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## STATUTORY INSTRUMENTS

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# 2004 No. 1495

## The Ship and Port Facility (Security) Regulations 2004

### PART 1

#### PRELIMINARY

##### Citation and commencement

1. These Regulations may be cited as the Ship and Port Facility (Security) Regulations 2004 and shall come into force —

(a) from 1st July 2004 for international shipping; and

[<sup>F1</sup>(b) on 1st July 2005 for all other purposes.]

##### Textual Amendments

**F1** Reg. 1(b) substituted (1.7.2005) by [The Ship and Port Facility \(Security\) \(Amendment\) Regulations 2005 \(S.I. 2005/1434\)](#), regs. 1, **2(2)**

##### Interpretation

2.—(1) In these Regulations—

“the EC Regulation” means Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 <sup>M1</sup>on enhancing ship and port facility security [<sup>F2</sup>, as amended by the Ship and Port Security (Amendment etc.) (EU Exit) Regulations 2019];

[<sup>F3</sup>“the SOLAS Convention” means the International Convention for the Safety of Life at Sea 1974 as amended from time to time (disregarding for this purpose any amendment so far as it is excluded by Article 10(1) or (2) of the EC Regulation);]

[<sup>F4</sup>“ISPS Code” means the International Ship and Port Facility Security Code as amended from time to time (disregarding for this purpose any amendment so far as it is excluded by Article 10(1) or (2) of the EC Regulation);]

[<sup>F5</sup>“Class A passenger ship” and “Class B passenger ship” have the same meaning as in Article 3 of the EC Regulation;]

“constable” includes any person having the powers and privileges of a constable;

“domestic shipping” means any transport service by ship in sea areas from a port facility of the United Kingdom to the same port facility or another port facility within the United Kingdom;

“duly authorised officer” means either—

(a) an inspector appointed under section 256 of the Merchant Shipping Act 1995 <sup>M2</sup>, or

(b) a surveyor appointed under section 256 of the Merchant Shipping Act 1995, or

(c) an “authorised person” within the meaning of section 46(1)<sup>M3</sup> of the Aviation and Maritime Security Act 1990;

“international shipping” means any maritime transport service by ship from a port facility of the United Kingdom to a port facility outside the United Kingdom, or conversely;

“international voyage” means a voyage from a country to which the SOLAS Convention applies to a port outside such country, or conversely;

“master” includes every person (except a pilot) having command or charge of a ship;

“non-United Kingdom ship” means a ship other than a United Kingdom ship;

“owner of the port facility security plan” means the person who submits the port facility security plan or the person on whose behalf that plan is submitted to the Secretary of State for approval under section 16.2 of Part A of the ISPS Code;

“restricted area” means an area in a ship or a port facility that is identified as such in a ship security plan or port facility security plan;

[<sup>F6</sup>“tanker” has the same meaning as in Article 3(3) of the EC Regulation;]

“United Kingdom registration provisions” means Part II of the Merchant Shipping Act 1995, or any Order in Council under section 1 of the Hovercraft Act 1968<sup>M4</sup>.

“United Kingdom ship” has the same meaning as in section 85(2) of the Merchant Shipping Act 1995, and

“United Kingdom waters” means the sea or other waters within the seaward limits of the territorial sea of the United Kingdom.

(2) The expressions used in these Regulations which are given a meaning in the SOLAS Convention or the ISPS Code have the same meaning they bear in those instruments, and are listed in the Schedule to these Regulations.

(3) Other expressions used in these Regulations which are also used in the EC Regulation, have the same meaning they bear in that Regulation.

#### Textual Amendments

- F2** Words in [reg. 2\(1\)](#) inserted (31.12.2020) by [The Ship and Port Security \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/308\)](#), [regs. 1\(2\)](#), [18\(2\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in [reg. 2\(1\)](#) substituted (31.12.2020) by [The Ship and Port Security \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/308\)](#), [regs. 1\(2\)](#), [18\(2\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in [reg. 2\(1\)](#) substituted (31.12.2020) by [The Ship and Port Security \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/308\)](#), [regs. 1\(2\)](#), [18\(2\)\(c\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in [reg. 2\(1\)](#) substituted (31.12.2020) by [The Ship and Port Security \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/308\)](#), [regs. 1\(2\)](#), [18\(2\)\(d\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in [reg. 2\(1\)](#) inserted (31.12.2020) by [The Ship and Port Security \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/308\)](#), [regs. 1\(2\)](#), [18\(2\)\(e\)](#); 2020 c. 1, Sch. 5 para. 1(1)

