

S.I. 20 of 2020

MERCHANT SHIPPING ACT

(Cap 282)

Merchant Shipping (International Ship and Port Facility Security Code) Regulations, 2020

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S.I. 20 of 2020**MERCHANT SHIPPING ACT***(Cap 282)***Merchant Shipping (International Ship and Port Facility Security Code) Regulations, 2020**

In exercise of the powers conferred by section 242, read with section 85(5), of the Merchant Shipping Act, the Minister responsible for ports and marine makes the following regulations —

PART I - PRELIMINARY

1. These Regulations may be cited as the Merchant Shipping (International Ship and Port Facility Security Code) Regulations, 2020.

Citation

2.(1) The objective of these Regulations is to establish a national framework amongst government agencies, the Authority and the shipping companies, ports and port facilities to detect, access and take preventative measures against any security threat or incident affecting ships or port facilities in Seychelles used for international voyage.

Objectives of Regulations

(2) These Regulations prescribe —

- (a)** the roles and responsibilities of all parties concerned for ensuring maritime security, and the early and efficient collation and exchange of security related information; and
- (b)** the manner of security assessments for plans and procedures to counter changing security levels in Seychelles.

3.(1) In these Regulations, unless the context otherwise requires —

Interpretation

- (a) “Administration” means the government of the State whose Flag the ship is entitled to fly;
- (b) “Authority” means the Director General of Seychelles Maritime Safety Administration and includes a person authorised by the Director General with the approval of the Minister to undertake security duties relating to port facilities as set out in Chapter XI-2 of the Convention or Part A of the Code;
- (c) “Code” means the International Ship and Port Facility Security Code, as amended from time to time;
- (d) “company” means the owner of the ship and includes a person, manager or the bareboat charterer, who has assumed the responsibility for operation of the ship from the ship owner;
- (e) “Company Security Officer” means the Company Security Officer designated by the company for —
 - (i) ensuring that the ship security assessment is carried out and the ship security plan is developed, submitted for approval, and thereafter implemented and maintained; and
 - (ii) liaison with the Port facility Security Officers and the Ship Security Officer;
- (f) “Contracting Government”, in connection with any reference to a port facility, includes a reference to the Administration;
- (g) “Convention” means the International Convention for the Safety of Life at Sea 1974, as amended from time to time;

- (h) “declaration of security” means an agreement, made in the format appended in Schedule 1, between a ship and a port facility or another ship which specifies the security measures each will implement;
- (i) “mobile offshore drilling unit” means a mechanically propelled mobile offshore drilling unit as defined in Chapter IX/1 of the Convention;
- (j) “port facility” means a location, determined by the Authority, where ship or port interface takes place and includes areas such as anchorage, waiting berths and approaches from seaward;
- (k) “Port facility Security Officer” means the Port Facility Security Officer designated as responsible for the development, implementation, revision and maintenance of the port facility security plan and for liaison with the Ship Security Officers and Company Security Officers;
- (l) “port facility security plan” means a plan developed 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;
- (m) “Recognised Security Organisation” means a Recognised Security Organisation with expertise in security matters and knowledge of ships and port operations to carry out an assessment or a verification or approval or certification required by these Regulations and the Code;

- (n) “security incident” means any suspicious act or circumstance threatening the security of a ship or a mobile offshore drilling unit or a high-speed craft or a port facility or any ship or port interface or any ship to ship activity;
- (o) “security level” means the qualification of the degree of risk that a security incident will be attempted or will occur;
- (p) “security level 1” means the normal level of security at which the ship or port facility normally operates with minimum appropriate protective security measures;
- (q) “security level 2” means the heightened level of security applying for as long as there is a heightened risk of a security incident for which appropriate additional protective security measures shall be maintained;
- (r) “security level 3” means the exceptional level of security applying for the period of time when there is the probable or imminent risk of a security incident for which further specific protective security measures shall be maintained;
- (s) “ship” includes mobile offshore drilling units and high-speed craft as defined in Chapter XI-2/1 of the Convention;
- (t) “Ship Security Officer” means the Ship Security Officer on board the ship, accountable to the master, designated by the company as responsible for the security of the ship, implementation and maintenance of the ship security plan and for liaison with the Company Security Officer and the Port facility Security Officer;

- (u) “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;
- (v) “ship to port interface” means the physical, operational, or notional location in which ships and supporting watercraft engage port facility services;
- (w) “ship to ship activity” means any activity not related to a port facility that involves the transfer of goods or persons from one ship to another.

(2) The words and terms not defined in these Regulations but defined in the Convention shall have the same meaning as assigned to them in the Convention.

4.(1) These Regulations apply to —

Application

- (a) the following ships engaged in international voyages —
 - (i) passenger ships, including high-speed passenger craft;
 - (ii) cargo ships, including high-speed craft, of 500 gross tonnage and upwards;
- (b) mobile offshore drilling units; and
- (c) port facilities serving such ships engaged in international voyages.

(2) These Regulations do not apply to a warship, naval auxiliary or any other ship owned or operated by a Contracting Government and used only on Government non-commercial service.

(3) Notwithstanding subregulation (1), the Authority shall decide the extent of application of these Regulations to port facilities within Seychelles, used primarily by ships not engaged in international voyages, occasionally required to serve ships arriving or departing on an international voyage.

(4) The Authority shall base its decision, on a port facility security assessment carried out, in accordance with these Regulations.

(5) No decision of the Authority shall compromise the level of security intended to be achieved by Chapter XI-2 of the Convention or by these Regulations.

(6) Regulations 8 to 18 and 28 to 31 shall apply to companies and ships specified in Chapter XI-2/4 of the Convention.

(7) Regulations 8 and 20 to 27 shall apply to port facilities specified in Chapter XI-2/10 of the Convention.

(8) Nothing in these Regulations shall prejudice the rights or obligations of Seychelles under the international law.

PART 2 - RESPONSIBILITY OF AUTHORITY

Certificate of
compliance

5.(1) The Authority may, upon application and after assessing and verifying a ship, port or port facility under Article 3 of the Code, issue a certificate of compliance to the ship, port or port facility in the form prescribed under Schedule 2.

(2) The applicant for a certificate of compliance shall pay the fees to the Authority as prescribed in Schedule 3.

Offences and
penalties

6. Any person or owner, operator or agent of a ship, or port or port facility to which the Code applies, who contravenes any provision of these Regulations commits an offence and is upon conviction liable to a fine not exceeding SCR10,000 or to imprisonment for a term not exceeding 12 months or to both.

7.(1) Subject to the provisions of Chapters XI-2/3 and XI-2/7 of the Convention, the Authority shall set security levels and issue guidelines for protection from security incidents.

(2) The higher security levels indicate greater likelihood of occurrence of a security incident and the Authority shall, inter alia, consider the following factors while setting the appropriate security level —

- (a) the degree that the threat information is credible;
- (b) the degree that the threat information is corroborated;
- (c) the degree that the threat information is specific or imminent; and
- (d) the potential consequences of such a security incident.

(3) The Authority, while setting security level 3, shall issue necessary instructions and provide security related information to ships and port facilities that are likely to be affected.

