detected. 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 United Kingdom's Fishing Administrations (UKFA) licensing policy (this applies to 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 FAP may be issued by the Division for any of the penalty offences listed in Appendix 2. All penalty notices issued by the Welsh Government Marine and Fisheries Division will be authorised by the Head or Deputy of the Wales Fisheries Monitoring Centre.

Consideration of a FAP

17. Where there is sufficient evidence to prosecute an offence falling within the FAPs scheme the facts of the case will be assessed against the following criteria for the purpose of deciding whether a FAP is appropriate:

- **The severity of the infringement:** how serious the offence is including, where appropriate, environmental impact.
- **Previous infringement history:** whether there has been any previous offending which could preclude the issue of a penalty notice. Previous offending would mean any previous convictions, or two or more penalty notices; including what action was taken as a result of any previous infringements.
- **Other offences detected at the same time as the offence in question:** the nature of these offences may add to the seriousness of the overall infringement.
- **Value of catch:** where the breach is sufficiently serious to warrant a direct referral

for prosecution the value of the catch will be considered. For these purposes, 'sufficiently serious' will normally be taken to mean a situation where the potential financial gain exceeds the maximum level of penalty available. 'Financial gain' means the value of the illegal catch at the previous week's average price at the most appropriate market. This could include markets outside the UK if the vessel routinely lands abroad

- **Volume of catch:** where the volume of catch is not large enough to warrant a prosecution. This is particularly relevant to by-catch offences but may also be a factor in other offences where the volume of illegal catch is significant.
- **Damage to the environment/ecosystem:** including whether the species involved is subject to stock recovery measures.

18. Where a single investigation results in the discovery of more than one offence and all those offences are considered suitable to be dealt with via a FAP, the offences will be broken down, categorised and given individual penalties to a maximum combined value of £10,000.

Determining level of penalty

19. There are four basic levels of FAP which are detailed in the table below. Which level of FAP is applied depends on the nature and seriousness of the offence committed.

Table 1: Penalty levels

	First offence	Second offence	Further offences
Level 1	£250	£500	Referred for prosecution
Level 2	£500	£1,000	Referred for prosecution
Level 3	£1,000	£2,000	Referred for prosecution
Level 4	£2,000	£4,000	Referred for prosecution

20. All penalty offences have been categorised (see Appendix 2) as belonging to one of the four levels above. The basic penalty level for each level offence has been set according to the seriousness of the breach in question. Broadly speaking, these levels are set slightly below the fines that have been imposed by the Courts for similar offences in the past, thus offering an incentive for the offender to accept the FAP. These penalties may be subject to adjustment in accordance with paragraphs 22 – 23.

Offence categories and penalty levels

Table 2: Offence categories and penalty levels

Category / Offence		Penalty Level	First Offence	Second Offence	Further Offences
1	Marketing offences	1	£250	£500	
2	Miscellaneous offences	2	£500	£1,000	
3	Technical conservation measures (gear) offences	3	£1,000	£2,000	
4	Technical conservation measures (Catch) offences	3	£1,000	£2,000	
5	Recovery Stock 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 offences	4	£2,000	£4,000	
8	Illegal, unregulated and unreported fishing offences	4	£2,000	£4,000	
9	Undersize fish offences (EU, UK, Wales)	2	£500	£1,000	
10	Wales (Inshore) Access offences	3	£1,000	£2,000	
11	Wales (Inshore) Technical conservation (catch) offences	2	£500	£1,000	
12	Wales (Inshore) Technical conservation (gear) offences	2	£500	£1,000	
13	Wales (Inshore) Permit offences	1	£250	£500	

21. 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 or £2,000) until the value of the penalty is greater than that of the identified financial gain.

22. 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, the Division will normally begin criminal proceedings without offering a FAP.

23. Where multiple penalty 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 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.

24. No more than 2 FAPs will be issued for a similar category of offence. The FAP 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. A further offence within the same category will result in a referral for criminal prosecution (save in exceptional circumstances).

