

Cowes Harbour Commission Enforcement & Prosecution Policy
August 2020

Cowes Harbour Commission (CHC) 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 port. In this Policy, enforcement comprises the promulgation of regulation and guidance, effective surveillance, incident investigation, and where appropriate formal warning and prosecution.

CHC's policy is based on education in the first instance and generally only reverting 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, CHC will prosecute offenders for committing criminal offences, including those set out in the Merchant Shipping Act 1995 and in ancillary regulations and byelaws.

CHC's policies include the following actions to be taken:

- 1) 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;
- 2) Ensure that CHC's 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 CHC's enforcement procedures, and complies with CHC's Safety Management System, including identifying and promulgating any 'lessons learned';
- 5) Ensure that all staff involved in an incident investigation, or who are required to follow CHC enforcement procedures, receive effective and relevant training;
- 6) Maintain an effective surveillance and spot check regime, to monitor compliance with, and detect breaches of, relevant national and CHC regulations;
- 7) Respond to breaches of regulation, where justified by the evidence and other circumstances, by the use of formal warnings and legal prosecution;
- 8) When bringing prosecutions observe the Code for Crown Prosecutors and evidential Codes in so far as appropriate;
- 9) Manage the progress of enforcement activities, including incident investigations and prosecutions, and the maintenance of appropriate records.