

THE SHIPPING (SHIP AND PORT FACILITY SECURITY)
REGULATIONS, 2004

Arrangement of Regulations

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LEGAL NOTICE NO. 131

REPUBLIC OF TRINIDAD AND TOBAGO

THE SHIPPING ACT, 1987

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 406(a) OF THE SHIPPING ACT

THE SHIPPING (SHIP AND PORT FACILITY SECURITY)
REGULATIONS, 2004

PRELIMINARY

1. These Regulations may be cited as the Shipping (Ship and Port Facility Security) Regulations, 2004. Citation

2. (1) In these Regulations—

“Act” means the Shipping Act, 1987;

“administration” means the Maritime Authority of the State whose flag a ship is entitled to fly;

“authorized person” means a person authorized in writing by or on behalf of the Director or the designated authority for the purposes of these Regulations;

“bulk carrier” means a ship which is generally constructed with single deck, top-side tanks and hopper-side tanks in cargo spaces and intended primarily to carry dry cargo in bulk and includes one carrier and a combination carrier;

“certificate” means an International Ship Security Certificate or an Interim International Ship Security Certificate issued in accordance with Part A of the ISPS Code;

“chemical tanker” means a cargo ship constructed or adapted and used for the carriage in bulk, of any liquid product listed in the Table in Chapter 17 of the IBC Code;

“company” means the owner of a ship or any other organization or person who has assumed responsibility for the operation of the ship from the owner and has agreed to take over all the duties and responsibilities imposed on a company by the ISPS Code;

“company security officer” means the person designated by the company to ensure that a ship security assessment is carried out, and a ship security plan developed, submitted for approval, implemented and maintained and to liaise with port facility security officers and the ship security officer;

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

Interpreta-
tion

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of 1987

- “Declaration of Security” means an agreement reached between a ship and a port facility or another ship with which it interfaces, specifying the security measures each will implement;
- “designated authority” means the organization or the administration identified as responsible for ensuring the implementation of Chapter XI-2 of the Safety Convention pertaining to port facility security and ship/port interface from the point of view of the port facility and in the case of Trinidad and Tobago, means the Trinidad and Tobago Coast Guard;
- “Director” means the Director of Maritime Services referred to in section 403(2)(a) of the Act and includes any person lawfully under the instructions or on behalf of the Director;
- “gas carrier” means a cargo ship constructed or adapted for the carriage in bulk, of any liquefied gas or other liquid product identified in Chapter 19 of the IGC Code;
- “high speed craft” means a craft capable of a maximum speed in metres per second equal to or exceeding $307\Delta^{0.1667}$ where—
 Δ = displacement corresponding to the design waterline (m³);
- “IBC Code” means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk adopted by the Marine Environment Protection Committee of the IMO by resolution MEPC.19 (22), as amended and adopted by the IMO and brought into force in accordance with the amendment procedures in the International Convention for the Prevention of Pollution from Ships (MARPOL) applicable to an Appendix to an Annex;
- “IGC Code” means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk;
- “IMO” means the International Maritime Organization;
- “ISM Code” means the International Management Code for the Safe Operation of Ships and of Pollution Prevention adopted by the IMO by Resolution A-741(18);
- “ISPS Code” or “Code” means the International Code for the Security of Ships and of Port Facilities;
- “mobile offshore drilling unit” means a vessel capable of engaging in drilling operations for the exploration for or exploitation of resources beneath the seabed such as liquid or gaseous hydrocarbons, sulphur or salt;
- “oil tanker” means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes—
(a) a combination carrier;

(b) a chemical tanker when it is carrying a cargo or part cargo of oil in bulk; and

(c) a gas carrier when it is carrying a cargo or part cargo of oil in bulk;

“port facility” means a location, as determined by the designated authority, where a ship/port interface takes place and includes anchorages, waiting berths and approaches from seaward, as appropriate;

“port facility operator” means a person operating a port facility;

“port facility security assessment” means an assessment of the security of a port facility carried out in accordance with section 15 of Part A of the Code;

“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 the ship security officers and company security officers;

“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 ships’ stores within the port facility from the risks of a security incident;

“recognized security organization” means an organization with appropriate expertise in security matters and appropriate knowledge of ship and port operations, authorized to carry out an assessment, verification, approval or a certification activity, required by these Regulations or by Part A of the ISPS Code;

“restricted zone” means a zone to which access is restricted for security reasons, pursuant to these Regulations;

“Safety Convention” means the International Convention for the Safety of Life at Sea, 1974 and its Protocol of 1978, together with such amendments thereof or replacements therefore that the Minister may by Order declare to be in effect with respect to Trinidad and Tobago;

“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, and which may—

(a) result in significant loss of life;

(b) result in environmental change;

(c) cause disruption in transportation systems; and

(d) result in the economic disruption of a particular area;

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

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

“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;

“tons” means gross tonnage.

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

(3) For the purposes of these Regulations, references in Part A of the Code to “the Administration” shall be construed as references to “the Director” in relation to Trinidad and Tobago ships.

(4) For the purposes of Part I, a person is permitted to have access to a restricted zone of a port facility where he is permitted to enter the zone or where arrangements exist for permitting any of his employees or agents to enter the zone.

