



Bangladesh Merchant Shipping Ship and Port Facility (Security) Regulations 2020

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**Bangladesh Merchant Shipping Ship and Port Facility (Security)
Regulations 2020**

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The Director General of Shipping, in exercise of the powers conferred by section ----- of the Merchant Shipping Act 2020, makes the following regulations:

1. Citation and Commencement

- (1) These Regulations may be cited as the Bangladesh Merchant Shipping Ship and Port Facility (Security) Regulations 2020.
- (2) These Regulations shall come into force on the day after notice of their making is given in the Official Gazette.

2. Purpose of the Regulation

The purpose of these Regulations, among others, is to implement and give full and complete effect to chapter XI-2 of the Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), and the International Ship and Port Facility Security (ISPS) Code.

3. Application

- (1) These regulations shall apply to—
 - (a) the following types of ships engaged on international voyages:
 - (i) passenger ships, including high-speed passenger craft;
 - (ii) cargo ships, including high-speed craft, of 500 gross tonnage and upwards;
 - (iii) mobile offshore drilling units; and
 - (b) port facilities serving such ships engaged on international voyages.
- (2) These regulations shall not apply to warships, naval auxiliaries or other ships owned or operated by the Government of Bangladesh and used only on Government non-commercial service.

4. Interpretation

In these regulations –

“**Act**” means the Merchant Shipping Act 2020;

“**alternative security agreement**” means a bilateral or multilateral agreement between Governments covering short international voyages on fixed routes between dedicated port facilities, allowing the security measures and procedures applied to the port facilities and ships to differ from those required under the maritime security measures;

“**Bangladesh ship**” means a ship registered as a Bangladesh ship under section 3 of the Act;

“**Bangladesh waters**” means all areas of water subject to the jurisdiction of Bangladesh, and includes territorial waters, internal waters;

“**certification**” means —

- (a) for ships, the issue of an International Ship Security Certificate or an Interim International Ship Security Certificate;

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(b) for port facilities, the issue of a Statement of Compliance;

“committee” means the Port Security Advisory Committee established under these regulations;

“company” means for ships to which the ISM Code is applicable, the entity responsible for the management of the ship in accordance with the ISM Code;

“company security officer” means the person designated by the company to—

(a) ensure that a ship security assessment is carried out;

(b) ensure that a ship security plan is developed, submitted for approval, implemented and maintained; and

(c) liaise with port facility security officers and ship security officers;

“continuous synopsis record” means an on-board record of the history of the ship with respect to the information recorded therein;

“Contracting Government” means a government which is a party to the Convention;

“Convention” or “SOLAS Convention” means the International Convention on Safety of Life at Sea 1974, as amended by the Protocol of 1988 together with amendments thereto;

“declaration of security” means an agreement between a ship and either a port facility or another ship with which it interfaces, specifying the security measures each will implement;

“Designated Authority” means the authority established by the Government of Bangladesh responsible for security of the ports;

“high speed craft” means a craft capable of a maximum speed in metres per second (m/s) equal to or exceeding: $3.7 \nabla^{0.1667}$ where: ∇ = displacement corresponding to the design waterline (m³); excluding craft the hull of which is supported completely clear above the water surface in non-displacement mode by aerodynamic forces generated by ground effect;

“high speed passenger craft” means a high speed craft which carry more than twelve passengers;

“IMO” means the International Maritime Organization adopted by the United Nations in Geneva on 17 March 1948;

“International Ship Security Certificate” means a certificate issued following verification by, or on behalf of, the ship’s administration that the ship complies with the requirements in Chapter XI-2 of the Convention and the ISPS Code;

“international voyage” means a voyage from a port in one country to a port in another country;

“ISM Code” means the International Management Code for the Safe Operation of Ships and Pollution Prevention as adopted by the IMO by Resolution A.741 (18);

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“ISPS Code” means the International Code for the Security of Ships and Port Facilities as adopted, on 12 December 2002, by resolution 2 of the conference of Contracting Governments to the Convention;

“master” means the person in command of a ship;

“mobile offshore drilling unit” means a vessel capable of engaging drilling operations for the exploration for or the exploitation of resources beneath the sea-bed such as liquid or gaseous hydrocarbons, sulphur or salt, when not on location;

“passenger ship” means a ship carrying or capable of carrying more than twelve passengers;

“port facility” means the area designated as such by the designated authority, where the ship-port interface takes place, and includes inland container depots, anchorages, waiting berths and approaches from seaward, as appropriate;

“port” means the geographic area defined by the member State or the designated authority, including port facilities as defined above in which maritime and other activities occur;

“port facility security assessment” means a risk assessment undertaken by, or for, a designated authority which is provided —

(a) to port facility security officers as a prelude to the preparation of a port facility security plan or the review, or amendment, of an approved port facility security plan;

(b) where there are no port facility security officers, for port facilities occasionally used by SOLAS Convention ships;

“port facility security officer” means the person designated as responsible for the development, implementation, revision and maintenance of the port facility security plan and for liaison with ship security officers and company security officers;

“port facility security plan” means a plan developed in accordance with section 16 of the ISPS Code to ensure the application of measures designed to protect the port facility and ships, persons, cargo, cargo transport units and ship's stores within the port facility from the risks of a security incident;

“port security officer” means the person or persons tasked to manage and coordinate security in the port;

“port security advisory committee” means a committee established by the member State or the designated authority responsible, inter alia, to act as a security consultative body and to be involved in the continuous development and implementation of the port security plan;

“port security plan” means a plan developed to ensure the application of measures designed to protect the port and ships, persons, cargo, cargo transport units and ship's stores within the port from the risks of a security incident;

“recognised security organization” means a body authorised by the designated authority to carry out an assessment, a verification, an approval or a certification activity, required under these Regulations or by Part A of the ISPS Code;

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“security incident” means any suspicious act or circumstance threatening the security of a ship, including a mobile offshore drilling unit and a high-speed craft, or of a port facility or of any ship/port interface or any ship-to-ship activity;

“security level” means the qualification of the degree of risk that a security incident will be attempted or will occur;

“security level 1” means the level for which minimum appropriate protective security measures shall be maintained at all times;

“security level 2” means the level for which appropriate additional protective security measures shall be maintained for a period of time as a result of heightened risk of a security incident;

“security level 3” means the level for which further specific protective security measures shall be maintained for a limited period of time when a security incident is probable or imminent, although it may not be possible to identify the specific target;

“ship security alert system” means a system that provides a method by which a ship can transmit a security alert to a competent authority on shore, indicating that the security of the ship is under threat or has been compromised;

“ship security assessment” means a risk assessment undertaken by, or for, a company security officer as a prelude to the preparation of a ship security plan or the review, or amendment, of an approved ship security plan;

“ship security officer” means the person on board the ship, accountable to the master, who is designated by the company as responsible for the security of the ship, including implementation and maintenance of the ship security plan, and for liaison with the company security officer and port facility security officers;

“ship security plan” means a plan developed to ensure the application of measures on board the ship designed to protect persons on board, cargo, cargo transport units, ship's stores or the ship from the risks of a security incident;

“shipboard personnel” means the master and other members of the crew or other persons employed or engaged in any capacity on board a ship;

“ship-port interface” means the interactions that occur when a ship is directly and immediately affected by actions involving the movement of persons, goods or the provisions of port services to or from the ship;

“ship-to-ship activity” means an activity not related to a port facility that involves the transfer of goods or persons from one ship to another;

“STCW Code” means the Seafarers' Training, Certification and Watchkeeping Code adopted by the 2010 Conference of Parties to the STCW Convention;

“STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended;

In these Regulations, where any reference is made to Part A of the ISPS Code, the guidance provisions in Part B of the ISPS Code in relation to that matter shall be taken into account in construing Part A.

