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**MERCHANT SHIPPING ACT
(CHAPTER 179)**

**MERCHANT SHIPPING
(SAFETY CONVENTION) (AMENDMENT)
REGULATIONS 2004**

In exercise of the powers conferred by section 100 of the Merchant Shipping 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 Merchant Shipping (Safety Convention) (Amendment) Regulations 2004 and shall come into operation on 1st July 2004.

New Regulation 3-6 of Chapter II-1

2. The Merchant Shipping (Safety Convention) Regulations (Rg 11) (referred to in these Regulations as the principal Regulations) are amended by inserting, immediately after Regulation 3-5 of Chapter II-1, the following Regulation:

“Regulation 3-6

*Access to and within Space in Cargo Area
of Oil Tanker or Bulk Carrier*

(a) Application

(i) This Regulation shall apply to —

- (1) oil tankers of not less than 500 tons; and
- (2) bulk carriers, as defined in Regulation 1 of Chapter IX, of not less than 20,000 tons,

that are constructed on or after 1st January 2005.

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- (ii) Regulation 12-2 of Chapter II-1 shall apply to oil tankers of not less than 500 tons that are constructed on or after 1st October 1994 but before 1st January 2005.

(b) *Means of access to cargo and other spaces*

- (i) Each space within the cargo area of a ship shall be provided with a permanent means of access to enable, throughout the life of the ship, overall and close-up inspections and thickness measurements of the ship's structure to be carried out by —
- (1) any authorised organisation, as defined in Regulation 2 of Chapter I;
 - (2) the Company, as defined in Regulation 1 of Chapter IX;
 - (3) the ship's personnel; or
 - (4) other persons.
- (ii) Each permanent means of access shall comply with —
- (1) the requirements of paragraph (e); and
 - (2) the technical provisions for means of access for inspections adopted by the Maritime Safety Committee by resolution MSC.133 (76), as amended by any amendment made by the Organisation that has been adopted and brought into force, and that has taken effect, in accordance with article VIII of the Convention concerning the amendment procedures applicable to the Annex other than Chapter I.
- (iii) Where —
- (1) a permanent means of access may be susceptible to damage during normal cargo loading and unloading operations; or
 - (2) it is impracticable to provide a permanent means of access,

the Director may allow a portable means of access that is specified in the technical provisions referred to in sub-paragraph (ii) (2) to be provided, in lieu of a permanent means of access, if the means of attaching,

rigging, suspending or supporting the portable means of access forms a permanent part of the ship's structure.

- (iv) The equipment for providing a portable means of access shall be capable of being readily erected or deployed by the ship's personnel.
- (v) The construction and materials of each means of access, and the attachment of each means of access to the ship's structure, shall be to the satisfaction of the Director.
- (vi) Each means of access shall be subjected to a survey prior to, or in conjunction with, the use of the means of access in carrying out surveys in accordance with Regulation 10 of Chapter I.

(c) Safe access to cargo holds, cargo tanks, ballast tanks and other spaces

- (i) Safe access* to any cargo hold, cargo tank, cofferdam, ballast tank or other space in the cargo area shall —
 - (1) be provided direct from the open deck; and
 - (2) be such as to allow the complete inspection of the cargo hold, cargo tank, cofferdam, ballast tank or space in the cargo area, as the case may be.
- (ii) Safe access* to any double bottom space may be provided from a pump-room, deep cofferdam, pipe tunnel, cargo hold, double hull space or any similar compartment not intended for the carriage of oil or hazardous cargoes.
- (iii) Any tank or subdivision of a tank that is not less than 35 m in length shall be fitted with at least two access hatchways with ladders, which shall be located as far apart as practicable.
- (iv) Any tank that is less than 35 m in length shall be fitted with at least one access hatchway with ladder.

*Refer to the recommendations for entering enclosed spaces aboard ships adopted by the Organisation by resolution A.864 (20).

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- (v) Where any tank is subdivided by any swash bulkhead or other similar obstruction which does not allow ready means of access throughout the tank, the tank shall be fitted with at least two access hatchways with ladders.
 - (vi) Each cargo hold shall be provided with at least 2 means of access, which —
 - (1) shall be located as far apart as practicable; and
 - (2) in general, should be arranged diagonally, for example, one near the forward bulkhead on the port side, and another near the aft bulkhead on the starboard side.

