

**Effectiveness, Efficiency & Weakness of
Enforcement in the UK Marine
Environment
Responses to Questionnaire**

Report to JNCC

Institute of Estuarine and Coastal Studies
University of Hull

11th July 2003

Institute of Estuarine & Coastal
Studies (IECS)
The University of Hull
Cottingham Road
Hull
HU6 7RX
UK

Tel: +44 (0)1482 465667 or 465661
Fax/Tel: +44 (0)1482 465001

E-mail:
iecs@hull.ac.uk

Web site:
<http://www.hull.ac.uk/iecs>

Author(s): S Boyes & M Elliott

Report: ZBB604-D4-2003



JNCC

**Effectiveness, Efficiency &
Weakness of Enforcement in the
UK Marine Environment
Responses to Questionnaire**

Report 4

11th July 2003

Reference No: ZBB604-D4-2003

For and on behalf of the Institute of Estuarine and Coastal Studies	
Approved by:	_____
Signed:	_____
Position:	_____
Date:	_____

This report has been prepared by the Institute of Estuarine and Coastal Studies, with all reasonable care, skill and attention to detail as set within the terms of the Contract with the client.

We disclaim any responsibility to the client and others in respect of any matters outside the scope of the above.

This is a confidential report to the client and we accept no responsibility of whatsoever nature to third parties to whom this report, or any part thereof, is made known. Any such parties rely on the report at their own risk.

TABLE OF CONTENTS

TABLE OF CONTENTS	I
1. INTRODUCTION.....	1
1.1 Survey Rationale.....	1
1.2 Responses.....	2
2. EFFECTIVENESS OF POWERS.....	3
2.1 Effective powers	3
2.1.1 Conservation of Man-made Structures.....	3
2.1.2 Sea Fisheries.....	3
2.1.3 Shipping & Navigation.....	4
2.2 Main Problems to Effective Enforcement.....	4
2.2.1 Habitats and Species Protection	4
2.2.2 Sea Fisheries.....	5
2.3 Legislation / Procedures Making Enforcement Powers Ineffective	5
2.3.1 Habitats & Species Protection.....	5
2.3.2 Sea Fisheries.....	6
2.3.3 Inputs of Contaminants in the Marine Environment	6
2.4 Changes Required	6
2.4.1 Habitat & Species Protection	7
2.4.2 Sea Fisheries.....	7
3.0 ENFORCEMENT POWERS	8
3.1 Principle Means of Enforcement.....	8
3.1.1 Statutory Enforcement.....	9
3.2 Effectiveness of Enforcement Methods	10
4.0 JURISDICTION & REMIT OF ENFORCEMENT BODIES.....	11
4.1 Overlap with Other Bodies	11
4.2 Transferral of Powers.....	11
5.0 GENERAL WEAKNESSES	13
5.1 Perceived Shortcomings.....	13
5.2 Any Other Issues.....	14
APPENDICES	15

1. INTRODUCTION

The interim report of the UK Government's Review of Marine Nature Conservation Working Group was submitted to Ministers in March 2001. One of the key recommendations of the Working Group was the promotion of a Pilot Scheme, at a regional scale, to test a proposed 'framework' for nature conservation and examine how far the conservation management needed to implement this framework could be delivered through existing legal, administrative and enforcement systems. The Irish Sea was chosen as the area for this Pilot Scheme. One of the key tasks of this Pilot is to evaluate the efficiency and effectiveness of current governance and enforcement regimes in implementing current legislation relevant to marine nature conservation in the UK, and make recommendations for improvements.

A number of enforcement agencies cover different purposes e.g. fisheries protection, and shipping and while it may be realistic for existing agencies to enforce nature conservation legislation in the intertidal zone and close to the shore, it is beyond the capacity for nature conservation agencies or the police to enforce the legislation offshore. The Joint Nature Conservation Committee (JNCC) has commissioned the Institute of Estuarine and Coastal Studies (IECS) to review the nature of existing enforcement in the marine environment, by using a questionnaire designed to:

- seek the views of relevant enforcement agencies on their effectiveness, efficiency and weaknesses of their enforcement powers in relation to nature conservation objectives.

This report outlines the findings of a questionnaire circulated to a number of bodies with responsibility for enforcement and administration of marine legislation in the marine environment. A more detailed account of enforcement within the marine environment can be found in a report entitled *Regulatory Responsibilities & Enforcement Mechanisms Relevant to Marine Nature Conservation in the UK* (Boyes *et al*, 2003).

1.1 Survey Rationale

This questionnaire relates to the area from the high water mark seawards to the limits of the UK Continental Shelf and covers the following issues:

- site protection regulation
- marine species protection
- control over introduction of non-native species
- conservation of man-made structures
- sea fisheries
- mariculture
- shipping & navigation
- military activities
- offshore oil and gas
- wave, tide & wind power generation
- sand & gravel extraction
- coastal engineering
- developments in the coastal zone
- tourism & recreation
- inputs of contaminants
- submarine pipelines and cables

The questionnaire focused upon the effectiveness of legislation and the capabilities of the bodies to enforce the legislation with regards to protecting marine nature conservation. The questionnaire is given in Appendix 1. The questions were based around:

- the effectiveness of the current powers and procedures, i.e. do they have the desired outcome;
- the methods of actual enforcement and the efficiency/effectiveness of these methods;
- the jurisdiction and remit of their powers under current legislation;
- and the weaknesses in the current powers and procedures including overlap, duplication and omission.

1.2 Responses

The questionnaire was emailed to a number of bodies around the UK identified within the Irish Sea Pilot database and other contacts. This list can be found in Appendix 2. Responses (some collated from different departments) were received from the following bodies:

Environment Agency
Department for Transport - Ports Division
Scottish Fisheries Protection Agency (SFPA)
English Heritage
Sea Fisheries Committees (North East and Cumbria)
Defra Sea Fisheries Inspectorate
PAW Marine Wildlife Enforcement Working Group
British Ports Association
Plant Health and Seeds Inspectorate
Ministry of Defence (Marine Wildlife Liaison Officer)

Both the National Assembly of Wales (TPE Countryside) and the Department of the Environment Northern Ireland (Environment and Heritage Services) replied to the questionnaire by indicating that it was not within their remit to answer the questions. They took the view that they would be interested in the results of the exercise and would be in a position to take forward any suggestions made by respondents.

The full responses received to the questionnaires are collated in Appendices 3 to 7. The information provided in these tables was taken directly from the questionnaire forms and is therefore a verbatim response.

The overall level of response to the questionnaire was somewhat disappointing. Some of the most significant advisors and regulators of activities in the marine environment did not reply. This may have led to a picture which is slightly less than fully representative of the effectiveness and actual levels of enforcement of existing legislation.

2. EFFECTIVENESS OF POWERS

Organisations / bodies were asked to indicate how effective they considered their powers to be in relation to enforcing legislation in the marine environment with respect to nature conservation. This was categorised under:

1. possessing effective powers under current legislation to enforce licence and consent conditions;
2. the main problems to effective enforcement;
3. other pieces of legislation (byelaws etc) which make enforcement powers ineffective;
4. the changes required.

The full responses received to this section can be seen in Appendix 3.

2.1 Effective powers

With regard to organisations with duties to enforce licence and consent conditions in the marine environment, it was felt that in the case of discharges, deposits on the seabed, salmon fisheries, habitat protection and controlling the introduction of species, adequate powers were in place. In the case of English Nature (and CCW), further powers were provided under the Countryside and Rights of Way Act 2000 which strengthened the powers of nature conservation protection. The Environment Agency also has effective powers under their legislation.

2.1.1 CONSERVATION OF MAN-MADE STRUCTURES

- For those bodies with an advisory role in the issue and compliance of licences, effective powers were also in place. However, it was highlighted by English Heritage that effectiveness is low across the marine sector generally because of the limited recognition given to the importance of the historic environment and a lack of consistency across the regulation of developments.

2.1.2 SEA FISHERIES

- Under the 1966 Sea Fisheries Regulation Act, the Sea Fisheries Committees (SFCs) for England and Wales have powers and responsibilities for the management of inshore fisheries. Their duties were extended to include a broader environmental remit through the Conservation Regulations 1994, the Environment Act 1995, the Sea Fisheries Act 1992 and the CROW Act 2000. Nevertheless, SFCs consider that they have insufficient powers to enforce environmental legislation and consent conditions. Although byelaws can be made by SFC for environmental purposes this is somewhat convoluted process with limited geographical application. SFCs have no other direct powers to enforce environmental legislation. Although SFCs are statutory consultees on discharge applications, they have no remit in the enforcement of conditions set.
- There could be conflicts of interest between SFC and environmental objectives despite their duty to balance the conservation of flora and fauna with other factors that affect their exercise of sea fisheries functions. For example, SFC may be reluctant to restrict the use of certain types of fisheries gear to prevent the incidental catch of cetaceans and the 1992 act requires SFCs to take account of conservation only insofar as this is consistent with fisheries conservation objectives.

For this reason it has been suggested that SFC should not be a relevant authority for SAC management schemes

- In contrast, Defra Sea Fisheries Inspectorates believe that the powers granted under FEPA as well as sea fisheries conservation legislation are generally effective and sufficient for conservation in the marine environment. However other views are that these powers are not adequate and that there are a continuing considerable number of infringements of fisheries regulations with little evidence of monitoring or enforcement of the regulations or other marine environmental legislation.

2.1.3 SHIPPING & NAVIGATION

- The Department for Transport (DfT) has widespread powers under different pieces of legislation to provide consents and licences for installations, removal and placing of objects on the seabed in relation to safety of navigation e.g. under the Coast Protection Act 1949 and FEPA, however, there is no statutory remit for DfT to enforce any of the licences or consents which are issued. Therefore, their powers to enforce these activities are ineffective.

