

 <b>Dart Harbour</b>	<b>Enforcement &amp; Prosecution Policy</b>	<b>March 2021</b>
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DHNA 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, DHNA will prosecute offenders for committing offences, including those set out in the Harbours, Docks, Piers and DHNA Revision Order 2021, the Merchant Shipping Act 1995 and in ancillary regulations, General Directions and Byelaws.

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

- Maintain through regular reviews, an effective regulatory framework, which is integrated with relevant national legislation and includes local regulation resulting from risk assessment, or as otherwise made necessary;
- Ensure that DHNA Regulations and associated guidance are widely promulgated;
- 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 DHNA enforcement procedures, but also meet the requirements of the Navigational 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 DHNA enforcement procedures, receives effective and relevant training;
- Maintain an effective surveillance and spot check regime, to monitor compliance with, and detect breaches of, relevant national and DHNA regulations;
- Respond to breaches of regulation, where justified by the evidence and other circumstances, by the use of formal warnings and legal prosecution. The options are;

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- Education
  - Deterrent
  - Verbal warning
  - Written warning
  - Written request for full report with possible interview
  - Prosecution proceedings
- When bringing prosecutions observe the Code for Crown Prosecutors and evidential Codes in so far as is appropriate;
  - Manage the progress of enforcement activities, including incident investigations and prosecutions, and the maintenance of appropriate records.
  - 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.*