#### Marginal Citations

- M1** OJ L129/ 6, 29.4.2004
- M2** 1995 c. 21; [section 256](#) was amended by the [Merchant Shipping and Maritime Security Act 1997 \(c. 28\)](#), [Schedule 6](#), [paragraph 15](#).
- M3** 1990 c. 31; there are amendments to section 46 which are not directly relevant to these Regulations.
- M4** 1968 c. 59.

**Purpose**

3. The purpose of these Regulations is to provide for the implementation of the EC Regulation.

**Application**

4.—(1) These Regulations apply to—

- (a) the following types of United Kingdom ships and non-United Kingdom ships in United Kingdom waters when engaged on international voyages, and their companies:
  - (i) passenger ships including high speed craft which carry more than 12 passengers;
  - (ii) cargo ships, including high speed craft, of 500 gross tonnage and upwards;
  - (iii) mobile offshore drilling units;
- (b) Class A passenger ships operating domestic services within United Kingdom waters and their companies;
- [<sup>F7</sup>(ba) Class B passenger ships operating domestic services within United Kingdom waters which are certified to carry more than 250 passengers, and their companies;
- (bb) tankers operating domestic services within United Kingdom waters and their companies;]
- (c) the following port facilities—
  - (i) port facilities serving the ships specified in paragraph (1)(a); and
  - (ii) port facilities serving ships specified in paragraph (1)(b).

(2) These Regulations do not apply to —

- (a) ships of war 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.

**Textual Amendments**  
**F7** Reg. 4(1)(ba)(bb) inserted (31.12.2020) by The Ship and Port Security (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/308), regs. 1(2), **18(3)**; 2020 c. 1, Sch. 5 para. 1(1)

**Designations**

5. The Secretary of State for Transport is hereby designated—

- <sup>F8</sup>(a) .....
- <sup>F8</sup>(b) .....
- (c) the “designated authority” for the purposes of Chapter XI-2 of the SOLAS Convention and the ISPS Code.

### Textual Amendments

- F8** Reg. 5(a)(b) omitted (31.12.2020) by virtue of The Ship and Port Security (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/308), regs. 1(2), **18(4)**; 2020 c. 1, Sch. 5 para. 1(1)

## PART 2

### INSPECTIONS

#### Inspection of ships and port facilities by a duly authorised officer

**6.—(1)** For the purpose of enabling a duly authorised officer to verify that ships and port facilities are in compliance with the requirements of the EC Regulation or of ascertaining whether any enforcement notice is being or has been complied with, a duly authorised officer shall have the power, on production (if required) of his credentials, to inspect—

- (a) any United Kingdom ship;
  - (b) any non-United Kingdom ship while in a port facility;
  - (c) any non-United Kingdom ship in United Kingdom waters which has communicated its intention to enter a port in the United Kingdom;
  - (d) any United Kingdom port facility.
- (2) A duly authorised officer inspecting a ship or a port facility shall have power —
- (a) to subject any property found by him on the ship, or any apparatus or equipment installed on the ship which is required by or approved in the relevant ship security plan to such tests,
  - (b) to subject any part of the port facility or any property found by him in the port facility, or any apparatus or equipment installed in the port facility which is required by or approved in the relevant port facility security plan to such tests,
  - (c) to 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
  - (d) to require the company, or the company security officer, or the ship security officer, or the master of the ship, or the port facility security officer, or the owner of the port facility security plan, or person acting on behalf of any of the aforementioned persons to furnish to him such information,

as the duly authorised officer may consider necessary for the purpose for which the inspection is carried out.

(3) Subject to paragraph (4), a duly authorised officer, for the purpose of exercising any power conferred on him by paragraphs (1) or (2) in relation to a ship or in relation to a port facility, may—

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

(4) The powers conferred by paragraph (3) shall not include power for a duly authorised officer to use force for the purpose of going on board any ship, entering any building or works or entering upon any land.