(4) The Authority may delegate to a Recognised Security Organisation certain responsibilities under Chapter XI-2 of the Convention or these Regulations, except the power of —

- (a) setting of the security levels;
- (b) approving a port facility security assessment and any amendment to the approved assessment;
- (c) determining the port facilities which will be required to designate a Port facility Security Officer;

- (d) approving a port facility security plan and any amendment to the approved port facility security plan;
- (e) exercising control and compliance measures pursuant to Chapter XI-2/9 of the Convention; and
- (f) establishing the requirements for a declaration of security.

(5) The Authority shall, to the extent it considers appropriate, test the effectiveness of the ship or the port facility security plan, or any amendment to such plan or, in the case of a ship, of ships security plan which have been approved on its behalf.

Declaration of
security

8.(1) The Authority shall determine when a declaration of security is required under subregulation (2) by assessing the risk the ship and port interface or ship to ship activity poses to persons, property or the environment.

(2) 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 Contracting 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;
- (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.

(3) The requests for the completion of a declaration of security under subregulation (2) shall be acknowledged by the port facility or ship.

(4) The declaration of security shall be completed by —

- (a) the master or the Ship Security Officer on behalf of the ship; and
- (b) the Port facility Security Officer or, if the Authority determines otherwise, by any other person responsible for shore-side security, on behalf of the port facility.

(5) 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 of each of them.

(6) The Authority shall, subject to Chapter XI-2/9.2.3 of the Convention, specify the minimum period for which declarations of security shall be kept by the port facilities located within Seychelles.

(7) The Authority shall, subject to Chapter XI-2/9.2.3 of the Convention, specify the minimum period for which declarations of security shall be kept by ships entitled to fly their flag.

PART 3 - RESPONSIBILITY OF SHIPPING COMPANIES AND SHIPS

9.(1) The company shall ensure that the ship security plan contains a clear statement emphasising the master's authority.

Obligations of
company

(2) The company shall establish in the ship security plan that the master has the overriding authority and power to make decision with respect to the safety and security of the ship and to request the assistance of the company or the Authority as may be necessary.

(3) The company shall ensure that the Company Security Officer, the master and the Ship Security Officer are given the necessary support to fulfill their duties in accordance with Chapter XI-2 of the Convention and these Regulations.

Ship security

10.(1) A ship is required to act upon the security levels set by the Authority and the security levels set by subregulations (2), (3) and (4).

(2) At security level 1, the following activities shall be carried out through appropriate measures, on all ships, considering the guidance given in Part B of the Code, in order to identify and take preventive measures against security incidents —

- (a) ensuring the performance of all ship security duties;
- (b) controlling access to the ship;
- (c) controlling the embarkation of persons and their effects;
- (d) monitoring restricted areas to ensure that only authorised persons have access;
- (e) monitoring of deck areas and areas surrounding the ship;
- (f) supervising the handling of cargo and ship's stores;
- (g) ensuring that security communication is readily available; and

- (h) ensuring liaison with the port facility to ensure designated secure area for inspection and searching of persons, baggage, personal effects, vehicles and contents can take place during embarking or disembarking the ship.

(3) At security level 2, the additional protective measures, specified in the ship security plan, shall be implemented for each activity detailed in subregulation (2), which may include the following elements —

- (a) deploying additional personnel to patrol deck areas during silent hours to deter unauthorised access;
- (b) limiting the number of access points to the ship, identifying those to be closed and the means of adequately securing them;
- (c) deterring waterside access to the ship, including, for example, in liaison with the port facility, provision of boat patrols;
- (d) establishing a restricted area on the shore-side of the ship, in close cooperation with the port facility;
- (e) increasing the frequency and detail of searches of persons, personal effects, and vehicles being embarked or loaded onto the ship;
- (f) escorting visitors on the ship;
- (g) providing additional specific security briefings to all ship personnel on any identified threats, re-emphasising the procedures for reporting suspicious persons, objects, or activities and stressing the need for increased vigilance; and

(h) carrying out a full or partial search of the ship.

(4) At security level 3, further specific protective measures, specified in the ship security plan, shall be implemented for each activity detailed in sub-regulation (2), which may include the following elements —

- (a) limiting access to a single, controlled, access point;
- (b) granting access only to those responding to the security incident or threat thereof;
- (c) directions of persons on board;
- (d) suspension of embarkation or disembarkation;
- (e) suspension of cargo handling operations and deliveries;
- (f) evacuation of the ship;
- (g) movement of the ship; and
- (h) preparing for a full or partial search of the ship.

(5) Whenever security level 2 or security level 3 is set by the Authority, the ship shall acknowledge receipt of the instructions on change of the security level.

(6) A ship shall, prior to entering a port in Seychelles or whilst in a port in Seychelles that has set security level 2 or security level 3 —

- (a) acknowledge the receipt of instructions as required under subregulation (5);
- (b) confirm to the Port facility Security Officer the initiation of the implementation of the appropriate measures and procedures as detailed in the ship security plan, and in the

case of security level 3, instructions issued by the Authority which has set security level 3; and

- (c) report to the Authority any difficulties in implementation and in such case, the Port facility Security Officer and Ship Security Officer shall liaise and co-ordinate the appropriate actions.

(7) If a ship is required by the Authority to set, or is already at, a higher security level than that set for any port in Seychelles it intends to enter or in which it is already located, then, the ship shall advise, without delay, to the Authority of the situation and in such case, the Ship Security Officer shall liaise with the Port facility Security Officer and co-ordinate appropriate actions, if necessary.

(8) When the Authority requires ships entitled to fly its flag to set security level 2 or security level 3 in a port of another Contracting Government, the Authority shall inform that Contracting Government without delay.

(9) When the Authority sets security levels and ensures the provision of security level information to ships operating in Seychelles waters, or the ship has communicated its intention to enter into Seychelles waters, such ships shall be advised to maintain vigilance and report immediately to the Authority and any nearby coastal States, any information that comes to their attention that might affect maritime security in the area.

(10) The Authority shall, while advising ships of the applicable security level, advise those ships of any security measures that they should take and, if appropriate, of measures that have been taken by the Authority to provide protection against the threat.

11.(1) The Master shall not be constrained by the company, the charterer or any other person from taking or

Masters' discretion

executing any decision which, in the professional judgment of the Master, is necessary to maintain the safety and security of the ship which may include denial of access to persons, except those authorised by the Authority or their effects and refusal to load cargo, 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 may give precedence to measures intended to maintain the safety of the ship, and take such temporary security measures as seem best under all circumstances.

Ship security
assessment

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

(2) The Company Security Officer shall ensure that the ship security assessment is carried out by persons having skills to evaluate the security of a ship, in accordance with this regulation, considering the guidance given in Part B of the Code.

(3) Subject to subregulation (2), a Recognised Security Organisation may carry out the ship security assessment of a specific ship.

(4) The ship security assessment shall include an on-scene security survey and, at least, the following elements —

- (a) identification of existing security measures, procedures and operations;
- (b) identification and evaluation of key ship board operations that it is important to protect;
- (c) identification of possible threats to the key ship board operations and the likelihood of their occurrence, in order to establish and prioritise security measures; and

- (d) identification of weaknesses, including human factors in the infrastructure, policies and procedures.

(5) The ship security assessment shall be documented, reviewed, accepted and retained by the company.

13.(1) A Seychelles ship on international voyages shall carry on board a ship security plan approved by the Authority, which shall make provisions for three security levels as defined in these Regulations.

Ship security
plan

(2) Subject to regulation 12(2), a Recognised Security Organisation may prepare the ship security plan for a specific ship.

