

Marine Enforcement Policy Statement

1. Introduction

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

2. Policy Statement

The Board of Port of Tyne Authority (Duty Holder) is responsible under the Port Marine Safety Code for the effective enforcement of regulations made, and direction given, to assist in managing marine operations and ensuring safety of navigation within the port.

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

Where necessary, and where empowered, the Board will prosecute offenders for committing offences, including those set out in the Port of Tyne Acts and Orders and in ancillary regulations and Byelaws.

Port of Tyne Authority shall:

- Maintain through regular reviews, a relevant and effective regulatory framework that is consistent with national legislation, ancillary regulations and byelaws.
- Not ignore any knowingly criminal or negligent act by any person or company which damages or threatens the environment or which is deemed illegal.
- Ensure that relevant Port of Tyne Authority regulations and associated guidance are widely promulgated.
- Develop and maintain effective investigation procedures for use in the event of a navigational incident, which support enforcement procedures.
- Investigate all navigational incidents and breaches of regulations, taking proper account of the requirements of the Police and Criminal Evidence Code of Practice.
- Identify, promulgate and make good use of any lessons learned from the investigation process.

- 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), or initiating a prosecution where the facts warrant that it is in the public interest to do so or when other enforcement measures have failed.
- Ensure a consistent approach to enforcement is adopted throughout.
- Observe the CPS Code for Crown Prosecutors when bringing prosecutions.

Maritime Director

Harbour Master