
STATUTORY INSTRUMENTS

2004 No. 1495

The Ship and Port Facility (Security) Regulations 2004

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.

Changes to legislation: There are currently no known outstanding effects for the *The Ship and Port Facility (Security) Regulations 2004, PART 2*. (See end of Document for details)

(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 [^{F1}the statutory maximum], or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years.

Textual Amendments

F1 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

^{F2}7.

Textual Amendments

F2 [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)

Changes to legislation:

There are currently no known outstanding effects for the The Ship and Port Facility (Security) Regulations 2004, PART 2.