

6.7 Enforcement and Prosecution Policy Statement				
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MSMM chapter: 6.7

PMSC Reference: 6.25 – 6.26

Validity: All Harbour Authorities

Purpose

To establish the necessary criteria to ensure compliance with applicable legislation and enforcement when absolutely necessary.

Scope

All SLHAs specific legislative enforcement requirements.

Definition

‘Enforcement and Prosecution Policy Statement’

SLHA as the Statutory Harbour Authority for the Ports of Holyhead, Fishguard and Loch Ryan Port is responsible under the Ports Marine & Facility Safety Code for the effective enforcement of its regulations. These regulations are adopted in order to assist in managing the safety of navigation within the port. In this Policy, enforcement comprises the promulgation of regulation and guidance, effective surveillance, incident investigation, and where appropriate formal warning and prosecution.

SLHA policy is based on education in the first instance and generally only reverts to prosecution for repeat offenders, for offences bringing significant risk of serious injury or loss of life or for when users threaten or abuse our staff members. Where appropriate, and where empowered to do so, Stena Line Ports Limited will prosecute offenders for committing criminal offences, including those set out in the Merchant Shipping Act 1995 and in ancillary regulations.

To this end, it is policy that SLHA shall:

- Maintain through regular reviews, a regulatory framework, which is integrated with relevant national legislation and includes local regulation (i.e., General Directions, Harbour Directions) resulting from risk assessment, or as otherwise made necessary;
- Develop and maintain effective enforcement procedures, which comply with relevant national legal requirements and guidelines;
- Develop and maintain effective investigation procedures for use in the event of a navigational incident, which support SLHA enforcement procedures, but also meet the requirements of the Marine Safety Management System in respect of identifying and promulgating any ‘lessons learned’;
- Ensure that all staff involved in an incident investigation, or who are required to follow SLHA enforcement procedures, receive effective and relevant training;
- Maintain an effective surveillance and spot check regime, to monitor compliance with, and detect breaches of, relevant national and SLHA regulations;
- Respond to breaches of regulation, where justified by the evidence and other circumstances, by the use of formal warnings and legal prosecution; and
- When bringing prosecutions, observe the requirement of the Procurator Fiscal, Crown Prosecutors and evidential Codes in so far as appropriate.

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SLHA encourages the Regional Harbour Master and Deputy Harbour Masters to make full use of their powers to ensure plans and policies are effectively enforced. Local Byelaws can be used to prosecute offenders if appropriate. SLHA will provide resources to support the Regional Harbour Master and Deputy Harbour Masters as required; including advice from the Designated Person and access to Stena Line's retained legal services. If necessary, external support and advice will be utilised.