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5. National authorities for ship and port facility security

- (1) The Director General, Department of Shipping is responsible for the ship security matters as the maritime administration of the Government of Bangladesh.
- (2) The Government shall establish a Designated Authority (DA) for port facility security comprising the representative of the following organisations:
 1. Director General, Department of Shipping, Dhaka Chairman
 2. Bangladesh Navy, one representative Member
 3. Bangladesh Coast Guard, one representative Member
 4. Bangladesh Police, one representative Member
 5. National Security Intelligence, one representative Member
 6. National Board of Revenue, one representative Member
 7. DGFI, one representative Member
 8. Chittagong Port Authority, one representative Member
 9. Mongla Port Authority, one representative Member
 10. Senior Assistant Secretary (Ship), Ministry of Shipping Member
 11. Principal Officer, Mercantile Marine Office Member-Secretary
- (3) Pursuant to SOLAS chapter XI-2 and part A of the ISPS Code, the Department of Shipping is responsible for:
 - (a) approving the Ship security plan and relevant amendments to a previously approved plan;
 - (b) verifying the compliance of ships with the provisions of SOLAS chapter XI-2 and part A of the ISPS Code and issuing to ships the International Ship Security Certificate;
- (4) Pursuant to SOLAS chapter XI-2 and part A of the ISPS Code, the Designated Authority is responsible for:
 - (a) setting the applicable security level;
 - (b) determining which of the port facilities located within their territory are required to designate a Port Facility Security Officer who will be responsible for the preparation of the Port facility security plan;
 - (c) ensuring completion and approval of the Port facility security assessment and of any subsequent amendments to a previously approved assessment;
 - (d) approving the Port facility security plan and any subsequent amendments to a previously approved plan;
 - (e) exercising control and compliance measures;
 - (f) testing approved plans; and
 - (g) communicating information to the International Maritime Organization and to the shipping and port industries.

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- (5) (a) The Designated Authority shall set security levels and ensure the provision of security-level information to ships entitled to fly the flag of Bangladesh.
- (b) The Designated Authority shall set security levels and ensure the provision of security-level information to port facilities within Bangladesh.
- (6) The Port Authorities shall promulgate regulations and take all other steps necessary to give full and complete effect to the security directives of the Designated Authority in accordance with Bangladesh constitution and laws.
- (7) Officers undertaking inspections for the Designated Authority have the power to enter port facilities and inspect all or, if appropriate, a sample of the facility's security measures, procedures, documentation and records. Areas for inspection may include:
 - (a) access control, including to restricted areas;
 - (b) handling of cargo;
 - (c) delivery of ship's stores and bunkers;
 - (d) monitoring the port facility;
 - (e) handling threats, breaches of security and security incidents;
 - (f) security communications;
 - (g) audits and amendments;
 - (h) procedures for shore leave and visitors to the ship;
 - (i) procedures for ship-to-shore interface activities;
 - (j) evacuation procedures; and
 - (k) protection of sensitive security information, e.g. the security plan.
- (8) The Designated Authority may delegate power to act on their own behalf, in its name.

6. Alternative security agreements

- (1) Bangladesh Government may conclude in writing bilateral or multilateral agreements with other Governments on alternative security arrangements covering short international voyages on fixed routes between port facilities located within their territories.

7. Equivalent security arrangements

- (1) The Designated Authority may allow a particular ship or a group of ships entitled to fly its flag, or a port facility or a group of port facilities located within the Government's territory to implement other security measures equivalent to those prescribed in SOLAS chapter XI-2 or in part A of the ISPS Code, provided such security measures are at least as effective as those prescribed in SOLAS chapter XI-2 or in part A of the ISPS Code.

8. Port Security Advisory Committee (PSAC)

- (1) Port Security Advisory Committee – General

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- (a) Every seaport shall have a Port security advisory committee established by the Government which shall consist of the following persons:

1	The Chairman of port authority	Chairperson
2	Member (H&M)/Member (Operation)	Member
3	Port Security Officer(PSO)	Member Secretary
4	Director General, Department of Shipping	Member
5	Relevant Zonal Commander, Coast Guard	Member
6	Representative of Bangladesh Navy	Member
7	All Port Facility Security Officers (PFSO)	Member
8	Principal Officer/Officer from Mercantile Marine Office	Member
9	Deputy Conservator of relevant port authorities	Member
10	Relevant Commanding Officer of RAB	Member
11	Commanding Officer, relevant Army security Cell	Member
12	Deputy Commissioner of Police (Port)/local Head of police	Member
13	Representative (Not below Deputy Director) of DGFI	Member
14	Representative (Not below Deputy Director) of NSI	Member
15	Representative of District Administration	Member
16	Representative of BIWTC	Member
17	Representatives of port CBA	Member
18	Representative of RSO	Member
19	Representative of local shipping agents' associations	Member
20	Representative of relevant Chamber(s) of Commerce	Member
21	Representative of seafarers' associations	Member
22	Representative of (C&F)Association .	Member
23	Representative of Inland Container Depot Association (BICDA)	Member
24	Representative of ship handling operators/stevedores	Member
25	Representative of lighter vessel owners' associations	Member
26	Advisor/President of Water Transport Cell (WTC)	Member
27	Representative of Truck Owner's Association	Member

(2) Port Security Advisory Committee – meeting

- (a) Port security advisory committee shall meet at least once every six months.
(b) The committee shall send its recommendations to the secretary Ministry of Shipping,

(3) Port Security Advisory Committee – Duties

Port security advisory committee shall:

- (i) identify security threats and vulnerabilities;
- (ii) establish security priorities;
- (iii) plan, coordinate and evaluate security initiatives;
- (iv) develop or contribute to a national maritime security framework or strategy;
- (v) develop or contribute to Government policy statements on maritime security;
- (vi) develop coordinated positions on meeting international obligations;
- (vii) address jurisdictional issues involving member organizations; and
- (viii) handle major security issues, with multi-organization implications, referred to the committee by high-level committees.

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9. Recognized security organizations

(1) Recognized security organizations – General

- (a) Government may delegate to a recognized security organization certain of their security-related duties under SOLAS chapter XI-2 and part A of the ISPS Code in accordance with the RO Code.