(d) *Ship structure access manual*

- (i) The means of access to carry out overall and close-up inspections and thickness measurements of a ship's structure shall be described in a ship structure access manual approved by the Director, an updated copy of which shall be kept on board the ship.
- (ii) The contents of a ship structure access manual shall include the following for each space in the cargo area:
 - (1) plans showing the means of access to the space, with the appropriate technical specifications and dimensions;
 - (2) plans showing the means of access within the space to enable an overall inspection to be carried out, with the appropriate technical specifications and dimensions, and indicating from where each area in the space can be inspected;
 - (3) plans showing the means of access within the space to enable a close-up inspection to be carried out, with the appropriate technical specifications and dimensions, and indicating the position of each critical structural area, whether each means of access is permanent or portable, and from where each area in the space can be inspected;

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- (4) instructions for inspecting and maintaining the structural strength of all means of access and all means of attachment, taking into account any corrosive atmosphere that may be within the space;
 - (5) instructions for safety guidance when rafting is used for close-up inspections and thickness measurements;
 - (6) instructions for the rigging and use of any portable means of access in a safe manner;
 - (7) an inventory of all portable means of access;
 - (8) records of periodical inspections and maintenance of all means of access.
- (iii) In sub-paragraph (ii), “critical structural area” means an area within a ship which has been identified —
- (1) from calculations, to require monitoring; or
 - (2) from the service history of similar or sister ships, to be sensitive to cracking, buckling, deformation or corrosion which would impair the structural integrity of the ship.
- (e) *General technical specifications*
- (i) For access through horizontal openings, hatches or manholes, the dimensions shall be sufficient —
 - (1) to allow a person wearing a self-contained air-breathing apparatus and protective equipment to ascend or descend any ladder without obstruction; and
 - (2) to provide a clear opening of not less than 600 mm × 600 mm to facilitate the hoisting of an injured person from the bottom of the space.
 - (ii) Where access to a cargo hold is arranged through a cargo hatch, the top of the ladder shall be placed as close as possible to the hatch coaming.
 - (iii) Any access hatch coaming with a height greater than 900 mm shall have steps on the outside in conjunction with the ladder.

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- (iv) For access through vertical openings or manholes in swash bulkheads, floors, girders and web frames providing passage through the length and breadth of the space, the minimum opening shall —
 - (1) be not less than 600 mm × 800 mm; and
 - (2) be at a height of not more than 600 mm from the bottom shell plating, unless gratings or other footholds are provided.
 - (v) For oil tankers of less than 5,000 tonnes deadweight, the Director may approve smaller dimensions for an opening referred to in paragraph (e) (i) or (iv) if —
 - (1) there are special circumstances; and
 - (2) it is proved to the satisfaction of the Director that a person can traverse the opening, or that an injured person can be removed through the opening.”.

Amendment of Regulation 12-2 of Chapter II-1

3. Regulation 12-2 of Chapter II-1 of the principal Regulations is amended by deleting paragraph (a) and substituting the following paragraph:

“(a) *Application*

- (i) This Regulation shall apply to oil tankers of not less than 500 tons that are constructed on or after 1st October 1994 but before 1st January 2005.
- (ii) Regulation 3-6 of Chapter II-1 shall apply to oil tankers of not less than 500 tons that are constructed on or after 1st January 2005.”.

Amendment of Regulation 31 of Chapter II-1

4. Regulation 31 of Chapter II-1 of the principal Regulations is amended by deleting the full-stop at the end of sub-paragraph (ix) of paragraph (b) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraph:

“(x) automation systems shall be designed —

- (1) to ensure that threshold warning of impending or imminent slowdown or shutdown of the propulsion

system is given to the officer in charge of the navigational watch in time to assess navigational circumstances in an emergency; and

- (2) in particular, to control, monitor and report on propulsion, to alert the officer in charge of the navigational watch to any change in propulsion, and to take safety action to slow down or stop propulsion, while providing the officer in charge of the navigational watch an opportunity to manually intervene, except where such manual intervention will result in the total failure of the engine, the propulsion equipment or both the engine and the propulsion equipment within a short time, for example, in the case of overspeed.”.