Penalty notices

25. Once a decision has been made that a FAP should be offered, a penalty notice ("notice of opportunity to pay") (Annex 3) will be issued by the Division 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 FAP is accepted.

26. 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

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

28. In accordance with the relevant legislation, liability for a FAP could lie with multiple persons such as the master, owner, charterer, operator, or another legally liable person. If a penalty is paid by any one person issued with a FAP, the other persons issued with that FAP are discharged from liability to pay it.

29. 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, only one of them needs to pay the £1,000 penalty. If the owner pays the £1,000, the notice issued to the master will be treated as having been paid.

30. Once payment has been received from a legally liable person in respect of a joint offence, a written notification ("notice of payment") (Annex 3) 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

31. 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 if the person(s) are opposed to their penalty being treated as having been paid. Please see p.21 for details on where a Notice of Objection should be sent.

32. Where this happens, a 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.

Payment of a penalty in relation to foreign and Crown Dependency fishing vessels

33. Those operating vessels from the Crown Dependencies or any country other than the United Kingdom may request to be prosecuted, even where they have paid the relevant penalty.

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

35. Operators of non-UK vessels are also entitled to use the "Objection to payment of the penalty" section above.

Central register of penalties

36. 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 the FAP will not count as a previous offence in any future decisions.

Methods of payment

37. Payment in cash is not permitted. Payments must be made either by cheque or by electronic transfer through GOV.PAY. Those issued with a FAP should use one of the following payment methods in Appendix 4, quoting the reference number from the penalty notice which will be in the form "PFVnnnn", for example PFV1234.

38. You must make your payment in time to allow it to be cleared before the end of the 28 day payment period. If paying by cheque you should **allow five working days** for cheques paid to be cleared.

39. Payments in euros must be sufficient to cover the total penalty value after conversion into sterling at the conversion rate at the time of payment and relevant bank charges.

Receipt of payment

40. Once payment is received, you will be issued with a receipt and a record of the penalty notice will be kept. In some circumstances, the fact that a penalty notice has been paid might be used as evidence against you in court proceedings.

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

Amendments to guidance

42. This guidance document will be amended and reviewed as necessary to accommodate changes to legislation relevant to the FAP scheme.

Data sharing and the Data Protection Act

43. Information about a FAP or the offence to which it relates may be shared or input may be sought from other enforcement bodies as may be appropriate, subject to applicable data protection law.

Annex 1: Contact details for Welsh Government offices

Milford Haven

Marine and Fisheries

Welsh Government

Suite 3 - Cedar Court

Haven's Head Business Park

Milford Haven

Pembrokeshire

SA73 3LS

Tel: 03000 253500

Email: milfordhavenfisheriesoffice.gov.wales

Annex 2: Penalty offence categories

Category 1: Marketing offences	
	Labelling
	Grading – size
	Grading – freshness
	Marketing – other offences
Category 2: Miscellaneous Offences	
	Catch – other offences (including quota regulation by-catch offences)
	Failure to display port letters and numbers on vessel or craft or Fisheries Activity Database
	Failure to display port letters and numbers on gear
	Failure to produce a certified fishroom plan or ullage tables or stowage plan
	Failure to provide a boarding ladder
	Failure to permit use of communications equipment
	Illegal or failure to use marker buoys
	Failure to notify gear (if subject to effort management regime)
	Failure to retrieve or notify lost gear
Category 3: Technical conservation measures (gear) offences	
	Fishing in restricted areas – other offences
	Incorrectly stowed gear
	Mesh size – required percentage of target species – towed gear
	Beam size
	Illegal attachment
	Illegal bottom side chafer
	Illegal topside chafer – type A
	Illegal topside chafer – type B
	Illegal strengthening bag
	Illegal chafing piece
	Illegal cod line
	Illegal lifting strap
	Illegal round strap
	Illegal flapper
	Illegal strengthening rope
	Illegal torquette
	Carriage of undersize nets
	Gill nets or passive gear – carriage or use or length or mesh size
	Illegal square mesh panel or failure to use square mesh panel
	Excess meshes in circumference
	Trawl or geometry