(2) Recognized security organizations – Qualifications

- (a) When authorizing a recognized security organization, the Designated Authority should give consideration to the competency of such an organization. A recognized security organization should be able to demonstrate:
 - (i) expertise in relevant aspects of security;
 - (ii) appropriate knowledge of ship and port operations, including knowledge of ship design and construction if providing services in respect of ships and port design and construction if providing services in respect of port facilities;
 - (iii) capability to assess the likely security risks that could occur during ship and port facility operations including the ship/port interface and how to minimize such risks;
 - (iv) ability to maintain and improve the expertise of their personnel;
 - (v) ability to monitor the continuing trustworthiness of their personnel;
 - (vi) ability to maintain appropriate measures to avoid unauthorized disclosure of, or access to, security sensitive material;
 - (vii) knowledge of the requirements of SOLAS chapter XI-2 and part A of the ISPS Code and relevant national and international legislation and security requirements;
 - (viii) knowledge of current security threats and patterns;
 - (ix) knowledge on recognition and detection of weapons, dangerous substances and devices;
 - (x) knowledge on recognition, on a non-discriminatory basis, of characteristics and behavioural patterns of persons who are likely to threaten security;
 - (xi) knowledge on techniques used to circumvent security measures; and
 - (xii) knowledge of security and surveillance equipment and systems and their operational limitations.
- (b) When delegating specific duties to a recognized security organization, [the specified organization] should ensure that the recognized security organization has the competencies needed to undertake the task.

(3) Recognized security organizations – Authorities

- (a) Designated Authority may authorize a recognized security organization to undertake certain security-related activities, including:
 - (i) approval of ship security plans, or amendments thereto, on behalf of the Administration;

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- (ii) verification and certification of compliance of ships with the requirements of SOLAS chapter XI-2 and part A of the ISPS Code on behalf of the Administration; and
 - (iii) conducting port facility security assessments required by the government.
- (4) Recognized security organizations – Restrictions
- (a) Recognized security organizations shall not:
- (i) set the applicable security level;
 - (ii) approve a port facility security assessment and subsequent amendments to an approved assessment;
 - (iii) determine the port facilities which will be required to designate a port facility security officer;
 - (iv) approve a port facility security plan and subsequent amendments to an approved plan;
 - (v) exercise control and compliance measures pursuant to SOLAS regulation XI-2/9;
 - (vi) establish the requirements for a declaration of security; and
 - (vii) approve, verify, or certify a work product that it has developed.
- (5) Recognized security organizations oversight
- (a) Government retains ultimate responsibility for the work undertaken on their behalf by the recognized security organizations that they appoint. They have the authority to modify or revoke their delegations to a recognized security organization which fails to meet agreed performance standards.

10. Security level measures

- (1) Security level 1
- (a) At security level 1, the following activities shall be carried out through appropriate measures in all ships and/or port facilities, taking into account the guidance given in part B of the ISPS Code, in order to identify and take preventive measures against security incidents:
- (i) ensuring the performance of all ship and/or port facility security duties;
 - (ii) controlling access to the ship and/or port facility;
 - (iii) controlling the embarkation of persons and their effects;
 - (iv) monitoring of the ship deck and/or port facility, including anchoring and berthing area(s) and areas surrounding the ship;
 - (v) monitoring restricted areas to ensure that only authorized persons have access;
 - (vi) supervising the handling of cargo and ship's stores; and
 - (vii) ensuring that security communication is readily available.
- (2) Security level 2

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- (a) At security level 2, the additional protective measures, specified in the ship and/or port facility security plan, shall be implemented for each required activity, taking into account the guidance given in part B of the ISPS Code.
- (3) Security level 3
 - (a) At security level 3, further specific protective measures, specified in the ship and/or port facility security plan, shall be implemented for each required activity, taking into account the guidance given in part B of the ISPS Code.
- (4) Security level coordination
 - (a) Ships intending to enter a port or port facility should establish the applicable security level through direct contact with the port authority, or the Port Security Officer or the Port Facility Security Officer, prior to entry. If a ship is operating at a higher security level than that applying at the port or port facility, the information should be passed to the port authority or the Port Security Officer or the Port Facility Security Officer prior to entry.
 - (b) A ship can never operate at a lower security level than the one being applied at the port or port facility that it is visiting.
 - (c) A ship can, however, operate at a higher security level than that applying at the port or port facility it is in, or it intends to enter. The authorities at the port/port facility should not seek to have the ship reduce the security level set by the ship's government.

11. Declaration of security

- (1) The Designated Authority shall determine when a declaration of security is required by assessing the risk the ship/port interface or ship-to-ship activity poses to persons, property or the environment.
 - (a) Factors to be considered in setting the appropriate security level include:
 - (i) the degree that the threat information is credible;
 - (ii) the degree that the threat information is corroborated;
 - (iii) the degree that the threat information is specific or imminent; and
 - (iv) the potential consequences of such a security incident.
- (2) The declaration of security shall address the security requirements that could be shared between a port facility and a ship (or between ships) and shall state the responsibility for each.
- (3) A ship may request completion of a declaration of security when:
 - (a) the ship is operating at a higher security level than the port facility or another ship it is interfacing with;
 - (b) there is an agreement on a declaration of security between governments covering certain international voyages or specific ships on those voyages;
 - (c) there has been a security threat or a security incident involving the ship or involving the port facility, as applicable;

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- (d) the ship is at a port which is not required to have and implement an approved port facility security plan; or
- (e) the ship is conducting ship-to-ship activities with another ship not required to have and implement an approved ship security plan.

12. Security assessments

- (1) The security assessment is an essential and integral part of the process of developing and updating the security plan.

13. Security plan

- (1) The ship security plan –
 - (a) together with the security assessment report to be submitted to the Administration or the recognized security organization for approval and subsequent issuance of International Ship Security Certificate;
 - (b) after approval to be reviewed by the ship security officer and/or master during their tenure onboard and the review report to be forwarded to the company security officer;
 - (c) should establish how the company security officer and the ship security officer intend to audit the continued effectiveness of the SSP and the procedure to be followed to review, update or amend the SSP;
 - (d) to be amended based on the review report, audit report, any inspection report and any update recommended by the ship security officer. The company security officer shall arrange for getting the approval of the amendment by the Administration or recognized security organization and incorporate the same in the security plan; and
 - (e) The nature of the changes to the ship security plan or the security equipment that have been specifically approved by the Administration shall be documented in a manner that clearly indicates such approval. This approval shall be available on board and shall be presented together with the International Ship Security Certificate.
- (2) The port facility security plan –
 - (a) together with the security assessment report to be submitted to the Designated Authority for approval and subsequent issuance of Statement of Compliance;
 - (b) after approval to be reviewed at the discretion of the port facility security officer as per the security plan and in addition:
 - (i) if the PFSA relating to the port facility is altered;
 - (ii) if an independent audit of the PFSP or the Contracting Government's testing of the port facility security organization identifies failings in the organization or questions the continuing relevance of significant element of the approved PFSP;
 - (iii) following security incidents or threats thereof involving the port facility; and
 - (iv) following changes in ownership or operational control of the port facility.
 - (c) to be amended based on the review report and related to:

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- (i) proposed changes which could fundamentally alter the approach adopted to maintaining the security of the port facility; and
 - (ii) the removal, alteration or replacement of permanent barriers, security and surveillance equipment and systems etc., previously considered essential in maintaining the security of the port facility; and
- (d) the amendment to be submitted to the Designated Authority that approved the original security plan, for their consideration and approval. The approval shall be recorded in the security plan.
- (e) The Designated Authority may inspect the port facility initially prior to issuance of the Statement of Compliance, make annual verification or unscheduled auditing the continuing relevance of the approved port facility security plan.

