


Document Type	Policy			 Port of Milford Haven
Document Number	MAR-MGT-POL-001			
Document Name:	Enforcement & Prosecution Policy			
Date Issued:	24/01/2024	Revision:	A	
Sensitivity:	Public	Page No:	1	

1. Purpose

The purpose of this policy is to detail Port of Milford Haven’s approach to enforcement and prosecution as required by the Port Marine Safety Code (PMSC)

2. Scope

This policy is applicable to all users of the Milford Haven waterway within the Port Limits.

3. Policy Statement


The Port is accountable under the PMSC for the navigation, safety and traffic regulation of all vessels within its Port Limits. In order to effectively manage such identified marine safety risks, the Port has been given general and specific powers through the Milford Haven Conservancy Act 1983 (as amended) as well as Byelaws, General and Special Directions. The PMSC requires ports to have a policy that ensures such powers can be properly and effectively enforced as well as a policy on prosecution when they are broken.

Our policy is based on the principle that compliance is best achieved through education and collaboration. However, it also recognises that there will be instances where this may not be possible and that the only option remaining will be to prosecute anyone identified as being a repeat offender; or any offences that bring significant risk of serious injury or loss of life; or when threatening and abusive behaviour is used against our staff members. Where appropriate, and where empowered to do so, the Port will prosecute anyone who commits a criminal offence, including those set out in the Merchant Shipping Act 1995 and in ancillary regulations.

To this end, Port of Milford Haven has made it policy to:

- Maintain through regular reviews, a regulatory framework, which is integrated with relevant national legislation and includes such local regulation (e.g. General Directions) resulting from risk assessment, or as otherwise made necessary.
- 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 not only support the Port’s enforcement procedures, but also meet the requirements of the Port Integrated Management System (PIMS) in respect of identifying and promulgating any “lessons identified”.
- Ensure that all staff involved in incident investigation, or who are required to follow the Port’s enforcement procedures, receive effective and relevant training.
- Maintain effective surveillance, policing and spot-checks to monitor compliance with and detect any breaches of relevant national and Port regulations.
- Respond to breaches of regulations by the use of formal warnings and legal prosecution, where this is justified, by the evidence and other circumstances.



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- When bringing prosecutions, ensure any requirements of the Crown Prosecution Service are observed as well as evidential Codes in so far as appropriate.
- Review this policy every 3 years to ensure continued compliance with the PMSC.

T. Sawyer

CEO

Port of Milford Haven

24th January 2024

