

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).

It is a condition of use of Dorset Council Harbours that harbour users take reasonable steps to ensure they are aware of, and comply with, applicable laws, Harbour Revision Orders, General Directions, Special Directions, byelaws, notices, licence conditions and other requirements relevant to their activities, consistent with the general duties placed on mariners when navigating and operating within statutory ports.

While harbour staff may provide advice and guidance where appropriate, a lack of awareness of applicable requirements will not prevent enforcement action where this is justified.

This Policy sets out the Statutory Harbour's approach to achieving compliance and the general principles and enforcement options available. Nothing in this Policy limits the Harbour Authority's ability to take immediate or formal enforcement action where required to protect life, property, navigational safety, the environment, or to ensure the safe and efficient use of the harbour.

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,

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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

Principles of Enforcement

Dorset Council Harbours recognise that most harbour users comply with the regulations and controls that affect them. This understanding is informed by operational experience, monitoring activity, and the review of accident, incident and non-compliance reports. We will continue to work with harbour users to ensure they understand the rules that apply to their activities and the rationale for regulation. Harbour staff may consider dialogue, education and persuasion as part of their response to certain contraventions; however, ignorance of the law or harbour regulation is not a defence.

Where harbour users are not aware of applicable rules and where minor, low-risk non-compliance is identified, harbour staff may, where appropriate, assist with advice and raise awareness as an initial step toward achieving compliance.

Where a breach is serious, deliberate, repeated, or has resulted in harm or significant risk, enforcement action including formal warnings, statutory notices or prosecution may be taken without prior informal intervention.

We will carry out our duties in a fair, equitable, evidence led 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 public safety, navigational safety, vessels, property and the environment. The safety of residents, harbour users and visitors, and the safe and efficient operation of the harbour, will be the primary consideration in any enforcement action.

The Harbour Master and authorised officers are empowered to exercise statutory enforcement powers, including the issuing of directions, the gathering of evidence, and the conduct of interviews in accordance with the Police and Criminal Evidence Act 1984 (PACE) and associated Codes of Practice, where applicable.

Dorset Council Harbours will work closely with the Police, Maritime and Coastguard Agency, Marine Management Organisation and other relevant enforcement bodies, and will refer matters or undertake joint working where jurisdiction or seriousness requires.

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Dorset Council Harbours will focus on securing compliance with harbour legislation and directions through evidence led, proportionate, risk-based enforcement. Any action taken will be appropriate to the nature and seriousness of the breach and the risks presented.

In taking enforcement decisions, we will seek to avoid unnecessary burdens on compliant users, while ensuring that non-compliance is addressed effectively. Enforcement resources will be targeted to areas of greatest need, and liaison with other enforcement agencies will be undertaken where joint working is 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 of an alleged offence, suspected offence, or other non-compliance 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

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.

Use of PACE and Statutory Cautions

Where an alleged offence may lead to criminal proceedings, Dorset Council Harbours will conduct interviews and gather evidence in accordance with the Police and Criminal Evidence Act 1984 (PACE) and associated Codes of Practice. This ensures that any evidence obtained is fair, admissible, and compliant with the rights of individuals.

A PACE caution may be given where an authorised officer has reasonable grounds to suspect that a person has committed a criminal offence and intends to ask them questions that could be used in evidence. The purpose of the caution is to ensure that the person understands their rights and the implications of providing information.

Alignment with Dorset Council Enforcement Principles

GSoEP Principle	Marine Policy Application
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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 where there is a realistic prospect of conviction based on the available evidence and where prosecution is considered to be in the public interest, in accordance with the Code for Crown Prosecutors.

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
- 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

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- the financial gain or disturbance to sensitive marine habitat is minor and the incident is isolated (particularly if caused by misjudgment)
- 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

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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.

Where appropriate, Dorset Council may seek recovery of investigation and prosecution costs and any applicable damages, in accordance with court powers and relevant legislation.

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
- 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)

Nothing in this Policy shall override or prejudice the application of Harbour Byelaws, General Directions, Special Directions, statutory powers, licence conditions, terms and conditions, or other applicable legislation.