Amendment of Regulation 3 of Chapter II-2

5. Regulation 3 of Chapter II-2 of the principal Regulations is amended by deleting the words “Regulation 2 of Chapter VII” in paragraph (i) and substituting the words “the IMDG Code, as defined in Regulation 1 of Chapter VII”.

Amendment of Regulation 19 of Chapter II-2

6. Regulation 19 of Chapter II-2 of the principal Regulations is amended by deleting table 19.3 and substituting the following table:

“TABLE 19.3 — APPLICATION OF THE REQUIREMENTS TO DIFFERENT CLASSES OF DANGEROUS GOODS EXCEPT SOLID DANGEROUS GOODS IN BULK

Class Regulation 19	1.1 to 1.6	1.4S	2.1	2.2	2.3	3 liquids 23°C ¹⁵	3 liquids >23°C ¹⁵ 61°C	4.1	4.2	4.3	5.1	5.2	6.1 liquids	6.1 liquids 23°C ¹⁵	6.1 liquids >23°C ¹⁵ 61°C	6.1 solids	8 liquids	8 liquids 23°C ¹⁵	8 liquids >23°C ¹⁵ 61°C	8 solids
3.1.1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
3.1.2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
3.1.3	X	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
3.1.4	X	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
3.2	X	—	X	—	—	X	—	—	—	—	—	—	—	X	—	—	—	X	—	—
3.3	X	X	X	X	X	X	X	X	X	X	X	—	X	X	X	X	X	X	X	X
3.4.1	—	—	X	—	X	X	—	X ¹¹	X ¹¹	X	X ¹¹	—	—	X	X	X ¹¹	—	X	X	—
3.4.2	—	—	X	—	—	X	—	—	—	—	—	—	—	X	X	—	—	X	X	—
3.5	—	—	—	—	—	X	—	—	—	—	—	—	X	X	X	—	—	X	—	—
3.6	—	—	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
3.7	—	—	—	—	—	X	X	X	X	X	X	—	—	X	X	—	—	X	X	—
3.8	X ¹²	—	X	X	X	X	X	X	X	X	X ¹³	—	—	X	X	—	—	X	X	—
3.9	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
(e) (x) (1)	X	X	X	X	X	X	X	X	X	X	X	X ¹⁶	X	X	X	X	X	X	X	X
(e) (x) (2)	X	X	X	X	X	X	X	X	X	X	X	X ¹⁶	X	X	X	X	X	X	X	X

Notes:

- 11 When “mechanically-ventilated spaces” are required by the IMDG Code, as amended.
- 12 Stow 3 m horizontally away from the machinery space boundaries in all cases.
- 13 Refer to the IMDG Code, as amended.
- 14 As appropriate to the goods to be carried.
- 15 Refers to flashpoint.
- 16 Under the provisions of the IMDG Code, as amended, stowage of class 5.2 dangerous goods under deck or in enclosed ro-ro spaces is prohibited.”.

Amendment of Regulation 26 of Chapter III

7. Regulation 26 of Chapter III of the principal Regulations is amended —

- (a) by deleting the word “and” at the end of sub-paragraph (ii) of paragraph (a);
- (b) by deleting the full-stop at the end of sub-paragraph (iii) of paragraph (a) and substituting the word “; and”, and by inserting immediately thereafter the following sub-paragraph:
 - “(iv) before 1st July 2004 shall comply with the requirements of paragraph (b) (v) not later than the first survey on or after 1st July 2004.”; and
- (c) by inserting, immediately after sub-paragraph (iv) of paragraph (b), the following sub-paragraph:
 - “(v) Out of every four liferafts carried on a ro-ro passenger ship, one liferaft shall be fitted with a radio transponder*. Where a liferaft is fitted with a transponder, except in the case of a canopied reversible liferaft, the transponder shall be mounted inside the liferaft in such a manner that its antenna is more than one metre above the sea level when the liferaft is deployed. In the case of a canopied reversible liferaft, the transponder shall be so arranged as to be readily accessed and erected by any survivor. Each transponder shall be arranged to be manually erected when the liferaft is deployed. A container of a liferaft fitted with a transponder shall be clearly marked.

*Refer to the Performance standards for survival craft radar transponders for use in search and rescue operations, adopted by the Organisation by resolution A.802 (19).”.