(3) The Authority may entrust the review and approval of ship security plans, or any amendment to an approved plan, to the Recognised Security Organisation.

(4) A Recognised Security Organisation who have been involved in the preparation of the ship security assessment or the ship security plan or any amendment thereto, shall not undertake the review and approval of a ship security plan, or its amendment on behalf of the Authority for a specific ship.

(5) The submission of a ship security plan or of amendment to the approved plan for approval shall be accompanied by the security assessment on the basis of which the plan or the amendment has been developed.

(6) The plan shall be developed, considering the guidance given in Part B of the Code and written in the working language or languages of the ship, and if the language or languages used is not English, French or Spanish, a translation into one of these languages shall be included, and the plan shall address, at least, the following —

- (a) measures designed to prevent weapons, dangerous substances and devices intended for use against persons, ships or ports and the carriage of which is not authorised from being taken on board the ship;
- (b) identification of the restricted areas and measures for the prevention of unauthorised access to them;
- (c) measures for the prevention of unauthorised access to the ship;
- (d) procedure for responding to security threats or breaches of security, including provisions for maintaining critical operations of the ship or ship and port interface;
- (e) procedure for responding to any security instructions which may be issued by the Authority for security level 3;
- (f) procedure for evacuation in case of security threats or breaches of security;
- (g) duties of shipboard personnel assigned security responsibilities and of other shipboard personnel on security aspects;
- (h) procedure for auditing the security activities;
- (i) procedure for training, drills and exercises associated with the plan;
- (j) procedure for interfacing with port facility security activities;
- (k) procedure for the periodic review of the plan and for updating;

- (l) procedure for reporting security incidents;
- (m) identification of the Ship Security Officer;
- (n) identification of the Company Security Officer including 24-hour contact details;
- (o) procedure to ensure the inspection, testing, calibration, and maintenance of any security equipment provided on board;
- (p) frequency for testing or calibration of any security equipment provided on board;
- (q) identification of the locations where the ship security alert system activation points are provided; and
- (r) procedure, instructions and guidance on the use of the ship security alert system, including the testing, activation, deactivation and resetting and to limit false alerts.

(7) Every 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 it is impracticable due to the size and the nature of the company or of the ship.

(8) The Authority shall determine which changes to an approved ship security plan or to any security equipment specified in an approved plan shall not be implemented unless the relevant amendments to the plan are approved by the Authority, and such changes shall be at least as effective as those measures prescribed in Chapter XI-2 of the Convention and these Regulations.

(9) The nature of the changes to the ship security plan or the security equipment that have been specifically approved by the Authority, pursuant to Regulation 11(5), shall be

documented in such manner that clearly indicates such approval and be available on board, and be presented to the Authority together with the International Ship Security Certificate (or the Interim International Ship Security Certificate) and in case the changes are temporary, once the original approved measures or equipment are reinstated, the documentation under this subregulation no longer need to be retained by the ship.

(10) The plan may be kept in an electronic format, and in such case, it shall be protected by procedures aimed at preventing its unauthorised deletion, destruction or amendment.

(11) The plan shall be protected from unauthorised access or disclosure.

(12) The ship security plan is not subject to inspection by the Port State Control Officer, except in circumstances specified in subregulation (13).

(13) If the Port State Control Officer authorised by a Contracting Government have reasonable grounds to believe that the ship is not in compliance with the requirements of Chapter XI-2 of the Convention or Part A of the Code, and the only means to verify or rectify the non-compliance is to review the relevant requirements of the ship security plan, limited access to the specific sections of the plan relating to the non-compliance is allowed, but only with the consent of the Contracting Government or the master of the ship concerned.

(14) Notwithstanding anything in subregulation (13), the provisions in the plan relating to subregulation (6) (b), (d), (e), (g), (o), (q) and (r) are confidential information and shall not be subject to inspection unless otherwise agreed to by the Administration concerned.

14.(1) The records of ship's security activities mentioned in the ship security plan, including Declarations of Security and

the record of the ship security level shall be maintained onboard for a period covering at least the previous 10 calls at port facilities or a period specified by the Administration keeping in view the following provisions of Chapter XI-2/9.2.3 of the Convention, namely —

- (a) training, drills and exercises;
- (b) security threats and security incidents;
- (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;
- (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.

(2) The records shall be kept in the working language or languages of the ship, and if the language or languages used are not English, French or Spanish, a translation into one of these languages shall be included.

(3) The records may be kept in an electronic format, and in such case, they shall be protected by procedures aimed

at preventing their unauthorised deletion, destruction or amendment.

(4) The records shall be protected from unauthorised access or disclosure.

Audit of ship
security plan

15. The ship security plan shall be audited at intervals not exceeding 5 years and the plan shall be verified annually for compliance by the Authority or the Recognised Security Organisation.

Company
security officer

16.(1) The company shall designate a Company Security Officer who 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 that person is responsible.

(2) A company may, depending on the 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.

(3) Every company shall appoint a Company Security Officer to implement and administer the requirements of these Regulations.

(4) The Company Security Officer shall have power to —

(a) enter ships to make inquiries, examinations, inspections and searches in accordance with this regulation; and

(b) implement all security measures as required by this regulation.

(5) The duties and responsibilities of the Company Security Officer shall, inter alia, include the following, namely —

(a) advising the level of threats likely to be encountered by the ship, using appropriate

security assessments and other relevant information;

- (b) ensuring that ship security assessments are carried out;
- (c) ensuring the development, the submission for approval, and thereafter the implementation and maintenance of the ship security plan;
- (d) ensuring that the ship security plan is modified, as appropriate, to correct deficiencies and satisfy the security requirements of the individual ship;
- (e) arranging for internal audits and reviews of security activities;
- (f) arranging for the initial and subsequent verifications of the ship by the Authority or the approved Recognised Security Organisation;
- (g) ensuring that deficiencies and non-conformities identified during internal audits, periodic reviews, security inspections and verifications of compliance are promptly addressed and dealt with;
- (h) enhancing security awareness and vigilance;
- (i) ensuring adequate training for personnel responsible for the security of the ship;
- (j) ensuring effective communication and co-operation between the Ship Security Officer and the relevant Port facility Security Officers;
- (k) ensuring consistency between security requirements and safety requirements;

- (l) ensuring that, if sister-ship or fleet security plans are used, the plan for each ship reflects the ship-specific information accurately;
- (m) ensuring that any alternative or equivalent arrangements approved for a particular ship or group of ships are implemented and maintained;
- (n) ensuring the conduct of ship security drills and exercises;
- (o) ensuring the proper maintenance of all records pertaining to the ship's security;
- (p) notifying law enforcement agencies and other law enforcement respondents of ship security incidents and any breaches of these Regulations; and
- (q) ensuring that all security measures set forth in this regulation are implemented and enforced.

Ship security
officer

17.(1) Every company shall appoint a Ship Security Officer aboard for each security regulated ship who shall implement and administer the requirements of this regulation.

(2) The Ship Security Officer shall have power to —

- (a) implement various levels of physical security controls aboard assigned security regulated ships; and
- (b) implement security measures as required by this regulation.