- (5) Any person who —

- (a) without reasonable excuse, fails to comply with a requirement imposed on him under paragraph (2)(d), 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.
- (6) A person guilty of an offence under paragraph (5) is liable —
- (a) on summary conviction, to a fine not exceeding [<sup>F9</sup>the statutory maximum], or
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years.

**Textual Amendments**

**F9** Words in [reg. 6\(6\)\(a\)](#) substituted (1.7.2005) by [The Ship and Port Facility \(Security\) \(Amendment\) Regulations 2005 \(S.I. 2005/1434\)](#), regs. 1, **2(3)**

**Inspection of companies and port facilities by the European Commission**

<sup>F10</sup>7. ....

**Textual Amendments**

**F10** [Reg. 7](#) omitted (31.12.2020) by virtue of [The Ship and Port Security \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/308\)](#), regs. 1(2), **18(5)**; 2020 c. 1, Sch. 5 para. 1(1)

## PART 3

### DETENTION OF SHIPS

#### Detention notices

**8.—(1)** Where a duly authorised officer proposes to detain a ship pursuant to the control and compliance measures specified in Regulation 9 of Chapter XI-2 of the SOLAS Convention, he shall serve on the master of the ship a notice (in this part referred to as a detention notice) which states that the duly authorised officer is detaining the ship because he has grounds for believing that—

- (a) the ship is not in compliance with Chapter XI-2 of the SOLAS Convention, or
- (b) the ship is not in compliance with Part A of the ISPS Code, or
- (c) there has been a failure to make available for inspection a valid International Ship Security Certificate or a valid Interim International Ship Security Certificate issued under Part A of the ISPS Code.

(2) A detention notice shall specify the steps that the duly authorised officer requires to be taken in respect of the ship in order to secure its release from detention.

(3) A detention notice shall require the master to take steps to ensure that the ship does not proceed to sea while the detention notice is in force.

(4) The master of a ship in respect of which a detention notice is served may object to the notice in writing to the Secretary of State.

(5) On receipt of an objection to a detention notice served under paragraph (1) the Secretary of State shall—

- (a) consider the objection;
- (b) allow the person making the objection and the duly authorised officer who gave the notice an opportunity to make written or oral representations to the Secretary of State or a person appointed by him;
- (c) confirm, modify or cancel the notice, and
- (d) give notice of his decision in writing to the person who made the objection and to the duly authorised officer who served the notice.

(6) The Secretary of State shall include in his decision a finding as to whether in relation to any of the matters specified in respect of a ship in a detention notice in pursuance of paragraph (1), there was or was not a valid basis for the detention of the ship.

(7) A detention notice in respect of a ship shall continue in force until—

- (a) a duly authorised officer cancels it by notice in writing.
- (b) the Secretary of State cancels it under paragraph (5)(c).

(8) A person commits an offence if without reasonable excuse he fails to comply with a requirement of a detention notice.

(9) A person who is guilty of an offence under paragraph (8) shall be liable —

- (a) on summary conviction, to a fine not exceeding [<sup>F11</sup>the statutory maximum], or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years.

#### Textual Amendments

**F11** Words in reg. 8(9)(a) substituted (1.7.2005) by [The Ship and Port Facility \(Security\) \(Amendment\) Regulations 2005 \(S.I. 2005/1434\)](#), regs. 1, 2(3)

### Compensation for invalid detention of a ship

9.—(1) Where having considered an objection in respect of a detention notice relating to a ship under regulation 8 the Secretary of State finds that there was no valid basis for the detention, the owner of the ship shall be entitled, upon application, to receive compensation for such loss or damage suffered by him which is directly attributable to the detention of the ship.

(2) A claim for compensation under this regulation shall be made in writing to the Secretary of State within three months beginning with the date the Secretary of State serves notice of his decision under regulation 8(5)(d).

(3) Any person claiming compensation under this regulation shall provide all such information and supplementary information in respect of the loss or damage incurred as the Secretary of State may at any time reasonably require and shall verify the same in any such manner, including the production of original documents in his possession or control, as may be reasonably required.

(4) Any disputed question as to the right to, or the amount of, any compensation payable under this regulation shall be referred to a single arbitrator appointed by agreement between the parties for that question to be decided by him.

(5) Any compensation granted under this section shall be payable by the Secretary of State.

