

ENFORCEMENT POLICY



The purpose of the enforcement policy is to actively pursue prosecution where the severity of the breach warrants it. The commissioners may consider prosecution from time to time using other legislation such as the Merchant Shipping Act, the International Regulations for Prevention of Collision at Sea and the Pilotage Act should be considered in the public interest to do so.

In making decisions about enforcement action, the commissioners will act in wider public interest with a primary aim of securing a safe and pollution free Environment, however it should be noted that LPHC will only prosecute where there is a realistic prospect of conviction.

Enforcement Action;

Enforcement action can take the form of;

- a) A Warning
- b) Suspension or revocation of a licence issued in accordance with the bye laws.
- c) A formal caution
- d) Prosecution
- e) A combination of any of the above.

Enforcement factors;

In considering the appropriate enforcement action, the commissioners will take into account the following.

- a) The risk of harm to the public and others
- b) What is in the public interest
- c) The seriousness of the compliant
- d) Whether the matter is a reoccurrence
- e) Whether there have been other contraventions of bye laws or legislation.
- f) The willingness of alleged offender to prevent a reoccurrence of the incident
- g) The availability or reliability of a witnesses.
- h) The sufficiency of evidence.

The decision as to what level of enforcement action to take is to be reserved by the Board of Commissioners. It is a prerequisite of tabling the matter for consideration that the evidence review has concluded that there is substantial (although not necessarily conclusive) evidence on which any prosecution could be based.

In deciding what action is to be taken, the Board shall consider the factors listed in the policy and also consider any aggravation or mitigating public interest factors. The Board must record their reason for taking the level of enforcement action decided upon.