PART I

SPECIAL MEASURES TO ENHANCE MARITIME SECURITY

DIVISION 1

General

Application

3. (1) Subject to subregulation (4), this Part applies to—
- (a) the following types of ship engaged on international voyages;
 - (i) passenger ships, including high-speed passenger craft;
 - (ii) cargo ships, including high-speed craft, of five hundred tons or more;
 - (iii) mobile offshore drilling units;
 - (b) port facilities serving such ships engaged on international voyages; and
 - (c) any port facility that is required on occasion to serve ships arriving or departing on international voyages and is specified by way of a notice issued by the designated authority.

- (2) A notice referred to in subregulation (1)(c) shall—
- (a) be issued where a port facility security assessment for the port facility has not been done in accordance with section 15 of Part A of the Code;
 - (b) specify the extent of application of this Part and the relevant sections of Part A of the Code that apply to the facility; and
 - (c) not compromise the level of security intended to be provided by this Part and Part A of the Code.
- (3) Regulations 20, 21 and 22 shall also apply to a port facility not falling within subregulation (1)(b) or (c).
- (4) This Part does not apply to—
- (a) warships;
 - (b) naval auxiliaries; or
 - (c) other ships owned or operated by Parties to the Safety Convention and used only on Government non-commercial service.
4. (1) Without prejudice to any other duties specified in these Regulations, the Director shall—
- (a) in accordance with section 4 of Part A of the Code, set security levels and ensure the provision of security level information to Trinidad and Tobago ships;
 - (b) where changes in security levels occur, update the security level information as the circumstances may require;
 - (c) indicate when a Declaration of Security is required for a Trinidad and Tobago ship; and
 - (d) be responsible for approving the ship security plan and relevant amendments to a previously approved plan.
- (2) The Director may delegate to a recognized security organization, his responsibilities under this Part except the responsibility to—
- (a) set the applicable security level for ships;
 - (b) exercise control and compliance measures pursuant to regulations 20, 21 and 22; and
 - (c) establish the requirements for a Declaration of Security.

Responsibilities of Director for security measures

Responsibilities of the designated authority for security measures

5. (1) Without prejudice to any other duties under this Part the designated authority shall—

- (a) in accordance with section 4 of Part A of the Code, set security levels and ensure the provision of security level information to port facilities within Trinidad and Tobago and to ships prior to entering a port or whilst in a port within Trinidad and Tobago;
- (b) where changes in security level occur, update security level information as circumstances dictate;
- (c) determine which of the port facilities located within its territory are required to designate a port facility security officer to be responsible for the preparation of the port facility security plan; and
- (d) be responsible for approving the port facility security plan and any subsequent amendments to a previously approved plan.

(2) The designated authority may delegate to a recognized security organization, its responsibilities under these Regulations, except the responsibility to—

- (a) set applicable security levels for port facilities or ship to ship activity in Trinidad and Tobago territorial waters;
- (b) approve a port facility security assessment and subsequent amendments to an approved assessment;
- (c) determine the port facilities that will be required to designate a port facility security officer;
- (d) approve a port facility security plan and subsequent amendments to an approved plan;
- (e) exercise control and compliance measures pursuant to regulations 20, 21 and 22; and
- (f) establish the requirements for a Declaration of Security.

Requirements for companies

6. (1) A company shall—

- (a) comply with the relevant requirements of this Part and Part A of the Code; and
- (b) ensure that—
 - (i) a company security officer is appointed and properly trained and qualified to perform his duties and responsibilities;
 - (ii) a ship security officer is appointed for each of its ships and properly trained and qualified to perform his duties and responsibilities;

- (iii) each ship has a ship security plan; and
- (iv) the master has available on board at all times, information through which officers duly authorized by any State can identify—
 - (A) the person responsible for appointing the members of the crew or other persons currently employed or engaged on board the ship in any capacity on the business of the ship;
 - (B) the person responsible for deciding the employment of the ship; and
 - (C) in cases where the ship is employed under the terms of Charter party or parties, the parties to such Charter party or parties.

(2) A company that fails to comply with this regulation commits an offence.

7. (1) A ship security plan or amendments thereto shall be submitted to the Director or to a recognized security organization authorized to act on his behalf, for approval in accordance with section 9 of Part A of the Code.

(2) A recognized security organization authorized under subregulation (1) shall not have been involved in the preparation of the ship security plan or the amendment thereto, submitted for approval.

(3) The Director shall determine which changes to an approved ship security plan or to security equipment specified in an approved plan shall not be implemented unless the relevant amendments to the plan are approved by the Director.

(4) A change referred to in subregulation (3) shall be at least as effective as the measures prescribed in this Part and in Part A of the Code.

(5) A company that does not comply with subregulation (1) or otherwise fails to comply with section 9 of Part A of the Code commits an offence.

8. (1) A company security officer shall perform the responsibilities and duties of a company security officer specified in this Part and Part A of the Code, in particular those listed in section 11.2 of Part A.

(2) A company security officer who contravenes this regulation commits an offence.

9. (1) A ship security officer shall perform the responsibilities and duties of a ship security officer specified in this Part and Part A of the Code, in particular those listed in section 12.2 of Part A.

(2) A ship security officer who contravenes this regulation commits an offence.

Requirements
for ships

10. (1) A master of a ship shall comply with the relevant requirements of this Part and Part A of the Code.

(2) Prior to entering a port or whilst in a port within the territory of any other State, a master of a ship shall comply with the requirements for the security level set by that State, where such security level is higher than the security level set by the Director for that ship.

(3) A master of a ship shall respond without undue delay to any change to a higher security level.

