

Enforcement Action explained

We will use appropriate and proportionate action to ensure compliance with regulations. The range of enforcement tools which the Authority may use are set out below in order of severity, prosecution being the most severe option:

Verbal Warning and Advisory Letter

A Verbal Warning is issued when a minor infringement in legislation is detected. This approach is used to remind person(s) of relevant legislation.

Similarly, where it is believed that a breach of the law may have occurred, an Advisory letter may be sent to help with the understanding of the law.

Official Written Warning

Where there is evidence that an offence has been committed an Official Written Warning Letter may be sent to the regulated person(s), outlining the alleged offending, when it occurred and what regulations were breached.

Financial Administrative Penalties (FAP)

Where there is evidence of a more serious offence, we may issue a FAP, up to £10,000, as an alternative to criminal prosecution in certain circumstances. Payment of the penalty will discharge the possibility of the Authority prosecuting the offence. If a FAP is not paid within 28 days, the matter may automatically proceed to court.

Prosecution

Criminal prosecutions are regarded as the strongest sanction and will be used where offending is considered to be particularly serious and/or is repetitive, causes significant harm to the environment, results in significant unlawful profit, and/or has disadvantaged other legitimate operators. The purpose is to secure conviction and ensure that the wrongdoing can be punished by a Court at an appropriate level.

A note on Cautions

Our Officers are warranted under the Marine and Coastal Access Act 2009. An Officer may interview a suspect under caution to gather further evidence against the suspect, elicit information revealing further lines of inquiry, obtain further collateral information to be considered in the prosecution decision and to give the suspect an opportunity to answer the allegations and give their own account, which may produce lines of enquiry leading away from the suspect. 10.5 Code of Practice C, Police and Criminal Evidence Act 1984 (PACE).

Please refer to the Compliance and Enforcement Plan on our [website compliance pages](#) for full explanations of how we decide on our actions and what they mean to you.



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