	Twine thickness
	Gear offences – other
	Square mesh panel – failure to use square mesh panel
	Square mesh panel – undersize mesh
	Square mesh panel – dimension
	Square mesh panel – position in trawl
	Trawl geometry
	Twin rig trawl restrictions
	Illegal scallop dredge
	Other UK gear offences
Category 4: Technical conservation measures (catch) offences	
	Enter mackerel box with undeclared mackerel catch (see ECAD)
	Failure to attain 95 per cent bivalve molluscs when fishing with dredges
	Catching herring for industrial use
	Landing cut out scallops or lobster tails
	Fishing for or retaining species – no quota allocated or exhausted
	Illegal fish processing
	Salmon and sea trout
	Gill net catch composition requirements
	Retaining bass from bass nursery area
	Landing crab claws
Category 5: Recovery stock offences	
	Failure to catch 30 per cent nephrops in north sea (80 to 109 mm)
	Failure to meet catch composition (110 to 119 mm) saithe
	Carriage or use of gear (100 to 119 mm)
	Cod catch exceeding 20 per cent (32 to 119 mm)
	Illegal headline panel (70 to 99 mm)
	Illegal square mesh panel (70 to 99 mm)
	Twine thickness
	Exceeding net circumference (70 to 89) (90+)
	Gear structures (multiple twine equal top and bottom quadrilateral mesh)
	Beam trawl – technical restrictions
	Fixed nets – exceeding 30 per cent cod (mesh size range less than or equal to 139 mm)
	Illegal fishing in restricted or closed cod box
	Failure to notify gears for management period
	Failure to notify specific gear for each trip
	Fishing in excess of authorised days
	Unauthorised gear (carriage or use of)
	Failure to notify entry or exit in cod recovery area

	Landing more than permitted quantity in non-designated ports (greater than 2 tonnes)
	Other cod-related offences
	Retaining greater than 100 kg deep sea species without a permit
	Failure to record effort in log book
	Landing greater than 100 kg deep sea species at non-designated port
	Prohibition on shark finning
	Discarding of shark bodies
	Exceeding theoretical ratio of 5 per cent shark fins
	Failure to keep records of shark fins
	Breach of notification requirement – landing shark fins
	Landing recovery species into non-designated port
	Failure to have a stowage plan or inaccurate stowage plan
	Failure to stow recovery species separately
	Hake catch exceeding 20 per cent (55 to 99 mm non-beam trawls)
	Hake catch exceeding 5 per cent (55 to 99 mm beam trawls)
	Twine thickness
	Exceeding permitted meshes in circumference
	Illegal headline panel
	Unauthorised towed gear (carriage or use gear) (hake)
	Unauthorised fixed gear (carriage or use gear) (hake)
	Landing more than permitted quantity in non-designated port (hake)
	Failure to notify entry or exit into biologically sensitive area
	Landing greater than 10 tonnes of pelagic species at non-designated port
	Failure to give accurate 4 hour notification of landing
	Failure to weigh fish on landing
	Misrecording or under declaration of pelagic species
	Fishing in excess of authorised days
Category 6: Control offences (including Registered Buyers and Sellers and UK licence offences)	
	Breach of licence permit conditions
	Failure to move fishing area (trigger level exceeded in two hauls)
	Failure to carry log book
	Failure to complete log book
	Failure to complete landing declaration
	Incorrect or failure to record species – log book (including 10 per cent margin of tolerance)
	Incorrect or failure to record species – landing declaration
	Incorrect or failure to record catch location
	Incorrect or failure to record gear type
	Incorrect gear measurements
	Illegal log book change