(6) In the application of this regulation to Scotland any reference to an arbitrator shall be construed as a reference to an arbiter and the reference in paragraph (4) to a single arbitrator appointed by

agreement between the parties shall be construed as a reference to a single arbiter so appointed or, in default of agreement, appointed by the sheriff.

## PART 4

### RESTRICTED AREAS

#### Unauthorised presence in a restricted area of a ship

10.—(1) A person shall not —

- (a) go, onto 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 their behalf, 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 area after being requested to leave by the master or the ship security officer or a person acting on their behalf.

<sup>F12</sup>(2) .....

(3) [<sup>F13</sup>Subject to paragraph 3A,] 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 level 5 on the standard scale.

[<sup>F14</sup>(3A) A person who contravenes paragraph (1)(a) is not guilty of an offence unless it is proved that, at the material time, notices stating that the area concerned was a restricted area were posted so as to be readily seen and read by persons entering the area.]

(4) A constable, or 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 from a restricted area a person remaining in it in contravention of paragraph (1)(b).

#### Textual Amendments

**F12** Reg. 10(2) omitted (1.7.2005) by virtue of *The Ship and Port Facility (Security) (Amendment) Regulations 2005* (S.I. 2005/1434), regs. 1, 2(4)(a)

**F13** Words in reg. 10(3) inserted (1.7.2005) by *The Ship and Port Facility (Security) (Amendment) Regulations 2005* (S.I. 2005/1434), regs. 1, 2(4)(b)

**F14** Reg. 10(3A) inserted (1.7.2005) by *The Ship and Port Facility (Security) (Amendment) Regulations 2005* (S.I. 2005/1434), regs. 1, 2(4)(c)

#### Unauthorised presence in a restricted area of a port facility

11.—(1) A person shall not—

- (a) go, onto 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 in any part of such a restricted area after being requested to leave by the port facility security officer or a person acting on his behalf.

<sup>F15</sup>(2) .....

(3) [<sup>F16</sup>Subject to paragraph 3A,] 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 level 5 on the standard scale.

[<sup>F17</sup>(3A) A person who contravenes paragraph (1)(a) is not guilty of an offence unless it is proved that, at the material time, notices stating that the area concerned was a restricted area were posted so as to be readily seen and read by persons entering the area.]

(4) A constable, or the port facility security officer, or a person acting on behalf of the port facility security officer, may use such force as is reasonable in the circumstances to remove from a restricted area a person remaining in it in contravention of paragraph (1)(b).

#### Textual Amendments

- F15** Reg. 11(2) omitted (1.7.2005) by virtue of *The Ship and Port Facility (Security) (Amendment) Regulations 2005* (S.I. 2005/1434), regs. 1, **2(4)(a)**
- F16** Words in reg. 11(3) inserted (1.7.2005) by *The Ship and Port Facility (Security) (Amendment) Regulations 2005* (S.I. 2005/1434), regs. 1, **2(4)(b)**
- F17** Reg. 11(3A) inserted (1.7.2005) by *The Ship and Port Facility (Security) (Amendment) Regulations 2005* (S.I. 2005/1434), regs. 1, **2(4)(c)**

## PART 5

### OFFENCES RELATING TO DULY AUTHORISED OFFICERS

#### Offences and penalties

12.—(1) A person who—

- (a) intentionally obstructs a duly authorised officer acting in the exercise of a power conferred upon him by the EC Regulation or these Regulations, or
- (b) falsely pretends to be a duly authorised officer,

commits an offence.

(2) A person guilty of an offence under paragraph (1)(a) is liable —

- (a) on summary conviction to a fine not exceeding [<sup>F18</sup>the statutory maximum], or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years.

(3) A person guilty of an offence under paragraph (1)(b) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### Textual Amendments

- F18** Words in reg. 12(2)(a) substituted (1.7.2005) by *The Ship and Port Facility (Security) (Amendment) Regulations 2005* (S.I. 2005/1434), regs. 1, **2(3)**



## PART 6

### ENFORCEMENT AND PENALTIES

#### Enforcement notices

**13.**—(1) A duly authorised officer may serve a notice (in this Part referred to as an “enforcement notice”) on any person listed in paragraph (2) where it appears to him that that person has failed to comply with —

- (a) the requirements of Chapter XI-2 of the SOLAS Convention;
- (b) the requirements of Part A of the ISPS Code;
- (c) the requirements of paragraphs 1.12, 6.1, 8.3, 8.5, 8.7, 8.8, 8.9, 8.10, 13.6, 13.7, 18.5 or 18.6 of Part B of the ISPS Code;

<sup>F19</sup>(d) .....

