

Dorset Council Harbours

Marine Compliance and Enforcement Policy

Introduction

Dorset Council is the Statutory Harbour Authority for the three Dorset Council Harbours of Bridport (West Bay), Lyme Regis and Weymouth. The Council has the duty to conserve, maintain and improve each harbour for recreation, safe navigation and the protection of the marine environment and amenity areas. Harbour authorities are responsible for managing and running safe and efficient harbours, with responsibilities towards the safety of vessels and people, efficient navigation and protection of the harbour environment.

To meet these responsibilities effectively, Dorset Council regulates harbour use within its jurisdiction by means of Harbour Revision Orders and General Directions (where in force), Special Directions, byelaws and national legislation (including the Harbours Act 1964, the Harbours, Docks and Piers Clauses Act 1847, the Dangerous Vessels Act 1985 and relevant Merchant Shipping legislation). This Policy sets out the Statutory Harbour's approach to achieving compliance and the general principles and enforcement options available.

Alignment with Dorset Council Enforcement Policy

This Marine Compliance and Enforcement Policy operates under and is supplemented by the Dorset Council General Statement of Enforcement Policy (GSoEP). It aligns with the seven corporate enforcement principles; Consistency, Openness, Helpfulness, Proportionality, Targeting, Accountability, and Transparency, and with national statutory frameworks including the Regulator's Code 2014 and the Legislative and Regulatory Reform Act 2006. All enforcement actions taken under this policy will reflect these principles and Dorset Council's corporate approach to enforcement.

Better Regulation

Where Dorset Council undertakes compliance activity, it will work in accordance with the Regulators' Code and the Legislative and Regulatory Reform Act 2006. Regulators within the scope of the Code share a common purpose, to regulate for the protection of the vulnerable, the environment and other objectives. The Code promotes proportionate, consistent and targeted regulatory activity through transparent and effective dialogue with those regulated. The Statutory Authorities harbours will be guided by the Code's principles and will:

- carry out activities in a way that supports those that are regulated to comply;
- provide straightforward ways to engage with those that are regulated and hear their views;
- base regulatory activities on risk;
- share information about compliance and risk;
- ensure clear information, guidance and advice are available to help those that are regulated to meet their responsibilities to comply;
- ensure our approach to regulatory activities is transparent.

Harbours Advisory Committee – 4th March 2026

Marine Compliance and Enforcement Policy Report – Appendix One

Principles of Enforcement

Dorset Council Harbours start from the position that the majority of harbour users are compliant with the regulations and controls that affect them. We will work with users to ensure they understand the rules that apply to their activities and the rationale for regulation.

Where users are not aware of applicable rules or require further guidance, we will assist with advice and will raise awareness, where possible, as a first step to achieving compliance.

Harbour staff will consider dialogue, education and persuasion in dealing with contraventions. Where a more serious breach has been committed, further options, including formal warnings and prosecution, are available.

We will carry out our duties in a fair, equitable and consistent manner and seek to be clear, open and helpful in our approach to enforcement. Legal powers will be used proportionately and appropriately to safeguard and improve public safety and the environment. The safety of residents, harbour users and visitors is of primary importance and will be the focus of any enforcement action.

We will minimise the costs of compliance for users by ensuring any action taken is proportionate to the risks presented by the regulatory breach. We will target enforcement resources in areas of greatest need, guided by our policies, aims and objectives, and will liaise regularly with other enforcement agencies, considering joint working where appropriate.

Enforcement Action

Dorset Council Harbours will endeavour to achieve compliance through education, advice and guidance wherever possible. Where this has not been successful, we will use appropriate and proportionate action (including enforcement if necessary). The range of tools we may use include:

Verbal Guidance / Warning

Verbal guidance may be provided when a minor infringement is detected. This approach reminds persons of relevant regulations and rules.

Official Written Warning

Where there is evidence that an offence has been committed but it is not appropriate to commence formal prosecution proceedings, an official written warning may be sent to the regulated person(s), outlining the alleged offending, when it occurred and which regulation(s) were breached. It will also set out that the matter could be subject to prosecution should the same behaviour occur in future.

Prosecution

As a last resort or in response to more serious activity, criminal prosecutions are an important tool in discouraging non-compliance. The purpose is to secure conviction and ensure any wrongdoing is dealt with by a Court at an appropriate level, acting as a deterrent to future wrongdoing by the offender and others.

Harbours Advisory Committee – 4th March 2026

Marine Compliance and Enforcement Policy Report – Appendix One

A prosecution may be commenced where the matter is too serious or not suitable for another form of disposal such as an official written warning, advisory letter or verbal guidance. Dorset Council prosecutions follow the Code for Crown Prosecutors and the Full Code Test, considering evidential sufficiency and the public interest.

Alignment with Dorset Council Enforcement Principles

GSoEP Principle	Marine Policy Application
Consistency	Uniform enforcement standards across Weymouth, Bridport (West Bay) and Lyme Regis.
Openness	Publish enforcement decisions and summaries on the Dorset Harbours webpages.
Helpfulness	Prioritise advice and informal resolution before formal action wherever safe and appropriate.
Proportionality	Match enforcement severity to risk, harm, intent and repetition.
Targeting	Focus on higher-risk, non-compliant activities (e.g., pollution, unsafe operations).
Accountability	Record decisions and outcomes; report annually to the Harbours Advisory Committee.
Transparency	Clearly communicate processes, rights to challenge/appeal, and contact points.