14. Unauthorized disclosure

- (1) The Designated Authority while approving security plans for ship and port facility shall identify the sections of the plans which can not be disclosed to any person other than the persons responsible for implementation of the plan.
- (2) Plans may be prepared in two parts marked “Restricted” and “Unrestricted” for the purpose of subsection (1).

15. Ship Security

Ship security alert system

- (1) A ship shall be fitted with a ship security alert system, which complies with the requirements of Chapter XI-2 of the SOLAS Convention.
- (2) A ship security alert system, when activated, must —
 - (a) be able to initiate and transmit a ship-to-shore security alert to a competent authority, as specified in the Bulletins, identifying the ship, its location and indicating that the security of the ship is under threat or it has been compromised;
 - (b) not be able to send the ship security alert to any other ships;
 - (c) not raise any alarm on board the ship; and
 - (d) continue the ship security alert until deactivated or reset.
- (3) A ship security alert system must —
 - (a) be capable of being activated from the navigation bridge, and in at least one other location; and
 - (b) conform to performance standards not lesser than those adopted by the International Maritime Organization.
- (4) The activation points of a ship security alert system must be designed so as to prevent the inadvertent initiation of the ship security alert.

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16. Continuous synopsis record.

- (1) The Principal Officer shall issue a continuous synopsis record in accordance with the provisions of regulation 5 of Chapter XI-1 of the SOLAS Convention.
- (2) A company and the master shall ensure that the continuous synopsis record is on board the ship and available for inspection at all times.
- (3) The continuous synopsis record shall be left on board when a ship is transferred to the flag of another State, or the ship is sold to another owner, or is taken over by a bareboat charterer, or another company assumes the responsibility for the operation of the ship.
- (4) The company shall promptly notify the Principal Officer of any changes to the information recorded in the continuous synopsis record.
- (5) The Principal Officer shall issue an updated continuous synopsis record within three months of the notification referred to under paragraph (4).
- (6) Any previous entries in the continuous synopsis record shall not be modified, deleted or in any way erased or defaced.

17. Ship identification numbers.

- (1) This regulation applies to —
 - (a) passenger ships of 100 gross tonnage or more; and
 - (b) other ships of 300 gross tonnage or more.
- (2) A ship referred to under sub-section (1) shall be provided with an identification number which —
 - (a) conforms to the IMO ship identification number scheme; and
 - (b) shall be inserted on the ship's certificates and certified copies thereof issued under regulation 12 or 13 of Chapter I of the SOLAS Convention.
- (3) The identification number of a ship shall be permanently marked —
 - (a) in a visible place on —
 - (i) the stern of the ship;
 - (ii) either side of the hull, amidships port and starboard, above the deepest assigned load line;
 - (iii) either side of the superstructure, port and starboard;
 - (iv) the front of the superstructure; or
 - (v) in the case of passenger ships, a horizontal surface visible from the air; and
 - (b) in an easily accessible place either on —
 - (i) one of the end transverse bulkheads of the machinery spaces;
 - (ii) on one of the hatchways;
 - (iii) in the case of tankers, in the pump-room; or

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- (iv) in the case of ships with ro-ro spaces, on one of the end transverse bulkheads of the ro-ro spaces.
- (4) The permanent marking shall be —
- (a) plainly visible, clear of any other markings on the hull;
 - (b) painted in a contrasting colour;
 - (c) made by raised lettering, cutting it in, centre punching it or any other equivalent method of marking the ship's identification number which is not easily expunged.
- (5) The permanent marking —
- (a) referred to under sub-section (3)(a), shall be 200 millimetres or more in height;
 - (b) referred to under sub-section (3)(b), shall be 100 millimetres or more in height.
- (6) The width of the permanent marks shall be proportionate to the height.
- (7) Where a ship is constructed of material other than steel or metal, the DA shall approve the method of marking the ship's identification number.

18. Master's discretion

- (1) The master shall not be constrained from taking or executing any decision which, in the professional judgment of the master, is necessary to maintain the safety and security of the ship. This includes denial of access to persons (except those identified as duly authorized by a government) or their effects and refusal to load cargo, including containers or other closed cargo transport units.
- (2) If, in the professional judgment of the master, a conflict between any safety and security requirements applicable to the ship arises during its operations, the master shall give effect to those requirements necessary to maintain the safety of the ship.

19. Port control compliance

- (1) Every ship intending to enter a port facility of Bangladesh shall provide the security information requested by the Port Facility Security Officer of that port or the Port Security Officer of the regional port. The master may decline to provide such information on the understanding that failure to do so may result in denial of entry into port.

20. Manning requirements

- (1) In establishing the minimum safe manning of a ship the Administration should take into account any additional workload which may result from the implementation of the ship security plan and ensure that the ship is sufficiently and effectively manned.

21. Company Security Officer

- (1) Company Security Officer – General

The Company shall designate a Company Security Officer. A person designated as the Company Security Officer may act as the Company Security Officer for one or more ships, depending on the number or types of ships the company operates provided it is clearly identified for which ships this person is responsible. A company may, depending on the

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number or types of ships they operate designate several persons as Company Security Officers provided it is clearly identified for which ships each person is responsible.

(2) Company Security Officer – Qualifications

(a) In accordance with ISPS Code, part B, paragraph 13.1 and MSC.1/Circ.1154.

(3) Company Security Officer – Duties

(a) In accordance with ISPS Code, part A, paragraphs 8.2 and 11.2.

22. Ship Security Officer

(1) Ship Security Officer – General

(a) A Ship Security Officer shall be designated on each ship, in accordance with ISPS Code, part A, paragraph 12.1.

(2) Ship Security Officer – Qualifications

(a) In accordance with, ISPS Code, part A, paragraph 13.3, part B, paragraphs 13.1 and 13.2.

(3) Ship Security Officer – Duties

(a) In accordance with, ISPS Code, part A, paragraph 12.2.

23. Shipboard personnel

(1) Shipboard personnel – Qualifications

(a) Shipboard personnel having specific security duties shall understand their responsibilities for ship security as described in the ship security plan and shall have sufficient knowledge and ability to perform their assigned duties, in accordance with, ISPS Code, part B, paragraph 13.3.

(b) All other shipboard personnel should have sufficient knowledge of and be familiar with relevant provisions of the ship security plan, including the requirements of ISPS Code, part B, paragraph 13.4.

24. Ship security assessment

(1) Company Security Officers are responsible for undertaking ship security assessments, complying with the requirements of ISPS Code, part A, paragraphs 8.4 and 8.5 and part B, paragraphs 8.2 to 8.14.

25. Ship security plan

(1) Each ship shall carry on board a ship security plan approved by the Administration, unless exempted. The plan shall make provisions for the three security levels as described in section 10 of this regulation.

(2) The ship security plan shall be developed and maintained in accordance with ISPS Code, part A, paragraphs 9.4 to 9.8 and part B, paragraph 9.2.