Amendment of Regulation 19 of Chapter V

8. Regulation 19 of Chapter V of the principal Regulations is amended —

- (a) by deleting sub-paragraphs (D), (E) and (F) of paragraph (b) (iv) (2) and substituting the following sub-paragraph:
 - “(D) in the case of ships, other than passenger ships and tankers, of 300 tons and upwards but less than

50,000 tons, not later than the first safety equipment survey* after 1st July 2004 or by 31st December 2004, whichever occurs earlier; and

*Except in the case of a ship under construction, “first safety equipment survey” means the first annual survey, the first periodical survey or the first renewal survey for safety equipment, whichever is due first after 1st July 2004. In the case of a ship under construction, “first safety equipment survey” means the initial survey.”.

- (b) by deleting the word “and” at the end of paragraph (b) (iv) (6); and
- (c) by deleting the full-stop at the end of sub-paragraph (7) of paragraph (b) (iv) and substituting the word “; and”, and by inserting immediately thereafter the following sub-paragraph:
 - “(8) every ship fitted with AIS shall maintain AIS in operation at all times, except where international agreements, rules or standards provide for the protection of navigational information.”.

Amendment of Regulation 3 of Chapter XI

9. Regulation 3 of Chapter XI of the principal Regulations is amended by deleting paragraph (d) and substituting the following paragraphs:

“(d) The ship’s identification number shall be permanently marked —

- (i) in a visible place —
 - (1) on the stern of the ship or on either side of the hull, amidships port and starboard, above the deepest assigned load line;
 - (2) on either side of the superstructure, port and starboard;
 - (3) on the front of the superstructure; or
 - (4) in the case of a passenger ship, on a horizontal surface visible from the air; and
- (ii) in an easily accessible place —
 - (1) on one of the end transverse bulkheads of the machinery spaces, as defined in Regulation 3 (dd) of Chapter II-2;

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- (2) on one of the hatchways;
 - (3) in the case of a tanker, in the pump-room; or
 - (4) in the case of a ship with ro-ro spaces, as defined in Regulation 3 (oo) of Chapter II-2, on one of the end transverse bulkheads of the ro-ro spaces.
- (e) A permanent marking of a ship's identification number shall bear the following characteristics:
- (i) the permanent marking shall be plainly visible, clear of any other marking on the hull, and shall be painted in a contrasting colour.
 - (ii) the permanent marking referred to in paragraph (d) (i) shall be not less than 200 mm in height, and the width of the marking shall be proportionate to the height of the marking.
 - (iii) the permanent marking referred to in paragraph (d) (ii) shall not be less than 100 mm in height, and the width of the marking shall be proportionate to the height of the marking.
 - (iv) the permanent marking may be made by raised lettering, by cutting it in, by centre punching it or by any other equivalent method of making a marking which ensures that the marking is not easily expunged.
 - (v) in the case of a ship constructed of any material other than steel or metal, the permanent marking shall be made by a method which the Director approves of.
- (f) In the case of a ship constructed before 1st July 2004, the requirements of paragraphs (d) and (e) shall be complied with not later than during the first scheduled dry-docking of the ship after 1st July 2004.''.

New Regulation 5 of Chapter XI

10. The principal Regulations are amended by inserting, immediately after Regulation 4 of Chapter XI, the following Regulation:

“Regulation 5

Continuous Synopsis Record

(a) Every ship to which Chapter I applies shall be issued with a Continuous Synopsis Record.

(b) The Continuous Synopsis Record —

- (i) is intended to provide an on-board record of the history of the ship with respect to the information recorded therein; and
- (ii) for ships constructed before 1st July 2004, shall provide at least the history of the ship from 1st July 2004.

(c) A Continuous Synopsis Record shall be issued by the Director to each ship, and the Continuous Synopsis Record shall contain at least the following information:

- (i) the name of the State whose flag the ship is entitled to fly;
- (ii) the date on which the ship was registered with that State;
- (iii) the ship’s identification number in accordance with Regulation 3;
- (iv) the name of the ship;
- (v) the port at which the ship is registered;
- (vi) the name and registered address of the registered owner or, where there is more than one registered owner, each registered owner;
- (vii) the name and registered address of the registered bareboat charterer or, where there is more than one registered bareboat charterer, each registered bareboat charterer, if applicable;