DfT is not an enforcing body and there is no one who inspects the works consented under the CPA. Issues/questions are raised only when a problem arises with regard to navigation, or if an operator is found to have produced an illegal installation. There are no enforcement officers offshore. Harbour authorities have enforcing powers which are effective in harbours but no one has similar powers out-with harbours. Nearer shore, the local police can have some influence (e.g. the Solent marine unit) but not for CPA consents. DfT does not know of the size of this problem with regards consents and illegal operations. There is a serious issue of gaining sufficient information on which to take action.

2.2 Main Problems to Effective Enforcement

The main problem with enforcement and assurance in the marine environment is the size and remoteness of most the area where the activities take place. This limits the frequency of access and inspection and also the response time in the event of an incident. Added to this is the fact that many of the resources we are seeking to protect are hidden under water with depths ranging from 10 to 30 metres in the Southern North Sea and Liverpool Bay to over 1500 meters in the Faeroe-Shetland Channel. The problems ranked most highly as identified by the returned questionnaires related to:

- lack of funding
- lack of manpower
- lack of expertise in the field
- lack of political will to tackle the issue.

2.2.1 HABITATS AND SPECIES PROTECTION

- Due to the lack of evidence in most cases, there are often problems in cases of habitat and species protection (including fisheries) in proving guilt. It was also felt that the penalties in place are not seen as sufficient to deter the illegal activity and some illegal activities were occurring due to the ease of avoidance by the transgressor. In order to gain the evidence required, it is necessary to increase surveillance at sea and stronger political will is needed to achieve this. There are a

number of bodies that could have the experience and personnel to deliver this task. The establishment of a Fisheries Control Agency by DG Fisheries will aid in the monitoring and enforcement of marine conservation and management.

- Other problems highlighted by the Partnership for Action Against Wildlife Crime (PAW) include the problems with monitoring species. Given that many species are either underwater or away from accessible area, they not easy to monitor. The harbour porpoise for example is a very difficult marine mammal to survey due to the fact they disappear at the slightest noise, whereas dolphins and whales are easier as they spend more time at the surface. The problems of surveying marine habitats such as coral beds is that they also suffer from difficulty of access for survey. With all marine protection issues, there is a lack of enforcement officers and equipment to carry out enforcement of the law adequately. The PAW concludes that there has been no 'holistic' approach towards legislation in the marine environment.

2.2.2 SEA FISHERIES

- Lack of funding was seen by the SFCs and the Environment Agency as a large problem for the effective management of fisheries and conservation issues. SFCs feel that they should be constituted and financed in a manner sufficient to enable adequate promotion of marine conservation. In those cases where the Environment Agency is the sea fisheries power, such as in the Thames Estuary, it does have overarching responsibilities to further conservation and promote sustainable development which it applies to all of its fisheries powers. However, funding for salmonid and eel enforcement is limited, with no funding for sea fisheries enforcement. Recreational sea angling is now a major economic and conservation force within marine fisheries management, but has little current recognition or influence or control. A view was expressed that application of the 'polluter pays' principle to fisheries or a levy to cover environmental impacts, then sufficient funds would be raised to address conservation issues.
- The Environment Agency believes that in the case of inshore fisheries management and indeed all fisheries management, there needs be a simplification in the number of organisations with responsibilities in the management and enforcement of this activity. Better coordination could be achieved in England and Wales between the Environment Agency, SFCs, the Sea Fisheries Inspectorate, CEFAS and Defra to stop overlapping remits. The placing of all marine conservation requirements within a single government department or agency would enable an identified Minister to adopt a more holistic approach to the marine environment and better co-ordinate the various bodies into an effective monitoring and enforcement organisation.

2.3 Legislation / Procedures Making Enforcement Powers Ineffective

2.3.1 HABITATS & SPECIES PROTECTION

- In relation to habitat and species protection, PAW feel that there is a lack of co-ordination between enforcement bodies within the marine environment. Legislation does not clearly define the geographical limits of its scope and competence and therefore enforcement agencies are unclear of the extent of their powers. There is no legal requirement for enforcement agencies to enforce either independently or jointly, such as with the Crime and Disorder Act 1998 which requires Police, Local Authorities, Health, Fire etc to work together to reduce crime and disorder generally.

2.3.2 SEA FISHERIES

- The SFCs and the Environment Agency felt that under the Sea Fisheries Regulation Act 1966, there were problems in controlling fishing effort within inshore fisheries. One example is the issue of permits for cockle fishing. Permits have to be issued to all applicants, however, the only method of controlling the activity is through Regulating Orders which can take up to five years to establish. In the meantime, unless an area has been protected against this type of fishery through an existing Regulating Order, cockle collection can occur in some of the most highly designated conservation areas. Fisheries enforcement is also impeded by lack of adequate resources.

2.3.3 INPUTS OF CONTAMINANTS IN THE MARINE ENVIRONMENT

- The Environment Agency and SEPA have extensive powers in relation to land-based discharges but there is currently a four year moratorium from date of issue on Agency initiated reviews of consent conditions, making it difficult to quickly react to a pollution event.
- Shipping controls are exercised by the Maritime and Coastguard Agency under Merchant Shipping law implementing the MARPOL Convention. Offshore installations are regulated by DTI which has powers to control all discharges and emissions. Other marine consents and licences are issued by DEFRA or FRS.

2.4 Changes Required

General recommendations from the questionnaire responses included:

- there is the need for clear and reasonable regulations that encourage open and comprehensible enforcement in the marine environment.
- a closer working relationship between all bodies with an interest in the marine environment was seen as a necessary change in order to improve the effectiveness of powers to enforce legislation.
- Better co-ordination is needed particularly in the field of data collection and information management.
- conservation priorities should drive the enforcement effort, with a regular review of these priorities.
- a more unified approach in the interpretation of environmental legislation could be provided by government bodies.
- a simplification in the number of bodies involved in the management of fisheries and the placing of all marine conservation requirements within a single government department or agency to better co-ordinate the various bodies into an effective monitoring and enforcement organisation.

2.4.1 HABITAT & SPECIES PROTECTION

- With the increased protection afforded to SSSIs by the Countryside and Rights of Way Act 2000 in England and Wales (and ASSIs under the Environment (Northern Ireland) Order, 2002), a comprehensive network of site protection is required in the marine environment. Other forms of designation include no take zones (for fisheries conservation) and Marine Environmental High Risk Areas (MEHRAs) under shipping regulations which could also benefit habitat and species protection in the marine environment.
- The implementation of the Water Framework Directive will require the setting and achievement of environmental objectives for transitional and coastal waters to 1 mile from baselines, with the aim of achieving good surface water status. This Directive will therefore help to provide effective protection of nature conservation in transitional and coastal waters (to 1 mile), but consultees took the view that it should be expanded to cover territorial waters (i.e. 12 miles). This could be underpinned by the delivery of an integrated marine policy and by the use of enforcement teams. Some new resource may be needed, but most of the current regulatory activities could be accommodated by existing enforcement bodies that should be given more specific direction.

2.4.2 SEA FISHERIES

- The inclusion of recreational sea anglers in the inshore fisheries management regime, together with an integrated adequately funded scheme of enforcement for all fish species, could make an effective contribution to improved marine nature conservation.
- The revised CFP in 2002 has a greatly improved set of provisions but it was considered that there is the need for the implementation of the recent CFP Reform measures.
- Amendments are required to the 1966 Sea Fisheries legislation permitting SFCs to directly control fishing effort and to establish more realistic time scales in establishing fishery orders. However, conservation bodies should also have a say in fishing effort since effort has a direct impact on conservation.
- A more direct enforcement role is required by JNCC Officers, possibly in conjunction with SFCs, DEFRA Sea Fisheries Inspectorate and the Environment Agency.
- There is continuing pressure for the outstanding recommendations of the SFFA Review to be addressed. Outcomes of these processes will see a greater emphasis on marine conservation and may lead to the restructuring of inshore fisheries management in England & Wales with further benefits arising.

3.0 ENFORCEMENT POWERS

Organisations / bodies were asked for their principle means of enforcing marine legislation and how effective they considered these powers to be in relation to protecting marine nature conservation. This was categorised under:

1. the principle means of enforcement;
2. the effectiveness of this enforcement.

The full responses received to this section can be seen in Appendix 4.

3.1 Principle Means of Enforcement

Table 1 Enforcement Methods

Organisation / Body	Principle means of enforcement
Ministry of Defence Police	Manpower, various watercraft with 24hr a day, 365 days a year water-borne Police cover.
PAW	Proactive use of specialist craft by variety of agencies including the specialist police marine units (only a limited number) and joint agency patrols e.g. Operation JETSAM – Devon & Cornwall Constabulary. Reactive enforcement following reports of crimes by members of public.
English Heritage	Licensing the diving activity on sites and monitoring the work done under license by annual/ biannual site visits by a government appointed archaeological diving contractor. Work closely with and rely on the Maritime and Coastguard Agency, Local Police and Harbour Authorities for enforcement. Enforcement in planning and development relies on self regulation and agreed codes of conduct by the amateur diving community.
Sea Fisheries Committees	Patrol boats (16m, 7m and 4m), Fishery Officers, shore patrol vehicles & quad bikes. Byelaws covering both fisheries and the wider marine environment, SFCs have a broad remit enforcing U.K and E.C Fisheries legislation and local Committee Byelaws.
Sea Fisheries Inspectorates	Mobile shore based fishery officers, surveillance aircraft, Royal Navy fishery protection vessels operating in English and Welsh jurisdiction (200nm or median line and international waters).
Scottish Fisheries Protection Agency	4 offshore protection vessels; 2 aircraft, and British Sea Fishery Officers located in 18 ports around the coast of Scotland. The SFPA also have access to a satellite based fishing vessel monitoring system (currently applicable to over 24m vessels only).
Environment Agency	Fisheries enforcement: manpower, boats, scientific fisheries data, intelligence, influence and partnerships. Sampling effluents and reviewing consents. The Agency has the power to prosecute people or organisations for causing pollution. Enforcement or Works notices are used where there is a breach, or risk of breach of consent, or risk of pollution, respectively occur.
Harbour Authority	Manpower, boats and action.

