



**Cyfoeth  
Naturiol  
Cymru**  
**Natural  
Resources  
Wales**

# **Enforcement and Prosecution Policy**

Appendix 4 – Examples of offences and  
options for our enforcement response

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Noddir gan  
**Lywodraeth Cymru**  
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## Appendix 4 – Examples of offences and options for our enforcement response

### 4.1 Salmon and Freshwater Fisheries Act 1975 (SAFFA)

Section 1	Using specified instruments to take or kill fish.		
Standard criminal and offence specific responses			
Warning	Formal Caution	Prosecution	Fixed Penalty Notice
✓	✓	✓	X
Other considerations and notices specific to this offence			
Suggested notice(s): n/a			
Position Statements [link or position]: n/a			
Further information: Seizure of instrument and fish. Seizure of vehicle or vessel and application to court for forfeiture.			
Relevant commencement dates: Civil sanctions are not available for this offence.			

Summary only offence					
Section 2(1)	Use for fishing, buying, selling or having in possession any fish roe.				
Standard criminal and offence specific responses					
Warning	Formal Caution		Prosecution		Fixed Penalty Notice
✓	✓		✓		X
Civil Sanctions which can be imposed					Offered
Compliance Notice	Restoration Notice	Fixed Monetary Penalty	Variable Monetary Penalty	Stop Notice	Enforcement Undertaking
X	X	X	✓	X	X
Other considerations and notices specific to this offence					
Suggested notice(s): n/a					
Position Statements [link or position]: n/a					
Further information: Seizure of fish, instrument etc. Seizure of vehicle or vessel and application for forfeiture.					
Relevant commencement dates: Civil sanctions are only available for offences which occurred after 6 April 2010 in England and 15 July 2010 in Wales.					

Summary only offence					
Section 2(2)	Knowingly takes, kills, injures or attempts to take, kill or injure any salmon, trout, lamprey, smelt, shad, freshwater fish or specified fish in any waters which is unclean or immature; or				
	Buys, sells, exposes for sale, or has in possession any such fish or any part, which is unclean or immature.				
Standard criminal and offence specific responses					
Warning	Formal Caution		Prosecution		Fixed Penalty Notice
✓	✓		✓		X
Civil Sanctions which can be imposed					Offered
Compliance Notice	Restoration Notice	Fixed Monetary Penalty	Variable Monetary Penalty	Stop Notice	Enforcement Undertaking
X	X	X	✓	X	X
Other considerations and notices specific to this offence					
Suggested notice(s): n/a					
Position Statements [link or position]: n/a					
Further information: Seizure of fish, instrument etc. Seizure of vehicle or vessel and application for forfeiture.					
Relevant commencement dates: Civil sanctions are only available for offences which occurred after 6 April 2010 in England and 15 July 2010 in Wales.					

Summary only offence					
Section 2(4)	Wilfully disturbing spawn, spawning fish or spawning areas.				
Standard criminal and offence specific responses					
Warning	Formal Caution		Prosecution		Fixed Penalty Notice
✓	✓		✓		X
Civil Sanctions which can be imposed					Offered
Compliance Notice	Restoration Notice	Fixed Monetary Penalty	Variable Monetary Penalty	Stop Notice	Enforcement Undertaking
X	✓	X	✓	✓	✓
Other considerations and notices specific to this offence					
Suggested notice(s): n/a					
Position Statements [link or position]: n/a					
Further information: Pursue additional Land Drainage Act byelaw offences.					
Relevant commencement dates: Civil sanctions are only available for offences which occurred after 6 April 2010 in England and 15 July 2010 in Wales.					

## 4.2 Wildlife and Countryside Act 1981

Summary only offence					
Section 28 P (1), (2), (3), (5), (6) and (6a)	Carry out operations without the consent;				
	Public body failing to comply with consultation requirements under 28H AND 28I and damage the special interest;				
	Third Party (with knowledge of SSSI) intentionally or recklessly destroys or damages the special interest or destroys the fauna;				
	Third Party (without knowledge of SSSI) intentionally or recklessly destroys or damages the special interest or destroys the fauna;				
Standard criminal and offence specific responses					
Warning		Formal Caution		Prosecution	
Fixed Penalty Notice					
✓		✓		✓	
X					
Civil Sanctions which can be imposed					Offered
Compliance Notice	Restoration Notice	Fixed Monetary Penalty	Variable Monetary Penalty	Stop Notice	Enforcement Undertaking
X	X	X	X	X	X
Other considerations and notices specific to this offence					
Suggested notice(s): n/a					
Position Statements [link or position]: n/a					
Further information: Power to enter land and take samples etc. (Section 51)					
Relevant commencement dates Civil sanctions are not available for this offence.					

## 4.3 Forestry Act 1967 as amended

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Summary only offence					
Section 7(4)	Obstruction of any person authorised by the Commissioners to enter land to kill and take rabbits, hares or vermin where they are likely to damage trees or tree plants.				
Standard criminal and offence specific responses					
Warning	Formal Caution		Prosecution		Fixed Penalty Notice
✓	✓		✓		X
Civil Sanctions which can be imposed					Offered
Compliance Notice	Restoration Notice	Fixed Monetary Penalty	Variable Monetary Penalty	Stop Notice	Enforcement Undertaking
X	X	X	X	X	X
Other considerations and notices specific to this offence					
Suggested notice(s): n/a					
Position Statements [link or position]: n/a					
Further information: Non-imprisonable; maximum sentence of level 2 fine.					
Relevant commencement dates: n/a					
Civil sanctions are not available for this offence.					

Summary only offence					
Section 17(1)	Felling trees without a licence where required by section 9(1) of the Act.				
Standard criminal and offence specific responses					
Warning	Formal Caution		Prosecution		Fixed Penalty Notice
✓	✓		✓		X
Civil Sanctions which can be imposed					Offered
Compliance Notice	Restoration Notice	Fixed Monetary Penalty	Variable Monetary Penalty	Stop Notice	Enforcement Undertaking
X	X	X	X	X	X
Other considerations and notices specific to this offence					
Suggested notice(s): n/a					
Position Statements [link or position]: n/a					
Further information:					
<p>Proceedings for an offence under this section may be instituted within six months from the first discovery of the offence by the person taking the proceedings, provided that no proceedings shall be instituted more than two years after the date of the offence.</p>					
<p>Maximum sentence is a fine not exceeding level 4 on the standard scale or twice the sum which appears to the court to be the value of the trees, whichever is the higher.</p>					
<p>Under s.17A a “Restocking Notice” may be imposed where “it appears to the Commissioners that an offence in England and Wales under s.17” has been committed. This is an alternative to prosecution.</p>					
Relevant commencement dates: n/a					
Civil sanctions are not available for this offence.					