(3) The duties and responsibilities of the Ship Security Officer shall, inter alia, include the following —

- (a) undertaking regular security inspections of the ship to ensure that appropriate security measures are maintained;

- (b) maintaining and supervising the implementation of the ship security plan, including any amendments to the plan;
- (c) coordinating the security aspects of the handling of cargo and ship's stores with other shipboard personnel and with the relevant Port facility Security Officers;
- (d) proposing modifications to the ship security plan;
- (e) reporting to the Company Security Officer any deficiencies and non-conformities identified during internal audits, periodic reviews, security inspections and verifications of compliance and implementing any corrective actions;
- (f) enhancing security awareness and vigilance on board;
- (g) ensuring that adequate training has been provided to shipboard personnel, as appropriate;
- (h) reporting all security incidents;
- (i) coordinating implementation of the ship security plan with the Company Security Officer and the relevant Port facility Security Officer;
- (j) ensuring that security equipment is properly operated, tested, calibrated and maintained, if any;
- (k) ensuring the conduct of ship security drills and exercises;

- (l) ensuring the proper maintenance of all records pertaining to the ship's security;
- (m) notifying the Company Security Officer, or in absence of the Company Security Officer to the law enforcement agencies and other law enforcement respondents, of ship security incidents and any breaches of any provision of these regulations; and
- (n) ensuring that all security measures set forth in this regulation are implemented and enforced.

Training, drills
and exercise on
ship security

18.(1) A person shall not be appointed as the Company Security Officer or the Ship Security Officer unless such person has the knowledge and training in the following areas —

- (a) security administration;
- (b) relevant international conventions, codes and recommendations;
- (c) relevant Government laws;
- (d) responsibilities and functions of other security organisations;
- (e) ship's security assessment;
- (f) ship security surveys and inspections;
- (g) ship and port facility security measures;
- (h) emergency preparedness and response and contingency planning;
- (i) security measures and procedures;
- (j) classification of security information;

- (k) recognition of security threats and patterns;
- (l) overview of ships and port facility security audits;
- (m) methods of physical searches and non-intrusive inspections;
- (n) security drills and exercises, including drills and exercises with port facilities; and
- (o) assessment of security drills and exercises.

(2) Every shipboard personnel delegated any duty under the ship security plan shall have sufficient knowledge and ability to perform the assigned duties.

(3) In order to ensure the effective implementation of the ship security plan, drills shall be carried out at least every three months.

(4) When 25 percent of ship's personnel have been changed, with personnel that have not previously participated in any drill on that ship within the last three months, a drill must be conducted within one week of this change, and these drills should test individual elements of the plan.

(5) The Company Security Officer may participate in the security exercises in conjunction with relevant Administration, Ship Security Officer if available, and Port facility Security Officer, once each calendar year with not more than 18 months intervals in between, to ensure the effective coordination and implementation of ship security plans.

(6) These drills and exercises shall test communications, coordination, resource availability, and response and may be —

- (a) a full scale or live exercise;
- (b) a table top simulation; or

- (c) a combined with search and rescue or emergency response exercise.

PART 4 - REQUIREMENTS FOR RECOGNISED SECURITY ORGANISATION

Recognised
Security
Organisation

19.(1) The Authority may authorise a Recognised Security Organisation to undertake certain security related activities on behalf of the State, consisting of the following —

- (a) conduct security assessments;
- (b) inspect and audit port facilities;
- (c) advise or provide assistance on security matters.

(2) Notwithstanding anything in subregulation (1), the Recognised Security Organisation shall not —

- (a) set security levels;
- (b) approve Security Assessments;
- (c) approve Security Plans; or
- (d) exercise ship control and compliance measures,

(3) The Authority shall ensure that the Recognised Security Organisation has the necessary competence to perform the duties authorised under subregulation (1), and considering the qualification of the Recognised Security Organisation, the Authority shall ensure that the Recognised Security Organisation are able to demonstrate competence in the following areas —

- (a) expertise in relevant aspects of security;
- (b) appropriate knowledge of ship and port operations including general knowledge of

ship's layout and port layout when providing services for such ships and port facilities;

- (c) capability to assess the likely security risks that could occur during ship and port facility operations including the ship and port interface and the ways to minimise such risks;
- (d) training and improving the expertise of their personnel;
- (e) screening of their security personnel;
- (f) security of documents and sensitive materials;
- (g) application of the requirements of Chapter XI-2 of the Convention and these Regulations and relevant national and international laws and security requirements;
- (h) knowledge of current security threats and patterns;
- (i) ability to recognise and detect weapons, dangerous substances and devices;
- (j) ability to recognise behavioural patterns of persons who are likely to threaten security;
- (k) knowledge on techniques used to circumvent security measures; and
- (l) knowledge of security and surveillance equipment and systems and their operational limitations.

(4) The Authority may revoke the authorisation of the Recognised Security Organisation under subregulation (1), if the Recognised Security Organisation fails to meet or maintain the conditions and qualifications specified in this regulation.

PART 5 - REQUIREMENTS FOR PORT FACILITIES

Port facility
security

20.(1) A port facility in Seychelles is required to act upon the security levels set by the Designated Authority and the security measures and procedures 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.

(2) At security level 1, the following activities shall be carried out through appropriate measures in all port facilities, considering the guidance given in Part B of the Code, in order to identify and take preventive measures against security incidents —

- (a) ensuring the performance of all port facility security duties;
- (b) controlling access to the port facility;
- (c) monitoring of the port facility, including anchoring and berthing areas;
- (d) monitoring restricted areas to ensure that only authorised persons have access;
- (e) supervising the handling of cargo;
- (f) supervising the handling of ship's stores; and
- (g) ensuring that security communication is readily available.

(3) At security level 2, the additional protective measures specified in the port facility security plan shall be implemented for each activity detailed in subregulation (2), considering the guidance given in Part B of the Code.

(4) At security level 3, further specific protective measures specified in the port facility security plan shall be implemented for each activity detailed in subregulation (2),

considering the guidance given in Part B of the Code and in addition, at security level 3, the port facilities in Seychelles are required to respond to and implement any security instructions given by the Authority.

(5) When a Port facility Security Officer is advised that a ship encounters difficulty in complying with the requirements of Chapter XI-2 of the Convention or these Regulations or in implementing the appropriate measures and procedures as detailed in the ship security plan, and in the case of security level 3 following any security instructions given by the Authority, the Port facility Security Officer and Ship Security Officer shall liaise and co-ordinate appropriate actions.

(6) When a Port facility Security Officer is advised that a ship is at a security level which is higher than that of the port facility, the Port facility Security Officer shall report the matter to the Authority and shall liaise with the Ship Security Officer and co-ordinate appropriate actions, if necessary.

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

Port facility
security
assessment

(2) The port facility security assessment shall be carried out by the Authority, or the Authority may authorise a Recognised Security Organisation to carry out the port facility security assessment of a specific port facility in Seychelles.

(3) When the port facility security assessment has been carried out by a Recognised Security Organisation, the security assessment shall be reviewed and approved for compliance with this regulation by the Authority.

(4) The persons carrying out the assessment shall have appropriate skills to evaluate the security of the port facility in accordance with this regulation, considering the following elements —

- (a) physical security;
- (b) security equipment;
- (c) security procedures;
- (d) radio communications systems (including information technology systems and networks);
- (e) transportation infrastructure;
- (f) utilities infrastructure;
- (g) other areas that may, if damaged or used for illicit observation, pose a risk to persons, property, or operations within the port, port facility or aboard ships adjacent thereto; and
- (h) available expert assistance.

