



MARITIME AND PORT AUTHORITY OF SINGAPORE

PORT MARINE CIRCULAR

No. 12 of 2004

9 Jun 2004

Shipping Community
Harbour Craft Community
Owners and Operators of Port Facilities

PROMULGATION OF LEGISLATION TO EFFECT SPECIAL MEASURES FOR THE ENHANCEMENT OF MARITIME SECURITY

1 The International Maritime Organisation (IMO) Diplomatic Conference on Maritime Security held in London in December 2002 adopted several amendments to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 74). The amendments include the introduction of new Chapters XI-1 and XI-2 to SOLAS 74, which require, amongst other things, ships and port facilities¹ to comply with the provisions of the International Ship and Port Facility Security (ISPS) Code. The amendments will come into effect on 1 July 2004.

2 In Singapore, the Merchant Shipping (Safety Convention) (Amendment) Regulations 2004 (the "Safety Convention Amendment Regulations") and the Maritime and Port Authority of Singapore (Port) (Amendment) Regulations 2004 (the "Port Amendment Regulations") will collectively give effect to the amendments and the provisions of the ISPS Code on 1 July 2004. Copies of the Regulations may be purchased at SNP Corporation Ltd².

3 This Port Marine Circular seeks to set out some of the main features of the amendments and the ISPS Code, and the Regulations implementing them in Singapore, that the owners and operators of ships and port facilities, respectively, should be familiar with.

4 All references to Chapter XI-2 in this Port Marine Circular may be taken to be to either Chapter XI-2 of SOLAS 74 (as revised by the amendments) or Chapter XI-2 of the Safety Convention Amendment Regulations, which are both similar in content.

Ships and Port Facilities

5 From 1 July 2004, ships intending to enter or within the port of Singapore will be subject to control and compliance measures under Chapter XI-2 and the ISPS Code, to enhance maritime security. Such measures include the assessment of information related to ship security that a ship may be required to provide prior to entering the port (see paragraph 7 below) and initial inspection of the ship when in the port. Where there are clear grounds for believing that a ship is not in compliance with the requirements of Chapter XI-2 or the ISPS Code, the ship may, amongst other things, be subjected to inspection, delay, detention or restriction of operations, including movement within the port, or expelled from or denied entry into the port. Owners therefore risk disruption to their ships' operations if their ships are not certified by 30 June 2004 or if they fail to ensure that:

¹ As defined under Chapter XI-2.

² SNP Corporation Ltd. Legal Publications, 491 River Valley Road, #01-20 Valley Point, Singapore 248371. Tel: (65) 6733 5794, E-mail: legalpub@snpcorp.com, Website: <http://www.myepb.com>

- (a) Ship Security Plans (SSPs)³ are effectively implemented on board;
- (b) company security officers⁴ and the ship security officers⁵ and appropriate shore-based personnel have knowledge and training, taking into account the guidance given in part B of the ISPS Code; and
- (c) shipboard personnel having specific security duties and responsibilities understand their responsibilities for ship security in the relevant SSP and shall have sufficient knowledge and ability to perform their assigned duties, taking into account the guidance given in part B of the ISPS Code.

6 Likewise, from 1 July 2004, port facilities in Singapore that serve ships engaged on international voyages would also be required to comply with the requirements of Chapter XI-2 and the ISPS Code that are relevant to the port facilities, taking into account the guidance given in Part B of the ISPS Code.

Records

7 A ship intending to enter the port of Singapore may be required to provide the following information to MPA:

- (a) that the ship possesses a valid International Ship Security Certificate⁶ and the name of the issuing authority;
- (b) the prescribed security level at which the ship is currently operating;
- (c) the prescribed security level at which the ship had operated in any of the last 10 ports where it had conducted a ship/port interface;
- (d) any special or additional security measures that had been taken by the ship in any of the last 10 ports where it had conducted a ship/port interface;
- (e) that the appropriate ship security procedures were maintained during any ship to ship activity in any of the last 10 ports where it had called; or
- (f) other practical security related information, excluding the details of the SSP, taking into account the guidance given in part B of the ISPS Code.

8 The definitions of the various prescribed security levels and the activities to be carried out by ships and port facilities in respect of each of such levels are found in the ISPS Code.

Declaration of Security

9 Port facilities in Singapore shall complete the Declaration of Security (DoS),⁷ when amongst other things:

- (a) there has been a security threat or security incident involving a ship or the port facility;
- (b) interfacing with ships coming from ports which are not ISPS Code compliant;

³ As defined in the ISPS Code.

⁴ As defined in the ISPS Code.

⁵ As defined in the ISPS Code.

⁶ A certificate issued under Part A of the ISPS Code.

⁷ As mentioned in the ISPS Code.

- (c) interfacing with ships to which the ISPS Code does not apply; and
- (d) when instructed by MPA.

10 Port facilities in Singapore should also discuss appropriate security measures when the ship is operating at a higher security level than the port facility, and where appropriate, complete the DoS with the ship upon its request.

Security Levels

11 All port facilities in Singapore would be on Security Level 1 unless otherwise advised by MPA. Such information would be communicated to the shipping community and Port Facility Security Officers⁸ through a Port Marine Circular.

Penalty for non-compliance

12 The owner, agent or and master of a ship who does not comply with the requirements of Chapter XI-2 and Part A of the ISPS Code that are relevant to the ship, taking into account the guidance given in Part B of the ISPS Code, shall be guilty of an offence under Regulation 63A of the Port Amendment Regulations which is punishable upon conviction with a fine not exceeding S\$10,000.

13 The owner or operator of a port facility who does not comply with the requirements of Chapter XI-2 and Part A of the ISPS Code that are relevant to the port facility, taking into account the guidance given in Part B of the ISPS Code, shall be guilty of an offence under Regulation 63B of the Port Amendment Regulations, which is punishable upon conviction with a fine not exceeding S\$10,000.

14 Any person who, being required to submit information to the Port Master for any purpose under Sections 63A to 63D of the Port Amendment Regulations or for compliance with Chapter X1-2 or the ISPS Code, submits any information which is false, misleading or inaccurate shall be guilty of an offence under Section 63F of the Port Amendment Regulations and shall be liable on conviction to a fine not exceeding S\$20,000 or to imprisonment for a term not exceeding 6 months or to both.

Information

15 All MPA Circulars and issues relating to maritime security are available on MPA website at “ <http://www.mpa.gov.sg> ”.

16 Any queries relating to this circular should be directed to Capt Henry Heng at Tel: 63252477 or Capt Anand U Nathan at Tel: 63252465.

M SEGAR
PORT MASTER
MARITIME AND PORT AUTHORITY OF SINGAPORE

⁸ As defined in the ISPS Code.