3.1.1 STATUTORY ENFORCEMENT

3.1.1.1 Sea Fisheries

- Inshore fisheries within England and Wales are regulated by Sea Fisheries Committees (SFC) or the Environment Agency where no SFC has been established. The Sea Fisheries Inspectorates (SFI) having a wider responsibility for enforcing legislation in British Fisheries limits adjacent to England and Wales out to 200 miles or the median line between neighbouring countries. In Scotland legislation is enforced by the Scottish Fisheries Protection Agency.
- All these bodies have patrol vessels and Fisheries Officers to enforce fisheries legislation. The SFPA and SFI both have aircraft for aerial surveillance at their disposal and satellite and other remote sensing technology has been increasingly used to assist fisheries enforcement. Defra has contracted the Royal Navy to carry out the enforcement of fisheries at sea. The crew of the Royal Navy Fishery Protection vessels can board any boat at any time day or night and operate in English and Welsh waters out to 200nm or the median line of international waters.
- Observers from CEFAS, FRS and ICES could assist with enforcement and the proposed EU fisheries control agency in DG Fish and EU Fisheries Inspectors could also have defined roles.

3.1.1.2 Ministry of Defence Police

- The Ministry of Defence Police marine units have the largest number of craft, both rigid inflatable boats (RIBs) and launches of any police force in the UK which operate 24 hours a day, all year round to police inshore waters in the UK. They are responsible for enforcing the waterborne security of all Her Majesty's Dockyards and MDP marine officers hold depositions from HM Customs & Excise which enable them to stop and search sea going vessels for drugs and contraband.

3.1.1.3 Inputs of Contaminants in the Marine Environment

- The Environment Agency are responsible for controlling and enforcing the inputs of pollutants from land based sources into rivers, estuaries and coastlines in England and Wales. Routine monitoring occurs to ensure compliance is being met with the licence or consent conditions. It has the power to prosecute people or organisations for causing pollution. Enforcement or Works notices are used where there is a breach or risk of breach of consent occurs.

3.1.1.4 Voluntary Enforcement Initiatives

- The Devon and Cornwall Constabulary in 1999 established an initiative called Operation JETSAM. This is an annual initiative for combating marine crime throughout the two counties. This involves the stopping and searching of boats for intelligence gathering, checking for the smuggling of drugs, detecting fishing offences and pollution at sea. Police vehicles will patrol coastal roads, marinas, harbours and boat yards (Devon and Cornwall Constabulary, 2003¹).

¹ <http://www.devon-cornwall.police.uk/v3/news/latest/may/marine.htm>

- English Heritage relies on self regulation and agreed codes of conduct with the diving community in order to protect marine archaeological sites. Guidelines and Codes of Conduct have been established by many diving groups to control the activities of their members (see footnotes for examples²).
- Examples of other codes of conduct agreed around the UK for marine activities can be found on the UK Marine SAC site for personal watercraft, canoes and other recreational activities (http://www.ukmarinesac.org.uk/activities/recreation/r07_05_3.htm).

Although agreed Codes of Conduct within organised activities have gone a long way to reducing damage to nature conservation and the archaeological heritage within the marine environment, it is the *ad-hoc* activities by the uninformed public who can cause the greatest damage. In some countries e.g. New Zealand and USA, harsh penalties can be applied for activities that threaten marine wildlife.

3.2 Effectiveness of Enforcement Methods

Of the bodies with a remit for enforcing legislation, the majority reported their powers to be effective. However, some groups, especially the Sea Fisheries Committees believe that with additional environmental duties placed on them by new legislation (e.g. Conservation Regulations 1994, the Environment Act 1995, the Sea Fisheries Act 1992 and the CRoW Act 2000), it was felt that a dedicated environmental officer should be employed to effectively enforce these duties. However funding is a limiting factor although application of the 'Polluter pays' principle or an environmental levy could raise funds to support these proposals. The Environment Agency, where assuming the role of a SFC, also indicates that resources for enforcement are insufficient.

Although sufficient means are in place to enforce direct pollution from land-based point sources, there is a gap in the enforcement powers for land-based pollution from diffuse sources. The law is predominantly geared to point source enforcement.

With respect to the enforcement and protection of marine habitats and species, the PAW group consider that:

- there is no consistent requirement for enforcement agencies to work jointly together, hence this can lead to poor enforcement.
- as there is no national contact point for reporting marine nature conservation crime, the general public and other bodies report it to the wrong agency.
- there is no national recording of marine nature conservation crime and therefore no quantitative picture of the level of such crime. Anecdotal evidence is often unreliable.

² Sub-Aqua Association - <http://www.saa.org.uk/saatoday/SAACodeofPracticeforWreckDiving.html>
British Sub-Aqua Club - <http://www.saudidiving.com/bsac-code.htm>

4.0 JURISDICTION & REMIT OF ENFORCEMENT BODIES

Organisations / bodies were asked to comment on their ability to provide effective enforcement in the marine environment in light of other bodies' remits, duties and powers. This was categorised under:

1. overlap with other bodies;
2. powers transferred from another body which would increase efficiency.

The full responses received to this section can be seen in Appendix 5.

4.1 Overlap with Other Bodies

Of those bodies with direct enforcement duties who responded, they all indicated an overlap in jurisdiction with other bodies. From those bodies who responded (highlighted in blue) Table 2 highlights some of these overlaps.

4.2 Transferral of Powers

Every organisation answered no to the question of the transferral of powers, each believing they either possessed adequate powers or that they did not have sufficient funding to take on additional duties. The overlap of duties carried out for inshore fisheries management by the Environment Agency and the Sea Fisheries Committees was again highlighted. The Environment Agency reports that recommendations contained within the Salmon & Freshwater Fisheries review 2000 which address the overlap between the Environment Agency and the Sea Fisheries Committees in estuaries and coastal waters are still outstanding.

Table 2 Overlapping jurisdictions with other bodies

	Ministry of Defence Police	DfT - Ports	Sea Fisheries Committees	Sea Fisheries Inspectorates	Environment Agency	Harbour Authority
Ministry of Defence Police	-		Species protection		Species protection	
DfT - Ports		-			Yes	FEPA licences
SFCs			-	Fisheries enforcement	Fisheries enforcement	
SFI			Fisheries enforcement	-		
Environment Agency					-	
Harbour Authority					Yes	-
Nature Conservation Agencies			Fisheries enforcement		Habitats and species protection. Review of consents and water quality criteria	Yes
Police	Species protection					
Local Authorities		Occasionally			Sea and flood defence	
Defra		FEPA (navigation verses environmental issues)	Fisheries enforcement			
DTI		Yes - windfarms, oil & gas				
Maritime & Coastguard Agency					Antifoulants on ships	

5.0 GENERAL WEAKNESSES

The Institute of Estuarine and Coastal Studies (IECS) have as part of this work carried out a review of existing legislation and highlighted the shortcomings and deficiencies in that legislation. The organisations / bodies surveyed were asked to highlight any remaining issues that had not been covered in these reports, or that they felt were important to their organisation in the effective enforcement of marine legislation. This was categorised under:

1. perceived shortcomings in the current legislation
2. any other issues

The full responses received to this section can be seen in Appendix 6.

5.1 Perceived Shortcomings

Additional shortcomings included:

Organisation	Shortcoming(s)
Ministry of Defence Police	Powers of arrest
DfT - Ports Division	Legislative overlaps
Environment Agency	<p>Increasing emphasis on marine nature conservation is being reflected in the CFP reform process, however, this newer sustainable approach needs to be adopted in the current structure of inshore fisheries management in the UK. Those bodies which have sustainability duties and the statutory ability to make significant contributions in the field of marine nature conservation (such as the Environment Agency) have very limited resources to do so at present.</p> <p>Within the UK, the historic focus on commercial exploitation is likely to change as the output from the DEFRA Economic Study into recreational angling demonstrated for the first time the economic power behind the sport. This should have important positive ramifications for marine nature conservation, especially if the results of the Study lead to the inclusion of the recreational sector in future management regimes.</p>
PAW	<p>PAW reports the major issues to be that legislation has developed piecemeal and has not been part of any 'holistic' strategic vision. There is no statutory requirement for agencies to enforce marine nature conservation legislation and there is no statutory requirement for agencies to work jointly to enforce marine nature conservation legislation.</p> <p>Make all relevant law enforcement agencies aware of their duty to enforce the statutory powers. Some coastal Police Forces would not be aware of these powers or would make it a low priority unless budget initiatives are implemented.</p>

5.2 Any Other Issues

Other issues raised by the respondents included:

Organisation	Additional Issues
Ministry of Defence Police	National Registration Scheme to enable law enforcement agencies to establish ownership of vessels
Department for Transport (DfT) - Ports Division	The Coast Protection Act is not enforced ³ .
Environment Agency	<p>Increased resources plus better co-ordination of existing resources is required to enable effective planning, delivery (including monitoring, evaluation and enforcement) and reporting.</p> <p>There is a significant issue on the marine enforcement of the Irish Drift Net Fishery which affects English and Welsh Salmon stocks as they migrate back to their home spawning rivers to breed. Many of these stocks are designated under the Habitats Directive as of major Conservation importance. The Irish Drift Net Fishery is a big issue for the English Channel /Welsh Salmon stocks and those that are SAC designated ought to be of major concern to this review. There has already been a submission to the Commission on whether the Irish are failing to protect these stocks under the Directive. The Agency is also concerned as to the effectiveness of the Enforcement regime to control against the Regulations that are in place.</p>
PAW	<p>The Partnership for Action Against Wildlife Crime (PAW) conducted a similar review in January 2003, with the results of the questionnaire on Enforcement of Marine Wildlife Legislation shown in Appendix 7.</p> <p>If offences are committed at sea with regard to wildlife and conservation it is almost certain that other offences are being committed such as contraventions to the Merchant Shipping Act, Vessel Certification (if commercial registered vessel) etc. Experience has shown that most police officers, unless they are Marine Police, are not aware of other laws and guidelines and training may be required. Under Health and Safety legislation training may also be required if a police officer has to board a vessel and has no experience or equipment. An example of what can be done is the Awareness Days for officers who participated in the Devon and Cornwall Constabulary Operation 'Jetsam' because of health and safety issues (see Section 3.1.1.4). This should be considered for any officers who have to go to sea for law enforcement issues.</p> <p>The Ministry of Defence Police has a sea going capability and powers. Their problem is location and present job commitments. They have the capability to travel at short notice with inflatable or launches but this would require authority from the Chief Constable. Very few Home Office Police Forces operate a marine unit.</p>

³ There is no remit to enforce consents awarded under the Coast Protection Act. DfT is not an enforcing body and there is no one who inspects the works consented under CPA. Further discussions with the DfT highlighted that if an enforcement body was specifically established to enforce CPA consents then funding would be the biggest issue. DfT would possibly look towards a body like the Marine and Coastguard Agency to take over this role and/or Trinity House.

APPENDICES

APPENDIX 1 - EFFECTIVENESS, EFFICIENCY & WEAKNESS OF ENFORCEMENT IN THE UK MARINE ENVIRONMENT - QUESTIONNAIRE

BACKGROUND

The interim report of the UK Government's Review of Marine Nature Conservation Working Group was submitted to Ministers in March 2001. One of the key recommendations of the Working Group was the promotion of a Pilot Scheme, at a regional scale, to test a proposed 'framework' for nature conservation and examine how far the conservation management needed to implement this framework could be delivered through existing legal, administrative and enforcement systems. The Irish Sea was chosen as the area for this Pilot Scheme. One of the key tasks of this Pilot is to evaluate the efficiency and effectiveness of current governance and enforcement regimes in implementing current legislation relevant to marine nature conservation in the UK, and make recommendations for improvements.

A number of enforcement agencies cover different purposes e.g. fisheries protection, and shipping and while it may be realistic for existing agencies to enforce nature conservation legislation in the intertidal zone and close to the shore, it is beyond the capacity for nature conservation agencies or the police to enforce the legislation offshore. The Joint Nature Conservation Committee (JNCC) have commissioned the Institute of Estuarine and Coastal Studies (IECS) to review the nature of existing enforcement in the marine environment, with this questionnaire designed to:

- **seek the views of relevant enforcement agencies on their effectiveness, efficiency and weaknesses of their enforcement powers in relation to nature conservation objectives.**

This questionnaire relates to the area from the high water mark seawards to the limits of the UK Continental Shelf and covers the following issues:

- site protection regulation
- marine species protection
- control over introduction of non-native species
- conservation of man-made structures
- sea fisheries
- mariculture
- shipping & navigation
- military activities
- offshore oil and gas
- wave, tide & wind power generation
- sand & gravel extraction
- coastal engineering
- developments in the coastal zone
- tourism & recreation
- inputs of contaminants
- submarine pipelines and cables

Please could you spend a few minutes answering the following questions and return the replies by email to s.j.boyes@hull.ac.uk or in the post to: IECS, University of Hull, Hull, HU6 7RX by the 10th June 2003. If you have any queries, please email or telephone Sue Boyes (Project Manager) on 01482 465667.

The following reports have been put on the Institute's website for consultation which you may find of relevance to this questionnaire. They can be found at: <http://www.hull.ac.uk/iecs> under **Reports for Consultation**.

- Report 1 - Summary of Current Legislation Relevant to Nature Conservation in the Marine Environment in the UK - Draft Report to JNCC.

- Report 2a - Deficiencies in the Current Legislation Relevant to Nature Conservation in the Marine Environment in the UK - Draft Report to JNCC.
- Report 2b - Regulatory Responsibilities & Enforcement Mechanisms Relevant to Marine Nature Conservation in the UK - Draft Report to JNCC.

QUESTIONNAIRE

Please fill in your:

NAME:	
POSITION:	
ORGANISATION:	
CONTACT DETAILS: (address, telephone no. & email)	

Section 1 - Effectiveness

1a) Do you feel you have effective powers under current legislation to enforce licence and consent conditions in the marine environment? *(Please answer if applicable to your job)*

Type your response here:

1b) What do you see as the main problems to the effective enforcement and protection of nature conservation in the marine environment? *(Please rank the following issues, where 1 = biggest problem)*

Penalties are not a sufficient deterrent		Proving guilt - due to lack of evidence	
Manpower		Overlapping remits and confusion with other bodies	
Lack of equipment		Ease of avoidance by transgressors	
Funding		Lack of expertise in the field (enforcement officers)	

Please list other problems not addressed above:

1c) Are there any laws, byelaws, powers or procedures (within your organisation or another statutory body) which make your enforcement powers ineffective in relation to nature conservation in the marine environment?

If yes, what are they and in what context:

1d) What changes do you feel are required to provide effective enforcement and protection of nature conservation in the marine environment?

Type your response here:

Section 2 - Enforcement

2a) What are your principle means of enforcing the legislation in the marine environment? (e.g. manpower, boats, logistic support, voluntary methods, inspections, etc)

Type your response here:

2b) Do you feel these are sufficient for enforcement? Please give a reason for your answer.

Type your response here:

Section 3 - Jurisdiction / Remit

3) With regard to your current area(s) of jurisdiction and your ability to give effective protection to nature conservation in the marine environment, do you consider:

a) there is any overlap with other bodies?

If yes, with who and in what context?

b) there are any duties you feel are omitted from your jurisdiction which could enable effective protection to nature conservation in the marine environment?

If yes, what are they and in what context:

c) there are any powers or procedures which currently rest with another body which you think should be transferred to you to improve the effectiveness and efficiency of regulation in the marine environment?

If yes, who with and in what context:

Section 4 - General Weaknesses

4a) The perceived shortcomings in the current legislation have been addressed in Report 2a which can be found on the [IECS website](#) under reports for consultation. Please highlight any other redundancies / gaps you feel there are in the current system.

Type your response here:

4b) Please indicate any other issues which you feel are important which have not been addressed in this questionnaire.

Type your response here:

Thank you for your time

APPENDIX 2

Consultees	Response
ABP	N
British Marine Aggregate Producers Association	N
British Ports Association	N
CADW - Inspectorate	N
CEFAS	N
Countryside Council for Wales	N
Crown Estate	N
Cumbria Sea Fisheries Committee	Y
DARDNI	N
Defra - European Wildlife Division	Y
Defra - Marine & Waterways	N
Defra - Plant Health & Seeds Inspectorate	Y
Defra - Sea Fisheries Inspectorate	Y
Dept of Harbours, Orkney Islands	N
DfT - Shipping Policy Division	Y
DTI	N
English Heritage	Y
English Nature	N
Environment Agency	Y
Environment and Heritage Service - DOENI	Y
Fisheries Research Service	N
Local Government Association	N
Maritime & Coastguard Agency	N
Medway Swale Estuary Partnership	N
Ministry of Defence	Y
National Assembly of Wales	Y
North Eastern Sea Fisheries Committee	Y
Office of the Deputy Prime Minister	N
Oil & Gas Directorate - DTI	N
Partnership for Action Against Wildlife Crime (PAW)	Y
Police Wildlife Liaison Officer	Y
Poole Harbour Commissioners	Y
Port of London Authority	N
Scottish Executive - Fisheries Strategy Branch	Y
Scottish Executive - Wildlife & Habitats Unit	N
Scottish Fisheries Protection Agency	Y
SEPA	N
SNH	N
United Marine Dredging	N