(4) Where a master of a ship fails to comply with the requirements of this Part or Part A of the Code or cannot comply with the requirements of the security level set by the Director or by another Contracting Government and applicable to that ship, the captain shall notify the appropriate competent authority prior to conducting any ship/port interface or prior to entry into port, whichever occurs earlier.

(5) Where there is a breach of subregulations (1) to (4) in relation to a ship, the company and the master commit an offence.

Ship security
alert system

11. (1) The following ships shall be provided with a ship security alert system:

- (a) ships constructed on or after 1st July, 2004;
- (b) passenger ships, including high-speed passenger craft, constructed before 1st July, 2004, not later than the first survey of the radio installation after 1st July, 2004;
- (c) oil tankers, chemical tankers, gas carriers, bulk carriers and cargo high-speed craft, of five hundred tons or more, constructed before 1st July, 2004, not later than the first survey of the radio installation after 1st July, 2004; and
- (d) other cargo ships of five hundred tons or more and mobile offshore drilling units constructed before 1st July, 2004, not later than the first survey of the radio installation after 1st July, 2004.

(2) The ship security alert system, when activated, shall—

- (a) initiate and transmit a ship-to-shore security alert to a competent authority designated by the Director, which in these circumstances may include the company, identifying the ship, its location and indicating that the security of the ship is under threat or has been compromised;
- (b) not 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) The ship security alert system shall—
- (a) be capable of being activated from the navigation bridge and at least one other location; and
 - (b) conform to performance standards not inferior to those adopted by the IMO.

(4) The ship security alert system activation points shall be so designed as to prevent the inadvertent initiation of the ship security alert.

(5) The requirement for a ship security alert system may be complied with by using the radio installation fitted for compliance with the requirements of Chapter IV of the Safety Convention, provided that there is compliance with this regulation.

(6) Where the Director receives notification of a ship security alert relating to a Trinidad and Tobago ship, he shall immediately notify the State in the vicinity of which the ship is presently operating.

(7) Where the designated authority receives notification of a ship security alert from a ship that is not a Trinidad and Tobago ship, it shall immediately notify the relevant administration and, if appropriate, the State in the vicinity of which the ship is presently operating.

(8) A contravention of subregulations (1) to (4) shall be an offence by the company.

12. (1) The designated authority shall set security levels and ensure the provision of security level information to ships operating in the territorial sea of Trinidad and Tobago or having communicated an intention to enter the territorial sea. ^{Threats to ships}

(2) Where a risk of attack has been identified, the designated authority shall advise the ships concerned and their administrations of—

- (a) the current security level;
- (b) any security measures that should be put in place by the ships concerned to protect themselves from attack, in accordance with Part A of the Code; and
- (c) security measures that the designated authority puts in place, as appropriate.

13. (1) The master of a Trinidad and Tobago ship shall not be constrained by the company, the charterer or any other person from taking or executing any decision which, in the professional judgement of the master, is necessary to maintain the safety and security of the ship. ^{Master's discretion for ship safety and security}

(2) The decisions at subregulation (1) shall include the denial of access to persons, except those identified as duly authorized by Contracting Governments, or their effects and refusal to load cargo, including containers or other closed cargo transport units.

(3) Where, in the professional judgement 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.

(4) In cases referred to in subregulation (3), the master may implement temporary security measures and shall forthwith inform the Director and, where appropriate, the contracting government in whose port the ship is operating or intends to enter.

(5) Any temporary security measures referred to in subregulation (4) shall, to the highest possible degree, be commensurate with the prevailing security level.

(6) Where cases referred to in subregulation (3) are identified, the director shall ensure that such conflicts are resolved and that the possibility of recurrence is minimised.

Verification
for ships

14. (1) All Trinidad and Tobago ships to which this Part applies shall be subject to initial, renewal and intermediate verifications in accordance with section 19.1.1 of Part A of the Code.

(2) The verification of ships shall be carried out by an officer duly authorized by the Director or by a recognized security organization authorized to act on his behalf.

(3) The security system and any associated security equipment of the ship after verification shall be maintained to conform with regulations 7 and 11, Part A of the ISPS Code and the approved ship security plan.

(4) After any verification under subregulation (1), no changes shall be made in the security system and in any associated security equipment or the approved ship security plan without the sanction of the Director.

(5) Any contravention of subregulation (1) or (3) shall be an offence by both the company and master.

Issue,
endorsement,
duration and
validity of
certificate

15. (1) When an initial or renewal verification is satisfactorily completed pursuant to regulation 14, the Director or a recognized security organization acting on his behalf shall issue or, as the case may be, endorse an International Ship Security Certificate.

(2) The International Ship Security Certificate shall be drawn up in a form corresponding to the model given in the Appendix to Part A of the Code.

(3) The duration and validity of an International Ship Security Certificate shall be in accordance with section 19.3 of Part A of the Code.

16. (1) The Director may request another Contracting Government to verify the ship and, if satisfied that there has been compliance with section 19.1.1 of the Code, to issue or authorize the issue of an International Ship Security Certificate to the ship and, where appropriate, endorse or authorize the endorsement of that Certificate on the ship, in accordance with the Code.

Issue and endorsement of certificates by another Government

(2) A Certificate so issued or endorsed shall contain a statement to the effect that it has been issued or endorsed at the request of the Director and have the same effect as if issued or endorsed by the Director.

17. (1) The Director may, at the request of another Contracting Government, verify the ship and, if satisfied that there has been compliance with section 19.1.1 of the Code, issue or authorize the issue of an International Ship Security Certificate to the ship and, where appropriate, endorse or authorize the endorsement of that Certificate on the ship, in accordance with the Code.

