

Proceeds
of sale.

(4) The proceeds of a sale referred to in subsection (3) shall be paid to the Receiver General of Canada or shall be deposited in a chartered bank to the credit of the Receiver General of Canada.

Court may
order for-
feiture.

(5) Where a person is convicted of an offence under this Act or any regulations, the convicting court or judge may, in addition to any other penalty imposed, order that

- (a) any vessel, vehicle, article, goods or fish seized pursuant to subsection (1), or
- (b) the whole or any part of the proceeds of a sale referred to in subsection (3),

be forfeited, and upon such order being made the vessel, vehicle, article, goods, fish or proceeds so ordered to be forfeited, are forfeited to Her Majesty in right of Canada.

Forfeiture
where owner-
ship not
ascertain-
able.

(6) Notwithstanding subsection (5), where the ownership of any fishing gear, implement, appliance, material, container, goods, equipment or fish seized pursuant to subsection (1) cannot, at the time of the seizure, be ascertained by the fishery officer by whom the seizure is made, the fishing gear, implement, appliance, material, container, goods, equipment or fish are upon the seizure thereof forfeited to Her Majesty.

Re-delivery
on bond.

(7) Where any vessel, vehicle, article, goods or fish have been seized under subsection (1) and proceedings in respect of the alleged offence have been instituted, the court or judge may, except in the case of any article, goods or fish forfeited under subsection (6), order re-delivery thereof to the accused upon security by bond, with two sureties, in an amount and form satisfactory to the Minister, being given to Her Majesty or upon security of a cash deposit, in an amount satisfactory to the Minister, being given to Her Majesty.

Vessel or
goods to be
returned
unless pro-
ceedings
instituted.

(8) Any vessel, vehicle, article, goods or fish seized under subsection (1) or the proceeds realized from a sale thereof under subsection (3), except any article, goods or fish forfeited under subsection (6), shall be returned or paid to the person from whom the vessel, vehicle, article, goods or fish were taken if the Minister decides not to institute a prosecution in respect of the alleged offence, and in any event, shall be returned or paid upon the expiration of three months from the day of the seizure unless before that time proceedings in respect of the alleged offence are instituted.

Disposal of
forfeited
vessel, etc.

(9) Except as provided in section 64A, any vessel, vehicle, article, goods or fish forfeited under subsection (5) or (6) shall, after the expiration of thirty days from the date of the forfeiture, be disposed of as the Minister directs.

Disposal of
forfeited
lobster trap.

(10) Notwithstanding subsection (9), any lobster trap forfeited under subsection (6) may, at the time of forfeiture, be disposed of as the Minister directs.