APPENDIX 3 EFFECTIVENESS OF POWERS TO ENFORCE LEGISLATION IN THE MARINE ENVIRONMENT FOR NATURE CONSERVATION

Organisation	1a) Do you feel you have effective powers under current legislation to enforce licence and consent conditions?	1b) What is the main problem to effective enforcement and protection of nature conservation in the marine environment?	1c) Are there any laws, byelaws, powers or procedures which make your enforcement powers ineffective?	1d) What changes are required?
Marine Wildlife Liaison Officer, Ministry of Defence Police Marine Unit MOD Police, Plymouth	N/A	<ol style="list-style-type: none"> 1. Proving guilt due to lack of evidence 2. Penalties not sufficient as deterrent 2. Manpower 2. Funding 2. Lack of expertise in the field 2. Ease of avoidance by transgressors 3. Overlapping remits and confusion 4. Lack of equipment <p>Others: Police powers not strong enough, need powers of arrest & seizure of property (vessels)</p>	Difficult to establish identification of vessels, owners and who was coxswain at the time of offence.	Vessel registration (private craft). Education - powers of arrest and seizure of equipment
Head of Habitat and Conservation & Ramsar Team, Defra, Bristol	So far as the littoral zone is concerned, CRoW Act 2000 amendments have effectively strengthened the powers to consent to activities that may affect SSSIs. Enforcement is a matter for English Nature though it early days for there to have been extensive use of such powers which are regarded as a last resort.	<ol style="list-style-type: none"> 1. Proving guilt due to lack of evidence 1. Manpower 	-	-
Ports Division, Department for Transport	DfT have got the powers under current legislation, however there is no remit to enforce. There powers are widespread in order to licence installations and stop things and remove things (under the CPA) however there is no remit to enforce these consents. DfT have no idea of how big the problem is with regards consents and illegal operations. There is a serious issue of gaining information on which to take action.	<p>There are no enforcement officers offshore. DfT is not an enforcing body and there is no one who inspects the works consented under CPA.</p> <p>Issues/questions are raised only when a problem arises to navigation. If someone is pulled up for an illegal installation, then DfT can write a letter. Some checking is carried out on consented installations by Trinity House Lighthouse Service.</p>	-	The main responsibility for the DfT is the safe passage of navigation at sea and in tidal waters with regards installations. It is not the DfT's role/remit to protect nature conservation except in the context of the provisions enforced by the Habitats Directive as a competent authority and under the EIA Directive. It is an add on priority and these Directive are not applicable to all applications.
Fisheries Officer, Cumbria Sea Fisheries Committee, Whitehaven, Cumbria	No	<ol style="list-style-type: none"> 1. Funding 2. Manpower 3. Lack of expertise in the field 4. Lack of equipment 5. Ease of avoidance by transgressors 6. Proving guilt 7. Penalties are not a sufficient deterrent 8. Overlapping remits 	1966 Sea Fisheries Regulation Act is archaic and needs replacing with a new Coastal Fisheries Protection Act.	Closer working relationship/arrangements between all bodies with an interest in the marine environment.
Defra Sea Fisheries Inspectorate London	Powers granted to British sea fishery officers under FEPA as well as sea fisheries conservation legislation (both EC and National) are generally sufficient.	The order in which they apply would depend on the specific legislation.		

Organisation	1a) Do you feel you have effective powers under current legislation to enforce licence and consent conditions?	1b) What is the main problem to effective enforcement and protection of nature conservation in the marine environment?	1c) Are there any laws, byelaws, powers or procedures which make your enforcement powers ineffective?	1d) What changes are required?
Defra Plant Health and Seeds Inspectorate (PHSI), York	Yes. The legislation gives PHSI sufficient powers for the primary purpose for which it is intended.	No powers below high water.	-	-
Chief Fisheries Officer North Eastern Sea Fisheries Committee, Bridlington East Yorkshire	Although a statutory consultee on discharge applications, SFCs have no remit in the enforcement of any conditions set. Under the 1966 Sea Fisheries Regulation Act the primary function of SFCs is the management of fisheries resources. Recent legislation such as the Conservation Regulations 1994, the Environment Act 1995, the Sea Fisheries Act 1992 and the CROW Act 2000 has broadened the environmental remit of SFCs. Although Byelaws can be made for environmental purposes SFCs have no direct powers to enforce environmental legislation other than byelaws made for environmental purposes.	<ol style="list-style-type: none"> 1. Lack of expertise in the field 2. Funding 3. Manpower 4. Proving guilt 5. Overlapping remits 	Under the umbrella 1966 legislation SFC have immense difficulty in controlling fishing effort. For example the issue of permits to fish for cockles (often in areas of high conservation designation). SFCs must issue permits to all applicants. The only method of controlling such activity is through a Regulating Order which normally takes up to five years to establish. In a roundabout way this significant shortfall in the primary legislation hinders SFCs ability to comply with environmental legislation such as CROW and the Habitats Directive.	A more unified approach in the interpretation of environmental legislation and advice given by JNCC. A more direct enforcement role by JNCC Officers possible in conjunction with SFCs, DEFRA Sea Fisheries Inspectorate and Environment Agency. A sense of perspective and a balance between the permission or non-permission of activities. Amendment to the 1966 Sea Fisheries legislation permitting SFCs to directly control fishing effort and more realistic time scales in establishing fishery orders.
Maritime Archaeology English Heritage Portsmouth	English Heritage have legislative powers to advise on licences and conditions on licenses given under the Protection of Wrecks Act 1973. Prior to the National Heritage Act 2002 English Heritage can also put forward the scheduling of a submerged marine site under The Ancient Monuments and Archaeological Areas Act 1979. In the case of the PoW 1973 enforcement has perhaps been more limited by lack of resources and awareness than by lack of power. Enforcement in general marine development would be down to the regulating department or agency relevant to the specific development. Effectiveness is low across the marine sector generally because of the limited recognition given to the importance of the Historic Environment and a lack of consistency across the regulation of developments.	-	N/A	N/A

Organisation	1a) Do you feel you have effective powers under current legislation to enforce licence and consent conditions?	1b) What is the main problem to effective enforcement and protection of nature conservation in the marine environment?	1c) Are there any laws, byelaws, powers or procedures which make your enforcement powers ineffective?	1d) What changes are required?
Scottish Fisheries Protection Agency, Edinburgh	The SFPA has no current authority to enforce licence and consent conditions in the marine environment.	Not a matter for the SFPA	N/A	N/A
Environment Agency Reading (collated response)	<p>The powers transferred to the Environment Agency via the Environment Act 1995 are effective for the areas of the marine environment for which the Agency has jurisdiction. The Agency has extensive powers under the Water Resources Act 1991 for effluent discharge consenting (applicable to land-based discharges to the three mile limit, or for exceptional discharges to the 6 mile limit). The Agency can also prosecute for pollution incidents in controlled waters.</p> <p>The Agency regulates fishing for salmon, migratory trout and eels to 6 miles under the Salmon & Freshwater Fisheries Act 1975, and is also the Sea Fisheries Power under the Sea Fisheries Regulation Act 1966 in a number of estuaries (although it receives no direct funding to support sea fisheries work). The Sea Fisheries (Wildlife Conservation) Act 1992 requires sea fisheries committees to have regard for marine nature conservation, and the Environment Act 1995, ss 102-103 enables the Environment Agency and others to make orders or byelaws for marine conservation purposes.</p> <p>Recommendations contained within the Salmon & Freshwater Fisheries review 2000 which address the overlap between the Agency and sea fisheries committees in estuaries and coastal waters are still outstanding.</p>	<p>1. Manpower 1. Ease of avoidance by transgressor 1. Funding 2. Penalties are not a sufficient deterrent 3. Lack of equipment 4. Lack of expertise in the field 5. Overlapping remits 6. Proving guilt</p> <p>Others: The Environment Act 1995 (EA '95) places duties on the Agency with regard to conservation; and sustainable development (including biodiversity). These duties can be applied efficiently when the Agency is discharging its statutory powers (e.g. taking account of conservation when consenting a discharge) or where it is undertaking works (e.g. flood defences). This is good practice that could be applied to all authorities with a remit for the marine environment. It is widely accepted that there is a lack of good quality information on the distribution and abundance of key species and the factors that affect them. This means that it is difficult to predict of the effects of development proposals on marine ecology. More effort could be directed at simplifying the management regime for inshore fisheries, with better co-ordination between the Agency, sea fisheries committees, the Sea Fisheries Inspectorate, CEFAS and DEFRA. Marine fisheries legislation is designed primarily to promote commercial exploitation and is not well suited to conservation. Sea fisheries committees should be constituted and financed to enable adequate promotion of marine conservation. Where the Agency is the sea fisheries power it does have the overarching responsibilities to further conservation and promote sustainable development, which it applies to all of its fisheries powers. However, funding for salmonid and eel enforcement is limited, with no funding for sea fisheries</p>	<p>Yes - The Environment Agency is prohibited from placing controls on discharge from vessels of sewage and trade effluent. There is currently a 4 year moratorium from date of issue on Agency initiated reviews of consent conditions, so difficult to react to the unexpected.</p> <p>Fisheries enforcement is impeded by lack of adequate resources (as referred to in the previous sections).</p>	<p>1. Establishment of marine sites of special interest, no take zones MEHRA's etc</p> <p>2. Implementation of measures identified in the UK Small Cetacean by-catch Response Strategy.</p> <p>3. Implementation of Habitats and Birds Directives beyond territorial waters.</p> <p>4. Implementation of the Water Framework Directive will require the setting and achievement of environmental objectives for transitional and coastal waters to 1 mile from baselines, with the aim of achieving good surface water status. Environmental objectives are based on both chemical, and more significantly, ecological status (including biological, hydro-morphological and physico-chemical elements). Implementation includes derivation of rational classification schemes, environmental assessment, strategic and tactical planning. The Water Framework Directive will therefore help to provide effective protection of nature conservation in transitional and coastal waters (to 1 mile), but should be expanded to cover territorial waters (ie 12 miles). This could be underpinned by integrated marine policy delivery and enforcement teams. Some new resource may be needed, but most of current regulatory activities could be accommodated and given more specific direction than currently.</p> <p>5. Inclusion of recreational sea anglers in the inshore fisheries management regime, together with integrated adequately funded enforcement for all fish species, could make an effective contribution to improved marine nature conservation.</p>