Certificates issued or endorsed on behalf of another Government

(2) A Certificate so issued or endorsed shall contain a statement to the effect that it has been issued or endorsed at the request of that Government and have the same effect as if the Certificate had been issued or endorsed by that Government.

18. (1) After 1st July, 2004, for the purposes of—

- (a) a ship without a Certificate, on delivery or prior to its entry or re-entry into service;
- (b) transfer of a ship from the flag of another Government to the Trinidad and Tobago register; or
- (c) a company assuming the responsibility for the operation of a ship not previously operated by that company,

Interim certification

until the Certificate referred to in Regulations 15(1), 16(1) or 17(1) is issued, the Director may cause an Interim International Ship Security Certificate to be issued, in a form corresponding to the model given in the Appendix to Part A of the Code.

(2) An Interim International Ship Security Certificate shall only be issued if the Director or a recognized security organization acting on his behalf is satisfied that the conditions specified in sections 19.4.2.1 to 19.4.2.7 of Part A of the Code are met.

(3) An Interim International Ship Security Certificate may be issued by the Director or a recognized security organization authorized to act on his behalf.

(4) An Interim International Ship Security Certificate shall be valid for six months, or until the Certificate required by regulations 15(1), 16(1) or 17(1) is issued, whichever comes first, and may not be extended.

(5) A subsequent, consecutive Interim International Ship Security Certificate shall not be issued to a ship where, in the judgement of the Director or the recognized security organization, one of the purposes of the ship or a company in requesting such certificate is to avoid full compliance with this Part beyond the period of the initial Interim Certificate as specified in subregulation (1).

(6) For the purposes of regulations 20, 21 and 22 the Director may, prior to accepting an Interim International Ship Security Certificate as a valid Certificate, ensure that the requirements of sections 19.4.2.4 to 19.4.2.6 of Part A of the Code have been met.

Prohibition
on proceeding
to sea
without an
appropriate
certificate

19. (1) A Trinidad and Tobago 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) Where a Trinidad and Tobago ship proceeds or attempts to proceed to sea in contravention of subregulation (1), the company and the master commit an offence.

DIVISION 2

Control and Compliance Measures

Control of
ships in port

20. (1) For the purpose of these Regulations, a ship to which this Part applies is subject to control by officers duly authorized by the Director when in a port in Trinidad and Tobago.

(2) The control referred to in subregulation (1) shall be limited to verifying that there is on board a valid Certificate, which, shall be accepted, unless there are clear grounds for believing that the ship is not in compliance with the requirements of these Regulations or Part A of the Code.

(3) When there are such clear grounds, or where no valid Certificate is produced when required, the duly authorized officers shall impose any one or more of the control measures in relation to that ship as provided in subregulation (5).

(4) The control measures imposed must be proportionate, taking into account the guidance given in Part B of the Code.

(5) The control measures are as follows:

- (a) inspection of the ship;
- (b) delaying the ship;
- (c) detention of the ship;
- (d) restriction of operations including movement within the port; or
- (e) expulsion of the ship from port.

(6) The control measures referred to in subregulation (5) may additionally or alternatively include other lesser administrative or corrective measures.

21. (1) The Director shall require a company or the master of a ship intending to enter the ship in a port in Trinidad and Tobago to provide the following information in order to ensure compliance with this Part prior to entry into the port with the aim of avoiding the need to impose control measures or steps:

- (a) that there is in respect of the ship, a valid Certificate and the name of its issuing authority;
- (b) the security level at which the ship is currently operating;
- (c) the security level at which the ship operated in any previous port where it has conducted a ship/port interface within the parameters specified in subregulation (4);
- (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 the parameters specified in subregulation (4);
- (e) that the appropriate ship security procedures were maintained during any ship to ship activity within the parameters specified in subregulation (4); or
- (f) other practical security related information, but not details of the ship security plan, taking into account the guidance given in Part B of the Code,

and the master of the ship or the company shall provide additional confirmation of the above information upon the request of the Director.

(2) A Trinidad and Tobago ship to which this Part applies, intending to enter the port of another Contracting Government, shall provide the information specified in subregulation (1) on the request of the officers duly authorized by that Government.

(3) The master of a ship referred to in subregulation (2) may decline to provide such information on the understanding that failure to do so may result in denial of entry into port.

(4) The ship shall keep records of the information referred to in subregulation (2) for the last ten calls at port facilities.

(5) Where, after receipt of the information described in subregulation (1), the Director has clear grounds for believing that the ship is not in compliance with the requirements of this Part and Part A of the Code, he shall attempt to establish communication with and between the ship and its administration in order to rectify the non-compliance.

(6) Where the communication referred to in subregulation (5) does not result in rectification or the Director has clear grounds otherwise for believing that the ship is not in compliance with the requirements of this Part and Part A of the Code, he may take the steps specified in subregulation (8) in relation to the ship.

(7) The steps specified in subregulation (8) shall be proportionate, taking into account the guidance given in Part B of the ISPS Code.

(8) The steps referred to in subregulation (6) are as follows:

- (a) a requirement for the rectification of the non-compliance;
- (b) a requirement that the ship proceed to a location specified in the territorial sea or internal waters of Trinidad and Tobago;
- (c) inspection of the ship, where the ship is in the territorial sea of Trinidad and Tobago; or
- (d) denial of entry into port.