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- (viii) the name and registered address of the Company, as defined in Regulation 1 of Chapter IX, and the address or addresses of the places from which the Company carries out the safety management activities;
 - (ix) the name of every classification society with which the ship is classed;
 - (x) the name of the authorised organisation or Contracting State which issued the Document of Compliance (or Interim Document of Compliance) specified in the International Safety Management (ISM) Code, as defined in Regulation 1 of Chapter IX, to the Company operating the ship and, where the body which carried out the audit on the basis of which the Document of Compliance (or Interim Document of Compliance) was issued is not that authorised organisation or Contracting State, the name of that body;
 - (xi) the name of the authorised organisation or Contracting State which issued the Safety Management Certificate (or Interim Safety Management Certificate) specified in the International Safety Management (ISM) Code, as defined in Regulation 1 of Chapter IX, to the ship and, where the body which carried out the audit on the basis of which the Safety Management Certificate (or Interim Safety Management Certificate) was issued is not that authorised organisation or Contracting State, the name of that body;
 - (xii) the name of the authorised organisation or Contracting State which issued the International Ship Security Certificate (or Interim International Ship Security Certificate) specified in part A of the ISPS Code, as defined in Regulation 1 of Chapter XI-1, to the ship and, where the body which carried out the verification on the basis of which the International Ship Security Certificate (or Interim International Ship Security Certificate) was issued is not that authorised organisation or Contracting State, the name of that body;
 - (xiii) the date on which the ship ceased to be registered with that State.

(d) Where there is any change in relation to any entry referred to in paragraph (c) (iv) to (xii) —

- (i) the change shall be recorded in the Continuous Synopsis Record so as to provide updated and current information as well as a history of the changes to the entry;
- (ii) the Director shall, as soon as is practicable but, in any event, not later than three months from the date of the change, issue to the ship either a revised and updated version of the Continuous Synopsis Record or appropriate amendments to the Continuous Synopsis Record; and
- (iii) pending the issue of a revised and updated version of the Continuous Synopsis Record —
 - (1) the Director shall authorise and require either the Company, as defined in Regulation 1 of Chapter IX, or the master of the ship to amend the Continuous Synopsis Record to reflect the change; and
 - (2) after the Continuous Synopsis Record has been amended, the Company shall, without delay, inform the Director accordingly.

(e) The Continuous Synopsis Record shall —

- (i) be in the English language;
- (ii) be in the format developed by the Organisation; and
- (iii) be maintained in accordance with guidelines developed by the Organisation.

(f) No earlier entry in the Continuous Synopsis Record shall be modified, deleted or in any way erased or defaced.

(g) The Continuous Synopsis Record shall be left on board a ship whenever —

- (i) the ship is transferred to the flag of another State;
- (ii) the ship is sold to another owner;
- (iii) the ship is taken over by another bareboat charterer;
or
- (iv) another Company assumes the responsibility for the operation of the ship.

(h) When a ship is to be transferred to the flag of another State, the Company shall notify the Director of the name of that State, so as to enable the Director to forward to that State a copy of the Continuous Synopsis Record covering the period during which the ship was under the Singapore flag.

(i) When a ship is transferred to the flag of another Contracting State, the Director shall, as soon as possible after the transfer has taken place, transmit to that Contracting State a copy each of —

- (i) the Continuous Synopsis Record covering the period during which the ship was under the Singapore flag; and
- (ii) any Continuous Synopsis Record previously issued to the ship by any other State.

(j) When a ship is transferred from the flag of another State, any Continuous Synopsis Record previously issued to the ship shall be appended to the Continuous Synopsis Records to be issued to the ship by the Director, so as to provide the continuous record of the history of the ship intended by this Regulation.

(k) The Continuous Synopsis Record shall be kept on board the ship and shall be available for inspection at all times.”.