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26. Physical security in ship security plan

Restricted areas

- (1) The ship security plan should identify the restricted areas to be established on the ship, specify their extent, times of application, the security measures to be taken to control access to them and those to be taken to control activities within them in accordance with ISPS Code, part A, paragraph 19.4.2 and part B, paragraph 9.18 and 9.21.
- (2) The ship security plan should ensure that all restricted areas should be clearly marked, indicating that access to the area is restricted and that unauthorized presence within the area constitutes a breach of security, in accordance with ISPS Code, part B, paragraph 9.20.

27. Access points

- (1) The ship security plan shall address measures for the prevention of unauthorized access to the ship, including boarding of a ship when in port or at sea, in accordance with ISPS Code, part A, paragraph 9.4.

28. Identification

- (1) The ship security plan should establish for each security level the means of identification required to allow access to the ship and for individuals to remain on the ship without challenge in accordance with ISPS Code, part B, paragraph 9.11.

29. Lighting

- (1) The ship should have lighting sufficient to monitor the ship, the restricted areas on board and areas surrounding the ship, in accordance with ISPS Code, part B, paragraph 9.42.

30. Surveillance

- (1) The ship should have the capability to monitor the ship, the restricted areas on board and areas surrounding the ship. Such monitoring capabilities may include use of: watchkeepers, security guards and deck watches including patrols.
- (2) Administrations should require that security equipment receive regular maintenance checks and that these checks be recorded. Security equipment can include:
 - (a) closed-circuit television (CCTV) and lighting;
 - (b) communications and x-ray equipment;
 - (c) archway and hand-held metal detectors;
 - (d) perimeter/intruder detection systems;
 - (e) automated access control equipment;
 - (f) information, including computer, security; and
 - (g) explosive trace and vapour detection equipment.

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31. Communications

- (1) Ship Security Officers intending to use a port facility should maintain effective communication with the Port Facility Security Officers (PFSOs).

32. Operational security in ship security plan

Access control

- (1) Ship security plans shall address measures for the prevention of unauthorized access to the ship.

33. Cargo operations

- (1) Security measures relating to cargo handling should:
 - (a) prevent tampering; and
 - (b) prevent cargo that is not meant for carriage from being accepted and stored on board the ship.
- (2) Cargo entering the port facility should have adequate and reliable documentation, which is standardized, matches the cargo with the conveyance transporting it to the port facility, is resistant to forgery and is consistently examined by security personnel prior to allowing admittance onto the port facility.

34. Ship's stores

- (1) Security measures relating to the delivery of ship's stores should:
 - (a) ensure the integrity of ship's stores;
 - (b) prevent ship's stores from being accepted without inspection;
 - (c) prevent tampering; and
 - (d) prevent ship's stores from being accepted unless ordered.
- (2) Ship's stores entering the port facility should have adequate and reliable documentation, which is standardized, matches the ship's stores with the conveyance transporting it to the port facility, is resistant to forgery and is consistently examined by security personnel prior to allowing admittance onto the port facility.

35. Unaccompanied baggage procedures

- (1) The ship security plan should establish the security measures to be applied to ensure that unaccompanied baggage (i.e. any baggage, including personal effects, which is not with the passenger or member of ship's personnel at the point of inspection or search) is identified and subjected to appropriate screening, including searching, before it is accepted on board the ship.

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36. Incident response in ship security plan

Security incidents

- (1) The port authorities are required to specify the types of security incident that have to be reported to them. In such cases, they should provide guidance on their timing, procedures to be followed and their distribution. They should include reporting incidents to local law-enforcement agencies when in a port facility or the adjacent coastal State.
- (2) Security incidents generally considered to be sufficiently serious that they should be reported to relevant authorities by the Company Security Officer, including:
 - (a) unauthorized access to restricted areas within the ship for suspected threat-related reasons;
 - (b) unauthorized carriage or discovery of stowaways, weapons or explosives;
 - (c) incidents of which the media are aware;
 - (d) bomb warnings;
 - (e) attempted or successful boardings; and
 - (f) damage to the ship caused by explosive devices or arson.
- (3) Security incidents generally considered to be a less serious nature but which require reporting to, and investigation by, the Ship Security Officer can include:
 - (a) unauthorized access to the ship caused by breaches of access control points;
 - (b) inappropriate use of passes;
 - (c) damage to equipment through sabotage or vandalism;
 - (d) unauthorized disclosure of a ship security plan;
 - (e) suspicious behaviour near the ship when at a port facility;
 - (f) suspicious packages near the ship when at a port facility; and
 - (g) unsecured access points to the ship.

37. Unauthorized access/breach procedure

- (1) Ship security plans shall address procedures for responding to security threats or breaches of security, including:
 - (a) provisions for maintaining critical operations of the ship or ship/port interface; and
 - (b) procedures for reporting security incidents.

38. Training, drills and exercises

Training

- (1) The Ship Security Officer, the Company Security Officer and appropriate shore-based personnel shall have knowledge and have received training, taking into account the guidance given in the ISPS Code, part B, paragraphs 13.1 to 13.4.

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- (2) Shipboard personnel without designated security duties should receive security-related familiarization training to be able to:
 - (a) report a security incident;
 - (b) know the procedures to follow when they recognize a security threat; and
 - (c) take part in security-related emergency and contingency procedures.

39. Drills

- (1) Drills shall be carried out at appropriate intervals taking into account the ship type, ship personnel changes, port facilities to be visited and other relevant circumstances.
- (2) Drills shall be conducted in accordance with the ISPS Code, part A, paragraph 13.4 and part B, paragraph 13.6.
- (3) Drills may be defined as supervised activities that are used to test a single measure or procedure in the ship security plan.
- (4) Shipboard drills should cover such scenarios as:
 - (a) identification and search of unauthorized visitors on board the ship;
 - (b) recognition of materials that may pose a security threat;
 - (c) methods to deter attackers from approaching the ship;
 - (d) recognition of restricted areas; and
 - (e) mustering for evacuation.

40. Exercise

- (1) The Company Security Officer shall ensure the effective coordination and implementation of ship security plans by participating in exercises at appropriate intervals.
- (2) Exercises shall be carried out conducted in accordance with the ISPS Code, part A, paragraph 13.5 and part B, paragraph 13.7.
- (3) Exercises are more complex activities which test several measures and procedures at the same time.

41. Audits

- (1) Personnel conducting internal audits of the security activities specified in the plan or evaluating its implementation shall be independent of the activities being audited unless this is impracticable due to the size and the nature of the company or of the ship.

42. Records

- (1) Ships shall keep records of the last 10 calls at port facilities.
- (2) Records of the following activities shall be kept on board for the minimum period of 5 years:
 - (a) training, drills and exercises;
 - (b) security threats and security incidents;

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- (c) breaches of security;
 - (d) changes in security level;
 - (e) communications relating to the direct security of the ship such as specific threats to the ship or to port facilities the ship is, or has been in;
 - (f) internal audits and reviews of security activities;
 - (g) periodic review of the ship security assessment;
 - (h) periodic review of the ship security plan;
 - (i) implementation of any amendments to the plan; and
 - (j) maintenance, calibration and testing of any security equipment provided on board including testing of the ship security alert system.
- (3) The records shall be protected from unauthorized access or disclosure.

