



## MINISTRY OF TRANSPORT AND AVIATION

S.I. No. 25 of 2016

(as amended by the *Ship and Port Facility (Security) (Amendment) Regulations, 2016*)<sup>1</sup>

### MERCHANT SHIPPING ACT (CHAPTER 268)

### SHIP AND PORT FACILITY (SECURITY) REGULATIONS, 2016

The Minister, in exercise of the powers conferred by sections 185, 187 and 289 of the Merchant Shipping Act (*Ch. 268*) makes the following regulations —

#### PART I - PRELIMINARY

##### 1. Citation.

These regulations may be cited as the Ship and Port Facility (Security) Regulations, 2016.

##### 2. Interpretation.

(1) In these regulations —

“**Act**” means the Merchant Shipping Act (*Ch. 268*);

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

“**Authority**” means The Bahamas Maritime Authority established by section 3 of The Bahamas Maritime Authority Act (*Ch. 283*);

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

“**Bahamian waters**” means all areas of water subject to the jurisdiction of The Bahamas, and includes territorial waters, internal waters and archipelagic waters;

“**Bulletin**” means The Bahamas Maritime Authority’s Bulletin;

“**CARICOM**” means the Caribbean Community including the CARICOM Single Market and Economy established by the Treaty of Chaguaramas;

“**certification**” means —

- (a) for ships, the issue of an International Ship Security Certificate or an Interim International Ship Security Certificate;
- (b) for port facilities, the issue of a Statement of Compliance;

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<sup>1</sup> The Ship and Port Facility (Security) (Amendment) Regulations corrected typographic errors in Regulations 15, 17, 19 & 34.

- “**Committee**” means the Port Security Advisory Committee established under regulation 23;
- “**company**” means —
- (a) for ships to which the ISM Code is applicable, the entity responsible for the management of the ship in accordance with the ISM Code; or
  - (b) for ships to which the ISM Code is not applicable, the managing owner in accordance with section 52 of the Act;
- “**company security officer**” means the person designated by the company to —
- (a) ensure that a ship security assessment is carried out;
  - (b) ensure that a ship security plan is developed, submitted for approval, implemented and maintained; and
  - (c) liaise with port facility security officers and ship security officers;
- “**continuous synopsis record**” means an on-board record of the history of the ship with respect to the information recorded therein;
- “**Contracting Government**” means a government which is a party to the Convention;
- “**Convention**” or “**SOLAS Convention**” means the International Convention on Safety of Life at Sea 1974, as amended by the Protocol of 1988 together with amendments thereto in force on 1st February 2016;
- “**declaration of security**” means an agreement between a ship and either a port facility or another ship with which it interfaces, specifying the security measures each will implement;
- “**duly authorised officer**” means a person authorised by the designated authority to undertake official duties related to inspection and enforcement;
- “**foreign ship**” means a ship which is registered under the law of a foreign country;
- “**high speed craft**” means a craft capable of a maximum speed in metres per second (m/s) equal to or exceeding:  $3.7 \nabla^{0.1667}$  where:  $\nabla$  = displacement corresponding to the design waterline (m<sup>3</sup>); excluding craft the hull of which is supported completely clear above the water surface in non-displacement mode by aerodynamic forces generated by ground effect;
- “**high speed passenger craft**” means a high speed craft which carry more than twelve passengers;
- “**IMO**” means the International Maritime Organization adopted by the United Nations in Geneva on 17 March 1948;
- “**International Ship Security Certificate**” means a certificate issued following verification by, or on behalf of, the ship’s administration that the ship complies with the requirements in Chapter XI-2 of the Convention and the ISPS Code;
- “**international voyage**” means a voyage from a port in one country to a port in another country;
- “**ISM Code**” means the International Management Code for the Safe Operation of Ships and Pollution Prevention as adopted by the IMO by Resolution A.741 (18);
- “**ISPS Code**” means the International Code for the Security of Ships and Port Facilities as adopted, on 12 December 2002, by resolution 2 of the conference of Contracting Governments to the Convention;
- “**master**” means the person in command of a ship;
- “**Minister**” means the Minister responsible for Maritime Affairs;
- “**mobile offshore drilling unit**” means a vessel capable of engaging drilling operations for the exploration for or the exploitation of resources beneath the sea-bed such as liquid or gaseous hydrocarbons, sulphur or salt, when not on location;