Organisation	1a) Do you feel you have effective powers under current legislation to enforce licence and consent conditions?	1b) What is the main problem to effective enforcement and protection of nature conservation in the marine environment?	1c) Are there any laws, byelaws, powers or procedures which make your enforcement powers ineffective?	1d) What changes are required?
Environment Agency Reading (collated response) (continued)		enforcement. Recreational sea angling is now a major economic and conservation force within marine fisheries management, but has little current recognition or influence.		6. Implementation of recent CFP Reform measures is also required; DEFRA are conducting an Economic Study of Recreational Sea Angling in England & Wales; There is continuing pressure for the outstanding recommendations of the SFFA Review to be addressed. Outcomes of these processes above will see a greater emphasis on marine conservation and may lead to the restructuring of inshore fisheries management in England & Wales with further benefits arising.
The Partnership for Action Against Wildlife Crime (PAW) Marine Wildlife Enforcement Working Group (collated response)	<p>Legislation has developed piece-meal and as such provide a multitude of agencies have powers available to a number of different enforcement bodies.</p> <p>Evidence is needed of the extent of marine wildlife crime. This will enable a strategic focus. This coupled with conservation priorities will drive enforcement activity and who should deal with it!</p>	<ol style="list-style-type: none"> 1. Overlapping remits and confusion 1. Penalties not sufficient as deterrent 2. Manpower 2. Funding 2. Ease of avoidance by transgressors 3. Proving guilt due to lack of evidence 2. Lack of equipment 5. Lack of expertise in the field <p>Others: One of the main problems with species protection for the marine environment is that many species spend their time out of sight under the ocean surface and are not easy to monitor. The harbour porpoise for example is a very difficult marine mammal to survey due to the fact they disappear at the slightest noise, whereas dolphins and whales are easier as they spend more time at the surface.</p> <p>The problems of surveying marine habitats such as coral beds etc., also suffer from difficulty of access for survey, as with all marine protection issues, there is a lack of enforcement officers and equipment to carry out enforcement of the law adequately. There has been no 'holistic' approach towards legislation in the marine environment.</p>	<p>There is a lack of co-ordination of enforcement bodies.</p> <p>Legislation has been developed in a piecemeal fashion.</p> <p>Legislation does <u>NOT</u> clearly define the geographical limits of its scope. Therefore enforcement agencies are unclear of the extent of their powers.</p> <p>There is no joint responsibility for enforcement.</p> <p>There is no <u>legal</u> requirement for enforcement agencies to enforce either independently or jointly such as with the Crime and Disorder Act 1998 which requires Police, Local Authorities, Health, Fire etc to work together to reduce crime and disorder generally.</p>	<p>Statutory requirement for issues highlighted at (1c) to be addressed.</p> <p>Increased marketing of marine nature conservation, enforcement issues and penalties for offenders – to raise deterrence.</p> <p>Conservation priorities should drive enforcement effort – need to be regularly reviewed.</p>

Organisation	1a) Do you feel you have effective powers under current legislation to enforce licence and consent conditions?	1b) What is the main problem to effective enforcement and protection of nature conservation in the marine environment?	1c) Are there any laws, byelaws, powers or procedures which make your enforcement powers ineffective?	1d) What changes are required?
Harbour Engineer, Poole Harbour Commissioners, Dorset	Yes	1. Lack of expertise in the field 2. Ease of avoidance by transgressor 3. Manpower 4. Funding 5. Proving guilt 6. Penalties are not a sufficient deterrent 7. Lack of equipment 8. Overlapping remits Others: Lack of realisation on the part of perpetrators that they are doing anything wrong or causing damage. Complication of legislation and it's occasional unreasonableness.	No	Clear and reasonable regulations. Open and comprehensible enforcement.
The Partnership for Action Against Wildlife Crime (PAW) - see additional survey carried out on Enforcement of Marine Wildlife Legislation (Appendix 7)				
Environment and Heritage Service, Northern Ireland - responded, however they felt it was not appropriate as a Government Department to be responding to this questionnaire				
TPE - Countryside, Welsh Assembly Government - responded, however felt it was not appropriate as a UK Administration to respond to this questionnaire				

APPENDIX 4 - ENFORCEMENT OF LEGISLATION IN THE MARINE ENVIRONMENT WITH RESPECT TO NATURE CONSERVATION

Organisation	2a) Principle means of enforcement	2b) Are these effective for enforcement?
Marine Wildlife Liaison Officer, Ministry of Defence Police Marine Unit	Manpower, various watercraft with 24hr a day, 365 days a year water borne Police cover	Yes - full constabulary powers with adequate resources
Head of Habitat and Conservation & Ramsar Team, Defra, Bristol	-	In the littoral zone, English Nature Area Teams have little difficulty in enforcing the SSSI legislation
Ports Division, Department for Transport	N/A	N/A
Fisheries Officer Cumbria Sea Fisheries Committee, Cumbria	Byelaws covering both fisheries and the wider marine environment, patrol boats (16m, 7m and 4m), 5 Fishery Officers, shore patrol vehicle and quad bike	No - the amounts of environmental duties SFCs now have to address require the services of a dedicated environmental officer. However funding is a constant problem
Defra Sea Fisheries Inspectorate, London	Mobile shore based fishery officers, surveillance aircraft, Royal Navy fishery protection vessels operating in English and Welsh jurisdiction (200nm or median line and international waters).	Resources are deployed to maximise effectiveness
Defra Plant Health and Seeds Inspectorate (PHSI) York	-	-
Chief Fisheries Officer, North Eastern Sea Fisheries Committee, Bridlington, East Yorkshire	SFCs have a broad remit enforcing U.K and E.C Fisheries legislation and local Committee Byelaws. This is done through the appointment of Fishery Officers and the use of offshore patrol and survey vessels.	These are tried and tested methods of enforcement. More recently satellite and remote monitoring has also assisted in fisheries enforcement. In the last decade there has also been significant improvements in the levels of inter-agency co-operation.
Maritime Archaeology English Heritage Portsmouth	Enforcement in the planning and development relies on self regulation and agreed codes of conduct – e.g. English Heritage in association with the British Marine Aggregates Producers Association has developed guidelines for the marine aggregates industry. Under the Protection of Wrecks Act 1973 there is a formal capability to monitor the sites that are designated under the Act. This is in the form of licensing the diving activity on sites and monitoring the work done under license by annual/ biannual site visits by a government appointed archaeological diving contractor. Some sites that have statutory protection have wreck marker buoys or designated wreck site signs. These are thought to have been largely ineffective in stopping illegal diving but provide some obstacle to trawl fishing. There is a great deal of overseeing and safeguarding carried out by the amateur diving community and we work in close conjunction with the Maritime and Coastguard Agency, local Police and Harbour Authorities.	With some changes in the law already stated these bodies should be sufficient, however the complexities of working and engaging within a strategy that combines all these issues would require a great deal more manpower, capacity and resources
Scottish Fisheries Protection Agency, Edinburgh	With regard to the enforcement of fisheries related legislation, the agency has 4 offshore protection vessels; 2 aircraft, and British Sea Fishery Officers located in 18 ports around the coast of Scotland. The SFPA also have access to a satellite based fishing vessel monitoring system (currently applicable to over 24m vessels only).	Yes. The agency's resources are however kept under review by Ministers.
Environment Agency Reading (collated response)	The Agency is responsible for sampling effluents and reviewing consents. It has the power to prosecute people or organisations for causing pollution. Enforcement or Works notices are used where there is a breach, or risk of breach of consent, or risk of pollution, respectively occur. The principal means of fisheries enforcement include manpower, boats, scientific fisheries data, intelligence, influence and partnerships, however funding is limited.	Sufficient means are in place to enforce direct pollution from land based point sources. However, there is a gap in the enforcement powers for land based pollution from diffuse sources, such as urban and agricultural runoff. The law is predominantly geared to point source enforcement. Resources for sea fisheries enforcement are currently insufficient.

Organisation	2a) Principle means of enforcement	2b) Are these effective for enforcement?
The Partnership for Action Against Wildlife Crime (PAW) Marine Wildlife Enforcement Working Group (collated response)	Proactive use of specialist craft by variety of agencies: <ul style="list-style-type: none"> - Police – specialist marine units (only a limited number) - Joint agency patrols e.g. Operation JETSAM – Devon & Cornwall Constabulary. Reactive enforcement following reports of crimes by members of public. Key issue here is that people often do not know who to report to.	There is no <u>consistent</u> requirement for enforcement agencies to work together jointly. There is no <u>national</u> contact point for reporting of marine nature conservation crime. Therefore it is often reported to the wrong agency. No national recording of marine nature conservation crime. Therefore no quantitative picture of the level of such crime. Anecdotal evidence is often unreliable.
Harbour Engineer, Poole Harbour Commissioners, Dorset	Manpower, boats and action	This is all that can be done
The Partnership for Action Against Wildlife Crime (PAW) - see attached survey carried out on Enforcement of Marine Wildlife Legislation (Appendix 7)		
Environment and Heritage Service, Northern Ireland - responded, however they felt it was not appropriate as a Government Department to be responding to this questionnaire		
TPE - Countryside, Welsh Assembly Government - responded, however felt it was not appropriate as a UK Administration to respond to this questionnaire		