Renumbering of Chapter XI and new Chapter XI-2

11. The principal Regulations are amended by renumbering Chapter XI as Chapter XI-1, and by inserting immediately thereafter the following Chapter:

“CHAPTER XI-2

SPECIAL MEASURES TO ENHANCE MARITIME SECURITY

Regulation 1

Definitions

(a) For the purpose of this Chapter, unless expressly provided otherwise —

“bulk carrier” means a bulk carrier as defined in Regulation 1 of Chapter IX;

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- “chemical tanker” means a chemical tanker as defined in Regulation 8 (*b*) of Chapter VII;
- “Company” means a Company as defined in Regulation 1 of Chapter IX;
- “Contracting State”, when used in Regulations 3, 4, 7 and 10 to 13, includes a reference to the Designated Authority;
- “Designated Authority” means the Authority, which shall be responsible for ensuring the implementation of the provisions of Part XVA of the Port Regulations;
- “gas carrier” means a gas carrier as defined in Regulation 11 (*b*) of Chapter VII;
- “high speed craft” means a high speed craft as defined in Regulation 1 of Chapter X;
- “International Ship and Port Facility Security Code” or “ISPS Code” means the International Code for the Security of Ships and of Port Facilities consisting of Part A (the provisions of which shall be treated as mandatory) and Part B (the provisions of which shall be treated as recommendations), as adopted on 12th December 2002 by resolution 2 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea 1974, and as may be amended by —
- (*a*) amendments made by the Organisation to Part A of the ISPS Code that are adopted and brought into force, and that take effect, in accordance with article VIII of the Convention concerning the amendment procedures applicable to the Annex other than Chapter I; and
 - (*b*) amendments made by the Organisation to Part B of the ISPS Code that are adopted by the Maritime Safety Committee in accordance with its Rules of Procedure;
- “mobile offshore drilling unit” means a mechanically propelled mobile offshore drilling unit, as defined in Regulation 1 of Chapter IX, that is not on location;

“oil tanker” means an oil tanker as defined in Regulation 2 (l) of Chapter II-1;

“port facility” means a location, as determined by the Designated Authority, where the ship/port interface takes place, and includes, where appropriate, an area such as an anchorage, a waiting berth or an approach from seaward;

“Port Regulations” means the Maritime and Port Authority of Singapore (Port) Regulations (Cap. 170A, Rg 7);

“recognised security organisation” means an organisation with appropriate expertise in security matters and appropriate knowledge of ship and port operations that is authorised by the Authority to carry out an assessment, a verification, or an approval or certification activity required by this Chapter or by Part A of the ISPS Code;

“security incident” means any suspicious act or circumstance threatening the security of —

- (a) a ship (including a mobile offshore drilling unit or a high speed craft);
- (b) a port facility; or
- (c) any ship/port interface or ship to ship activity;

“security level” means the level of risk that a security incident will be attempted or will occur;

“ship”, when used in Regulations 3 to 13, includes a mobile offshore drilling unit or a high speed craft;

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

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

(b) In the ISPS Code, “declaration of security” means an agreement between a ship and a port facility or another ship with which it interfaces specifying the security measures that each will implement.

Regulation 2

Application

(a) This Chapter applies to —

- (i) the following types of ships engaged on international voyages:
 - (1) passenger ships, including high speed passenger craft;
 - (2) cargo ships, including high speed craft, of not less than 500 tons; and
 - (3) mobile offshore drilling units; and
- (ii) port facilities serving such ships engaged on international voyages.

(b) *Application to port facility used primarily by ships not engaged on international voyages*

- (i) Notwithstanding paragraph (a) (ii), the Designated Authority shall decide the extent to which this Chapter and the relevant sections of Part A of the ISPS Code shall apply to any port facility in Singapore which, although used primarily by ships not engaged on international voyages, is required occasionally to serve ships arriving or departing on an international voyage.
- (ii) In making a decision under sub-paragraph (i), the Designated Authority shall rely on a port facility security assessment carried out in accordance with the provisions of Part A of the ISPS Code.
- (iii) Any decision made by the Designated Authority under sub-paragraph (i) shall not compromise the level of security intended to be achieved by this Chapter or by Part A of the ISPS Code.

(c) This Chapter does not apply to any warship, naval auxiliary or other ship owned or operated by a Contracting State and used only on Government non-commercial service.

(d) Nothing in this Chapter shall prejudice the rights or obligations of any Contracting State under international law.

Regulation 3

Obligations of Contracting State with respect to Security

- (a) The Director shall —
- (i) set the security levels for, and ensure the provision of security level information to, Singapore ships; and
 - (ii) when changes in the security level occur, ensure that the security level information is updated as the circumstances dictate.
- (b) The Designated Authority shall —
- (i) set security levels for, and ensure the provision of security level information to, port facilities within Singapore and ships prior to entering, or while in, a port in Singapore; and
 - (ii) when changes in the security level occur, ensure that the security level information is updated as the circumstances dictate.

