

Overview

This standard covers the competence required to develop and implement a marine enforcement policy.

It includes: the development and operation of a marine enforcement policy; promulgation of the policy to stakeholders; enforcement, including prosecution and administrative action.

The role requires the interpretation and application of, and compliance with, relevant international and national regulations; local legislation; codes of practice, standards, frameworks and industry guidance

Target Group

This standard applies to individuals who have a duty to facilitate the safe and efficient use of the harbour and use powers conferred by national legislation and local regulation.

Typically, this will be the Harbour Master or Authorised Deputies with delegated powers.

Note that in this NOS, unless otherwise specified, the term port may also mean harbour. However, the term harbour does not necessarily mean port.

Performance criteria

You must be able to:

1. develop an Enforcement Policy in line with statutory and local powers that incorporates:
 1. stakeholder consultation
 2. industry good practice
2. operate an Enforcement Policy in line with statutory and local powers and industry good practice including:
 1. collect evidence and take statements
 2. take enforcement action up to criminal prosecution
 3. initiate criminal prosecution
3. promulgate the port marine Enforcement Policy to potentially affected stakeholders
4. review an Enforcement Policy in line with statutory and local powers and industry good practice
5. enforce relevant legislation and take legal and/or administrative action in line with the requirements of that legislation
6. cooperate with enforcement agencies to implement effective marine enforcement
7. maintain appropriate auditable records in line with data protection principles

Knowledge and understanding

You need to know and understand:

1. international and national regulations, local legislation, codes of practice, standards, frameworks and industry guidance
2. the enforcement powers of the harbour master as conferred by national and local legislation
3. how to use nationally and locally conferred powers to enforce marine policy
4. the purpose, powers and working practices of statutory and other organisations that may be concerned with marine enforcement
5. the nature of the interaction between the port and statutory or other organisations, including the extent of the port's obligation to cooperate on marine enforcement matters
6. current port marine legislation (national and international) under which the harbour master might be required/able to take enforcement action
7. current national guidance on:
 1. enforcement
 2. public consultation
 3. initiating criminal prosecutions
 4. standards of evidence
 5. taking into account the Public Interest
 6. publishing plans and policies
 8. the typical principles, content and format of an Enforcement Policy and how to produce one
 9. who the appropriate marine enforcement policy stakeholders are
 10. the methods used to promulgate findings and recommendations to stakeholders
 11. how to collect evidence and take statements
 12. how to initiate criminal prosecutions
 13. how to maintain auditable records in line with data protection principles
 14. enforcement options available as an alternative to prosecution

Develop and operate marine enforcement policy

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Originating Organisation Port Skills and Safety

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Relevant Occupations Harbour Masters, Harbour Masters and those with delegated Harbour Master powers

Suite Harbour Masters

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