- “passenger ship”** means a ship carrying or capable of carrying more than twelve passengers;
- “port area” or “port”** has the meaning assigned to it under the Ports Authorities Act (*Ch. 269*);
- “Port Controller”** has the meaning assigned under the Ports Authority Act (*Ch. 269*);
- “port facility”** means the area designated in The Bahamas by the designated authority, or elsewhere by the relevant governmental authority, where the ship-port interface takes place, and includes anchorages, waiting berths and approaches from seaward, as appropriate;
- “port facility security assessment”** means a risk assessment undertaken by, or for, a designated authority which is provided —
- (a) to port facility security officers as a prelude to the preparation of a port facility security plan or the review, or amendment, of an approved port facility security plan;
  - (b) where there are no port facility security officers, for port facilities occasionally used by SOLAS Convention ships;
- “port facility security officer”** means the person designated as responsible for the development, implementation, revision and maintenance of the port facility security plan and for liaison with ship security officers and company security officers;
- “port facility security plan”** means a plan developed in accordance with section 16 of the ISPS Code to ensure the application of measures designed to protect the port facility and ships, persons, cargo, cargo transport units and ship’s stores within the port facility from the risks of a security incident;
- “port security officer” or “ISPS Code Coordinator”** means the person designated by the Minister to co-ordinate and manage security requirements of ports in accordance with the ISPS Code;
- “port security plan”** means a plan developed to ensure the application of measures designed to protect the port and ships, persons, cargo, cargo transport units and ship’s stores within the port from the risks of a security incident;
- “recognised security organization”** means a body authorised by the designated authority to carry out an assessment, a verification, an approval or a certification activity, required under these Regulations or by Part A of the ISPS Code;
- “security incident”** means any suspicious act or circumstance threatening the security of a ship, including a mobile offshore drilling unit and a high-speed craft, or of a port facility or of any ship/port interface or any ship-to-ship activity;
- “security level”** means the qualification of the degree of risk that a security incident will be attempted or will occur;
- “security level 1”** means the level for which minimum appropriate protective security measures shall be maintained at all times;
- “security level 2”** means the level for which appropriate additional protective security measures shall be maintained for a period of time as a result of heightened risk of a security incident;
- “security level 3”** means the level for which further specific protective security measures shall be maintained for a limited period of time when a security incident is probable or imminent, although it may not be possible to identify the specific target;
- “ship security alert system”** means a system that provides a method by which a ship can transmit a security alert to a competent authority on shore, indicating that the security of the ship is under threat or has been compromised;
- “ship security assessment”** means a risk assessment undertaken by, or for, a company security officer as a prelude to the preparation of a ship security plan or the review, or amendment, of an approved ship security plan;

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

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

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

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

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

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

**“STCW Convention”** means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, together with amendments thereto in force on 1<sup>st</sup> February 2016;

**“threat”** is the likelihood that an unlawful act will be committed against a particular target, based on a perpetrator’s intent and capability.

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

### **3. Application.**

- (1) These regulations shall apply to —
- (a) the following types of Bahamian ships engaged on international voyages —
    - (i) passenger ships, including high speed passenger craft;
    - (ii) cargo ships, including high speed craft, of 500 gross tonnage and above; and
    - (iii) mobile offshore drilling units;
  - (b) foreign ships in Bahamian waters to which the Convention applies;
  - (c) port facilities serving the ships specified in paragraphs (a) and (b).
- (2) These regulations shall not apply to —
- (a) warships and troop ships;
  - (b) cargo ships of less than 500 gross tonnage;
  - (c) ships not propelled by mechanical means;
  - (d) wooden ships of primitive build;
  - (e) pleasure yachts not engaged in trade;
  - (f) fishing vessels; and
  - (g) vessels not engaged in commercial activities.

### **4. Designated authority.**

For the purposes of these regulations and in accordance with Chapter XI-2 of SOLAS and the ISPS Code, the designated authority is —

- (a) with respect to enforcement of ship security on Bahamian ships and foreign ships in Bahamian waters, the Authority or a recognised security organization designated by the Authority;

- (b) with respect to the port facility security and ship/port interface within the jurisdiction of The Bahamas, the Port Department or a recognised security organization designated by the Port Department.

**5. Declaration of security.**

- (1) The master or ship security officer shall —
  - (a) request that a declaration of security be completed by the port facility security officer or port facility management where no port facility security officer has been appointed, prior to entering a port or whilst in a port which is not compliant with the ISPS Code;
  - (b) complete a declaration of security to record the security measures used where the request to the port facility referred to under paragraph (a) is refused or disregarded;
  - (c) ensure that completed declarations of security are retained on board the ship for a period covering at least the last ten port calls.
- (2) The port facility security officer shall —
  - (a) request that a declaration of security be completed by the ship security officer, or master where no ship security officer has been appointed, prior to a ship entering the port facility or whilst in the port facility, if the ship is not compliant with the ISPS Code;
  - (b) complete a declaration of security to record the security measures used where the request to the ship referred to under paragraph (a) is refused or disregarded;
  - (c) ensure that completed declarations of security are retained at the facility for a period covering, at a minimum, three years.
- (3) A declaration of security shall —
  - (a) be in the form set out in the Appendix to the ISPS Code; and
  - (b) specify —
    - (i) the contact details for the parties and signatories to the declaration of security;
    - (ii) the period for which the declaration is valid; and
    - (iii) the security level in force for each party.

**PART II – SHIP SECURITY**

**6. Responsibilities of a company.**

- (1) A company operating a ship to which these Regulations apply shall comply with the relevant requirements under these Regulations and section 6 of Part A of the ISPS Code.
- (2) Notwithstanding the generality of paragraph (1) and without prejudice to any other duties under these Regulations, a company shall —
  - (a) initiate periodic internal audits or reviews of the ship security plan to ensure compliance with, and appropriateness of, existing security measures; and
  - (b) ensure that —
    - (i) the company security officer, the master and the ship security officer are given the necessary support to carry out their duties and responsibilities under these Regulations and Chapter XI-2 of the SOLAS Convention and Part A of the ISPS Code;
    - (ii) the master has available on board the ship the information specified in regulation 5 of Chapter XI-2 of the SOLAS Convention;
    - (iii) a company security officer is appointed, and is trained and qualified in his duties and responsibilities;

- (iv) a ship security officer is appointed for each of its ships and is trained and qualified in his duties and responsibilities; and
- (v) each ship has a ship security plan.