- (e) the requirement to submit specified changes or amendments to a ship security plan or a port facility security plan to the Secretary of State for approval in accordance with regulation 19.

(2) The persons referred to in paragraph (1) are—

- (a) the company;
- (b) the company security officer;
- (c) the ship security officer;
- (d) the master of a ship;
- (e) the port facility security officer;
- (f) the owner of the port facility security plan; and
- (g) any person who carries on port operations in a port facility.

#### Textual Amendments

**F19** Reg. 13(1)(d) omitted (31.12.2020) by virtue of [The Ship and Port Security \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/308\)](#), regs. 1(2), **18(6)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Contents of enforcement notices

**14.**—(1) An enforcement notice shall state the matters which appear to the duly authorised officer to constitute a failure to comply with the requirements specified in regulation 13.

(2) An enforcement notice may be framed so as to afford the person on whom it is served a choice between different ways of complying with the requirements set out in the notice.

(3) An enforcement notice shall specify the steps which the duly authorised officer requires to be taken, or the activity or the activities which the duly authorised officer requires to cease in order to achieve compliance with the requirements specified in regulation 13.

(4) An enforcement notice shall specify the date on which it is to take effect and shall take effect on that date.

(5) An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities.

(6) Where different periods apply to different steps or activities, references in these Regulations to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.

(7) An enforcement notice requiring a person not to cause or permit anything to be done shall be construed as requiring him to take all such steps as in any particular circumstances are practicable and necessary to prevent that thing from being done.

### Offences relating to enforcement notices

**15.**—(1) Any person, who without reasonable excuse, fails to comply with an enforcement notice served on him is guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding [<sup>F20</sup>the statutory maximum], or
- (b) on conviction on indictment to a fine.

(2) Where a person is convicted of an offence under paragraph (1) and if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he is guilty of a further offence and liable on summary conviction to a fine not exceeding £100 for each day on which the failure continues.

#### Textual Amendments

**F20** Words in [reg. 15\(1\)\(a\)](#) substituted (1.7.2005) by [The Ship and Port Facility \(Security\) \(Amendment\) Regulations 2005 \(S.I. 2005/1434\)](#), regs. 1, **2(3)**

### Objections to enforcement notices

**16.**—(1) A person on whom an enforcement notice is served may serve on the Secretary of State a notice in writing of his objection to the enforcement notice.

(2) The grounds of objection to an enforcement notice are—

- (a) that the steps required by the notice to be taken for the purposes of regulation 13 have been complied with;
- [<sup>F21</sup>(b) that the matters stated in the enforcement notice in accordance with regulation 14(1) do not constitute a failure to comply with the requirements specified in regulation 13;]
- (c) that any requirement of the notice —
  - (i) is unnecessary for complying with the requirements specified in regulation 13 and should be dispensed with or;
  - (ii) having regard to the terms of those requirements, is excessively onerous or inconvenient and should be modified in a manner specified in the notice of objection served under paragraph (1).

(3) An objection to an enforcement notice under this regulation shall be served on the Secretary of State within seven days of the date on which the enforcement notice was served.

(4) A person making an objection to an enforcement notice under this regulation shall submit to the Secretary of State, either when making the objection or within the seven days referred to in paragraph (3), a statement in writing—

- (a) specifying the grounds on which he is objecting to the enforcement notice, and
- (b) providing such further information as may be appropriate.

(5) Where the person on whom an enforcement notice is served serves a notice under paragraph (1), the Secretary of State shall consider the grounds of the objection and, if so required by the objector, shall afford to him an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and shall then serve on the objector a notice in writing either—

- (a) confirming the enforcement notice as originally served, or
- (b) confirming it subject to one or more modifications specified in the notice, or
- (c) cancelling the enforcement notice.

(6) An enforcement notice to which an objection has been made under paragraph (1) shall not take effect until it has been confirmed, with or without modification, by a notice under paragraph (5).

(7) An enforcement notice served on any person —

- (a) may be revoked by a notice served on him by a duly authorised officer, and
- (b) may be varied by a further enforcement notice served on him by a duly authorised officer.