(9) Prior to initiating any steps specified in subregulation (8), the Director shall inform the master of the ship or the company of his intentions.

(10) Upon receipt of information referred to in subregulation (9), the master of the ship may withdraw the intention to enter the port, in which case subregulation (8) shall not apply.

Additional
control and
compliance
provisions

22. (1) Where—

- (a) a control measure referred to in regulation 20 is imposed; or
- (b) any of the steps referred to in regulation 21(8) are taken,

the Director shall forthwith inform the administration in writing, specifying the control measures imposed or steps taken and the reasons thereof.

(2) The Director shall also notify the recognized security organization that issued the Certificate relating to the ship concerned and the IMO when any such control measures have been imposed or steps taken.

(3) Where entry into port is denied or a ship is expelled from a port in Trinidad and Tobago, the Director shall communicate the appropriate facts to the relevant authorities of the State of the next port of call, where known, and any other appropriate coastal States, taking into account any guidelines developed by the IMO.

(4) Confidentiality and security of notification referred to in subregulation (3) shall be ensured.

(5) An officer duly authorized by the Director shall deny a ship entry into port, pursuant to regulation 21(8)(d), or expel it from port, pursuant to regulation 20, only where he has clear grounds to believe that the ship poses an immediate threat to the security or safety of persons or of ships or other property and there are no other appropriate means for removing the threat.

(6) The control measures referred to in regulation 20(5) and the steps referred to in regulation 21(8) shall only be imposed, pursuant to regulation 20 and 21, until the non-compliance giving rise to the control measures or steps, has been corrected to the satisfaction of the Director.

(7) When control is exercised under regulation 20 or steps taken under regulation 21—

- (a) All possible efforts shall be made to avoid a ship being unduly detained or delayed; and
- (b) necessary access to the ship for emergency or humanitarian reasons or security purposes, shall not be prevented.

(8) Where a ship is thereby unduly detained, or delayed, it shall be entitled to compensation for loss or damage suffered as a result.

DIVISION 3

Port Facilities

23. (1) The designated authority shall ensure that—

- (a) port facility security assessments are carried out, reviewed and approved in accordance with Part A of the Code; and
- (b) port facility security plans are developed, reviewed, approved and implemented in accordance with Part A of the Code.

Responsibilities of the designated authority for port facilities

(2) The designated authority shall communicate to the port facility operator and the port facility security officer, the measures required to be addressed in a port facility security plan for the various security levels, including when the submission of a Declaration of Security will be required.

Duties of port
facility
operator for
port facilities

24. (1) The port facility operator shall—
- (a) ensure that port facilities comply with the relevant requirements of this Part and Part A of the Code;
 - (b) appoint a suitably qualified port facility security officer, and ensure that he receives appropriate training, as specified in section 18.1 of Part A of the Code;
 - (c) provide the port facility security officer with the resources, assistance and support necessary to enable him to carry out his duties;
 - (d) ensure that port facility personnel having specific security duties have appropriate knowledge and receive appropriate training as specified in section 18.2 of Part A of the Code; and
 - (e) ensure that other port facility personnel have appropriate knowledge as specified in section 18.3 of Part A of the Code.

(2) A port facility operator who fails to comply with this regulation without reasonable excuse commits an offence.

Port facility
security
officers

25. (1) A port facility security officer shall carry out the duties and responsibilities placed on him by this Part and Part A of the Code, in particular those listed in section 17.2 of Part A of the Code.

(2) A port facility security officer who fails to comply with this regulation without reasonable excuse commits an offence.

Drills and
exercises

26. (1) To ensure the effective implementation of the port facility security plan, drills shall be carried out at appropriate intervals, taking into account the types of operation of the port facility, changes in port facility personnel, the types of ship the port facility is serving, other relevant circumstances and the guidance given in Part B of the Code.

(2) The port facility security officer shall ensure the effective co-ordination and implementation of the port facility security plan by participating in exercises at appropriate intervals, taking into account the guidance given in Part B of the Code.

(3) A port facility security officer who contravenes subregulation (1) without reasonable excuse commits an offence.

DIVISION 4

Supplementary

27. (1) The designated authority may, when implementing this Part and Part A of the Code, conclude in writing bilateral or multilateral agreements with other Contracting Governments on alternative security arrangements covering short international voyages on fixed routes between port facilities located within their respective territories.

(2) An agreement referred to in subregulation (1) shall—

- (a) not compromise the level of security of other ships or port facilities not covered by the agreement; and
- (b) be reviewed periodically, taking into account the experience gained as well as any changes in the particular circumstances or the assessed threats to the security of the ships, the port facilities or the routes covered by the agreement.

(3) A ship covered by such an agreement shall not conduct any ship to ship activities with a ship not covered by the agreement.

28. (1) The Director may allow a particular ship or a group of Trinidad and Tobago ships to implement other security measures equivalent to those prescribed in this Part or in Part A of the Code, where such security measures are at least as effective as those prescribed in this Part or Part A of the Code.

(2) Where the Director allows such security measures referred to in subregulation (1), he shall communicate to the IMO, the particulars thereof.

(3) When implementing this Part and Part A of the Code, the designated authority may allow a particular port facility or a group of port facilities located within its territory, other than those covered by an agreement concluded under regulation 27, to implement security measures equivalent to those prescribed in this Part or in Part A of the Code, where such security measures are at least as effective as those prescribed in this Part or Part A of the Code.

(4) Where the designated authority allows such security measures, it shall communicate to the IMO, the particulars thereof.