Regulation 4

Requirements for Company and Ship

- (a) Every Company shall comply with the relevant requirements of this Chapter and of Part A of the ISPS Code, taking into account the guidance given in Part B of the ISPS Code.
- (b) Every ship shall comply with the relevant requirements of this Chapter and of Part A of the ISPS Code, taking into account the guidance given in Part B of the ISPS Code, and such compliance shall be verified and certified as provided for in Part A of the ISPS Code.
- (c) Prior to entering, or while in, a port within the territory of a Contracting State, a ship shall comply with the requirements for the security level set by that Contracting State, if that security level is higher than the security level set by the Director for that ship.
- (d) Every ship shall respond without undue delay to any change to a higher security level.

(e) Where a ship —

- (i) is not in compliance with the requirements of this Chapter or of Part A of the ISPS Code; or
- (ii) cannot comply with the requirements of the security level set by the Director or by another Contracting State that are applicable to that ship,

the ship shall notify the appropriate competent authority of the non-compliance or inability to comply prior to conducting any ship/port interface or prior to entry into port, whichever occurs earlier.

Regulation 5

Specific Responsibility of Company

The Company shall ensure that the master of the ship has available on board, at all times, information through which officers duly authorised by a Contracting State can establish —

- (i) who is responsible for appointing the members of the crew or other persons currently employed or engaged on board the ship in any capacity in the business of that ship;
- (ii) who is responsible for deciding the employment of the ship; and
- (iii) in a case where the ship is employed under the terms of one or more charterparties, who the parties to each charterparty are.

Regulation 6

Ship Security Alert System

(a) Every ship shall be provided with a ship security alert system as follows:

- (i) any ship that is constructed on or after 1st July 2004 shall be provided with a ship security alert system when constructed;
- (ii) any passenger ship, including any high speed passenger craft, that is constructed before 1st July 2004 shall be provided with a ship security alert system not later than the first survey of its radio installation after 1st July 2004;

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- (iii) any oil tanker, chemical tanker, gas carrier, bulk carrier or cargo high speed craft —
 - (1) that is of not less than 500 tons; and
 - (2) that is constructed before 1st July 2004,shall be provided with a ship security alert system not later than the first survey of its radio installation after 1st July 2004;
 - (iv) any —
 - (1) other cargo ship of not less than 500 tons; or
 - (2) mobile offshore drilling unit,that is constructed before 1st July 2004 shall be provided with a ship security alert system not later than the first survey of its radio installation after 1st July 2006.
- (b) The ship security alert system, when activated, shall —
- (i) initiate and transmit a ship-to-shore security alert —
 - (1) identifying the ship and its location; and
 - (2) indicating that the security of the ship is under threat or has been compromised,to a competent authority designated by the Director, which may, in the circumstances, include the Company;
 - (ii) not send the security alert to any other ships;
 - (iii) not raise any alarm on board the ship; and
 - (iv) continue the security alert until deactivated or reset.
- (c) The ship security alert system shall —
- (i) be capable of being activated from the navigation bridge and at least one other location; and
 - (ii) conform to performance standards not inferior to those adopted by the Organisation.
- (d) The ship security alert system activation points shall be designed so as to prevent the inadvertent initiation of the security alert.
- (e) The requirement for a ship security alert system may be complied with by using the radio installation fitted for compliance with the requirements of Chapter IV, provided all requirements of this Regulation are complied with.

Regulation 7

Threats to Ship

(a) The Director shall set the security levels for, and ensure the provision of security level information to, any ship that is operating in, or that has communicated an intention to enter, Singapore or its territorial sea.

(b) The Director shall provide a point of contact through which any ship referred to in paragraph (a) can request advice or assistance, and to which any such ship can report any security concerns about any other ship, movement or communication.

(c) Where a risk of attack has been identified, the Director shall advise each ship concerned, and the Contracting State whose flag that ship is entitled to fly, of —

- (i) the current security level;
- (ii) any security measure that should be put in place by the ship concerned to protect it from attack, in accordance with the provisions of Part A of the ISPS Code; and
- (iii) any appropriate security measure that the coastal State has decided to put in place.

