

PORT MARINE OPERATIONS

ENFORCEMENT POLICY STATEMENT

1. About Peterhead Port Authority

Peterhead Port Authority (“**the Authority**”) is a Trust Port and the Statutory Harbour Authority for Peterhead Port. The Authority is responsible for the management and regulation of marine operations at the Port to promote the safe movement of vessels, safe operations at its marine facilities, protection of the environment and efficient Port operations.

The Authority enforces applicable legislation and legal regulation and its byelaws, directions, navigation rules and other requirements (all referred to in this Policy Statement as “applicable regulation”) to safeguard the uninterrupted flow of shipping into and out of the Port. Given the significant level of personnel, assets and cargo—including fishing and energy related traffic — which passes through annually, maintaining a high standard of safety and environmental protection is a top priority.

This Policy Statement sets out the policies and principles which the Authority follows when taking enforcement action in relation to marine operations at the Port.

2. Goals of the Enforcement Policy

This Enforcement Policy aims to:-

- Promote adherence to all applicable regulation governing marine operations at the Port.
- Ensure that any enforcement action is applied consistently across all operations.
- Ensure fair treatment to individuals and organisations which may have acted in breach of applicable regulation.
- Clarify the Authority's approach to regulatory enforcement.

3. Enforcement Action

This Policy covers all forms of enforcement action undertaken by the Authority, which may include:-

- Informal discussion.
- Formal meeting.
- Warning Letter.
- Report to regulatory bodies (e.g. MCA).
- Civil court action by the Authority.

- Seeking Police intervention.
- Referring case to the Procurator Fiscal for prosecution.

4. Principles of Enforcement

The Authority's approach to enforcement aligns with broader public body standards for good regulatory practices.

4.1 Proportionality:

Any enforcement action taken by the Authority will be proportionate to the risk or harm caused by the breach of applicable regulation. The particular circumstances of each case will be assessed, considering both the severity of the breach and the actions of the party involved.

4.2 Consistency:

The Authority will strive to ensure fairness and equality in enforcement. A consistent approach will be maintained across similar cases and the Authority will cooperate with other relevant enforcement bodies to achieve this.

4.3 Transparency:

Clear information about the applicable regulation, compliance requirements and any alleged breach will be made available. The Authority will engage openly with stakeholders and others affected by the alleged breach ensuring they understand the reasons behind any enforcement action taken.

4.4 Prioritisation:

The Authority will concentrate its enforcement resources on activities which pose the greatest risk to safety and the environment. Those responsible for the most serious breaches will be the focus of enforcement action, with the emphasis on preventing harm.

5. Reporting and Prosecution

The overarching purpose of enforcement is to promote compliance with applicable regulation and to take appropriate action when a breach has occurred. When necessary, the Authority may refer breaches to regulatory bodies or the Procurator Fiscal for prosecution.

The decision to make such referrals will be based on the need to penalise offenders, deter future breaches and ensure compliance with applicable regulation. In some instances, cases may be reported without prior warning if the situation warrants such action. Stakeholders should also be aware that directors, senior managers or individual employees of organisations may also face referral or prosecution if they are found responsible for or negligent in relation to the breach.

6. Key Enforcement Principles

- The Authority will act on any behaviour which breaches applicable regulation.
- Repeated breaches of applicable regulation will not be tolerated and corrective actions will be required within a set timeframe, depending on the severity of the breach.
- All enforcement action will be transparent, fair and conducted within a reasonable timeframe.
- When enforcement action is required, the affected party will be informed of the proposed action, except in cases where immediate intervention is necessary. Compliance with remedial steps may not prevent referral to regulatory bodies or the Procurator Fiscal.
- All actions and decisions related to enforcement will be documented and clear records will be maintained.
- Warnings will be issued when necessary and failure to comply with these will lead to further enforcement measures.
- Authority personnel will gather all relevant facts and information without undue delay.
- Those who obstruct or hinder Authority personnel in carrying out their enforcement duties will be subject to appropriate action.

7. Review and Amendment

The Authority may review and amend this Policy Statement at its discretion. Any amendment will be published on the Authority's website.

November 2024