**7. Company security officer.**

- (1) A company shall appoint a company security officer and the person so appointed may act as the company security officer for one or more ships.
- (2) A company security officer —
  - (a) shall prepare, after a ship security assessment, a ship security plan and submit the ship security plan to the Authority or to a recognised security organization, for approval;
  - (b) subject to the approval by the Authority or a recognised security organization, may review and amend the ship security plan.
- (3) The duties and responsibilities of the company security officer are to —
  - (a) advise the level of threats likely to be encountered by the ship, using appropriate security assessments and other relevant information;
  - (b) ensure that ship security assessments are carried out by persons with appropriate skills to evaluate the security of a ship, in accordance with Part A of the ISPS Code;
  - (c) ensure the development, the submission for approval, and the implementation and maintenance of the ship security plan;
  - (d) ensure that the ship security plan is modified, as appropriate, to correct deficiencies and satisfy the security requirements of the ship;
  - (e) arrange for internal audits and reviews of security activities;
  - (f) arrange for the initial and subsequent verifications of a ship by the recognised security organization;
  - (g) ensure that deficiencies and non-conformities identified during internal audits, periodic reviews, security inspections and verifications of compliance are immediately addressed and dealt with;
  - (h) enhance security awareness and vigilance;
  - (i) ensure adequate training for personnel responsible for the security of the ship;
  - (j) ensure effective communication and co-operation between the ship security officer and the relevant port facility security officers;
  - (k) ensure consistency between security requirements and safety requirements;
  - (l) ensure that, where sister-ship or fleet security plans are used, the plan for each ship reflects the ship-specific information accurately; and
  - (m) ensure that any alternative or equivalent arrangements approved for a particular ship or group of ships are implemented and maintained.

**8. Ship security officer.**

- (1) A company shall appoint the master or another crew member of the ship as a ship security officer.
- (2) A ship security officer shall —
  - (a) have completed security training as specified in regulation VI/5.1 in the Annex to the STCW Convention; and
  - (b) hold a certificate of proficiency in accordance with the Merchant Shipping (Training, Certification, Manning and Watchkeeping) Regulations.
- (3) The duties and responsibilities of the ship security officer are to —
  - (a) undertake regular security inspections of the ship to ensure that appropriate security measures are maintained;

- (b) maintain and supervise the implementation of the ship security plan, including any amendments to the plan;
  - (c) co-ordinate 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) propose modifications to the ship security plan;
  - (e) report to the company security officer any deficiencies and non-conformities identified during internal audits, periodic reviews, security inspections and verifications of compliance and implement any corrective actions;
  - (f) enhance security awareness and vigilance on board the ship;
  - (g) ensure that adequate training has been provided to shipboard personnel, as appropriate;
  - (h) report all security incidents;
  - (i) co-ordinate implementation of the ship security plan with the company security officer and the relevant port facility security officer;
  - (j) ensure that security equipment is properly operated, tested, calibrated and maintained, if any;
  - (k) ensure that notices are posted so as to be readily seen and read by persons entering a restricted area of the ship.
- (4) A ship security officer who is not the master of the ship is accountable to the master.

## **9. Ship security and security levels.**

The master or the ship security officer shall —

- (a) acknowledge receipt of any instruction from the Committee to set security level 2 or security level 3, by the method described in the Bulletin;
- (b) advise the Authority when the ship is at a security level which is higher than that set by the Committee;
- (c) prior to entering a port, or whilst in a port, within the territory of a Contracting Government that has set security level 2 or security level 3, acknowledge receipt of such instruction;
- (d) where required, confirm —
  - (i) implementation of the appropriate security measures and procedures as detailed in the ship security plan to the port facility security officer, and
  - (ii) in the case of security level 3, any specific instructions given by the Contracting Government that has set security level 3;
- (e) where the Committee requires a ship to operate at a higher security level than that set for the port it intends to enter or in which it is already located, immediately advise the relevant authority of the Contracting Government within whose territory the port facility is located and the port facility security officer of the situation;
- (f) ensure that the security level on board the ship is, as a minimum, set according to the requirements of the Committee.

## **10. Ship security assessment.**

- (1) A company security officer shall ensure that a ship security assessment is carried out in accordance with Part A of the ISPS Code.
- (2) Subject to regulation 11(4), a recognised security organization may carry out a ship security assessment for a specific ship.
- (3) A ship security assessment shall —
  - (a) include —
    - (i) the date when the assessment was completed or reviewed;

- (ii) the scope of the assessment, including assets, infrastructure and operations assessed;
  - (iii) a summary of how the assessment was conducted, including details of the risk management process adopted;
  - (iv) the skills and experience of the key persons who completed or participated in the assessment;
  - (v) the results of the examination and evaluation of the existing shipboard protective measures, procedures and operations;
  - (vi) a statement outlining the risk context or threat situation for the ship, including consideration of trading routes;
  - (vii) identification and evaluation of key shipboard operations that it is important to protect;
  - (viii) identification of possible threats to the key shipboard operations and the likelihood of their occurrence;
  - (ix) identification of existing security measures, procedures and operations;
  - (x) identification of weaknesses, including human factors, in the infrastructure, policies and procedures;
  - (xi) identification, selection and prioritisation of possible countermeasures and procedural changes that need to be implemented and their effectiveness in reducing risk levels and vulnerabilities; and
- (b) be documented, reviewed, accepted and retained by the company.