APPENDIX 5 - JURISDICTION AND REMIT OF ENFORCEMENT BODIES IN THE MARINE ENVIRONMENT WITH RESPECT TO NATURE CONSERVATION

Organisation	3a) Is there any overlap with other bodies?	3b) Are there any duties omitted from your jurisdiction which would enable effective protection?	3c) Are there any powers etc which currently rest with another body which could be transferred to improve efficiency?
Marine Wildlife Liaison Officer, Ministry of Defence Police Marine Unit. MOD Police, HMNB Devonport, Plymouth	Devon & Cornwall Constabulary, Devon Sea Fisheries and Environmental Agency	Officers presently hold Fishery Protection Warrants and are deputised Customs & Excise Officers	No
Head of Habitat and Conservation & Ramsar Team, Defra, Bristol	The SSSI regime is fairly self-contained and has a strong relationship with European sites designations. There is no significant overlap with other bodies who might enforce the same regime.	No	No
Ports Division, Department for Transport	<p>Many bodies but in particular Defra with regards FEPA licences.</p> <p>DfT - angle on FEPA is for navigational safety of legitimate users of the sea.</p> <p>Defra - angle on FEPA is the environmental benefits to the marine environment.</p> <p>DfT and harbour authorities in harbours.</p> <p>DfT and Local authorities - more rare.</p> <p>DfT & DTI - Windfarms, oil and gas installations overlap between departments.</p> <p>DfT & Environment Agency - can overlap.</p>	Protection of nature conservation is not DfT's main role.	No
Fisheries Officer, Cumbria Sea Fisheries Committee, Whitehaven, Cumbria	Yes - the Environment Agency, Defra and English Nature	The duties of the Environment Agency to act as Sea Fisheries Committees in certain areas.	No
Defra Sea Fisheries Inspectorate, Nobel House, London	Sea Fisheries Committees - enforcement of sea fishery conservation regulations	-	-
Defra Plant Health and Seeds Inspectorate (PHSI) York	-	-	-
North Eastern Sea Fisheries Committee, Bridlington, East Yorkshire	To some extent SFCs overlap fisheries enforcement duties with DEFRA Sea Fisheries Inspectorate and the Environment Agency	SFCs have a difficult enough job discharging their own statutory duties.	-
Maritime Archaeology, English Heritage, Portsmouth	N/A	N/A	N/A
Scottish Fisheries Protection Agency, Edinburgh	N/A	N/A	N/A

Organisation	3a) Is there any overlap with other bodies?	3b) Are there any duties omitted from your jurisdiction which would enable effective protection?	3c) Are there any powers etc which currently rest with another body which could be transferred to improve efficiency?
Environment Agency Reading (collated response)	<p>Maritime and Coastguard Agency (MCA) in respect of Dangerous Substances Directive Water Quality objectives – notably re use of antifoulants on ships affecting port water and sediment quality. The Environment Agency (EA) has the obligation to achieve the EQS; MCA has the enforcement responsibilities whilst the vessel is afloat; EA controls pollution from dry docks.</p> <p>English Nature/CCW re Habitats Directive – (complex iterations re: reviews of consents and water quality criteria for specific habitat protection).</p> <p>Planning Authorities with regard to sea and flood defences.</p>	<p>Some of the changes suggested in previous sections could have consequences for the powers and duties of the Environment Agency.</p>	<p>Sea fisheries – see responses in Effectiveness and omitted jurisdictions</p>
The Partnership for Action Against Wildlife Crime (PAW) Marine Wildlife Enforcement Working Group (collated response)	<p>There is not so much an overlap, but a lack of co-ordination of enforcement activity by all agencies. New developments such as formation of the PAW MWEWG are a first step to provide some form of consistent approach to species/habitat protection. However, there is no <u>statutory</u> requirement for enforcement agencies to work together.</p>	<p>Clear lines of geographic <u>responsibility</u> are required.</p>	<p>Powers should not be <u>transferred</u> from one agency to another but powers could be <u>extended</u> to others. Consideration could be given to giving limited powers to nominated welfare/environmental bodies e.g. British Divers Marine Life Rescue/Marine mammal medics – powers to report individuals etc. It is envisaged that in such cases these agencies could act similarly to Police Community Support Officers.</p>
Harbour Engineer, Poole Harbour Commissioners, Dorset	<p>Yes - the Environment Agency and English Nature</p>	<p>Additional duties laid upon Harbour Authorities are never accompanied by any funding to carry them out. They are therefore often carried out at a minimum level</p>	<p>No - see previous box</p>
The Partnership for Action Against Wildlife Crime (PAW) - see attached survey carried out on Enforcement of Marine Wildlife Legislation (Appendix 7)			
Environment and Heritage Service, Northern Ireland - responded, however they felt it was not appropriate as a Government Department to be responding to this questionnaire			
TPE - Countryside, Welsh Assembly Government - responded, however felt it was not appropriate as a UK Administration to respond to this questionnaire			

APPENDIX 6 - OTHER GENERAL WEAKNESSES IN THE LEGISLATION WITH RESPECT TO THE PROTECTION OF MARINE NATURE CONSERVATION

Organisation	4a) Perceived shortcomings in the current legislation?	4b) Any other issues
Marine Wildlife Liaison Officer, Ministry of Defence Police Marine Unit, Plymouth	Power of arrest	National Registration Scheme to enable law enforcement agencies to establish ownership of vessels
Head of Habitat and Conservation & Ramsar Team, Defra, Bristol	-	-
Ports Division, Department for Transport	Legislative overlaps - but this is more an administrative weakness	The Coast Protection Act is not enforced.
Cumbria Sea Fisheries Committee, Whitehaven, Cumbria	-	Issues relating to fisheries and the wider marine environment are too numerous to address in questionnaire.
Defra Sea Fisheries Inspectorate Nobel House, London	-	-
Defra Plant Health and Seeds Inspectorate (PHSI) York	-	-
North Eastern Sea Fisheries Committee, Bridlington, East Yorkshire	-	-
Maritime Archaeology, English Heritage, Portsmouth	-	-
Scottish Fisheries Protection Agency, Edinburgh	-	-
Environment Agency Reading	UK Marine fisheries legislation and policy stems from the 1960's when the emphasis was then on the promotion of commercial exploitation as a means of food production. The CFP reflected these views in its early years. Structural change within the fishing industry since that time has shifted the effort towards shallow inshore waters where marine nature conservation impacts may be greater. Increasing emphasis on marine nature conservation is being reflected in the CFP reform process. However, the current structure of inshore fisheries management in the UK should be adapted to this newer sustainable approach. Those bodies which have sustainability duties and the statutory ability to make significant contributions in the field of marine nature conservation (such as the Environment Agency), have very limited resources to do so at present. Within the UK, the historic focus on commercial exploitation is likely to change via the output from the DEFRA Economic Study into recreational angling demonstrating for the first time the economic power behind the sport. This should have important positive ramifications for marine nature conservation, especially if the results of the Study lead to inclusion of the recreational sector in future management regimes.	1) Increased resource plus better co-ordination of existing resource is required to enable effective planning, delivery (including monitoring, evaluation and enforcement) and reporting. 2) There is a significant issue on the marine enforcement of the Irish Drift Net Fishery which affects English and Welsh Salmon stocks as they migrate back to their home spawning rivers to breed. Many of these stocks are designated under the Habitats Directive as of major Conservation importance. The Irish Drift Net Fishery is a big issue for the English Channel /Welsh Salmon stocks and those that are SAC designated ought to be of major concern to this review. There has already been a submission to the Commission on whether the Irish are failing to protect these stocks under the Directive. The Agency is also concerned as to the effectiveness of the Enforcement regime to control against the Regulations that are in place.
Organisation	Perceived shortcomings in the current legislation?	Any other issues

<p>The Partnership for Action Against Wildlife Crime (PAW) Marine Wildlife Enforcement Working Group</p> <p>(collated response)</p>	<p>The major issues are that:</p> <p>Legislation has developed piecemeal and has not been part of any 'holistic' strategic vision.</p> <p>There is no statutory requirement for agencies to enforce marine nature conservation legislation.</p> <p>There is no statutory requirement for agencies to work <u>jointly</u> to enforce marine nature conservation legislation.</p> <p>The levels of marine wildlife crime <u>MUST</u> be quantified to help identify key challenges.</p> <p>Conservation priorities should drive enforcement priorities and actions</p> <p>Make all relevant law enforcement agencies aware of their duty to enforce the statutory powers, some coastal Police Forces would not be aware or would make it a low priority unless budget initiatives are implemented.</p>	<p>The Partnership for Action Against Wildlife Crime (PAW) - see attached survey carried out on Enforcement of Marine Wildlife Legislation</p> <p>If offences are committed at sea with regard to wildlife and conservation it is almost certain that other offences are being committed like contraventions to the Merchant Shipping Act, Vessel Certification (if commercial registered vessel) etc. Experience has shown that most police officers unless Marine Police have no idea of other laws and guidelines and training may be required. Under Health and Safety legislation training may also be required if a police officer has to board a vessel and has no experience or equipment. An example of what can be done is the Awareness Days for officers who participated in the Devon and Cornwall Constabulary Operation 'Jetsam' because of health and safety issues. This should be considered for any officers who have to go to sea for law enforcement issues.</p> <p>The Ministry of Defence Police has sea going capability and powers. Their problem is location and present job commitments. They have the capability to travel at short notice with inflatable or launches but this would require authority from the Chief Constable. Very few Home Office Police Forces operate a marine unit.</p>
<p>Harbour Engineer, Poole Harbour Commissioners, Dorset</p>	<p>-</p>	<p>-</p>
<p>The Partnership for Action Against Wildlife Crime (PAW) - see attached survey carried out on Enforcement of Marine Wildlife Legislation (Appendix 7)</p>		
<p>Environment and Heritage Service, Northern Ireland - responded, however they felt it was not appropriate as a Government Department to be responding to this questionnaire</p>		
<p>TPE - Countryside, Welsh Assembly Government - responded, however felt it was not appropriate as a UK Administration to respond to this questionnaire</p>		

APPENDIX 7 - MARINE WILDLIFE LEGISLATION: QUESTIONNAIRE RESPONSES (PAW, 2003)