43. Security obligations

International Ship Security Certificate (ISSC)

- (1) Ships shall carry on board either the International Ship Security Certificate or, in limited circumstances, the Interim International Ship Security Certificate, both of which are issued by Administration.
- (2) An Interim International Ship Security Certificate shall only be issued when the Administration or recognized security organization, on behalf of the Administration, has verified that:
 - (a) the ship security assessment required by the ISPS Code has been completed;
 - (b) a copy of the ship security plan meeting the requirements of SOLAS chapter XI-2 and part A of the ISPS Code is provided on board, has been submitted for review and approval, and is being implemented on the ship;
 - (c) the ship is provided with a ship security alert system meeting the requirements of SOLAS regulation XI-2/6, if required;
 - (d) the master, the ship's security officer and other ship's personnel with specific security duties are familiar with their duties and responsibilities as specified in part A of the ISPS Code; and
 - (e) the Ship Security Officer meets the requirements of part A of the ISPS Code.
- (3) An International Ship Security Certificate shall not be valid for more than five years.
- (4) A ship which is not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake a single international voyage may be exempted by [the specified organization] from any of the requirements of the present regulations provided that it complies with safety requirements which are adequate in the opinion of [the specified organization] for the voyage which is to be undertaken by the ship.

44. Verification for ships.

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- (1) A Bangladesh ship shall be subject to initial, renewal and intermediate verifications in accordance with section 19.1.1 of Part A of the ISPS Code.
- (2) The verification of ships shall be carried out by an officer authorised by the Authority or by a recognised security organization.
- (3) The security system and associated security equipment of the ship after verification shall be maintained to conform with Part A of the ISPS Code and the approved ship security plan.
- (4) After a verification under paragraph (1), no changes shall be made in the security system and in associated security equipment or the approved ship security plan without the approval of DA.

45. Prohibition on proceeding to sea without a certificate.

- (1) A Bangladesh ship that is required to be verified under this Part shall not proceed, or attempt to proceed to sea, unless there is in force a valid International Ship Security Certificate or Interim International Ship Security Certificate.
- (2) A person who contravenes paragraph (1) commits an offence and is liable on summary conviction to a fine not exceeding one thousand penalty units.

46. Issue, endorsement, duration and validity of certificate.

- (1) Where an initial, renewal or intermediate verification is satisfactorily completed pursuant to section 42, the DA or a recognised security organization shall, if satisfied that the ship is in compliance with the ISPS Code, issue or endorse an International Ship Security Certificate.
- (2) The duration and validity of an International Ship Security Certificate shall be in accordance with section 19.3 of Part A of the ISPS Code.
- (3) The International Ship Security Certificate shall be, in English, in the form in the Appendix to the ISPS Code.

47. Issue or endorsement of certificates by Contracting Government.

- (1) The Authority may request another Contracting Government to verify the ship and, if satisfied that the ship is in compliance with section 19.1.1 of the ISPS Code, issue or authorise the issue of an International Ship Security Certificate to the ship or, as the case may be, endorse or authorise the endorsement of an International Ship Security Certificate, in accordance with the ISPS Code.

48. Communications/reporting procedures

- (1) Ships intending to enter ports of Bangladesh may be required to provide the following information prior to entry into port:
 - (a) that the ship possesses a valid International Ship Security certificate and the name of its issuing authority;
 - (b) the security level at which the ship is currently operating;

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- (c) the security level at which the ship operated in any previous port where it has conducted a ship/port interface within a specified time frame;
 - (d) any special or additional security measures that were taken by the ship in any previous port where it has conducted a ship/port interface within a specified time frame;
 - (e) that the appropriate ship security procedures were maintained during any ship-to-ship activity within a specified time frame; or
 - (f) other practical security-related information (not to include details of the ship security plan).
- (2) Examples of other practical security-related information that may be required as a condition of entry into port in order to assist with ensuring the safety and security of persons, port facilities, ships and other property include:
- (a) information contained in the continuous synopsis record;
 - (b) location of the ship at the time the report is made;
 - (c) expected time of arrival of the ship in port;
 - (d) crew list;
 - (e) general description of cargo aboard the ship;
 - (f) passenger list (if any); and
 - (g) information required to be carried under SOLAS regulation XI-2/5.
- (3) The port authorities may specify the minimum time before arrival in port that a ship should notify its intention to arrive and provide the necessary security-related information. The time can vary between 24 and 96 hours prior to arrival.
- (4) The master may decline to provide such information, but failure to do so may result in denial of entry into port.

49. Unauthorised presence on a ship or in a restricted area of a ship.

- (1) No person shall —
- (a) go, onto a ship, or into any part of a restricted area of a ship, except with the permission of the master or the ship security officer, or a person acting on behalf of the master or the ship security officer, and in accordance with any conditions subject to which that permission is for the time being granted; or
 - (b) remain on a ship, or in any part of a restricted area of a ship, after being requested to leave by the master or the ship security officer or a person acting on behalf of the master or the ship security officer.
- (2) A person who contravenes sub-section (1), without lawful authority or reasonable excuse, commits an offence and is liable on summary conviction to a fine not exceeding one thousand penalty units.
- (3) The master or the ship security officer, or a person acting on behalf of the master or the ship security officer, may use such force as is reasonable in the circumstances, to remove a person who contravenes sub-section (1)(b).

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- (4) A person does not commit an offence under paragraph (1)(a), if it is proved that, at the material time —
- (a) the person did not know or was not reasonably expected to have known that authorisation was required to board the ship;
 - (b) notices stating that the area concerned was a restricted area were not posted so as to be readily seen and read by persons entering the restricted area.

50. Threats to ships.

- (1) Where a risk of attack has been identified, the DA shall advise the ships concerned and their administration of —
- (a) the current security level;
 - (b) any security measures that shall be put in place by the ships concerned to protect themselves from attack, in accordance with Part A of the ISPS Code; and security measures, as appropriate, that the DA has put in place.

51. Inspection and detention of Bangladesh ships.

- (1) A duly authorised officer may —
- (a) inspect any Bangladesh ship; and
 - (b) where he is satisfied that the ship is not in compliance with these regulations and the ISPS Code, detain the ship until the non-compliance is rectified.
- (2) A duly authorised officer shall not unreasonably detain or delay the ship.

52. Inspection and detention of foreign ships.

- (1) A duly authorised officer may inspect any ship other than a Bangladesh ship when the ship is in Bangladesh waters or a port in Bangladesh, or has communicated its intention to enter a port in Bangladesh.
- (2) Where the ship is not in compliance with these regulations and ISPS Code, the duly authorised officer may —
- (a) prevent the entry of the ship to a port in Bangladesh;
 - (b) suspend ship operations until such time as the security non-compliance is rectified;
 - (c) detain the ship until the non-compliance is rectified,
- (3) Where the duly authorised officer takes either of the measures specified in paragraph (2)(b) or (c), the duly authorised officer shall notify the master and the nearest maritime, consular or diplomatic representative of the State whose flag the ship is entitled to fly.
- (4) A duly authorised officer shall not unreasonably delay or detain the ship.

