

Prosecution Outcome

In February 2021, on two separate dates, the MMO became aware of actions being undertaken by Greenpeace which appeared to require a marine licence, and for which no licence had been granted. Taking into account of all relevant circumstances, the MMO decided to undertake enforcement action to investigate and subsequently to prosecute Greenpeace for these activities.

Both before, and during the proceedings, Greenpeace challenged the MMO's ability to take action in respect of these activities on the basis that the activities took place from a vessel flagged to a country other than the United Kingdom. If correct, their activities would be outside of the MMOs jurisdiction and no offence would be committed.

In December 2021 the Crown Court in Newcastle heard legal argument on these issues. In January 2022 the Crown Court rejected these arguments in their entirety and found as a matter of law that the MMO did in fact have the jurisdiction to enforce the law.

Following this judgement, the MMO has considered the following matters to be relevant to the case moving forward:

- The finding of law ensures the marine licensing regime can properly be enforced in the future,
- Since initiating the proceedings, Greenpeace have carried out no further unlawful unlicensed activity,
- The Learned Judge in this case made it clear in his judgment that Greenpeace are expected to comply with the marine licensing regime.

As a result, the MMO has decided not to continue with the prosecution. In doing so, the MMO fully expects that Greenpeace will, in accordance with the comments made by the Learned Judge, support and comply with the marine licensing rules in future.

Should unlicensed activity occur in the future the MMO will continue to investigate and will, in appropriate circumstances, consider taking.

An MMO spokesperson said:

"The findings of law in this case made clear that the MMO had jurisdiction to prosecute, and that Greenpeace are expected to comply with the marine licensing regime. It is noted that since initiating proceedings, Greenpeace have not carried out any further unlicensed activity.

"The MMO has decided not to continue with the prosecution. In doing so, we

fully expect that Greenpeace will, in accordance with the comments made by the Learned Judge, support and comply with the marine licensing rules in future.

“Should unlicensed activity occur in the future we will continue to investigate and will consider enforcement actions in line with our published compliance and enforcement strategy.”