

STATEMENT OF ABP'S APPROACH TO MARINE ENFORCEMENT

Introduction

Associated British Ports (**ABP**) has statutory powers and duties in relation to each of the harbour areas for which ABP is Statutory and Competent Harbour Authority.

Although ABP has the power to prosecute for some offences, ABP exercises a range of techniques in educating and where necessary enforcing compliance with requirements and good practice for marine safety. Those techniques range from steps, such as issuing guidance, education and advice, to ongoing surveillance and accident investigation, and where necessary giving verbal warnings, formal written warnings and in serious cases taking action in the courts.

Legal background to ABP's rights of enforcement

A wide range of legislation applies at each of ABP's ports, including the local founding legislation of the port, the Byelaws for the particular port and the range of domestic and international law that is applicable at ports in the UK. Within that body of legislation there are a number of civil and criminal rights of action which ABP may pursue in order to promote the safety of navigation at its ports.

ABP's approach to enforcement

ABP seeks to act in accordance with the following principles in its approach to marine enforcement:

- Ensure that guidance and advice is available and well publicised amongst the port communities, in order to promote understanding and pre-empt more severe action needing to be taken.
- Keep under regular review the rules and regulations applicable at its ports and where necessary take steps to update.
- Exercise proportionate methods of enforcement on the basis of the nature and circumstances of the offence.
- Carry out investigations where appropriate in the event of a marine incident.
- Initiate criminal proceedings when it is considered appropriate.
- The priority will always be to preserve life and mitigate the risk of future similar incidents occurring. Enforcement action will not interfere with, and will be secondary to, the paramount requirement to determine the cause of an incident.