
STATUTORY INSTRUMENTS

2004 No. 1495

The Ship and Port Facility (Security) Regulations 2004

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 (1), 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.

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

(1) 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).

- (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⁽²⁾ (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.

(2) 1978 c. 30.