## **11. Ship security plan.**

- (1) A ship shall carry on board, a ship security plan approved by –
  - (a) for Bahamian ships, the Authority or a recognised security organization acting on behalf of the Authority;
  - (b) for foreign ships, the flag State Administration or a recognised security organization acting on behalf of the Administration;
- (2) The ship security plan shall —
  - (a) be confidential and no part of the ship security plan may be reproduced or transmitted, by any means, without the written consent of the company security officer or the Authority;
  - (b) contain a clear statement emphasising the authority of the master;
  - (c) provide for security level 1, security level 2 and security level 3.
- (3) Subject to paragraph (4), a recognised security organization may prepare the ship security plan for a specific ship.
- (4) A recognised security organization shall not undertake approval of the ship security plan, where that recognised security organization has —
  - (a) carried out the ship security assessment under regulation 10 for a specific ship; or
  - (b) been involved in the preparation of the ship security plan or its amendments under this regulation for a specific ship.

## **12. Records.**

The master shall maintain records of the activities specified in the ship security plan and paragraph 10.1 of Part A of the ISPS Code on board the ship for, at a minimum, the last ten calls at port facilities.



### **13. Ship security alert system.**

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

### **14. Training, drills and exercises on ship security.**

- (1) All shipboard personnel shall —
  - (a) receive security related familiarisation and security awareness training or instructions, in accordance with A-VI/6 of the STCW Code and meet the standards specified in the STCW Code;
  - (b) shall, if assigned specific security duties and responsibilities —
    - (i) understand their responsibilities for ship security as described in the ship security plan; and
    - (ii) have sufficient knowledge and ability to perform their assigned duties.
- (2) A company shall ensure that drills and exercises in ship security are conducted at appropriate intervals taking into account the ship type, ship personnel changes, port facilities to be visited and other relevant circumstances.
- (3) A company security officer shall participate in the drills and exercises referred to under paragraph (2) at appropriate intervals to ensure the effective coordination and implementation of the ship security plan.

### **15. Unauthorised presence on a ship or in a restricted area of a ship.**

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

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

**16. Threats to ships.**

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

**17. Verification for ships.**

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

**18. Prohibition on proceeding to sea without a certificate.**

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

**19. Issue, endorsement, duration and validity of certificate.**

- (1) Where an initial, renewal or intermediate verification is satisfactorily completed pursuant to regulation 17, the Authority or a recognised security organization shall, if satisfied that the ship is in compliance with the ISPS Code, issue or endorse an International Ship Security Certificate.
- (2) The duration and validity of an International Ship Security Certificate shall be in accordance with section 19.3 of Part A of the ISPS Code.
- (3) The International Ship Security Certificate shall be, in English, in the form in the Appendix to the ISPS Code.

**20. Issue or endorsement of certificates by Contracting Government.**

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

- (2) A certificate issued or endorsed under paragraph (1) shall contain a statement to the effect that it has been issued or endorsed at the request of the Authority and shall have the same effect as if issued or endorsed by the Authority.

**21. Issue or endorsement of certificates on behalf of a Contracting Government.**

- (1) The Authority may, at the request of another Contracting Government, verify the ship and, if satisfied that the ship is in compliance with section 19.1.1 of the ISPS Code, issue or endorse an International Ship Security Certificate to the ship, in accordance with the ISPS Code.
- (2) A certificate issued or endorsed under paragraph (1) shall contain a statement to the effect that it has been issued or endorsed at the request of the Contracting Government and shall have the same effect as if issued or endorsed by the Contracting Government.

**22. Interim certificate.**

- (1) The Authority or a recognised security organization may issue an Interim International Ship Security Certificate, where —
  - (a) a ship does not have a certificate, on delivery or prior to its entry or re-entry into service;
  - (b) a ship is transferred to The Bahamas from another flag; or
  - (c) a company assumes the responsibility for the operation of a ship not previously operated by that company.
- (2) An Interim International Ship Security Certificate —
  - (a) is valid for a period of six months, or until the certificate required by paragraph (1) is issued, whichever comes first; and
  - (b) may not be extended.
- (3) The Interim International Ship Security Certificate shall be, in English, in the form in the Appendix to the ISPS Code.

