

## **MARINE ENFORCEMENT POLICY STATEMENT**

### **Introduction**

Associated British Ports (ABP) has statutory powers and duties in relation to each of the harbour areas for which ABP is the Statutory and/or Competent Harbour Authority. This Marine Enforcement Policy Statement sets out how ABP meets its legal responsibilities in enforcing safe navigation, aligned with the Port Marine Safety Code 2025 and the accompanying Guide to Good Practice.

ABP uses a graduated, proportionate, and risk-based enforcement model, designed to prevent marine incidents, support continuous improvement, and protect life, property, and the marine environment.

### **Legal Background to ABP's Rights of Enforcement**

A wide range of legislation applies at each of ABP's ports, including:

- Local founding legislation
- Applicable ABP Byelaws
- The Harbours Act 1964
- The Merchant Shipping Act 1995
- The Marine Navigation Act 2013
- International regulations (including SOLAS and COLREGS)

These laws confer both civil and criminal powers on ABP to ensure safety of life and navigational safety, and environmental protection. ABP also works in cooperation with the Maritime and Coastguard Agency, the Marine Management Organisation, local police and other statutory bodies where appropriate.

### **ABP's Approach to Enforcement**

All enforcement-related data, including personal information and digital evidence, is handled in accordance with the UK General Data Protection Regulation (UK GDPR). ABP ensures that evidence is preserved, securely stored, and disclosed appropriately in line with legal obligations.

**To ensure compliance with legal and safety obligations, ABP applies the following enforcement principles, aligned with its statutory responsibilities and national best practice:**

#### **1. Promulgation of Information**

- Ensure that guidance, advice, and safety information are readily available and publicised among port users and stakeholders to promote understanding and voluntary compliance.

## 2. Incident Investigation

- Carry out timely and robust investigations in the event of a marine incident or safety concern.
- Ensure that incident investigation outcomes inform enforcement actions and broader safety improvements.

## 3. Powers Under Review

- Keep under regular review the rules, regulations, and directions applicable at each port, updating them where necessary to reflect emerging risks, best practice, and legal change.

## 4. Enforcement

- Apply enforcement action proportionately and consistently, taking into account the nature, frequency, and circumstances of the breach.
- Use a graduated approach to enforcement, ranging from education and verbal advice to formal warnings and prosecution where appropriate.
- Take criminal proceedings where justified by the seriousness of the breach or its consequences.
- Use enforcement tools including Notices to Mariners, Harbour Master's Directions, written warnings, and referral to statutory regulators.

Priority is always given to preserving life and preventing future incidents. Enforcement activity will not interfere with, and is always secondary to, the primary requirement to establish causation and learn from marine incidents.

ABP remains committed to fair, transparent, and proportionate enforcement in support of a safe, secure, and environmentally responsible port environment.

### June 2025

***This policy will be reviewed at least every three years or sooner if required by legislative changes, operational needs, or following significant incidents. This policy is designed to meet the expectations of the Port Marine Safety Code (2025 edition) and the accompanying Guide to Good Practice. It reflects ABP's commitment to upholding national standards for safe, transparent, and proportionate marine enforcement across all its statutory harbour areas.***