	Failure to record transshipment details or submit transshipment declaration
	Failure to submit a log book or log sheet
	Failure to submit a landing declaration
	Late submission of log book
	Late submission of landing declaration
	Incorrect or failure to record effort (Western Waters and recovery areas)
	Failure to provide sales notes
	Inaccurate sales notes
	Late submission of sales notes
	Inaccurate or failure to provide transport documentation
	Failure to submit or inaccurate takeover declaration
	Failure to maintain or have on board a fully operational satellite tracking device
	Failure to provide position reports at required frequency
	Provision of false information to Fisheries Monitoring Centre
	Interfering with transmission of satellite position reports
	Proceeding to sea without authorisation
	Failure to provide manual position reports when requested
	Failure to produce valid EU fishing licence or authorisation
	Incorrect or failure to send hailing in report
	Incorrect or failure to give prior notification of arrival into port
	Transshipping at sea (EU waters)
	Failure to submit log book data by electronic means
	Failure to submit log book data by electronic means daily or at specified times
	Failure to submit landing declaration by electronic means
	Failure to submit landing declaration by electronic means within 24 hours of landing
	Failure to submit transshipment declaration by electronic means
	Failure to retain return message
	Failure to retain elog data until landing declaration submitted
	Failure to transmit manual fishing reports daily or at specified times
	Unauthorised departure from port with non-functioning elog
	Failure to submit sales note by electronic means
	Failure to submit sales note by electronic means within 24 hours
	Failure to submit takeover declaration by electronic means
	Failure to submit takeover declaration by electronic means within 24 hours
	Failure to submit prior notification by electronic means
	Other electronic reporting offences
	Transshipping recovery species without weighing or control observer
	Transshipping pelagic recovery species without notification
	Landing transhipped unweighed pelagic species into non-designated port
	Log book offences – other

	Fishing without the authority of a licence
	Non-carriage of a valid licence
	Non-carriage of valid registration papers
	Failure to register a vessel fishing for profit
	Registered buyer – failure to comply with conditions of registration
	Registered buyer – failure to keep or produce records
	Unregistered buyer
	Buying of fish from unlicensed vessel
	Registered seller – failure to comply with conditions of registration
	Registered seller – failure to keep or produce records
	Unregistered seller
	Sale of fish from unlicensed vessel
	Auction site – failure to comply with conditions of registration
	Fishing with engine power in excess of licence
	Use of uncertified engine
	Failure to provide certification documentation
	Failure to notify new/replacement or modified engine
	Offence – licence conditions (such as potting box)
	Offence – UK quota (including closed fishery to UK vessels)
	Offence – vessel quota (over quota cases)
	Offence – licence conditions – designated ports (not recovery species)
	Licence condition – hake (HKE), megrim (LEZ) or anglerfish (ANF)
	Offence – other licensing offences
	Other EC offences – other offences
	UK legislation – other offences

Category 7: Access offences

	Illegal fishing in British fishery limits – access
	Illegal fishing within 6 mile limit – designation
	Illegal fishing within 12 mile limit – designation
	Illegal fishing within mackerel box (see ECCA)
	Illegal fishing within herring boxes
	Illegal fishing within east coast sprat box
	Illegal fishing in South West herring box (Celtic Sea)
	Illegal fishing in north of Scotland box
	Illegal fishing within Norway pout box
	Illegal fishing in plaice box
	Illegal fishing in Irish Sea (Cod Recovery Plan)
	Illegal fishing in north sea (Cod Recovery Plan)
	Contravention of hake recovery measures
	Illegal fishing in sandeel box
	Illegal fishing within 12 mile limit by beam trawlers