## **PART III – ESTABLISHMENT OF THE PORT SECURITY ADVISORY COMMITTEE**

**23. Port Security Advisory Committee.**

- (1) There is hereby established a Port Security Advisory Committee (“the Committee”) to act as a security consultative body and to co-ordinate and oversee the implementation of applicable security measures.
- (2) The Committee shall comprise —
  - (a) the Permanent Secretary in the Ministry of National Security;
  - (b) the Permanent Secretary in the Ministry of Transport;
  - (c) the port security officer;
  - (d) a representative from the Ministry of Transport;
  - (e) a representative from the Ministry of Foreign Affairs;
  - (f) a representative from the Ministry of National Security;
  - (g) a representative from the Office of the Prime Minister;
  - (h) a representative from the Royal Bahamas Police Force;
  - (i) a representative from the Royal Bahamas Defence Force;
  - (j) a representative from the Ministry of the Environment;
  - (k) a representative from the Ministry of Health;
  - (l) a representative from Customs Department;
  - (m) a representative from The Bahamas Maritime Authority;

- (n) a representative from the Port Department;
  - (o) two representatives from maritime industry;
  - (p) a representative from National Emergency Management Agency;
  - (q) a representative from the Department of Immigration.
- (3) The Minister shall appoint the Chairman of the Committee.
- (4) The Chairman may co-opt other members on an ad-hoc basis.

#### **24. Duties of the Committee.**

The duties of the Committee are to —

- (a) liaise with the security organization set up in CARICOM and other external agencies to discuss security issues;
- (b) receive information relative to a security threat to Bahamian interests;
- (c) assess the information and make recommendations to the relevant authority as to the threat level determined by the security threat information received under (b);
- (d) in accordance with Part A of the ISPS Code —
  - (i) set security levels for Bahamian ships and port facilities in The Bahamas;
  - (ii) ensure the provision of security level information to Bahamian ships, ships prior to entering a port or whilst in a port in The Bahamas and port facilities in The Bahamas; and
  - (iii) where changes in security level occur, update security level information as necessary;
- (e) coordinate, communicate and facilitate the implementation of security measures required by the port security plan;
- (f) provide a forum for communication between port users and ship owners on issues and procedures in place to meet threats, providing for normal situations and contingencies for periods of heightened tension and emergency simulations;
- (g) oversee and implement security controls and procedures and boundaries at the ship/port interface; and
- (h) provide feedback on the implementation, drills and exercises, testing, security training and periodic updates of the port security plan.

#### **25. Port security officer.**

- (1) The Minister shall appoint a port security officer who, with the authority of the Committee, shall administer the day-to-day operations of the port security plan at the port.
- (2) The duties and responsibilities of the port security officer are to —
- (a) consult with the recognised security organization and port facility security officer;
  - (b) ensure that appropriate security measures are maintained;
  - (c) develop, implement and maintain the port security plan, including any amendments to the plan;
  - (d) propose modifications to the port security plan;
  - (e) report to the Committee any deficiencies and non-conformities identified during internal audits, periodic reviews, security inspections and verifications of compliance and implementing any corrective actions;
  - (f) conduct regular security inspections of the port;
  - (g) enhance security awareness and vigilance by all staff;
  - (h) ensure adequate security training has been provided to port employees and agents with regard to their security roles and responsibilities and maintenance of training records;

- (i) ensure that security equipment is appropriately operated, tested, calibrated and maintained, if any;
- (j) act as the “point of contact” through which ships can request advice or assistance and to which ships can report any security concerns regarding other ships, movements or communications;
- (k) maintain and upkeep information required to be communicated to the International Maritime Organization Global Integrated Shipping Information System database, relating to port facility security;
- (l) ensure effective communication and co-operation between the port and members of the Committee;
- (m) attend Committee meetings and report all security incidents to the Committee and the Minister;
- (n) oversee the issue of copies of the port security plan and maintain a record of all authorised holders; and
- (o) carry out any other duties assigned under these Regulations or specified in the ISPS Code.

## **PART IV – CONTROL AND COMPLIANCE MEASURES**

### **26. Control of ships in port.**

- (1) For the purpose of these Regulations, when in a port in The Bahamas, a ship is subject to control by a duly authorised officer.
- (2) The control referred to under paragraph (1) shall be limited to verifying that there is on board a valid International Ship Security Certificate or Interim International Ship Security Certificate, which, shall be accepted, unless there are clear grounds for believing that the ship is not in compliance with the requirements under these regulations or Part A of the ISPS Code.
- (3) Where —
  - (a) there are clear grounds for believing that the ship is not in compliance with these Regulations or Part A of the ISPS Code; or
  - (b) no valid International Ship Security Certificate or Interim International Ship Security Certificate is produced when required,
 a duly authorised officer shall impose one or more of the control measures in relation to the ship as provided under paragraph (4).
- (4) The control measures include —
  - (a) inspection of the ship;
  - (b) delaying the ship;
  - (c) detention of the ship;
  - (d) restriction of the operations of the ship, including movement within the port; or
  - (e) expulsion of the ship from the port.
- (5) The control measures under paragraph (4) —
  - (a) shall be proportionate, taking into account the guidance given in Part B of the ISPS Code; and
  - (b) may additionally or alternatively include other lesser administrative or corrective measures.

