

## The Trust's Approach to Marine Enforcement

### Introduction

The Canal and River Trust (the 'Trust') has statutory powers and duties in relation to each of its harbour areas for which it is Statutory Harbour Authority. The Trust is also responsible under the Port Marine Safety Code for the effective enforcement of its regulations, which are designed to assist in managing the safety of navigation within the harbour area.

Although the Trust has the power to prosecute for some offences, the Trust exercises a range of techniques to engage, educate, and encourage before it becomes necessary to enforce compliance with regulations and good practice for marine safety.

Those techniques range from steps, such as issuing guidance, education and advice, to ongoing surveillance and incident investigation. Where necessary, this can escalate to the issuing of verbal warnings, formal written warnings, and in serious cases, initiating prosecution proceedings for offences bringing significant risk of injury or loss of life, or for repeat offenders.

### Legal background to the Trust's Rights of Enforcement

A wide range of legislation applies at each of the Trust's Statutory Harbour Authorities, including the local founding legislation of the harbour, the byelaws, and the range of domestic and international law that is applicable to all ports and harbours in the UK. Within that body of legislation there are several civil and criminal rights of action which the Trust may pursue to promote the safety of navigation.

### The Trust's Approach to Enforcement

The Trust seeks to act proportionately and consistently in its approach to enforcement, in accordance with the following principles:

- Ensure that regulations, guidance, and advice is available and well publicised amongst harbour users and communities, to promote understanding of the Trust's expectations.

- Regularly review the rules and regulations applicable at its harbours, and where necessary, update to reflect changes in legislation and industry best practice.
- Maintain an effective surveillance and spot-check regime, to monitor compliance with, and detect breaches of, relevant national and harbour-specific regulations.
- Conduct investigations, where appropriate, in the event of a marine incident, ensuring that lessons learned and updated mitigations are promulgated and actioned.
- Exercise proportionate methods of enforcement based on the nature, circumstances, and consequences of the offence, in compliance with prevailing legal requirements and guidelines.
- Initiate criminal proceedings when it is considered proportionate and appropriate, in compliance with the duties of a Statutory Harbour Authority.

The overriding priority is always to preserve life and prevent injury, alongside determining appropriate mitigations to prevent recurrence of similar incidents. Enforcement action will not interfere with any internal or external incident investigation, the primary aim of which is to determine the cause of an incident and recommend measures to prevent recurrence.

**Dated: October 2024**