	Illegal fishing in real time closure area
	Closed fishery – scallops
	Fishing for bass in bass nursery area
	Unauthorised fishing in Western Waters by Spanish vessels
	Unauthorised fishing in Western Waters by French vessels
	Unauthorised fishing in Western Waters by Dutch vessels
	Unauthorised fishing in Western Waters by Belgian vessels
	Unauthorised fishing in Western Waters by German vessels
	Unauthorised fishing in Western Waters by Danish vessels
	Unauthorised fishing in Western Waters by Swedish vessels
	Unauthorised fishing in Western Waters by Irish vessels
	Unlicensed fishing by Faroese vessels
	Unlicensed fishing by Norwegian vessels
	Unlicensed fishery – other offences
Proposed domestic offence categories to be included in the extended scheme	
Category 8: Illegal, unreported and unregulated fishing offences	
	Failure to give prior notification
	Transshipping in community waters (third country vessel)
	Failure to obtain a validated catch certificate (imports)
	Illegal targeting of fish subject to a moratorium or prohibited
	Illegal transshipping or operation with IUU vessel
	Illegal operation or supply or employment of Community listed IUU vessel
	Falsification or use of falsified documents
	Illegal movement of controlled consignment
	Disclosure of confidential commission information
Category 9: Undersized fish offences (EU, UK, Wales)	
	Undersize fish – retained or stored or offered for sale
	Undersized – crabs
	Undersized – lobsters
	Undersized – scallops
	Undersized – other UK undersize fish offences
Category 10: Wales (Inshore) access offences	
	Illegal use of Dredges and Beam Trawls in Specified Areas
	Illegal fishing for cockle , Night Gathering
	Illegal scallop fishing - Skomer Specified Area
	Illegal fishing in temporary closed area
	Illegal fishing (excess vessel size)
	Illegal use of Danish and Anchor Seines
	Illegal fishing with towed gear in Specified Area
	Illegal fishing with drift net in Specified Area

	Illegal cockle fishing during closed season
	Illegal Scallop fishing in Specified Area
	Illegal fixed engine (specified area or times)
	Illegal use of trawl and seine nets in Specified Area
Category 11: Wales (Inshore) technical conservation (catch) offences	
	Failure to re-deposit shellfish
	Illegal fishing for winkles (other than by hand picking)
	Exceeding daily catch limit for non-permitted fisheries
Category 12: Wales (Inshore) technical conservation (gear) offences	
	Beam Trawls- maximum length
	Incorrect Mesh Size Range Nets (not Trawl or Purse)
	Shrimp/prawn gear - construction
	Illegal bivalve mollusc dredge
	Use of unapproved bivalve fishing instrument
	Failure to clear fixed nets as specified
	Illegally set or unmarked fixed net
	Illegal use of Set or Night Lines (construction or area)
	Failure to mark gear and keep pots
	Illegal use of Beach Drag/Seine Nets (specified construction or conditions of use)
	Illegal setting of Set, Stake and Stop Nets (specified construction or conditions of use)
	Illegal setting of Set a Drift Nets (specified construction or conditions of use)
	Burry Inlet Minimum MSR (any Net)
	Incorrect Mesh Size Range North (not Trawl)
	Foul hooking
Category 13: Wales (Inshore) permit offences	
	Fishing for lobster, crawfish, crab, prawn and whelk without a permit.
	Fishing for cockles in Three Rivers without a permit or conditions of permit
	Fishing without a permit or failure to comply with conditions of permit

Annex 3: Payment Templates

i. Penalty Notification Cover Letter

Is-adran Môr a Physgodfeydd / Marine & Fisheries Division



Llywodraeth Cymru
Welsh Government

Our ref:

E-mail: milfordhavenfisheriesoffice@gov.wales

Name

Address

Date

Dear [insert name here]

The Sea Fishing (Penalty Notices) (Wales) Order 2019 Financial Administrative Penalty

Please find enclosed the Financial Administrative Penalty we wish to offer you as a settlement out of court for the following offences:

The offence described took place in [*insert location*]

Namely the:

[*Describe offence here*]

Please read through the enclosed documents carefully. If you require any further information please contact us using the contact details on this correspondence.

