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**No. S 215**

**MARITIME AND PORT AUTHORITY OF SINGAPORE ACT  
(CHAPTER 170A)**

**MARITIME AND PORT AUTHORITY OF SINGAPORE  
(PORT) (AMENDMENT)  
REGULATIONS 2004**

In exercise of the powers conferred by section 41 of the Maritime and Port Authority of Singapore Act, the Maritime and Port Authority of Singapore, with the approval of the Minister for Transport, hereby makes the following Regulations:

**Citation and commencement**

**1.** These Regulations may be cited as the Maritime and Port Authority of Singapore (Port) (Amendment) Regulations 2004 and shall come into operation on 1st July 2004.

**Amendment of regulation 2**

**2.** Regulation 2 of the Maritime and Port Authority of Singapore (Port) Regulations (Rg 7) is amended —

(a) by inserting, immediately after the definition of “height”, the following definition:

“ “ISPS Code” has the same meaning as in Regulation 1 of Chapter XI-2 of the Safety Convention Regulations;”;

(b) by inserting, immediately after the definition of “oil terminal”, the following definition:

“ “operator”, in relation to a port facility, means a person other than the Authority who, for the time being, manages the port facility;”;

(c) by inserting, immediately after the definition of “petroleum”, the following definitions:

“ “port facility” has the same meaning as in Regulation 1 of Chapter XI-2 of the Safety Convention Regulations;

“port facility security plan” means a plan approved by the Authority that is developed to ensure the application of measures designed to protect —

(a) the port facility; and

(b) ships, persons, cargo, cargo transport units and ship stores within the port facility,

from the risks of a security incident;

“recognised security organisation” has the same meaning as in Regulation 1 of Chapter XI-2 of the Safety Convention Regulations;

“Safety Convention Regulations” means the Merchant Shipping (Safety Convention) Regulations (Cap. 179, Rg 11);” and

(d) by inserting, immediately after the definition of “sea-going vessel”, the following definitions:

“ “security incident” has the same meaning as in Regulation 1 of Chapter XI-2 of the Safety Convention Regulations;

“ship” means any type of vessel used in navigation by water, however propelled or moved, and includes —

(a) a barge, lighter, mobile offshore drilling unit, high speed craft or other floating vessel; or

(b) an air-cushioned vehicle or other similar craft used wholly or primarily in navigation by water;

“Statement of Compliance” means a Statement of Compliance issued by the Authority in respect of a port facility under regulation 63C;”.

**New Part XVA**

3. The Maritime and Port Authority of Singapore (Port) Regulations are amended by inserting, immediately after regulation 63, the following Part:

**“PART XVA  
PORT SECURITY**

**Security requirements for ship entering or within port**

**63A.**—(1) When any ship enters or is within the port, the owner, agent or master of the ship shall ensure that the ship complies with the requirements of Chapter XI-2 of the Safety Convention Regulations and Part A of the ISPS Code that are relevant to the ship, taking into account the guidance given in Part B of the ISPS Code.

(2) The Port Master —

- (a) shall communicate the security levels set for, and provide security level information to, any ship that enters or is within the port; and
- (b) may require the owner, agent or master of the ship to provide the information referred to in regulation 9 (b) of Chapter XI-2 of the Safety Convention Regulations.

(3) Any owner, agent or master of a ship who —

- (a) contravenes paragraph (1); or
- (b) fails to provide any information required by the Port Master under paragraph (2) (b),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

**Security requirements for port facility**

**63B.**—(1) The owner or operator of any port facility shall ensure that —

- (a) the port facility complies with the requirements of Chapter XI-2 of the Safety Convention Regulations and Part A of the ISPS Code that are relevant to the port facility, taking into account the guidance given in Part B of the ISPS Code;

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- (b) there is a valid Statement of Compliance issued in respect of the port facility before the port facility is used as such; and
  - (c) the port facility undergoes an intermediate verification exercise in accordance with regulation 63C (3).
- (2) Any owner or operator of a port facility who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

### **Statement of Compliance**

**63C.**—(1) The Authority shall issue a Statement of Compliance in respect of a port facility if, at the date the Statement of Compliance is issued, the port facility complies with —

- (a) the requirements of the ISPS Code that are relevant to the port facility; and
  - (b) such additional requirements as the Authority may impose.
- (2) Subject to paragraph (4), a Statement of Compliance shall be valid for a period of 5 years from the date it is issued.
- (3) Where a Statement of Compliance has been issued in respect of a port facility —
- (a) the port facility shall undergo an intermediate verification exercise conducted by a recognised security organisation 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 Authority may impose; and
  - (b) the intermediate verification exercise shall be conducted between 24 months and 36 months from the date the Statement of Compliance is issued.
- (4) Where it is determined at an intermediate verification exercise that a port facility does not comply with —
- (a) any requirement of the ISPS Code that is relevant to the port facility; or

(b) any additional requirement imposed by the Authority, the Authority may suspend the Statement of Compliance until the non-compliance has been rectified or withdraw the Statement of Compliance.

### **Maintenance of conditions**

**63D.**—(1) Where a Statement of Compliance has been issued in respect of a port facility, the owner or operator of the port facility shall —

- (a) ensure that all levels of protective security measures and security organisation for the port facility are maintained in accordance with the ISPS Code;
- (b) ensure that —
  - (i) a port facility security plan has been implemented in respect of the port facility; and
  - (ii) the port facility is operated in compliance with the port facility security plan;
- (c) ensure the continuing relevance and accuracy of the port facility security plan;
- (d) conduct security drills at intervals of not more than 3 months; and
- (e) conduct security exercises at least once in a year, with not more than 18 months between such exercises.

(2) Any owner or operator of a port facility who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

### **Powers of entry and search**

**63E.**—(1) The Port Master, any authorised officer or any public officer authorised by the Authority may —

- (a) enter, inspect and search any ship or port facility —
  - (i) for the purpose of ensuring that the regulations in this Part are complied with; or
  - (ii) if he has reasonable grounds for believing that an offence is being or was committed under the provisions of this Part; and

(b) seize any evidence of the commission of an offence under the provisions of this Part.

(2) No person shall prevent or obstruct the Port Master, any authorised officer or any public officer authorised by the Authority from performing any act under paragraph (1).

(3) Any person who contravenes paragraph (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

### **Submission of information**

**63F.** Any person who, being required to submit information to the Port Master, any authorised officer or any public officer authorised by the Authority —

(a) for any purpose under regulations 63A to 63D; or

(b) to comply with any requirement of Chapter XI-2 of the Safety Convention Regulations or Part A of the ISPS Code, taking into account the guidance given in Part B of the ISPS Code,

submits any information which is false, misleading or inaccurate shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 6 months or to both.”.

Made this 16th day of April 2004.

PETER ONG  
*Chairman,  
Maritime and Port Authority of  
Singapore.*