



Angus Council: Arbroath Harbour Enforcement and Prosecution Policy

Angus Council as Harbour Authority for Arbroath Harbour 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. The policy is based on 'education in the first instance' and would only be escalated to prosecution for repeat offenders, or for offences bringing significant risk of serious injury or loss of life or when users threaten or abuse Council staff. Where appropriate, and where empowered to do so, Angus Council will prosecute offenders for committing criminal offences, including those set out in the Merchant Shipping Act 1995 and in ancillary regulations.

To this end, it is policy that Angus Council shall:

- Maintain through regular reviews, a regulatory framework, which is integrated with relevant national legislation and includes local regulation (i.e., Angus Council – Arbroath Harbour Byelaws 1997);
- Develop and maintain effective investigation procedures for use in the event of a navigational incident, which support Angus Council's enforcement procedures, but also meet the requirements of the Marine 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 Angus Council's enforcement procedures, receive effective and relevant training;
- Respond to breaches of regulation, where justified by the evidence and other circumstances, using formal warnings and legal prosecution; and
- When bringing prosecutions, observe the requirement of the Procurator Fiscal, Crown Prosecutors and evidential Codes in so far as appropriate.

Duty Holder signature of approval and authority:

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Date: 20/8/21

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