Communica-
tion of
information

29. (1) The Director shall, no later than 1st July, 2004, communicate to the IMO and make available for the information of companies and ships—

- (a) the names and contact details of their national authority or authorities responsible for ship and port facility security;
- (b) the locations within their territory covered by the approved port facility security plans;
- (c) the names and contact details of those who have been designated to be available at all times to receive and act upon the ship-to-shore security alerts, referred to in regulation 11(2)(a);
- (d) the names and contact details of those who have been designated to be available at all times to receive and act upon any communications from Contracting Governments exercising control and compliance measures in accordance with Regulation 9.3.1 of Chapter XI-2 of the Safety Convention; and
- (e) the names and contact details of those who have been designated to be available at all times to provide advice or assistance to ships and to whom ships can report any security concerns, referred to in Regulation 7.2 of Chapter XI-2 of the Safety Convention; and

and thereafter update such information as and when changes relating thereto occur.

(2) The Director shall, not later than 1st July, 2004, communicate to the IMO, the names and contact details of any recognized security organizations authorized to act on his behalf together with details of the specific responsibility and conditions of authority delegated to such organizations.

(3) The information referred to in subregulation (2) shall be updated as and when changes relating thereto occur.

(4) The designated authority shall, not later than 1st July, 2004, communicate to the IMO, a list showing the approved port facility security plans for the port facilities located within its territory together with the location covered by each approved port facility security plan and the corresponding date of approval and thereafter shall further communicate when any of the following changes takes place or are contemplated:

- (a) changes in the location covered by an approved port facility security plan are to be introduced or have been introduced and in such cases the information to be communicated shall indicate the changes in the location covered by the plan and the date as of which such changes are to be introduced or were implemented;

- (b) an approved port facility security plan, previously included in the list submitted to the IMO, is to be withdrawn or has been withdrawn and in such cases, the information to be communicated shall indicate the date on which the withdrawal will take effect or was implemented whereupon in these cases, the communication shall be made to the IMO as soon as is practically possible; and
- (c) additions are to be made to the list of approved port facility security plans.

(5) The information to be communicated under subregulation (4) shall indicate the location covered by the plan and the date of approval.

(6) The Director shall, at five year intervals after 1st July, 2004, communicate to the IMO a revised and updated list showing all the approved port facility security plans for all port facilities together with the location covered by each approved port facility security plan, and the corresponding date of approval and the date of approval of any amendments thereto which will supersede and replace all information communicated to the IMO, pursuant to subregulation (4), during the preceding five years.

(7) The designated authority shall communicate to the IMO, information that an agreement under regulation 27 has been entered into, amended or terminated.

(8) The information communicated in accordance with subregulation (7) shall include—

- (a) the names of the governments which have concluded the agreement;
- (b) the port facilities and the fixed routes covered by the agreement;
- (c) the periodicity of review of the agreement;
- (d) the date of entry into force of the agreement; and
- (e) information on any consultations which have taken place with other Governments.

(9) Where the Director allows, under regulation 28, any equivalent security arrangements with respect to a ship entitled to fly its flag or with respect to a port facility located within its territory, he shall communicate to the IMO, the particulars thereof.

DIVISION 5

Enforcement

Requirement
to provide
information

30. (1) Notwithstanding regulation 21, but subject to sections 9.8 and 9.9 of Part A of the Code, the designated authority may, by notice in writing served on any of the following persons:

- (a) the owner, charterer, manager or master of any ship which is in, or appears to the designated authority to be likely to enter, a port facility;
- (b) a port facility operator;
- (c) a person who carries on operations in a port facility; and
- (d) a person who is permitted to have access to a restricted zone of a port facility for the purposes of the activities of a business carried on by him.

require that person to provide the designated authority with such information specified in the notice as the authority may require in connection with the exercise of its functions under this Part.

(2) A notice under subregulation (1) shall specify a date before which the information required by the notice is to be furnished to the designated authority.

(3) Any such notice may also require the person on whom it is served, after he has furnished to the designated authority the information required by the notice, to inform the authority if at any time the information previously furnished, including any information furnished in pursuance of a requirement imposed by virtue of this subregulation, is rendered inaccurate by any change of circumstances, including the taking of any further measures for purposes of this Part or the alteration or discontinuance of any measures already being taken.

(4) Insofar as such a notice requires further information to be furnished to the designated authority in accordance with subregulation (3), it shall require that information to be furnished to it before the end of such period as is specified in the notice for the purposes of this subregulation.

(5) A notice served on a person under subregulation (1) may at any time—

- (a) be revoked by a notice in writing served on him by the designated authority; or
- (b) be varied by a further notice under subregulation (1)

(6) The Director may, in the manner specified in subregulations (1) to (5), require the owner, charterer, manager or master of a Trinidad and Tobago ship to provide him with information, and subregulations (1) to (5) shall apply as if references to the designated authority were references to the Director.

(7) A person who—

(a) without reasonable excuse, fails to comply with a requirement imposed on him by a notice under this regulation; or

(b) in furnishing any information so required, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular,

commits an offence.

31. (1) An authorized person may, on production, where required, ^{Powers of inspection} of his credentials, inspect—

(a) a Trinidad and Tobago ship;

(b) another ship while in a port facility;

(c) a port facility; or

(d) land outside a port facility which is occupied for the purposes of a business by a person who—

(i) carries on, or appears to the authorized person to be about to carry on, harbour operations in a port facility for the purposes of the business; or

(ii) is permitted or appears to the authorized person to be about to be permitted, to have access to a restricted zone of a port facility for the purposes of the activities of that business.