## **27. Ships intending to enter a port.**

- (1) The Port Department may require that ships intending to enter a port in the Bahamas provide a duly authorised officer, prior to entry into port, with the following information —
  - (a) evidence that there is in respect of the ship, a valid International Ship Security Certificate or Interim International Ship Security 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 the ship conducted a ship/port interface within the time frame specified in paragraph (2);
  - (d) any special or additional security measures that were taken by the ship in any previous port where the ship conducted a ship/port interface within the time frame specified in paragraph (2);
  - (e) that the appropriate ship security procedures were maintained during any ship-to-ship activity within the time frame specified in paragraph (2);
  - (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 ISPS Code,and the master or the company shall provide additional confirmation of the above information upon the request of the duly authorised officer.
- (2) The ship shall keep records of the information referred to under paragraph (1) for the last ten calls at port facilities.
- (3) Where —
  - (a) after receipt of the information under paragraph (1), the duly authorised officer has grounds for believing that the ship is not in compliance with the requirements of Part A of the ISPS Code, the Port Controller shall attempt to establish communication with and between the ship and its Administration in order to rectify the non-compliance;
  - (b) the communication referred to under subparagraph (a) does not result in rectification, or if the duly authorised officer has grounds otherwise for believing that the ship is not in compliance with the requirements of these regulations or Part A of the ISPS Code, the duly authorised officer may take the steps referred under paragraph (4) with respect to that ship, and such steps taken shall be proportionate, taking into account the guidance given in Part B of the ISPS Code.
- (4) The steps which may be taken pursuant to paragraph (3) shall include —
  - (a) a requirement for the rectification of the non-compliance;
  - (b) a requirement that the ship shall proceed to a location specified in Bahamian waters;
  - (c) inspection of the ship, if the ship is in Bahamian waters; or
  - (d) denial of entry into port.
- (5) The duly authorised officer shall, prior to taking any of the steps under paragraph (4), inform the company or master of the ship of such intended steps.
- (6) Upon receipt of information referred to under paragraph (5), the master of the ship may withdraw the intention to enter the port, in which case paragraph (4) shall not apply.

## **PART V – PORT FACILITY SECURITY**

### **28. Responsibilities of the Port Controller.**

- (1) The Port Controller shall ensure that —

- (a) port facility security assessments are carried out, reviewed and approved in accordance with Part A of the ISPS Code; and
  - (b) port facility security plans are developed, reviewed, approved and implemented in accordance with Part A of the ISPS Code.
- (2) The Port Controller shall inform the port facility operator and the port facility security officer, regarding 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.

**29. Duties of port facility operator.**

- (1) The port facility operator shall —
- (a) 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 ISPS Code and the IMO Model Course 3.21;
  - (b) provide the port facility security officer with the resources, assistance and support necessary to enable him to carry out his duties;
  - (c) ensure that —
    - (i) port facilities comply with the requirements under these Regulations and Part A of the ISPS Code;
    - (ii) 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 ISPS Code and the IMO Model Course 3.24;
    - (iii) other port facility personnel have appropriate knowledge as specified in section 18.3 of Part A of the ISPS Code and the IMO Model Course 3.24;
    - (iv) there is a valid statement of compliance issued in respect of the port facility before the port facility is used as such;
    - (v) that the port facility undergoes annual verification exercises in accordance with regulation 35; and
    - (vi) that security levels are adhered to and that the port facility security plan has been implemented.
- (2) A port facility operator who contravenes paragraph (1) without reasonable excuse, commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.

**30. Port facility security assessment.**

- (1) The Port Department shall ensure that a port facility security assessment is carried out for each port facility in accordance with Part A of the ISPS Code.
- (2) A recognised security organization may carry out a port facility security assessment for a specific port facility.
- (3) Where the port facility security assessment is carried out by a recognised security organization, the Port Department shall review and approve the security assessment, if the Port Department is satisfied that the port facility is in compliance with Part A of the ISPS Code.
- (4) The Port Department may permit a port facility security assessment to cover more than one port facility if the operator, location, operation, equipment, and design of these port facilities are similar.
- (5) The port facility security assessment shall include —
  - (a) identification and evaluation of important assets and infrastructure it is important to protect;

- (b) identification of possible threats to the assets and infrastructure and the likelihood of their occurrence, in order to establish and prioritise security measures;
  - (c) identification, selection and prioritisation of countermeasures 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.
- (6) Upon completion of the port facility security assessment, a report shall be prepared, which shall contain —
- (a) a summary of how the assessment was conducted;
  - (b) a description of each vulnerability found during the assessment; and
  - (c) a description of countermeasures that may be used to address each vulnerability.
- (7) The report referred to under paragraph (6) shall be confidential.
- (8) The port facility security assessments shall be reviewed and updated —
- (a) periodically, taking account of changing threats or minor changes in the port facility; and
  - (b) when major changes to the port facility take place.