Yours sincerely,

Head of Wales Fisheries Monitoring Centre

Marine and Fisheries Division
Welsh Government

ii. Notice of Opportunity to Pay

**Is-adran Môr a Physgodfeydd /
Marine & Fisheries Division**



Llywodraeth Cymru
Welsh Government

**The Sea Fishing (Penalty Notices) (Wales) Order 2019
Financial Administrative Penalty – Notice of Opportunity to Pay**

Reference number: _____

Date of offence: _____

Vessel name: _____

PLN: _____

Alleged offender: _____

Status: _____

Date of birth: _____

Address: _____

I, (name), Head of Wales Fisheries Monitoring Centre of the Welsh Government Marine and Fisheries Division, have reason to believe that on [*insert date of offence*] you [*insert offence*]

The offence described took place in [*insert location*]

Namely the: [*insert details of offence*]

In this instance the Welsh Government Marine and Fisheries Division is issuing you a Financial Administrative Penalty.

This notice offers you the opportunity of discharging any liability to conviction for that offence by payment of a penalty.

No proceedings will be taken for the offence before the expiration of 28 calendar days following the date of issue of this notice. You will not be liable to conviction for the offence if you, or any other person who is jointly and severally liable for the offence, pay the penalty during that period of 28 calendar days.

The amount of penalty is £ _____

Name of person accepting notice:

Signature of person accepting notice:

Status of person accepting notice:

Name of Fisheries Enforcement Officer posting notice:

Signature of Fisheries Enforcement Officer posting notice:

Date of issue of notice: _____

Date payment must be received before: _____
28 CALENDAR DAYS FROM DATE OF ISSUE NOTICE

Payment

Must not be in cash. Payment may only be made by Cheque or Electronic transfer via Gov.Pay

Cheque

Cheque (sterling currency only) should be made payable to “Welsh Government”, marked on the reverse with the reference number from the penalty notice, and sent to:

Marine and Fisheries Division
Welsh Government,
Suite 3 - Cedar Court,
Haven’s Head Business Park,
Milford Haven,
SA73 3LS

Payment must be **received** before the end of the 28 calendar day period beginning with the date on which the notice was issued.

Electronic transfer via Gov.Pay

https://www.gov.uk/payments/fisheries-financial-administrative-penalty/welsh-government-fisheries-financial-administrative-penalty?_ga=2.6848816.300437696.1615809858-1156490126.1614608561

Transfers should note the reference number from the penalty notice,

Payment must be **in our account** before the end of the 28 calendar day period beginning with the date on which the notice was issued.

Objection to the penalty

Written notices of objection must be sent to:

Marine and Fisheries Division
Welsh Government
Suite 3 - Cedar Court
Haven's Head Business Park
Milford Haven
Pembrokeshire
SA73 3LS.

The Sea Fishing (Penalty Notices) (Wales) Order 2019 is set out below.

Issue of penalty notice

1.—(1) Where an officer has reason to believe that a person has committed a penalty offence, the officer may issue that person with a penalty notice for an amount not exceeding £10,000.

(2) In determining the penalty, an officer must have regard to any guidance given by the Welsh Ministers on matters to be taken into account when making such a determination.

(3) A penalty notice is issued at the time when it is sent by post or delivered by hand to the person to whom it relates.

Content of penalty notice

2.—(1) A penalty notice issued under article 3 must—

- (a) give particulars of the penalty offence;
- (b) state the amount of the penalty;
- (c) state the period during which, by virtue of article 5, proceedings will not be taken for the offence;
- (d) state the person to whom, and the address at which, the penalty may be paid; and
- (e) state that payment must not be in cash.

Restriction on proceedings for penalty offence

3.—(1) Where a person is issued with a penalty notice—

- (a) no proceedings may be brought against that person for the penalty offence to which that notice relates before the end of the period of 28 days beginning with the date on which that notice was issued; and
- (b) that person may not be convicted of the offence if the penalty is paid before the end of that period.

(2) Paragraph (1)—

- (a) is subject to article 10; and
- (b) does not apply if the penalty notice is withdrawn in accordance with article 9.

Payment of penalty

4.—(1) Payment of a penalty must be made to the person specified in the penalty notice by sending it by post or by such method as may be specified in the notice.

(2) It may not be made in cash.

Payment of one penalty treated as payment of connected penalties

5.—(1) Where a person (“A”) pays the penalty in accordance with article 6, an officer must give a notice (a “notice of deemed payment” (“*hysbysiad taliad tybiedig*”)) to all other persons who have been issued with a connected penalty notice.