#### Textual Amendments

**F21** Reg. 16(2)(b) substituted (1.7.2005) by [The Ship and Port Facility \(Security\) \(Amendment\) Regulations 2005 \(S.I. 2005/1434\)](#), regs. 1, **2(5)**

## PART 7

### MISCELLANEOUS

#### Minimum period for retention of records

17. The master shall be responsible for ensuring that records of the activities specified in section 10.1 of Part A of the ISPS Code and which are addressed in the ship security plan, are kept on board the ship for a period of at least three years from the date of the activity taking place.

#### Minimum period for retention of a declaration of security

18.—(1) Any declaration of security that is completed in respect of a ship or a port facility shall be retained for a period of at least three years after it was last used—

- (a) in respect of ships, on board the ship by the master; and
- (b) in respect of port facilities by the port facility security officer.

(2) In the case of ships, any completed declaration of security relating to one of its last ten calls at port facilities, shall be retained on board the ship by the master for as long as it relates to any of those last ten calls, even where the period over which those calls extend exceeds the minimum three year period referred to in paragraph (1).

#### Amendments to plans

19.—(1) In accordance with the ISPS Code<sup>M5</sup>, the Secretary of State shall decide, and thereafter notify companies and owners of port facility security plans in writing, of the changes or amendments to the relevant approved ship security plan or port facility security plan that must first be submitted to him for approval before they are implemented in respect of those ships and port facilities.

(2) The changes or amendments referred to in paragraph (1) shall not be implemented by the companies or owners of port facility security plans without first obtaining the approval of the Secretary of State.

#### Marginal Citations

**M5** The relevant provisions are in Part A of the ISPS Code; [section 9.5](#) (for ship security plans) and [section 16.6](#) (for port facility security plans).

#### Service of documents

**20.**—(1) This regulation has effect in relation to any notice, any notification and any other document authorised or required by any provision in these Regulations to be served on or given to any person.

(2) Any such document may be given or served on any person—

- (a) by delivering it to him, or
- (b) by leaving it at his proper address, or
- (c) by sending it by post to him at that address, or
- (d) by sending it to him at that address, by fax or other similar means which produce a document containing the text of the communication, or
- (e) where the person maintains an e-mail address, by sending an electronic copy of the document to that e-mail address.

(3) Any such document may, in the case of a body corporate, be given to or served on the secretary, clerk or similar officer of that body.

(4) For the purposes of this regulation and section 7 of the Interpretation Act 1978 <sup>M6</sup> (service of documents by post) in its application to this regulation, the proper address of any person to whom or on whom any document is to be given or served is his usual or last known address or place of business, whether in the United Kingdom or elsewhere except that in the case of a body corporate or its clerk or similar officer it shall be the address of the registered or principal office of that body in the United Kingdom, or if it has no office in the United Kingdom, of its principal office wherever that may be.

(5) In the case of a person registered under any of the United Kingdom registration provisions as the owner of any ship so registered, the address for the time being recorded in relation to him in the register shall also be treated as his proper address for the purposes of this regulation and section 7 of the Interpretation Act 1978.

(6) If the person to or on whom any document mentioned in paragraph (1) is to be given or served has notified the Secretary of State of an address within the United Kingdom, other than an address determined under paragraph (4) or (5), as the one at which he or someone else on his behalf will accept documents of the same description as that document, that address shall also be treated for the purposes of this regulation and section 7 of the Interpretation Act 1978 as his proper address.

(7) Any document mentioned in paragraph (1) shall, where there are two or more owners of a ship who are registered under any of the United Kingdom registration provisions, be treated as duly served on the company where it is served upon one of those owners.

(8) Where any document mentioned in paragraph (1) is to be served on the master of a ship, it shall be treated as duly served if it is left on board that ship with the person being or appearing to be in command or charge of the ship.

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**Changes to legislation:** *There are currently no known outstanding effects for the The Ship and Port Facility (Security) Regulations 2004. (See end of Document for details)*

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**Marginal Citations**

**M6** 1978 c. 30.

Signed by the authority of the Secretary of State for Transport

*David Jamieson*  
Parliamentary Under Secretary of State  
Department for Transport

**Changes to legislation:**

There are currently no known outstanding effects for the The Ship and Port Facility (Security) Regulations 2004.