(5) The port facility security assessments shall be reviewed and updated, annually considering changing threats or minor changes in the port facility and shall always be reviewed and updated when major changes to the port facility take place.

(6) The port facility security assessment shall include, at least, the following elements —

- (a) identification and evaluation of important assets and infrastructure which are important to protect;
- (b) identification of possible threats to the assets and infrastructure and the likelihood of their occurrence, in order to establish and prioritise security measures;
- (c) identification, selection and prioritisation 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;

(7) The Authority may allow a port facility security assessment to cover more than one port facility if the operator, location, operation, equipment, and design of the port facilities are similar, and if the Authority allows such an arrangement, it shall communicate to the International Maritime Organisation the particulars thereof.

(8) Upon completion of the port facility security assessment, a report shall be prepared, consisting of —

- (a) a summary of how the assessment was conducted;
- (b) a description of each vulnerability found during the assessment; and
- (c) a description of counter measures that could be used to address each vulnerability.

(9) The report referred to in subregulation (8) shall be protected from unauthorised access or disclosure.

22.(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 and port interface, and the plan shall make provisions for the three security levels, as defined in this regulation.

Port facility
security plan

(2) Subject to regulation 19(2), a Recognised Security Organisation may prepare the port facility security plan for a specific port facility.

(3) The port facility security plan shall be approved by the Authority.

(4) The port facility security plan shall be developed taking into account the guidance given in Part B of the Code and shall be in the working language of the port facility, and the plan shall address, at least, the following elements —

- (a) measures designed to prevent weapons or any other dangerous substances and devices intended for use against persons, ships or ports and the carriage of which is not authorised, from being introduced into the port facility or onboard a ship;
- (b) measures designed to prevent unauthorised access to the port facility, to ships moored at the facility, and to restricted areas of the facility;
- (c) procedures for responding to security threats or breaches of security, including provisions for maintaining critical operations of the port facility or ship and port interface;
- (d) procedures for responding to any security instructions which may be issued by the Authority for security level 3;
- (e) procedures for evacuation in case of security threats or breaches of security;
- (f) duties of port facility personnel assigned security responsibilities and of other facility personnel on security aspects;
- (g) procedures for interfacing with ship security activities;
- (h) procedures for the periodic review, auditing and updating of the security plan;
- (i) procedures for reporting security incidents;

- (j) identification of the Port facility Security Officer including 24-hour contact details;
- (k) measures to ensure the security of the information contained in the plan;
- (l) measures designed to ensure effective security of cargo and the cargo handling equipment at the port facility;
- (m) procedures for auditing the port facility security plan;
- (n) procedures for responding in case the ship security alert system of a ship at the port facility has been activated; and
- (o) 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 organisations.

(5) The 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.

(6) The port facility security plan may be combined with, or be part of, the port security plan or any other port emergency plan or plans.

(7) The Authority shall determine which changes to the port facility security plan shall not be implemented unless the relevant amendments to the plan are approved by them.

(8) The plan may be kept in an electronic format and in such case, it shall be protected by procedures aimed at preventing its unauthorised deletion, destruction or amendment.

(9) The plan shall be protected from unauthorised access or disclosure.

(10) The Authority may allow a port facility security plan to cover more than one port facility if the operator, location, operation, equipment, and design of these port facilities are similar and such an alternative arrangement shall be communicated to the Organisation by the Authority.

Port facility
security officer

23.(1) The Chief Executive Officer of a Port Management Company or a Port Facility Operator shall appoint the Port facility Security Officer.

(2) A Port facility Security Officer shall be designated for each port facility and may be designated as the Port facility Security Officer for one or more port facilities.

(3) The Port facility Security Officer shall have power to —

- (a) enter port facilities or board ships to make inquiries, examinations, inspections, searches, seizures and apprehend in accordance with this regulation;
- (b) exercise control measures over ships within the port and to require Declarations of Security with those ships; and
- (c) implement all security measures and protocols as required by this regulation,

(4) The Port facility Security Officer may delegate any or all of his or her powers and functions under this regulation to qualified security officers.

(5) The duties and responsibilities of the Port facility Security Officer shall, *inter alia*, include —

- (a) conducting an initial comprehensive security

survey of the port facility considering the relevant port facility security assessment;

- (b) ensuring the completion and timely audit of required security assessments;
- (c) ensuring the development, submission, implementation and timely audit of required security plans;
- (d) implementing and exercising the port facility security plan;
- (e) undertaking regular security inspections of the port facility to ensure the continuation of appropriate security measures;
- (f) conducting port security drills and exercises and submitting report to the Authority;
- (g) maintaining all security records for a period of 7 years;
- (h) recommending and incorporating, as appropriate, modifications to the port facility security plan in order to correct deficiencies and to update the plan to consider of relevant changes to the port facility;
- (i) enhancing security awareness and vigilance of the port facility personnel;
- (j) ensuring adequate training has been provided to personnel responsible for the security of the port facility;
- (k) reporting to the relevant authorities and maintaining records of occurrences which threaten the security of the port facility;

- (l) coordinating implementation of the port facility security plan with the appropriate company and the Ship Security Officers;
- (m) coordinating with security services, as appropriate;
- (n) ensuring that standards for personnel responsible for security of the port facility are met;
- (o) ensuring that security equipment is properly operated, tested, calibrated and maintained, if any; and
- (p) assisting the Ship Security Officers in confirming the identity of those seeking to board the ship when requested.

Port security
committee

24.(1) The Port facility Security Officer shall constitute a Port Security Committee, of not less than five members, having an interest in the security of the area, who may be selected from —

- (a) law enforcement and emergency response agencies;
 - (b) maritime industry; and
 - (c) other port stakeholders having a special competence in maritime security.
- (2)** The Port Security Committee shall —
- (a) identify critical port infrastructure and operations;
 - (b) identify risks (threats, vulnerabilities, and consequences);

- (c) determine mitigation strategies and implementation methods; and
 - (d) advise and assist the Port facility Security Officer in developing the Security Assessment and Security Plan.
- (3) The Port Security Committee shall have power to —
- (a) enter port and port facility premises;
 - (b) inspect port and port facility documents, records and plans;
 - (c) inspect port and port facility security equipment; and
 - (d) assist with the planning and execution of port and port facility security exercises.

25.(1) Every port, port facility, shipping company, ships and security personnel of the Recognised Security Organisation shall be subjected to a background records check and police clearance requirements.

Security
personnel

(2) Every port facility, company and the ship's security personnel and their families shall declare to the Authority their interest in the Recognised Security Organisation or security equipment manufacture or retailer, and the Authority shall maintain a record of the declarations of interest.

(3) the Security Assessment and Security Plans audits shall be conducted by the Authority or an organisation approved by the Authority that is independent of the port facility subject to the assessment or audit.

26.(1) The Port facility Security Officer and appropriate port facility security personnel shall have sufficient knowledge, in basic ship and port security and the ISPS Code implementation and administration.

Training drills
and exercise on
port facility
security

(2) The Port facility Security Officer and port facility security personnel having specific security duties shall understand their duties and responsibilities for port facility security, as described in the port facility security plan and shall have training in the following areas —

- (a) relevant provisions of the port, port facility and ship security plan;
- (b) the relevance and application of security levels;
- (c) emergency procedures;
- (d) recognition and detection of dangerous substances and devices;
- (e) recognition of characteristics and behavioral patterns of persons who are likely to threaten security; and
- (f) other training specific to their duties.

