Mostyn Docks Limited

Enforcement Policy

First Issued: 9 July 2026

Latest Version: Version 2.0 July 2026

Introduction

Mostyn Docks Limited (MDL) is the Statutory Harbour Authority for the Port of Mostyn and the Competent Harbour Authority for the Dee Estuary Pilotage Area. MDL is responsible under the Port and Marine Facilities Safety Code (April 2025) for the effective enforcement of its regulations, which are adopted to assist in managing the safety of navigation within the port and its approaches.

For the purposes of this policy, enforcement comprises the promulgation of regulation and guidance, effective surveillance and inspection, incident investigation, the issue of directions, formal warnings, and where appropriate, prosecution.

Our Approach

MDL's approach to enforcement is founded on education and engagement. In the first instance MDL will seek to secure compliance through advice, guidance, and informal engagement with those who use the port. Formal enforcement action will generally be reserved for repeat offenders, for offences that carry significant risk of serious injury or loss of life, for deliberate or reckless breaches of regulation, or for cases where MDL staff are threatened, intimidated, or abused.

MDL will exercise its enforcement powers in a manner that is consistent with the Regulators' Code (2014) and will ensure that enforcement action is proportionate to the nature and seriousness of the breach and the risk it creates, targeted at cases where action is needed, and consistent in its application.

Where justified by the evidence and the circumstances, MDL will prosecute offenders for committing criminal offences, including those set out in the Merchant Shipping Act 1995 and in ancillary regulations, byelaws, and Harbour Directions issued by MDL under the Harbour Directions (Designation of Harbour Authorities) Order 2016.

Policy Commitments

It is the policy of Mostyn Docks Limited that MDL shall:

i. maintain, through regular review, an effective regulatory framework integrated with relevant national legislation and including local regulation resulting from risk assessment or as otherwise made necessary by the safety of navigation;

ii. ensure that MDL regulations, Harbour Directions, and associated guidance are widely promulgated and made available to port users through the Port of Mostyn website;

iii. develop and maintain effective enforcement procedures that comply with relevant national legal requirements, the Regulators' Code, and applicable guidelines, and that are proportionate to the seriousness of the breach and the risk created;

iv. develop and maintain effective investigation procedures for use in the event of a navigational incident, which support MDL enforcement procedures and meet the requirements of the MSMS in respect of identifying and disseminating lessons learned, in accordance with procedure C2 of the Marine Safety Management System;

v. ensure that all staff involved in incident investigation or required to follow MDL enforcement procedures receive effective and relevant training;

vi. maintain an effective surveillance and inspection regime to monitor compliance with, and detect breaches of, relevant national and MDL regulations, through the Harbour Master's inspection programme described in procedure D7 of the Marine Safety Management System;

vii. respond to breaches of regulation, where justified by the evidence and the circumstances, through a graduated range of measures including informal advice, written warnings, Harbour Directions, and formal prosecution as appropriate;

viii. when bringing prosecutions, observe the Code for Crown Prosecutors and applicable evidential codes in so far as they apply to harbour authority prosecutions;

ix. ensure that any person subject to enforcement action is informed of the nature of the breach alleged and has the opportunity to make representations before formal action is taken, save where the urgency of the situation or the safety of navigation requires immediate action; and

x. manage the progress of enforcement activities, including incident investigations and prosecutions, and maintain appropriate records in accordance with this policy.

Records

The Harbour Master maintains records of all formal enforcement actions taken by MDL, including written warnings issued, Harbour Directions given for enforcement purposes, and prosecutions brought, for a period of at least seven years.

Review

This policy will be reviewed by the Duty Holder at intervals not exceeding three years, or sooner following any significant change in applicable legislation, a prosecution, or a material change in MDL's regulatory framework.

Jim O'Toole
Managing Director & Duty Holder
9 July 2026