(2) A penalty notice is a “connected penalty notice” (“*hysbysiad cosb cysylltiedig*”) if the penalty offence to which that notice relates is the same as, and arises out of the same set of circumstances as, the penalty offence to which the penalty notice issued to, and paid by, A relates.

(3) A notice of deemed payment must—

(a) be sent by post or delivered by hand;

(b) indicate that A has paid the penalty for A’s connected penalty notice;

(c) indicate that the penalty notice issued to the recipient of the notice of deemed payment will be treated as having been paid unless that person gives written notice indicating that it should not be so treated (a “notice of objection” (“*hysbysiad gwrthwynebu*”)); and

(d) state the name and address of the person to whom any notice of objection must be given.

(4) A notice of objection must be sent by post or delivered by hand to the person stated in paragraph (3)(d) within—

(a) 28 days beginning with the date on which the penalty notice was issued; or

(b) if later, 5 days beginning with the date on which the notice of deemed payment was given.

(5) If no notice of objection is given in accordance with this article, the penalty notice issued to a person who has been given a notice of deemed payment is to be treated as having been paid.

Certificate of payment or non-payment of penalty notice

6. In any proceedings a certificate purporting to be signed by or on behalf of the Welsh Ministers stating that payment in respect of a penalty notice was or was not received on or before a date specified in the certificate is evidence of the facts stated.

Withdrawal of penalty notices

7.—(1) A penalty notice may be withdrawn by an officer who has reason to believe that it ought not to have been issued (whether to the person named in the penalty notice or otherwise).

(2) A penalty notice may be withdrawn before or after payment of the penalty.

(3) If a penalty notice is withdrawn any penalty paid must be repaid.

Commencement of proceedings after payment of penalty in relation to fishing boats from outside the United Kingdom

8.—(1) This article applies in relation to a penalty notice issued to the master, owner or charterer of a fishing boat other than an English, Northern Ireland, Scottish or Welsh fishing boat.

(2) Where a person in receipt of a penalty notice has paid the penalty, that person may give written notice requesting that proceedings be brought for the penalty offence to which the penalty notice relates.

(3) Such notice must—

- (a) indicate that the person giving the notice wishes proceedings to be brought for the penalty offence to which the penalty notice relates; and
- (b) be given no later than the end of the period of 28 days beginning with the date on which the penalty notice was issued.

(4) Where a person has given such notice, proceedings may be brought against that person.

(5) Where such proceedings are discontinued or the person is acquitted of the offence, the penalty notice is to be treated as never having been issued and any penalty paid must be repaid.

(6) Where a person is convicted of the offence, the penalty notice is to be treated as never having been issued and paragraph (7) or (8) applies as appropriate.

(7) If a fine is imposed on the person in respect of the penalty offence an officer must—

- (a) apply so much of the penalty as does not exceed the amount of the fine in or towards payment of the fine; and
- (b) repay any amount of the penalty in excess of the amount of the fine.

(8) If no fine is imposed on the person in respect of the penalty offence, any penalty paid must be repaid.



Marine and Fisheries
Welsh Government
Suite 3 – Cedar Court
Haven's Head Business Park
Milford Haven
Pembrokeshire
SA73 3LS

Reference: *[insert reference]*

Acceptance of penalty notice offered

If this notice of acceptance is not received by Welsh Government **before** *[INSERT DATE 28 CALENDER DAYS FOLLOWING DATE OF ISSUE OF NOTICE]* criminal proceedings may be started in respect of the penalty offence.

Please return this notice of acceptance to Welsh Government at the above address.

I accept the penalty of £*[insert amount]* offered for the offence committed on *[insert date of offence]*.