### **31. Port facility security plan.**

- (1) A port facility security plan shall be developed and maintained, on the basis of the port facility security assessment referred to under regulation 30, for each port facility, adequate for the ship/port interface and shall be protected from unauthorised access or disclosure.
- (2) A port facility security plan shall make provisions for the security levels defined in regulation 2 and shall address the following —
- (a) measures designed —
    - (i) 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 on board a ship;
    - (ii) to prevent unauthorised access to the port facility, to ships moored at the facility, and to restricted areas of the facility;
    - (iii) to ensure effective security of cargo and cargo handling equipment at the port facility;
  - (b) duties of port facility personnel assigned security responsibilities and of other facility personnel on security aspects;
  - (c) identification of the port facility security officer including twenty-four hour contact details;
  - (d) measures to ensure the security of the information contained in the plan;
  - (e) procedures for—
    - (i) responding to security threats or breaches of security, including provisions for maintaining critical operations of the port facility or the ship/shore interface;
    - (ii) responding to security instructions the Port Department may give at security level 3;
    - (iii) evacuation in case of security threats or breaches of security;
    - (iv) interfacing with ship security activities;
    - (v) the periodic review of the plan and updating;
    - (vi) reporting security incidents;
    - (vii) auditing the port facility security plan;



- (viii) responding where the ship security alert system of a ship at the port facility has been activated; and
  - (ix) facilitating shore leave for ship's personnel or personnel changes, as well as access of visitors to the ship including representatives of seafarers' welfare and labour organizations.
- (3) All personnel conducting internal audits of the security activities specified in the port facility security 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.
  - (4) The port facility security plan may be combined with, or be part of, the port security plan or any other port emergency plan.
  - (5) The Port Department shall determine which changes to the port facility security plan shall not be implemented unless the relevant amendments to the plan are approved by the Port Department.
  - (6) The port facility security plan may be kept in an electronic format, provided that it shall be protected by procedures aimed at preventing its unauthorised deletion, destruction or amendment.
  - (7) The Port Department 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.

**32. Port facility security officers.**

- (1) A port facility operator shall appoint a port facility security officer and the person so appointed may act as the port facility security officer for one or more port facilities.
- (2) A port facility security officer shall have completed security training as specified in A/18.1, taking into account the guidance in B/18.1, of the ISPS Code and IMO Model Course 3.21, and holds an affiliated training certificate.
- (3) The duties and responsibilities of the port facility security officer are to —
  - (a) conduct an initial comprehensive security survey of the port facility, taking into account the relevant port facility security assessment;
  - (b) ensure the development and maintenance of the port facility security plan;
  - (c) implement and test the port facility security plan;
  - (d) undertake regular security inspections of the port facility to ensure the continuation of appropriate security measures;
  - (e) recommend and incorporate, as appropriate, modifications to the port facility security plan in order to correct deficiencies and to update the plan to take into account relevant changes to the port facility;
  - (f) enhance security awareness and vigilance of the port facility personnel;
  - (g) ensure adequate training has been provided to personnel responsible for the security of the port facility and all other port personnel;
  - (h) report to the relevant authorities and maintain records of communication which threaten the security of the port facility;
  - (i) coordinate implementation of the port facility security plan with the appropriate company and ship security officers;
  - (j) maintain effective communication on security matters with the company security officer and the ship security officer of ships using, or intending to use, their port facility;
  - (k) coordinate with security services, as appropriate;
  - (l) ensure that standards for personnel responsible for security of the port facility are met;

- (m) ensure that security equipment is properly operated, tested, calibrated and maintained, if any; and
- (n) in exceptional circumstances, assist ship security officers in confirming the identity of those seeking to board the ship when requested to do so.

**33. Drills and exercises.**

- (1) All port facility personnel shall —
  - (a) receive port security familiarisation and port security awareness training or instructions in accordance with Part A of the ISPS Code;
  - (b) if assigned specific port security duties and responsibilities, understand their responsibilities for port security as described in the port facility security plan; and
  - (c) have sufficient knowledge and ability to perform their assigned duties.
- (2) A port facility operator shall ensure that drills and exercises in port facility security are conducted 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 and the guidance given in Part B of the ISPS Code.
- (3) The port facility security officer shall participate in the drills and exercises referred to under paragraph (2) at appropriate intervals to ensure the effective coordination and implementation of the port facility security plan.

**34. Unauthorised presence in a port facility or in a restricted area of a port facility.**

- (1) No person shall —
  - (a) go, onto a port facility or into any part of a restricted area of a port facility, except with the permission of the port facility security officer, or a person acting on his behalf, and in accordance with any conditions subject to which that permission is for the time being granted; or
  - (b) remain on a port facility or in any part of restricted area of a facility, after being requested to leave by the port facility security officer, or a person acting on his behalf.
- (2) A person who contravenes paragraph (1) without lawful authority or reasonable excuse is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.
- (3) The port facility security officer, or a person acting on his behalf, accompanied by a police officer may use such force as is reasonable in the circumstances to remove a person who contravenes paragraph (1)(b).
- (4) A person does not commit an offence under paragraph (1)(a) if it is proved that, at the material time —
  - (a) the person did not know or was not reasonably expected to have known that authorisation was required to board the ship;
  - (b) notices stating that the area concerned was a restricted area were not posted so as to be readily seen and read by persons entering the restricted area.

**35. Statement of compliance.**

- (1) The Port Department may —
  - (a) inspect any port facility in The Bahamas; and
  - (b) if the port facility is in compliance with these Regulations and the ISPS Code, issue a statement of compliance in respect of that port facility for a period not exceeding five years from the date it is issued.