Organisation	Remit and jurisdiction	Legislation enforced	How is this legislation enforced?	Powers and associated legislation	Prosecution agency used	PACE or RIPA	Prosecutions brought	Constraints on enforcement	Liaison with other agencies
Dorset Police	County of Dorset Incl 12 m territorial waters	WCA CRoW – especially in relation to dolphins Offences re nesting birds in Poole Harbour Joint operations with Fisheries Officers	Pro- active patrols and operations Reactive response to identified problems Education	Normal police powers	CPS or relevant lead agency eg RSPB	Both	2 prosecutions - illegal collection of black headed gull eggs - disturbance of Mediterranean Gull nesting site	Resources	Defra Southern Seas Fisheries RSPB Environment Agency
Norfolk Constabulary Falconers Chase Wymondham NR18 0WW	Norfolk	Have not enforced any marine wildlife legislation	N/A	WCA 1981 CRoW Act 2000	CPS	Both	None	None	HMCE Defra RSPB RSPCA Environment Agency
HMCE New Kings Beam House 22 Upper Ground London SE1 9PJ	Collection of VAT and other taxes Enforcement of import/export prohibitions and restrictions	CITES to and from Third Countries – includes corals and sea mammals	Permits and other documentation required as proof of legal ownership or origination from an approved source	CEMA 1974 - Power to seize illegal imports and exports to or from Third Countries. - Power to take proceedings for offences	HMCE legal department	Both	Not applicable in these terms Seized a range of marine derived goods such as corals, turtle shells, sea snake skins, dead dolphin.	Restricted to imports and exports	Police Defra
Salcombe Harbour Authority/ South Hams District Council Harbour Office Whitestrاند Salcombe Devon TQ8 8BU	SHA = harbour authority, helps to manage SSSI on behalf of EN SHDC = manages the estuary as a nature reserve	CRoW on behalf of EN Local Nature reserve Byelaws Harbour Authority Byelaws Harbour Master is an honorary Devon Sea Fisheries Officer Advice on pollution to harbour users	Education Significant offenders prosecuted through own legislation or by reporting offence to relevant agency e.g. fuel spillages → EA Byelaws and codes of conduct are published locally	Harbour Authority and Ports Act CRoW Act 2000 Local Nature Reserve Byelaws	Not known	PACE	Lots under Harbour byelaws – mainly for speeding offences. No environmental prosecutions Pollution incidents dealt with by letter	Length of time it takes for new legislation to be enacted	Police Environment Agency Devon Sea Fisheries Maritime and Coastguard Agency
MOD Police MDP HQ Wethersfield Braintree Essex CM7 4AZ	MOD estate Enforcement of byelaws on behalf of MOD	Wildlife and Countryside Act 1981 CRoW Act 2001 Scottish Law	Police launches and rigid inflatable boats	Full Constabulary powers MOD Police Act 1987 Prevention of Terrorism Act 2000 Anti-terrorism, crime & Security Act 2001	CPS	PACE	Illegal netting Poaching in estuaries	Lack of knowledge about relevant legislation	All local authority enforcement agencies

Organisation	Remit and jurisdiction	Legislation enforced	How is this legislation enforced?	Powers and associated legislation	Prosecution agency used	PACE or RIPA	Prosecutions brought	Constraints on enforcement	Liaison with other agencies
Maritime and Coastguard Agency Spring Place 105 Commercial Road Southampton SO15 1EG	- Develop, promote and enforce high standards of marine safety - Minimise loss of life amongst seafarers and coastal users - Respond to maritime emergencies 24 hrs a day - Minimise the risk of pollution of the marine environment from ships	None	N/A	Various powers under Merchant Shipping Act 1995	MCA is a prosecuting agency and appoints private solicitors	Both	Approximately 12-15 per annum	Resources Defects in legislation	Yes Signatory to Director general's agreement between Prosecuting Agencies
International Fund for Animal Welfare (IFAW) 87-90 Albert Embankment London SE1 7UD	NGO with charitable arm which works to improve the welfare of wild and domestic animals throughout the UK. Represented in 15 countries worldwide.	Not an enforcement agency	N/a	N/a	N/a	N/a	N/a		Wildlife Countryside Link Metropolitan Police
Marine Conservation Society 9 Gloucester Road Ross-on-Wye HR9 5BU	Registered UK charity working to protect the marine environment and its wildlife through education, volunteer projects and lobbying of govt/industry	No							
Durham Constabulary Aykley Heads Durham DH1 5TT	Policing	Statutory obligations	Reactive response	Various police powers	CPS	Yes	None known	Biodiversity action plan introduced in 2002 has enhanced inter-agency working	
N Wales Police	Crime prevention and enforcement throughout the force area	All legislation		Powers as provided	CPS	Yes	None	Lack of evidence	EA Wales CCW Local authorities
CEFAS	Agency of Defra	13 Acts /Regulations	Routine site inspections,	Warranted under	Defra legal	Yes	5 prosecutions	Weak or	HMCE

Organisation	Remit and jurisdiction	Legislation enforced	How is this legislation enforced?	Powers and associated legislation	Prosecution agency used	PACE or RIPA	Prosecutions brought	Constraints on enforcement	Liaison with other agencies
Aquarium Rope Walk Coxside Plymouth		the basking shark and are actively involved in research into this species.							
Lancashire Constabulary	Enforcement of wildlife legislation, Advice to other officers and agencies, and members of the public about wildlife crime issues.	Never had to deal with such an incident – RSPCA deal with strandings	N/A but each case dealt with on its own merits	WCA 1981 Conservation (Natural Habitats &c) Regulations 1994 CITES	CPS	Both	No marine related prosecutions	Practical issues such as removal and retrieval of evidence and storage of exhibits.	RSPCA Coastguard Agency Local Wildlife Trust
Associated British Ports 150 Holborn London EC1N 2LR	Statutory Harbour Authority in 21 ports around the UK. Created 1981 by the privatisation of the British Transport Board Docks. Jurisdiction varies from port to port, depending on terms of local Acts by which the port was founded.	No	N/A	ABP ports operate under a variety of legislation :direction of vessels to ensure safety of navigation; pollution prevention and clean-up. Harbours, Docks & Piers Clauses Act 1847 and various SIs e.g. Merchant Shipping Regulations	ABP pursue prosecutions through Magistrates' Courts – mostly for speeding on the water, causing a danger to navigation or pollution.	Not known	Not available for general release. Prosecutions are brought at the discretion of local port management and Harbour Masters	Limits to manpower and patrol vessel numbers	Environment Agency Maritime & Coastguard Agency
English Nature	Government agency responsible for wildlife and geology throughout England.	WCA as amended by CroW Conservation (Natural Habitats &c) Regulations	Using staff, EN investigating officers and EN Solicitors		EN are a prosecuting authority for Part II of WCA 1981 Police prosecute Part I offences	PACE for Part II offences	28 cases in total over a considerable period of time. This was due to a lack of an enforcement provision under the old section 28 of WCA.	None	EA Police HMCE
Suffolk Constabulary	Investigation and prosecution of criminal offences including those	None enforced yet WCA	N/A		Crown Prosecution Service	Both	None	Training, equipment, and Health and Safety	MCA HMCE

Organisation	Remit and jurisdiction	Legislation enforced	How is this legislation enforced?	Powers and associated legislation	Prosecution agency used	PACE or RIPA	Prosecutions brought	Constraints on enforcement	Liaison with other agencies
	committed in territorial waters							issues. Risk management strategy adopted Lack of local liaison with other PAW members	
Defra, Sea Fisheries Inspectorate	Enforcement of EU and national sea fisheries legislation under the framework of the Common Fisheries Policy, and an advisory and enforcement service. Enforcement is carried out within British fishery limits adjacent to England and Wales out to 200 miles or the median line between neighbouring countries. Occasional patrols conducted in international waters.	Sea Fisheries legislation Part II Food and Environment Protection Act 1985 Penalties include disqualification from holding a fishing licence, fines up to £50,000, confiscation of catch and fishing gear. Breaches of environmental legislation can lead to fines up to £50,000 and imprisonment.	Aerial and satellite surveillance; inspections at sea; shore side monitoring and enforcement checks. Co-ordinated by SFI HQ, Nobel House.	Sea Fish (Conservation) Act 1967 Sea Fisheries Act 1968 Powers relate to all vessels operating within British Fishery limits and British vessels wherever they are. Land officers empowered to enter premises and vehicles.	Defra	Both	Approximately 50 per annum	None	- Environment Agency - Sea Fisheries Committees - EN/CCW - HMCE - SFPA - DARD, NI - Food Standards Agency - Rural Payments Agency - MCA - CEFAS - Isle of Man and Channel Islands Fisheries Authorities - Other member states fisheries authorities
Ministry of Defence Conservation Office	Defence of the Realm , UK and overseas territories	Not directly responsible for enforcement of marine wildlife legislation, but provides resources and assistance to other agencies who are responsible.	Royal Navy Fishery Protection vessels operate within British fishing limits under contract to Defra. Search and rescue capability, assistance to HMCE, policing of offshore gas and oil installations etc regarding pollution.	N/A	N/A	N/A	N/A	N/A	Defra HMCE MCA's Counter Pollution unit
Environment Agency	England and Wales	Salmon Act 1980; Salmon and Freshwater Fisheries Act 1975; Sea Fisheries Act.	Boat patrols; responding to reports of illegal activity/pollution	Powers of stop, search, entry, seizure and arrest under SFFA 1975. Provision to make byelaws.	Own legal services and can take own prosecutions	Both	755 in 01/02 relating to all environmental crimes – only small no will	Nothing for fisheries. Marine pollution –	Police, CEFAS, Sea Fisheries Committees, HMCE, Inland Revenue,

Organisation	Remit and jurisdiction	Legislation enforced	How is this legislation enforced?	Powers and associated legislation	Prosecution agency used	PACE or RIPA	Prosecutions brought	Constraints on enforcement	Liaison with other agencies
				Powers of entry, seizure and serving of remedial notices under Water Resources Act.			be marine related.	reliant on reports from others. Assessment of impact can be difficult.	Special Branch, ACPO.