(2) An authorized person inspecting a ship, a port facility or land outside a port facility under subregulation (1) may—

(a) subject the property found by him on the ship, or the land outside the port facility, to such tests;

(b) take such steps—

(i) to ascertain what practices or procedures are being followed in relation to security; or

(ii) to test the effectiveness of any practice or procedure relating to security; or

(c) require the owner, charterer, manager or master of the ship, the port facility operator or the occupier of the land to furnish to him, such information,

as the authorized person may consider necessary for the purpose for which the inspection is carried out.

(3) Subject to subregulation (4), an authorized person, for the purpose of exercising any power conferred on him by subregulation (1) or (2) in relation to a ship, a port facility or land outside a port facility, may—

- (a) go on board a ship and to take all such steps as are necessary to ensure that it is not moved;
- (b) enter any building or works in the port facility or enter upon any land in the port facility; or
- (c) enter upon the land outside a port facility and to enter any building or works on the land.

(4) An authorized person shall not use force for the purpose of going on board a ship, entering any building or works or entering upon any land.

(5) A person who—

- (a) without reasonable excuse, fails to comply with a requirement imposed on him under subregulation (2)(c); or
- (b) in furnishing any information so required, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which a false in a material particular,

commits an offence.

32. (1) A person commits an offence where in answer to a question which—

- (a) relates to any baggage, cargo or stores, whether belonging to him or to another, that is or are intended for carriage by sea—
 - (i) by a Trinidad and Tobago ship; or
 - (ii) by another ship to or from a Trinidad and Tobago ship; and
- (b) is put to him for purposes of this Part by—
 - (i) a port facility operator;
 - (ii) the owner, charterer or manager of a ship; and
 - (iii) a person who—
 - (A) is permitted to have access to a restricted zone of a port facility for the purposes of the activities of a business carried on by him; and
 - (B) has control in that restricted zone over the baggage, cargo or stores to which the question relates;

False statements relating to baggage, cargo, etc.

- (iv) by an employee or agent of such a person referred to in subparagraphs (i) to (iii) in his capacity as employee or agent; or
- (v) by a police officer,

he makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular.

(2) In subregulation (1)—

- (a) “cargo” includes mail;
- (b) “ship” does not include a ship used in naval, customs or police service; and
- (c) “stores” means any goods intended for sale or use in a ship, including fuel and spare parts and other articles of equipment, whether or not for immediate fitting;

33. (1) A person commits an offence where—

- (a) for the purpose of, or in connection with, an application made by him or another for the issue of an identity document to which this subregulation applies; or
- (b) in connection with the continued holding by him or another, of any such document which has already been issued,

False statements in connection with identity documents

he makes to a person specified in subregulation (3), an employee or agent of such a person or a police officer, a statement which he knows to be false in a material particular, or recklessly makes to the person, employee or agent or police officer, a statement which is false in a material particular.

(2) Subregulation (1) applies to any identity document which is to be or has been issued by any of the persons specified in subregulation (3) for the purposes of a ship security plan or a port facility security plan.

(3) The persons referred to in subregulation (1) are—

- (a) a port facility operator;
- (b) the owner, charterer or manager of any ship; or
- (c) any person who is permitted to have access to a restricted zone of a port facility for the purposes of the activities of a business carried on by him.

Unauthorized presence in restricted zones

34. (1) A person shall not—

- (a) go, with or without a vehicle or vessel, onto or into any part of a restricted zone of a port facility except with the permission of the port facility security officer or a person acting on behalf of the port facility security officer and in accordance with any conditions subject to which that permission is for the time being granted; or
- (b) remain in any part of such a restricted zone after being requested to leave by the port facility security officer or a person acting on behalf of the port facility security officer.

(2) Subject to subregulation (3), a person who contravenes subregulation (1) commits an offence.

(3) A person does not commit an offence under subregulation (1)(a) unless it is proved that, at the material time, notices stating that the area concerned was a restricted zone were posted so as to be readily seen and read by persons entering the restricted zone.

Offences relating to authorized persons

35. A person who—

- (a) intentionally obstructs an authorized person acting in the exercise of a power conferred on him by or under these Regulations; or
- (b) falsely pretends to be an authorized person,

commits an offence.

Penalties, defences, etc.

36. (1) A person who commits an offence under this Part is liable upon summary conviction to a fine of three hundred thousand dollars and to imprisonment for two years.

(2) It shall be a defence for a person charged under subregulation (1) to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(3) Where an offence under this regulation is committed, or would have been committed save for the operation of subregulation (2), by any person due to the act or default of some other person, that other person commits the offence, and a person may be charged with and convicted of an offence by virtue of this subregulation whether or not proceedings are taken against the first mentioned person.

PART II

CONTINUOUS SYNOPSIS RECORD

37. (1) This regulation applies to all ships engaged on international voyages, except—

Continuous
Synopsis
Record

- (a) ships of war and troop ships;
- (b) cargo ships of less than five hundred tons;
- (c) ships not propelled by mechanical means;
- (d) wooden ships of primitive build;
- (e) pleasure vessels not engaged in trade; and
- (f) fishing vessels.

(2) All ships shall be provided with a Continuous Synopsis Record for the purpose of providing an on board record of the history of the ship with respect to the information recorded therein.