Name:

Signature:

Status:

Date: _____

iii. Notice of Payment

Is-adran Môr a Physgodfeydd / Marine & Fisheries Division



Llywodraeth Cymru
Welsh Government

Our ref:
E-mail: milfordhavenfisheriesoffice@gov.wales

Name
Address

Date

Dear [insert name here]

The Sea Fishing (Penalty Notices) (Wales) Order 2019 Financial Administrative Penalty – Notice of Payment

CASEFILE REFERENCE

On the [insert date] you were the owner of the [insert nationality] registered fishing vessel [insert vessel name and PLN].

On this date a fisheries offence was detected for which you as the [insert offender status] were jointly and severally liable and were offered the opportunity to discharge your liability to prosecution by payment of a penalty.

Payment of the penalty was credited to the Welsh Government Marine and Fisheries Division account on the [insert date of receipt of payment].

Therefore, I would like to advise you that your liability to prosecution for this offence has been discharged. However, a record of the penalty notice will be kept. If you are subsequently the subject of a criminal investigation conducted by the Welsh Government Marine and Fisheries Divisions, the fact that a penalty notice has been issued and paid may be taken into account when deciding whether or not a criminal prosecution should be brought. If you are prosecuted, the fact that a penalty notice has been issued and paid may be given in evidence.

Details of the financial administrative penalty scheme can be found on the Welsh Government Marine and Fisheries website at [insert website here]

Yours sincerely,
Head of Wales Fisheries Monitoring Centre

Marine and Fisheries Division
Welsh Government

Annex 4: Payment methods

By cheque

Cheques (sterling currency only) should be made payable to "Welsh Government", marked on the reverse with the reference number (your PFV number), and sent to:

Marine and Fisheries Division
Welsh Government
Suite 3 – Cedar Court
Havens Head Business Park
Milford Haven
Pembrokeshire
SA73 3LS

By electronic transfer Gov.Pay

https://www.gov.uk/payments/fisheries-financial-administrative-penalty/welsh-government-fisheries-financial-administrative-penalty?_ga=2.6848816.300437696.1615809858-1156490126.1614608561

Transfers should note the reference number from the penalty notice, Quote your PFV Number e.g. PFVnnnn

Sterling transfers from bank accounts outside the UK

Amount in Sterling

Reference: PFVnnnn

Please see Appendix 5

Foreign currency (non-Euro) to Sterling receipt from an overseas bank account (cross-Border)

Amount in foreign currency (sufficient to cover the Sterling penalty after conversion)

Reference: PFVnnnn

Please see Appendix 5

Euro to Sterling receipt from a UK bank account (domestic) or overseas bank account (cross-border)

Amount in Euros (sufficient to cover the Sterling penalty after conversion)

Reference: PFVnnnn

Please see Appendix 5

Any queries on payment should be addressed to the Welsh Government Finance Team on +44 (0) 3000 604400

Annex 5: Payment details from foreign currencies

Additional Payment Details for:

1. Foreign currency (non-Euro) to Sterling receipt from an overseas bank account (cross-Border)
2. Euro to Sterling receipt from a UK bank account (domestic) or overseas bank account (cross-border)

Please remember, payments in Euros must be sufficient to cover the total penalty value after conversion into sterling at the conversion rate at the time of payment.

Payments should always include your PFV Reference Number, e.g. PFVnnnn

Full Company Name	Welsh Government
Company Registration Number	N/A (Government Department)
Full Address	Welsh Government Crown Buildings Cathays Park Cardiff CF10 3NQ
Telephone Number	03000 604400
Fax Number	02920 370334
Email Address	DesgGymorthCydwasaethau@llyw.cymru SharedServiceHelpdesk@gov.wales
Contact Name	Lisa Gibson
Bank Name	National Westminster
Bank Address	280 Bishopsgate, London, EC2M 4RB
Sort Code	60-70-80
Bank Account Number	10003061
Bank Account Name	Welsh Government
IBAN	GB50NWBK60708010003061
Swift/BIC	NWBKGB2L
Payment Currency	GBP
VAT Registration Number	GD 8888 350 56
CIS Member (if yes please provide details)	N/A
UTR Ref. (Unique Taxpayer Reference)	44032 70623