(3) In order to ensure the effective implementation of the port facility security plan, drills shall be carried out at least once every 3 months to test all the individual elements of the port facility security plan and the drills shall consider the specific threats and responses identified in the Security Assessment and the Security Plan and should test individual elements of the plan.

(4) The Chief Executive Officer of a Port Management Company or a Port Facility Operator shall ensure that the Port facility Security Officer carries out the security exercises once each calendar year with not more than 18 months between two exercises to test the effectiveness of the port facility security plan, and enable the Security Officer to identify any security related deficiencies that need to be addressed.

(5) The security exercises may be —

- (a) full scale or live;
- (b) tabletop simulation or seminar; or
- (c) combined with other exercises.

27.(1) The Port facility Security Officer shall maintain all security records for a period of 5 years.

Records, audits,
review and
amendments

(2) The port facility security plan shall be audited internally by the Port facility Security Officer and externally by external auditors approved by the Authority or by the Authority auditors at intervals not exceeding 5 years.

(3) The port facility security plan shall be verified annually by the Authority or approved Recognised Security Organisation.

(4) The port facility security plan shall be reviewed and updated or amended according to the procedures in the port facility security plan by the Port facility Security Officer, and it should be reviewed —

- (a) if the port facility security assessment relating to the port facility is altered;
- (b) if the external audit carried out by the Authority or approved Recognised Security Organisation identifies failings or outdated procedures in port facility security plan;
- (c) following security incidents or threats thereof involving the port facility; and
- (d) following changes in ownership or operational control of the Port facility.

(5) The Port facility Security Officer may recommend appropriate amendments to the approved plan following any review of the plan relating to —

- (a) proposed changes to security measures of the port facility; and
 - (b) the removal, alteration or replacement of any equipment and systems essential for maintaining the security of the port facility.
- (6) The amendments referred to in subregulation (5) shall be submitted to the Authority for approval.

PART 6 - CERTIFICATION OF SHIPS

Verification for
certification of
ships

28.(1) Every ship to which these Regulations apply shall be subject to the following verifications, namely —

- (a) an initial verification before the ship is put in service or before the certificate required under subregulation (2) is issued for the first time, which shall include a complete verification of its security system and any associated security equipment covered by the relevant provisions of Chapter XI-2 of the Convention, these Regulations and the approved ship security plan, in order to ensure that the security system and any associated security equipment of the ship fully complies with the applicable requirements of Chapter XI-2 of the Convention and these Regulations, and is in satisfactory condition and fit for the service for which the ship is intended;
- (b) a renewal verification at intervals specified by the Authority, but not exceeding 5 years, except where regulation 22(4) applies to ensure that the security system and any associated security equipment of the ship fully complies with the applicable requirements of Chapter XI-2 of the Convention, these Regulations and the approved ship security

plan, and is in satisfactory condition and fit for the service for which the ship is intended;

- (c) an intermediate verification to be carried out between the second and third anniversary date of the certificate, which shall include inspection of the security system and any associated security equipment of the ship to ensure that it remains satisfactory for the service for which the ship is intended and the intermediate verification shall be endorsed on the certificate; and
- (d) any additional verifications as determined by the Authority.

(2) The verifications of ships shall be carried out by the Authority, or the Authority may entrust the verifications to a Recognised Security Organisation referred to in Chapter XI-2/1 of the Convention.

(3) In every case, the Authority shall fully guarantee the completeness and efficiency of the verification and shall undertake to ensure the necessary arrangements to satisfy this obligation.

(4) The security system and any associated security equipment of the ship after verification shall be maintained to conform to the provisions of Chapter XI-2/4.2 and Chapter XI-2/6 of the Convention, these Regulations and the approved ship security plan.

(5) After any verification under subregulation (1) has been completed, no change shall be made in security system or in any associated security equipment or the approved ship security plan, without the sanction of the Authority.

29.(1) An International Ship Security Certificate shall be issued after the initial or renewal verification is carried out under regulation 28(1).

Issue and
endorsement of
certificates

(2) The International Ship Security Certificate shall be issued or endorsed by the Authority or by an authorised Recognised Security Organisation acting on behalf of the Authority.

(3) The Authority may request another Contracting Government, to carry out verification and, if satisfied that regulation 28(1) are complied with, and shall issue or authorise the issue of an International Ship Security Certificate to the ship and, where appropriate, endorse or authorise the endorsement of that certificate on the ship, in accordance with this regulation, and —

- (a) a copy of the certificate and a copy of the verification report shall be transmitted as soon as possible to the Authority;
- (b) the certificate issued shall contain a statement to the effect that it has been issued at the request of the Authority; and
- (c) the certificate issued under this regulation shall have the same force and receive the same recognition as the certificate issued under subregulation (1).

(4) The International Ship Security Certificate shall be in the form prescribed in Schedule 4.

Duration and
validity of
certificate

30.(1) The International Ship Security Certificate shall be issued for a period determined by the Authority or the authorised Recognised Security Organisation which shall not exceed 5 years from the date of its issue.

(2) When the renewal verification is completed —

- (a) within 3 months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the

verification to a date not exceeding 5 years from the date of expiry of the existing certificate;

- (b) after the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the verification to a date not exceeding 5 years from the date of expiry of the existing certificate;
- (c) more than 3 months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the verification to a date not exceeding 5 years from the date of completion of the renewal verification.

(3) If the Authority or the Recognised Security Organisation issues a certificate for a period of less than 5 years, the Authority or the Recognised Security Organisation may extend the validity of the certificate to the maximum 5 years period specified in subregulation (1).

(4) If a renewal verification has been completed and a new certificate cannot be issued or placed on board the ship before the expiry of the existing certificate, the Authority or the Recognised Security Organisation acting on behalf of the Authority may endorse the existing certificate which shall be accepted as valid for a further period not exceeding 5 months from the date of expiry of the certificate.

(5) If a ship at the time when a certificate expires is not in a port in which it is to be verified, the Authority or the Recognised Security Organisation may, if satisfied that it is reasonable to do so, extend the period of validity of the certificate for the purpose of allowing the ship to complete its voyage to the port in which it is to be verified.

(6) No certificate shall be extended under subregulation (5) for a period longer than 3 months, and the

ship to which an extension is granted shall not, on its arrival in the port in which it is to be verified, be entitled by virtue of such extension to leave that port without having a new certificate.

(7) When the renewal verification is completed in respect of a ship whose period of validity of certificate was extended under this regulation, the new certificate shall be valid for a period, not exceeding 5 years, from the date of expiry of the existing certificate before the extension was granted.

(8) A certificate issued to a ship engaged on short voyages which has not been extended under the provisions of this regulation may be extended by the Authority or the Recognised Security Organisation in consultation with the Authority for a maximum period of one month from the date of expiry of the certificate.

(9) When the renewal verification is completed in respect of a ship referred to in subregulation (8), the new certificate shall be valid for a period, not exceeding 5 years, from the date of expiry of the existing certificate before the extension was granted.

(10) If an intermediate verification is completed before the period specified in regulation 28(1)(c), then —

- (a) the expiry date shown in the certificate shall be amended by endorsement to a date which shall not be more than 3 years later than the date on which the intermediate verification was completed;
- (b) the expiry date may remain unchanged provided one or more additional verifications are carried out so that the maximum intervals between the verifications prescribed by regulation 28(1) are not exceeded.