PORT FACILITY SECURITY

53. Port Facility Security Officer

- (1) Port Facility Security Officer-General

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- (a) A Port Facility Security Officer shall be designated for each port facility. A person may be designated as the Port Facility Security Officer for one or more port facilities.
- (2) Port Facility Security Officer – qualifications
 - (a) The Port Facility Security Officer shall have knowledge and receive training in accordance with ISPS Code, part B, paragraph 18.1.
- (3) Port Facility Security Officer – Duties
 - (a) The duties and responsibilities of the Port Facility Security Officer shall be in accordance with ISPS Code, part A, paragraph 17.2.

54. Port facility security assessment

- (1) The port facility security assessment shall be carried out by the Designated Authority. The government may authorize a recognized security organization to carry out the port facility security assessment of a specific port facility located within its territory.
- (2) The port facility security assessment shall include, at least, the following elements:
 - (a) identification and evaluation of important assets and infrastructure it is important to protect;
 - (b) identification of possible threats to the assets and infrastructure and the likelihood of their occurrence, in order to establish and prioritize security measures;
 - (c) identification, selection and prioritization of counter measures and procedural changes and their level of effectiveness in reducing vulnerability; and
 - (d) identification of weaknesses, including human factors in the infrastructure, policies and procedures.

55. Port facility security plan

- (1) A port facility security plan shall be developed and maintained, on the basis of a port facility security assessment, for each port facility, adequate for the ship/port interface. The plan shall make provisions for the three security levels, as defined in the ISPS Code.
- (2) Such a plan shall address, at least, the measures and procedures in accordance with ISPS Code, part A, paragraphs 16.1, 16.3 and 16.4.
- (3) The Designated Authority should take the human element, the need to afford special protection to seafarers and the critical importance of shore leave into account when implementing the provisions of SOLAS chapter XI-2 and the ISPS Code.
- (4) At all stages steps should be taken to ensure that the contents of the port facility security plan remains confidential.
- (5) Personnel conducting internal audits of the security activities specified in the plan or evaluating its implementation shall be independent of the activities being audited unless this is impracticable due to the size and the nature of the port facility.

56. Physical security in port facility security plan

Port facility security measures

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- (1) Security measures shall be applied at the port facility in such a manner as to cause a minimum of interference with, or delay to, passengers, ship, ship's personnel and visitors, goods and services.

57. Physical security – general

- (1) The Designated Authority may set standards for the installation and maintenance of port facility security equipment. Such standards may address:
 - (a) fencing, gates, vehicle barriers and lighting;
 - (b) closed-circuit television (CCTV);
 - (c) communications and x-ray equipment;
 - (d) archway and hand-held metal detectors;
 - (e) perimeter/intruder detection systems;
 - (f) automated access control equipment (e.g. identification readers or keypads);
 - (g) information and computer protection systems; and
 - (h) explosive trace and vapour detection equipment.

58. Access points

- (1) The port facility security plan should establish the security measures covering all means of access to the port facility.
- (2) The port facility security plan should establish the control points restricting access to exclude those not employed by the port facility or working within it, if they are unable to establish their identity.

59. Restricted area

- (1) Port facility security plans shall address measures designed to prevent unauthorized access to the port facility, to ships moored at the facility, and to restricted areas of the facility.
- (2) The port facility security plan should identify the restricted areas to be established within the port facility and specify their extent, times of application, the security measures to be taken to control access to them and those to be taken to control activities within them. The purpose of restricted areas is to:
 - (a) protect passengers, ship's personnel, port facility personnel and visitors, including those visiting in connection with a ship;
 - (b) protect the port facility;
 - (c) protect the ships using, and serving, the port facility;
 - (d) protect security-sensitive locations and areas within the port facility;
 - (e) protect security and surveillance equipment and systems; and
 - (f) protect cargo and ship's stores from tampering.

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(3) Restricted areas may include:

- (a) shore and waterside areas immediately adjacent to the ship;
- (b) embarkation and disembarkation areas, passenger and ship's personnel holding and processing areas including search points;
- (c) areas where loading, unloading or storage of cargo and stores is undertaken;
- (d) locations where security sensitive information, including cargo documentation, is held;
- (e) areas where dangerous goods and hazardous substances are held;
- (f) vessel traffic management system control rooms, aids to navigation and port control buildings, including security and surveillance control rooms;
- (g) areas where security and surveillance equipment are stored or located;
- (h) essential electrical, radio and telecommunication, water and other utility installations; and
- (i) other locations in the port facility where access by vessels, vehicles and individuals should be restricted.

(4) Perimeter for restricted areas

- (a) The port facility security plan should establish restricted areas which should be bound by fencing or other barriers to a standard which should be approved by the Designated Authority.

(5) Signage for restricted area

- (a) The port facility security plans should provide that all restricted areas should be clearly marked indicating that access to the area is restricted and that unauthorized presence within the area constitutes a breach of security.

60. Surveillance

- (1) The port facility security organization should have the capability to monitor the port facility and its nearby approaches, on land and water, at all times, including the night hours and periods of limited visibility, the restricted areas within the port facility, the ships at the port facility and areas surrounding ships. Such monitoring can include use of:
 - (a) lighting;
 - (b) security guards, including foot, vehicle and waterborne patrols;
 - (c) CCTV; and
 - (d) automatic intrusion detection devices and surveillance equipment.

61. Communications

- (1) Port facility security plans shall address procedures for interfacing with ship security activities.

62. Operational security in port facility security plan

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Access control

(1) The port facility security plan should ensure that all restricted areas have clearly established security measures to control:

- (a) access by individuals;
- (b) the entry, parking, loading and unloading of vehicles;
- (b) movement and storage of cargo and ship's stores; and
- (c) unaccompanied baggage or personal effects.

(2) Identification

- (a) The port facility security plan should establish the control points to check identity of all persons seeking entry to the port facility in connection with a ship.
- (b) The port facility security plan should establish for each security level the means of identification required to allow access to the port facility for port facility personnel and for visitors respectively.
- (c) Any port facility identification system should, when it is practicable to do so, be coordinated with that applying to ships that regularly use the port facility.

(3) Access control – Visitors

- (a) The port facility security plan should establish the control points to check identity of passengers, ship's personnel and visitors and confirming their reasons for doing so by checking, for example, joining instructions, passenger tickets, boarding passes, work orders, etc.
- (b) A document exchange may be utilized whereby the visitor must surrender a Government-issued identity document in exchange for a visitor pass that must be displayed.

(4) Access control – Vehicles

- (a) The port facility security plan should establish the control points to check vehicles used by those seeking entry to the port facility in connection with a ship.

(5) Access control – Cargo

- (a) The port facility security plan should establish inventory control procedures at access points to the port facility. Once within the port facility, cargo should be capable of being identified as having been checked and accepted for loading onto the ship or for temporary storage in a restricted area while awaiting loading. It may be appropriate to restrict the entry of cargo to the port facility that does not have a confirmed date for loading.

(6) Access control – Ship's stores

- (a) The port facility security plan may establish procedures involving ships regularly using the port facility, including their suppliers and the port facility covering notification and timing of deliveries and their documentation. Stores presented for delivery should be accompanied by evidence that they have been ordered by the ship.