(3) For ships constructed before 1st July, 2004, the Continuous Synopsis Record shall provide the history of the ship as from 1st July, 2004.

(4) The Continuous Synopsis Record shall be issued by the Director to each Trinidad and Tobago ship and contain the following information:

- (a) the name of the State whose flag the ship is entitled to fly;
- (b) the date on which the ship was registered in Trinidad and Tobago;
- (c) the ship's identification number in accordance with the Shipping (Registration) Regulations, 1987;
- (d) the name of the ship;
- (e) the port at which the ship is registered;
- (f) the name of the registered owner and his registered address;
- (g) the name of the registered bareboat charterer and his registered address, where applicable;
- (h) the name of the company, its registered address and the address from where it carries out the safety management activities;
- (i) the name of the classification society with which the ship is classed;

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of 1987

- (j) the name of the Director or of the Contracting Government or of the recognized organization which has issued the Document of Compliance, or the Interim Document of Compliance specified in the ISM Code, to the company operating the ship and the name of the body which has carried out the audit on the basis of which the document was issued, if other than that issuing the document;
 - (k) the name of the Director or of the Contracting Government or of the recognized organization that has issued the Safety Management Certificate or the Interim Safety Management Certificate, specified in the ISM Code, to the ship and the name of the body which has carried out the audit on the basis of which the certificate was issued, if other than that issuing the certificate;
 - (l) the name of the Director of the Contracting Government or of the recognized security organization that has issued the International Ship Security Certificate (or an Interim International Ship Security Certificate), specified in part A of the Code, to the ship and the name of the body which has carried out the verification on the basis of which the certificate was issued, if other than that issuing the certificate; and
 - (m) the date on which the ship ceased to be registered in Trinidad and Tobago.
- (5) The Continuous Synopsis Record shall be kept on board the ship and be available for inspection at all times.
- (6) Any changes relating to the entries referred to in subregulation (4)(d) to (m) shall be recorded in the Continuous Synopsis Record so as to provide updated and current information together with the history of the changes.
- (7) In case of any changes relating to the entries referred to in subregulation (4)(a), the Director shall issue, as soon as is practicable but not later than three months from the date of the change, to the ships entitled to fly the Trinidad and Tobago flag either a revised and updated version of the Continuous Synopsis Record or appropriate amendments thereto.
- (8) In case of any changes relating to the entries referred to in subregulation (4) the Director, pending the issue of a revised and updated version of the Continuous Synopsis Record, shall authorize and require either the company or the master of the ship to amend the Continuous Synopsis Record to reflect the changes.
- (9) Where the Continuous Synopsis Record has been amended the Company shall, without delay, inform the Director accordingly.

(10) The Continuous Synopsis Record shall be in the format developed by the IMO and shall be maintained in accordance with guidelines developed by the IMO.

(11) Any previous entries in the Continuous Synopsis Record shall not be modified, deleted or, in any way, erased or defaced.

38. (1) Where a ship is transferred to the flag of another State, or sold to another owner, or is taken over by another bareboat charterer, or another company assumes the responsibility for the operation of the ship, the Continuous Synopsis Record shall be left on board. ^{Transfer of flag by ship}

(2) When a ship is to be transferred to the flag of another State, the company shall notify the Director of the name of the State under whose flag the ship is to be transferred so as to enable the Director to forward to that State a copy of the Continuous Synopsis Record covering the period during which the ship was under his jurisdiction.

(3) When a ship is transferred to the flag of another State the Government of which is a Contracting Government, the Director shall transmit to the administration as soon as possible after the transfer takes place a copy of the relevant Continuous Synopsis Record covering the period during which the ship was under Trinidad and Tobago jurisdiction together with any Continuous Synopsis Records previously issued to the ship by other States.

(4) When a ship is transferred to the flag of another State, the Director shall append the previous Continuous Synopsis Records to the current Continuous Synopsis Record issued in respect of the ship so as to provide the continuous history record intended by this regulation.

39. Where the company fails—

- (a) to provide to the Director the information required by regulation 37(4) where requested by the Director;
- (b) to inform the Director of the changes referred to in regulation 37(6);
- (c) to make the changes in the Continuous Synopsis Record as he is required to make under regulation 37(7);
- (d) to inform the Director as is required by regulation 37(9);
or
- (e) to ensure the Continuous Synopsis Record is left on the ship and is available for inspection as required by regulation 37(5),

Offences and penalties

the company commits an offence and is liable on summary conviction to a fine of three hundred thousand dollars.

Offences and
penalties *re*
master

40. A master who fails to—

- (a) make any changes in the Continuous Synopsis Record that he is required to make under regulation 37(6); or
- (b) ensure the Continuous Synopsis Record is left on the ship and is available for inspection as required by regulation 37(5),

commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars.

PART III

MISCELLANEOUS

Fees
Schedule

41. A recipient of a service specified in the first column of the Schedule shall pay the fee specified in the second column for the service.

Offences by
bodies
corporate

42. Where an offence under these Regulations committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, commits an offence and is liable to be proceeded against and punished accordingly.

SCHEDULE

<i>Service</i>	<i>(Regulation 41)</i>
<i>Service</i>	<i>Fees</i>
For the issue of:	
International Ship Security Certificate	\$1,500.00
Interim International Ship Security Certificate	\$1,000.00
Statement of Compliance of a Port Facility	\$1,500.00
Endorsement of Certificate	\$1,000.00

Dated this 28th day of June, 2004.

F. A. KHAN
Minister of Works and Transport