(11) A certificate issued under regulation 28 shall cease to be valid in any of the following cases —

- (a) if the relevant verifications are not completed within the period specified under regulation 28(1);
 - (b) if the certificate is not endorsed in accordance with regulation 28(1)(c) and subregulation (10)(a), if applicable;
 - (c) when a company assumes the responsibility for the operation of a ship not previously operated by that company; and
 - (d) upon transfer of the ship to the flag of another State.
- (12) In the case of —
- (a) a transfer of a Seychelles ship to the flag of another Contracting Government, the Authority shall as soon as possible transmit to the Administration of such Contracting Government, copies of, or all information relating to, the International Ship Security Certificate carried by the ship before the transfer and copies of available verification reports; or
 - (b) a company that assumes responsibility for the operation of a ship not previously operated by that company, the previous company shall as soon as possible, transmit to the receiving company copies of any information related to the International Ship Security Certificate or to facilitate the verifications described in regulation 28

31.(1) The Authority may cause an Interim International Ship Security Certificate, in the form prescribed in Schedule 5, to be issued in accordance with this regulation, when —

Issue of interim
certificate

- (a) a Seychelles ship without a certificate, on delivery or prior to its entry or re-entry into service;
- (b) transfer of a Seychelles ship to the flag of another Contracting Government;
- (c) transfer of a Seychelles ship to the Flag of a non-Contracting Government; or
- (d) when a company assumes the responsibility for the operation of a ship not previously operated by that company, until the certificate referred to in regulation 29(1) is issued.

(2) An Interim International Ship Security Certificate shall be issued when the Authority or the Recognised Security Organisation on behalf of the Authority, has verified that —

- (a) the ship security assessment required by these Regulations has been completed;
- (b) a copy of the ship security plan meeting the requirements of Chapter XI-2 of the Convention and these Regulations 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 Chapter XI-2/6 of the Convention, if required;
- (d) the Company Security Officer —
 - (i) has ensured —
 - (A) the review of the ship security plan for compliance with this regulation;
 - (B) that the plan has been submitted for approval;

- (C) that the plan is being implemented on the ship; and
 - (ii) has established the necessary arrangements, including arrangements for drills, exercises and internal audits, through which the Company Security Officer is satisfied that the ship will successfully complete the required verification in accordance with regulation 28(1)(a) within 6 months;
- (e) arrangements have been made for carrying out the required verifications under regulation 28(1)(a);
- (f) the master, the Ship Security Officer and other ship's personnel with specific security duties are familiar with their duties and responsibilities as specified in this regulation, and with the relevant provisions of the ship security plan placed on board, and have provided such information in the English language and the working language of the ship's personnel or languages understood by them; and
- (g) the Ship Security Officer meets the requirements of these Regulations.

(3) An Interim International Ship Security Certificate shall be valid for 6 months, or until the certificate required by regulation 29 is issued, whichever comes first, and shall not be extended.

(4) The Authority shall not cause to be issued a subsequent or consecutive Interim International Ship Security Certificate to a ship if, in the opinion of the Authority or the Recognised Security Organisation in consultation with the Authority, the purposes of the ship or the company is to avoid

full compliance with Chapter XI-2 of the Convention and these Regulations beyond the period of the initial interim certificate specified in subregulation (3).

(5) For the purposes of Chapter XI-2/9 of the Convention relating to control and compliance measures for ships, the Authority may prior to accepting any Interim International Ship Security Certificate as a valid certificate, ensure that the requirements of subregulation (2) (d), (e) and (j) have been met.

SCHEDULE 1

[Regulation 3(1)(g)]

FORM OF DECLARATION OF SECURITY BETWEEN A SHIP AND A PORT FACILITY

DECLARATION OF SECURITY

Name of Ship:

Port of Registry:

IMO Number:

Name of Port Facility:

This declaration of security is valid from until.....
..... for the following activities (list the activities with relevant details)—

.....
.....
.....
.....
.....
.....

Under the following security levels—

Security level(s) for the ship:

Security level(s) for the port
facility:

The port facility and ship agree to the following security measures and responsibilities to ensure compliance with the requirements of Part A of the International Code for the Security of Ships and of Port Facilities.

| | The affixing of the initials of the Ship Security Officer or Port facility Security Officer under these columns indicates that the activity will be done, in accordance with relevant approved plan, by — | |
|--|---|-------------|
| <i>Activity</i> | <i>Port facility</i> | <i>Ship</i> |
| Ensuring the performance of all security duties | | |
| Monitoring restricted areas to ensure that only authorized personnel have access | | |
| Controlling access to the port facility | | |
| Controlling access to the ship | | |
| Monitoring of the port facility, including berthing areas and areas surrounding the ship | | |
| Monitoring of the ship, including berthing areas and areas surrounding the ship | | |
| Handling of Cargo | | |
| Delivery of Ship's stores | | |
| Handling unaccompanied baggage | | |
| Controlling the embarkation of persons and their effects | | |
| Ensuring that security communication is readily available between the ship and port facility | | |

The signatories to this agreement certify that security measures and arrangements for both the port facility and the ship during the specified activities meet the provisions of chapter XI-2 and Part A of the Code that will be implemented in accordance with the provisions already stipulated in their approved plan or the specific arrangements agreed to and set out in the attached annex.

Dated at on the Day of, 20.....

Signed for and on behalf of

Port facility:

Ship:

*(Signature of the Port Facility
Security Officer)*

*(Signature of Master or Ship
Security Officer)*

Name and title of person who signed

Name:

Name:

Title:

Title:

*(*This form of declaration of security is for use between a ship and a port facility. If the declaration of security is to cover two ships, this model should be appropriately modified)*

Contact Details

(to be completed as appropriate, indicate the telephone numbers or the radio channels or frequencies to be used)

For the Port Facility:

For the Ship:

Port Facility:

Master:

Port facility Security
Officer:

Ship Security
Officer:

Company:

Company Security
Officer:

SCHEDULE 2
[Regulation 5(1)]
FORM OF CERTIFICATE OF COMPLIANCE

CERTIFICATE OF COMPLIANCE

Certificate No.....



Issued under the provisions of Part B of the
INTERNATIONAL CODE FOR THE SECURITY OF SHIPS
AND OF PORT FACILITIES (ISPS CODE)

GOVERNMENT OF THE REPUBLIC OF SEYCHELLES
Seychelles Maritime Safety Administration

Name of the Port Facility:

.....

Address of the Port Facility:

.....

THIS IS TO CERTIFY that the compliance of this port facility with the provisions of Chapter XI-2 and Part A of the International Code for the Security of Ships and of Port Facilities (ISPS Code) has been verified and that this port facility operates in accordance with the approved Port Facility Security Plan. This plan has been approved for the following <specify the types of operations, types of ship or activities or other relevant information> (delete as appropriate):

Passenger ship

Passenger high speed craft

Cargo high speed craft

Bulk carrier

Oil tanker

Chemical tanker

Gas carrier

Mobile offshore drilling units

Cargo ships other than those referred to above

This Statement of Compliance is valid until.....,
subject to verifications (as indicated overleaf).