(7) Access control – Passengers

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- (a) Passengers should be able to prove their identity by boarding passes, tickets, etc., but should not be permitted access to restricted areas unless supervised.
 - (b) Those unwilling or unable to establish their identity and/or to confirm the purpose of their visit when requested to do so should be denied access to the port facility.
- (8) Access control – Ship's crew
- (a) The port facility security plan shall address procedures for facilitating shore leave for ship's personnel or personnel changes, as well as access of visitors to the ship, including representatives of seafarers' welfare and labour organizations.
- (9) Foreign crew members should be allowed ashore by the sea port immigration authority while the ship on which they arrive is in port, provided that the formalities on arrival of the ship have been fulfilled and there is no reason to refuse permission to come ashore for reasons of public health, public safety or public order.

63. Searches

- (1) The port facility security plan should establish the control points where searches of persons, personal effects, vehicles and their contents may be applied.
- (2) All those seeking access to the port facility should be liable to search. The frequency of such searches, including random searches, should be specified in the port facility security plan.

64. Cargo operations

- (1) Port facility security plans shall address measures designed to ensure effective security of cargo and the cargo handling equipment at the port facility.
- (2) The security measures relating to cargo handling should:
 - (a) prevent tampering; and
 - (b) prevent cargo that is not meant for carriage from being accepted and stored within the port facility.
- (3) Security measures to be applied during cargo handling may include:
 - (a) routine checking of cargo, cargo transport units and cargo storage areas within the port facility prior to, and during, cargo handling operations;
 - (b) checks to ensure that cargo entering the port facility matches the delivery note or equivalent cargo documentation;
 - (c) searches of vehicles; and
 - (d) checking of seals and other methods used to prevent tampering upon entering the port facility and upon storage within the port facility.
- (4) Checking of cargo may be accomplished by some or all of the following means:
 - (a) visual and physical examination; and
 - (b) using scanning/detection equipment, mechanical devices, or dogs.

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65. Ship's stores

- (1) The port facility security plan should establish the security measures relating to the delivery of ship's stores to:
 - (a) ensure checking of ship's stores and package integrity;
 - (b) prevent ship's stores from being accepted without inspection;
 - (c) prevent tampering;
 - (d) prevent ship's stores from being accepted unless ordered;
 - (e) ensure searching the delivery vehicle; and
 - (f) ensure escorting delivery vehicles within the port facility.

66. Unaccompanied baggage procedures

- (1) The port facility security plan should establish the security measures to ensure that unaccompanied baggage is identified and subjected to appropriate screening, including searching, before it is allowed in the port facility or transferred between the port facility and the ship.

67. Incident response in port facility security plan

Port security incidents

- (1) Port facility security plans shall address procedures for responding to breaches of security, including provisions for maintaining critical operations of the port facility or ship/port interface, and procedures for reporting security incidents.
- (2) Security incidents generally fall into two categories:
 - (a) those considered to be sufficiently serious that they should be reported to relevant authorities by the Port Facility Security Officer, including:
 - (i) unauthorized access to restricted areas within the port facility;
 - (ii) unauthorized carriage or discovery of weapons or prohibited items in the port facility;
 - (iii) incidents of which the media are aware;
 - (v) bomb warnings; and
 - (vi) unauthorized disclosure of a port facility security plan.
 - (3) those of a less serious nature but which require reporting to, and investigation by, the Port Facility Security Officer, including:
 - (i) breaches of screening points;
 - (ii) inappropriate uses of passes;
 - (iii) damage to security equipment through sabotage or vandalism;
 - (v) suspicious behaviour in or near the port facility;
 - (vi) suspicious packages in or near the port facility; and

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(vii) unsecured access points.

68. Incident reporting requirements

- (1) Port facility security plans shall address procedures for reporting security incidents and PFSOs are required to report them to relevant authorities.

69. Training, drills and exercises

Basic port security knowledge

- (1) Port facility personnel should receive adequate security-related training or instruction and familiarization training to perform their assigned duties.
- (2) Port facility personnel with security-related duties (e.g. guards, access control officers, training officers and relevant port facility managers) are also required to have the knowledge and training required to carry out their assigned duties.

70. Training

- (1) The Port Facility Security Officer and appropriate port facility personnel shall have knowledge and have received training, in accordance with ISPS Code, part A, paragraph 18.1 and part B paragraph 18.1.
- (2) Port facility personnel having specific security duties should have knowledge and receive training in accordance with ISPS Code, part B paragraph 18.2.
- (3) All other port facility personnel should have knowledge of and be familiar with relevant provisions of the port facility security plan, in accordance with ISPS Code, part B paragraph 18.3.

71. Drills

- (1) Drills shall be carried out at appropriate intervals taking into account the types of operation of the port facility, port facility personnel changes, the type of ship the port facility is serving and other relevant circumstances.
- (2) Drills should be conducted at least every three months unless the specific circumstances dictate otherwise. These drills should test individual elements of the plan addressing specific security threats.
- (3) Drills may be defined as supervised activities that are used to test a single measure or procedure in the port facility security plan.

72. Exercises

- (1) The Port Facility Security Officer shall participate in security exercises at appropriate intervals.
- (2) Exercises which may include the participation of Port Facility Security Officers, and other relevant authorities should be carried out at least once each calendar year with no more than 18 months between the exercises. These exercises may be:
 - (a) full scale or live;

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- (b) table top simulation or seminar; or
 - (c) combined with other exercises held such as emergency response or other port State authority exercises.
- (3) Exercises are more complex activities which test several measures and procedures at the same time.

73. Security obligations

Statement of compliance

- (1) The Designated Authority may issue an appropriate Statement of Compliance of a port facility in accordance with ISPS Code, part B, paragraph 16.62.
- (2) A Statement of Compliance shall not be issued unless the Designated Authority has confirmed that:
 - (a) the port facility has a port facility security assessment undertaken, or approved, by the Designated Authority;
 - (b) the port facility has a port facility security plan which has been duly and formally approved by the Designated Authority;
 - (c) the port facility's security staff have received the necessary training and can implement the security procedures in the approved port facility security plan; and
 - (d) any security equipment specified in the port facility security plan is in place and operating effectively.
- (3) A statement of compliance shall be valid for a period not exceeding five years from the date of issue, subject to an intermediate inspection conducted between the second and third anniversary date.
- (4) A port facility not complying with the requirements of this section, may not be issued with a certificate of compliance or if holding such a certificate it may be withdrawn and its operation may be suspended till compliance.

74. Offences and penalties

- (1) Any contravention of the requirements of the Act, Regulation or Convention is an offence by the concerned person and he shall if no other punishment is provided by the Act for the offence be punishable for each offence by a fine not exceeding one hundred thousand penalty units.

75. Review

- (1) The Director General must from time to time—
 - (a) carry out a review of these Regulations,
 - (b) set out the conclusions of the review in a report, and
 - (c) publish the report.
- (2) In carrying out the review the Director General must, so far as is reasonable, have regard to legislation of other IMO member States.

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(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
 - (b) assess the extent to which those objectives are achieved, and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Made this 31st day of March, 2020

Director General
Department of Shipping