Sufficiency of Evidence Test

Dorset Council will only commence a prosecution if satisfied there is a "realistic prospect of conviction" against each suspect on each charge on the available evidence. If a case does not pass this test, it will not go ahead regardless of how important or serious it may be.

If a case passes the sufficiency of evidence test, Dorset Council will consider whether it is in the public interest to prosecute, or whether to exercise one of the alternative enforcement options.

Public Interest Test

Where there is sufficient evidence to justify a prosecution, Dorset Council must consider whether a prosecution is required in the public interest. In assessing the public interest each case will be considered on its own facts and merits. Common public interest factors include:

- the seriousness of the offence;
- the impact of the offending on the environment (including wildlife) and the public, having regard to objectives of protected areas where applicable;
- the financial benefit to the offender or other financial aspects, including impact on other legitimate operators;

Harbours Advisory Committee – 4th March 2026

Marine Compliance and Enforcement Policy Report – Appendix One

- whether the offence was committed deliberately or officers were obstructed during their duties or any investigation;
- the previous actions and enforcement record of the offender;
- the attitude of the offender including any action taken to rectify or prevent recurrence;
- prevalence or difficulty of detection of the offence and the deterrent effect of making an example of the offender.

A prosecution is less likely to be appropriate if:

- the seriousness and consequences of the offending can be appropriately dealt with by an out-of-court disposal which the person(s) accepts;
- the offence was committed as a result of a genuine mistake or misunderstanding;
- the financial gain or disturbance to sensitive marine habitat is minor and the incident is isolated (particularly if caused by misjudgement);
- there has been a long delay between the offence and proposed proceedings, unless unavoidable or due to particular circumstances;
- the person(s) played a minor role in the commission of the offence; or
- the suspect is, or was at the time of the offence, suffering from a relevant and significant disability or health problem or other disadvantage.

Local Instruments and Applicability

Weymouth Harbour

The Weymouth Harbour Revision Order 2021 consolidates and modernises statutory harbour powers and confers the power on Dorset Council to give General Directions (articles 21–24) and on the Harbour Master to give Special Directions. General Directions were brought into force in March 2024 and apply to the entire harbour and Harbour Premises. Harbour users must comply with General Directions, Special Directions, and applicable byelaws (including historic Weymouth Harbour Byelaws).

Bridport (West Bay) and Lyme Regis Harbours

The Lyme Regis, Bridport (West Bay) and Weymouth Harbour Revision Order 2026 consolidates and modernises statutory harbour powers and confers the power on Dorset Council to give General Directions (articles 21–24) and on the Harbour Master to give Special Directions. General Directions for the ports of Lyme Regis and Bridport (West Bay) are being created, and until such time as these new General Directions come into force and this Policy is updated to reflect the changes, Dorset Council continues to exercise powers under existing local legislation and national legislation, with Special Directions available to the Harbour Master where incorporated.

General Directions

For Weymouth Harbour, Dorset Council has given the Weymouth Harbour General Directions 2024 regulating the use of the harbour, including movement, mooring and unmooring, equipment and manning of ships, and environmental protections. These are published and kept under review and have effect across the harbour as specified.

Special Directions (Sections 52–53, Harbours, Docks and Piers Clauses Act 1847)

The Harbour Master may give Special Directions to vessels or persons within harbour limits, including directions on when and how vessels may enter or navigate within the harbour and where and how they may moor. Special Directions deal with matters of immediate concern and may be oral instructions. Powers may be expressed to allow directions to classes of vessels or all vessels in an emergency, subject to the applicable local incorporation.

Dangerous Vessel Directions (Dangerous Vessels Act 1985)

The Harbour Master may give directions prohibiting the entry into, or requiring the removal from, the harbour of any vessel if, in their opinion, the condition of that vessel, or the nature or condition of anything it contains, is such that its presence might involve a grave and imminent danger to persons or property or present a grave and imminent risk of obstruction to navigation. Directions must have regard to all the circumstances and to the safety of any person or vessel.

Charges and Recovery of Charges

Harbour charges are recoverable as a debt in any court of competent jurisdiction, and local Harbour Revision Orders and legislation may confer liens, deposits and related powers. Dorset Council may refuse to permit the sailing of vessels where charges remain unpaid, in accordance with applicable instruments.

Standard Scale of Fines (England & Wales – current maxima)

The following are the current maxima for fines on the standard scale applicable to summary offences:

Scale Level	Maximum Fine (England & Wales)
1	£200
2	£500
3	£1,000
4	£2,500
5	£5,000 – Unlimited*

**For offences committed before 12 March 2015, and unlimited for offences committed after that date.*

Note: Certain maritime pollution offences under Merchant Shipping legislation now carry unlimited fines on summary conviction in England and Wales. Courts determine actual fines with regard to Sentencing Council guidelines and offender means.

References / Legal Sources

- Weymouth Harbour Revision Order 2021
- Weymouth Harbour General Directions 2024
- Lyme Regis, Bridport (West Bay) and Weymouth Harbour Revision Order 2026

Harbours Advisory Committee – 4th March 2026
Marine Compliance and Enforcement Policy Report – Appendix One

- Harbour Orders Public Register (Marine Management Organisation)
- Harbours Act 1964 (as amended)
- Harbours, Docks and Piers Clauses Act 1847
- Dangerous Vessels Act 1985
- Merchant Shipping Act 1995 and associated pollution prevention regulations (MARPOL)
- Regulators' Code (2014)
- Legislative and Regulatory Reform Act 2006
- Code for Crown Prosecutors (2018)