- (2) Where a statement of compliance referred to under paragraph (1) has been issued in respect of a port facility —
  - (a) the port facility shall undergo annual verification exercises conducted by a recognised security organization to determine whether, as at the date of the intermediate verification exercise, the port facility complies with —
    - (i) the requirements of the ISPS Code that are relevant to the port facility; and
    - (ii) such additional requirements as the Port Department may impose; and
  - (b) the annual verification exercise shall be recorded on the statement of compliance of a port facility.
- (3) Where it is determined at an annual verification exercise that a port facility does not comply with the requirements of the ISPS Code that is relevant to the port facility; or any additional requirement imposed by the Port Department, the Port Department may suspend the statement of compliance until the deficiencies or non-conformities has been rectified, or withdraw the statement of compliance.
- (4) The statement of compliance of a port facility shall be drawn up, in English, in the Form set out in the Appendix of the ISPS Code and the original statement of compliance shall be kept available at the port facility.

## **PART VI – SUPPLEMENTARY SECURITY MEASURES**

### **36. Alternative Security Agreements.**

- (1) The Committee may 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 territories.
- (2) An agreement made pursuant to paragraph (1) shall not compromise the level of security of other ships or of port facilities not covered by the agreement.
- (3) A ship covered by an agreement made pursuant to paragraph (1) shall not conduct ship-to-ship activities with a ship not covered by the agreement.
- (4) An agreement made pursuant to paragraph (1) shall be reviewed periodically, taking into account the experience gained and any changes in the particular circumstances or the assessed threats to the security of the ship, the port facility or the routes covered by the agreement.

### **37. Equivalent Security Arrangements.**

The Authority may permit a Bahamian ship to implement other security measures equivalent to the security measures specified under these Regulations and the ISPS Code, provided that such security measures are at least as effective as the security measures specified in these Regulations and the ISPS Code.

### **38. Communication to International Maritime Organization.**

- (1) The port security officer shall communicate to the International Maritime Organization and shall make available for the information of companies and ships —
  - (a) the names and contact details of their national authority or authorities responsibilities 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 persons who have been designated to be available at all times to receive and act upon the ship-to-shore security alerts;

- (d) the names and contact details of persons who have been designated to be available at all times to receive and act upon any communication from Contracting Governments exercising control and compliance measures; and
  - (e) the names and contact details of persons 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 these Regulations,
- and thereafter update such information as and when changes relating thereto occur.
- (2) The port security officer shall communicate to the International Maritime Organization, the names and contact details of any recognised security organization authorised to act on behalf of a designated authority, and the details of the specific responsibility and conditions of authority delegated to such organizations.
  - (3) The information referred to under paragraph (2) shall be updated when changes relating thereto occur.
  - (4) The port security officer shall communicate to the International Maritime Organization, 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 —
    - (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 on 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 International Maritime Organization, 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 International Maritime Organization 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 paragraph (4) shall indicate the location covered by the plan and the date of approval.
  - (6) The port security officer shall communicate to the International Maritime Organization a revised and updated list showing all the approved port facility security plan for the 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 International Maritime Organization, pursuant to paragraph (4), during the preceding five years.
  - (7) The port security officer shall communicate to the International Maritime Organization, information that an agreement under regulation 36 has been entered into, amended or terminated.
  - (8) The information communicated in accordance with paragraph (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 designated authority permits any equivalent security arrangements with respect to a Bahamian ship, details of the equivalent security arrangements shall be reported to the port security officer, and the port security officer shall communicate the particulars of such agreement to the International Maritime Organization.

## PART VII – MISCELLANEOUS

### 39. Continuous synopsis record.

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

### 40. Ship identification numbers.

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

- (c) made by raised lettering, cutting it in, centre punching it or any other equivalent method of marking the ship's identification number which is not easily expunged.
- (5) The permanent marking —
  - (a) referred to under paragraph (3)(a), shall be 200 millimetres or more in height;
  - (b) referred to under paragraph (3)(b), shall be 100 millimetres or more in height.
- (6) The width of the permanent marks shall be proportionate to the height.
- (7) Where a ship is constructed of material other than steel or metal, the Authority shall approve the method of marking the ship's identification number.

**41. Inspection and detention of Bahamian ships.**

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

**42. Inspection and detention of foreign ships.**

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

**43. Fees.**

The fees payable to the designated authority for verification and certification of port facilities in The Bahamas are set out in the Schedule.

**44. Guidance on the ISPS Code, etc.**

The Authority may provide guidance in Bulletins on the application of these Regulations to ships.

**45. Offences and Penalties.**

- (1) A person who intentionally obstructs a duly authorised officer acting in the exercise of a power conferred upon him under these Regulations commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.
- (2) A person who pretends to be a duly authorised officer commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.

**SCHEDULE  
(regulation 43)**

**FEES FOR VERIFICATION AND CERTIFICATION**

	<b>B\$</b>
<i>For the issue of:</i>	
(a) Statement of Compliance of port facility	500
(b) Endorsement of Statement of Compliance	250

**NOTE:** All expenses related to the travel of a verification officer shall be borne by the port facility requesting the activity and are not included in the fees in (a) and (b) above.

**Dated this 27<sup>th</sup> day of April, 2016.**

**Signed  
GLENYS HANNA-MARTIN  
Minister responsible for Maritime Affairs**