Issued at:

(Place of issue of the Statement)

Date of issue:

*(*Signature of the duly authorised
official issuing the document)*

*(*Seal or stamp of issuing authority, as appropriate, must be affixed)*

SCHEDULE 3

[Regulation 5(2)]

FEES AND CHARGES FOR AUDIT OF PORT FACILITIES AND SHIPS

| Item | Description of activity | Prescribed fees in SCR (Excl. VAT) |
|------|--|---------------------------------------|
| (1) | (2) | (3) |
| (a) | Initial audit of port facilities | 60000 |
| (b) | Annual verification audit of port facilities | 24000 |
| (c) | Initial audit for ships | 6000 |
| (d) | Annual verification audit for ships | 2400 |
| (e) | Application, assessing and issuance of certificates for port facilities and ships | 2400 |

The cost of transportation, meals and accommodations for Auditors shall be borne by the operators of the Port facilities and the ship owners and operators.

SCHEDULE 4
[Regulation 29(4)]

FORM OF INTERNATIONAL SHIP SECURITY CERTIFICATE
INTERNATIONAL SHIP SECURITY CERTIFICATE

Certificate No.....

Issued under the provisions of the
INTERNATIONAL CODE FOR THE SECURITY OF SHIPS
AND OF PORT FACILITIES (ISPS CODE)

Under the Authority of the

GOVERNMENT OF THE REPUBLIC OF SEYCHELLES
by the Seychelles Maritime Safety Administration

Name of Ship:

Distinctive number or letters:

Port of registry:

Type of Ship:

Gross tonnage:

IMO Number:

Name and address of the company:

THIS IS TO CERTIFY —

1. That the security system and any associated security equipment of the ship has been verified in accordance with Section 19.1 of Part A of the ISPS Code;

2. That the verification showed that the security system and any associated security equipment of the ship is in all respects satisfactory and that the ship complies with the applicable requirements of the Chapter XI-2 of the SOLAS Convention and Part A of the ISPS Code;
3. That the ship is provided with an approved ship security plan.

Date of initial/renewal verification on which this certificate is based:.....

This Certificate is valid until.....
subject to verifications in accordance with 19.1.1 of Part A of the ISPS Code

Issued
at:

(Place of issue of the certificate)

Date of
issue:

*(*Signature of the duly authorised
official issuing the Certificate)*

*(*Seal or stamp of issuing authority, as appropriate, must be affixed)*

ENDORSEMENT FOR INTERMEDIATE VERIFICATION

THIS IS TO CERTIFY that at an intermediate verification required by section 19.1 of Part A of the ISPS Code, the ship was found to comply with the relevant provisions of the Chapter XI-2 of the SOLAS Convention and Part A of the ISPS Code.

Intermediate Verification

Signed:

*(*Signature of authorised official)*

Place:

Date:

*(*Seal or stamp of issuing authority, as appropriate, must be affixed)*

ENDORSEMENT FOR INTERMEDIATE VERIFICATIONS**

Additional verificationSigned: _____
(**Signature of authorised official*)

Place: _____

Date: _____

Additional verificationSigned: _____
(**Signature of authorised official*)

Place: _____

Date: _____

Additional verificationSigned: _____
(**Signature of authorised official*)

Place: _____

Date: _____

*(**This part of the certificate shall be adapted by the Authority to indicate whether it has established additional verifications as provided for in section 19.1.1.4 of Part A of the ISPS Code)*

*(*Seal or stamp of issuing authority, as appropriate, must be affixed)*

**ADDITIONAL VERIFICATION IN ACCORDANCE WITH SECTION
A/19.3.7.2 OF THE ISPS CODE**

THIS IS TO CERTIFY that at an additional verification required by section 19.3.7.2 of Part A of the ISPS Code, the ship was found to comply with the relevant provisions of the Chapter XI-2 of the SOLAS Convention and Part A of the ISPS Code.

Signed: _____
(**Signature of authorised official*)

Place: _____

Date: _____

*(*Seal or stamp of issuing authority, as appropriate, must be affixed)*

ENDORSEMENT TO EXTEND THE CERTIFICATE IF VALID FOR
LESS THAN 5 YEARS WHERE SECTION A/19.3.3 OF THE ISPS
CODE APPLIES

The ship complies with the relevant provisions of Part A of the ISPS Code,
and the Certificate shall, in accordance with section 19.3.3 of Part of A of
the ISPS Code, be accepted as valid until

Signed:
*(*Signature of authorised official)*

Place:

Date:

*(*Seal or stamp of issuing authority, as appropriate, must be affixed)*

ENDORSEMENT WHERE THE RENEWAL VERIFICATION HAS
BEEN COMPLETED AND SECTION A/19.3.4 OF THE ISPS CODE
APPLIES

The ship complies with the relevant provisions of Part A of the ISPS Code,
and the Certificate shall, in accordance with section 19.3.4 of Part of A of
the ISPS Code, be accepted as valid until

Signed:
*(*Signature of authorised official)*

Place:

Date:

*(*Seal or stamp of issuing authority, as appropriate, must be affixed)*

ENDORSEMENT TO EXTEND THE VALIDITY OF THE
CERTIFICATE UNTIL REACHING THE PORT OF VERIFICATION
WHERE SECTION A/19.3.5 OF THE ISPS CODE APPLIES
OR FOR A PERIOD OF GRACE WHERE SECTION A/19.3.6 OF THE
ISPS CODE APPLIES

The Certificate shall, in accordance with section 19.3.5/19.3.6 (delete
where appropriate) of Part of A of the ISPS Code, be accepted as valid until
.....

Signed:

*(*Signature of authorised official)*

Place:

Date:

*(*Seal or stamp of issuing authority, as appropriate, must be affixed)*

ENDORSEMENT FOR ADVANCEMENT OF EXPIRY DATE WHERE
SECTION A/19.3.7.1 OF THE ISPS CODE APPLIES

In accordance with section 19.3.7.1 of Part of A of the ISPS Code, the new
expiry date** is

Signed:

*(*Signature of authorised official)*

Place:

Date:

*(**In case of completion of this part of the certificate, the expiry date
shown on the front of the Certificate shall also be amended accordingly)*

*(*Seal or stamp of issuing authority, as appropriate, must be affixed)*

SCHEDULE 5
[Regulation 31(1)]

**FORM OF INTERIM INTERNATIONAL SHIP SECURITY
CERTIFICATE**

INTERIM INTERNATIONAL SHIP SECURITY CERTIFICATE

Certificate No.....

Issued under the provisions of the
INTERNATIONAL CODE FOR THE SECURITY OF SHIPS
AND OF PORT FACILITIES (ISPS CODE)

Under the Authority of the
GOVERNMENT OF THE REPUBLIC OF SEYCHELLES
by the Maritime Safety Administration of Seychelles

Name of Ship:

Distinctive number or letters:

Port of registry:

Type of Ship:

Gross tonnage:

IMO Number:

Is this a subsequent, consecutive interim certificate? Yes/No

If Yes, date of issue of initial interim certificate:

THIS IS TO CERTIFY THAT the requirements of section A/19.4.2 of the ISPS
Code have been complied with.

This certificate is issued pursuant to section A/19.4 of the ISPS Code.

This Certificate is valid until.....

Issued at: Date of issue:.....

(Place of issue of the certificate)

.....
*(*Signature of the duly authorised
official issuing the Certificate)*

*(*Seal or stamp of issuing authority, as appropriate, must be affixed)*

MADE this 31st day of January, 2020.

DIDIER DOGLEY
MINISTER OF TOURISM, CIVIL AVIATION,
PORTS AND MARINE
