

MARINE ENFORCEMENT POLICY STATEMENT

The Blyth Harbour Commission as 'Duty Holder' under the Port Marine Safety Code, act as regulator and enforcer regarding a range of legal duties and powers contained within the Acts of Parliament and the Blyth Harbour general byelaws whilst conforming to regulatory and statutory standards and requirements.

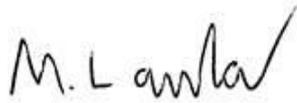
The purpose of enforcement is to regulate the safe and efficient use of the harbour and harbour estate; thereby safeguarding harbour users, operating business and the general public alongside protecting the environment.

Enforcement underpins navigational safety by ensuring compliance with regulations and directions. It requires effective surveillance, incident investigation and leads were appropriate, to sanctions imposed by either the Board of Commissions or by the Courts.

In order to comply with marine regulatory standards and legislation Blyth Harbour Commission will undertake the following course of action as required:

- Prosecute only where it is in the public interest or the interests of Blyth Harbour Commission or when other enforcement measures have failed.
- Prosecution will only be considered when there is sufficient admissible and reliable evidence to provide a realistic prospect of conviction and it is in the public interest to do so.
- When dealing with any enforcement situation, the harbour authority's actions will be proportionate to the scale, seriousness and intention of any non-compliance.
- Investigate all navigational and environmental incidents and breaches of regulations, taking proper account of the requirements of the Police and Criminal Evidence Code of Practise
- Taking into consideration the guidance issued by the Government and other national agencies or where there is known to be an involvement by any other enforcement agency, the harbour authority will consult and co-operate with that other agency prior to taking any formal enforcement action.
- Will not initiate formal enforcement procedures without a clear need to do so, any formal enforcement procedure will aim to change the behaviour of the offender, aim to deter future non-compliance and be proportionate to the nature of the offence caused.
- Ensure that any enforcement action will be dealt with promptly, consistently, and fairly in a transparent manner.
- Respond to breaches of regulations by imposing a sanction appropriate to the circumstances (i.e. Harbour Master's verbal warning, Harbour Master's written warning) prior to initiating legal proceedings that could lead to prosecution.

The above guidance is not exhaustive and the decision whether to take enforcement action will be taken having regard to legal and statutory compliance and the individual circumstances of each case.



Martin Lawlor
Chief Executive

July 2021