



Enforcement & Prosecution Policy

April 2022

Poole Harbour Commissioners (PHC) the Harbour Authority is responsible under the Port Marine Safety Code for the effective enforcement of its Regulations, which are adopted in order to assist in managing the safety of navigation within the Harbour. In this Policy, enforcement comprises the promulgation of regulation and guidance, effective surveillance, incident investigation, and where appropriate formal warning and prosecution. Where appropriate, and where empowered to do so, PHC will prosecute offenders for committing offences, including those set out in the Harbours, Docks, Piers and Ferries Poole Harbour Revision Order 2012, the Merchant Shipping Act 1995 and in ancillary regulations, General Directions and Byelaws.

To this end, it is Board policy that PHC shall:

1. Maintain through regular review, an effective regulatory framework, which is integrated with relevant national legislation and includes local regulation resulting from risk assessment, or as otherwise made necessary.
2. Ensure that PHC Regulations and associated guidance are widely promulgated.
3. Develop and maintain effective enforcement procedures, which comply with relevant national legal requirements and guidelines.
4. Develop and maintain effective investigation procedures for use in the event of a navigational Incident, which support PHC enforcement procedures, but also meet the requirements of the Navigational Safety Management System in respect of identifying and promulgating any 'lessons learned'.
5. Ensure that all staff involved in an incident investigation, or who are required to follow PHC enforcement procedures, receives effective and relevant training.
6. Maintain an effective surveillance and spot check regime, to monitor compliance with, and detect breaches of, relevant national and PHC regulations.
7. Respond to breaches of regulation, where justified by the evidence and other circumstances, using formal warnings and legal prosecution.

Poole Harbour Commissioners	Document ID PHC POLICY – SMS 74	Authorised By Duty Holder	Original Date November 2001	Page Number
Enforcement & Prosecution Policy	Date Revised April 2022	Revised By HM, AHM/Pilot, HCO, SPO, Hydrographer, Hbr Eng, Duty Holder, DP	Review Due March 2025	1

The options are:

- Education
 - Deterrent
 - Verbal warning
 - Written warning
 - Written request for full report with possible interview
 - Prosecution proceedings
8. When bringing prosecutions observe the Code for Crown Prosecutors and evidential Codes in so far as is appropriate.
9. Manage the progress of enforcement activities, including incident investigations and prosecutions, and the maintenance of appropriate records.
10. Endeavour to maintain sufficient craft on the water to regulate marine activities, to deter irresponsible users and to gather evidence for possible prosecution as required.

Nothing in this Policy shall subvert existing Harbour Byelaws, General Directions, regulations or terms and conditions.

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