Regulation 8

*Master's Discretion for
Ship Safety and Security*

(a) The master of a ship shall not be constrained by the Company, the charterer or any other person from taking or executing any measure which, in the professional judgment of the master, is necessary to maintain the safety and security of the ship, including —

- (i) the denial of access to any person (except any person identified as duly authorised by a Contracting State) or his effects; or
- (ii) the refusal to load any cargo, including any container or other closed cargo transport unit.

(b) If, in the professional judgement of the master, a conflict arises during the operations of a ship between any safety requirement and any security requirement applicable to the ship, the master shall give effect to the requirement necessary to maintain the safety of the ship. In such a case, the master —

- (i) may implement temporary security measures, which shall, to the highest possible degree, be commensurate with the prevailing security level; and
- (ii) shall forthwith inform the Director and, if appropriate, the Contracting State whose port the ship is operating in or intends to enter.

(c) When any case referred to in paragraph (b) is identified, the Director shall ensure that —

- (i) the conflict is resolved; and
- (ii) the possibility of the conflict recurring is minimised.

Regulation 9

Control and Compliance Measures

(a) Control of ship in port

(i) For the purposes of this Chapter, every ship to which this Chapter applies shall be subject to control, when in a port of another Contracting State, by officers duly authorised by that Contracting State, who may be the same officers as those carrying out the functions of Regulation 19 of Chapter I. Such control shall be limited to verifying whether there is, on board the ship —

- (1) a valid International Ship Security Certificate; or
- (2) a valid Interim International Ship Security Certificate,

issued under the provisions of Part A of the ISPS Code (referred to in this Regulation as a Certificate). If the Certificate is valid, it shall be accepted, unless there are clear grounds for believing that the ship is not in compliance with the requirements of this Chapter or Part A of the ISPS Code.

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- (ii) Where —
- (1) there are clear grounds for believing that a ship is not in compliance with the requirements of this Chapter or Part A of the ISPS Code; or
 - (2) no valid Certificate is produced in respect of a ship when required,
- the officers duly authorised by the Contracting State may impose, in relation to that ship, any control measure referred to in sub-paragraph (iii), or any combination of such control measures, that is proportionate, taking into account the guidance given in Part B of the ISPS Code.
- (iii) For the purposes of sub-paragraph (ii), the control measures are as follows:
- (1) inspection, delaying or detention of the ship;
 - (2) restriction of the ship's operations, including movement, within the port;
 - (3) expulsion of the ship from the port;
 - (4) any lesser administrative or corrective measure.

(b) Ship intending to enter Singapore

- (i) For the purposes of this Chapter, the Director may require any ship intending to enter Singapore to provide, prior to entry into the port, the following information to officers duly authorised by the Director to ensure compliance with this Chapter, so as to avoid the need to impose control measures or steps:
 - (1) that the ship possesses a valid Certificate and the name of the issuing authority of the Certificate;
 - (2) the security level at which the ship is currently operating;
 - (3) the security level at which the ship operated in any port where it had previously conducted a ship/port interface within the timeframe specified in sub-paragraph (iii);

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- (4) any special or additional security measure that was taken by the ship in any port where it had previously conducted a ship/port interface within the timeframe specified in sub-paragraph (iii);
 - (5) that the appropriate ship security procedures were maintained during any ship to ship activity within the timeframe specified in sub-paragraph (iii);
 - (6) other practical security-related information (but not the details of the ship security plan), taking into account the guidance given in Part B of the ISPS Code.

If requested by the Director, the ship or the Company shall provide confirmation, in a form acceptable to the Director, of such information.

- (ii) Every ship to which this Chapter applies that intends to enter the port of another Contracting State shall, at the request of any officer duly authorised by that Contracting State, provide the information described in sub-paragraph (i). The failure to provide such information may result in the ship being denied entry into the port.
- (iii) A ship shall keep records of the information referred to in sub-paragraph (i) for its last 10 calls at port facilities.
- (iv) If, after receiving the information referred to in sub-paragraph (i), the officers duly authorised by the Director have clear grounds for believing that a ship has not complied with the requirements of this Chapter or Part A of the ISPS Code, the officers shall attempt to establish communication with and between the ship and the Contracting State whose flag the ship is entitled to fly in order to rectify the non-compliance. If such communication does not result in the rectification of the non-compliance, or if the officers have other clear grounds for believing that the ship has not complied with the requirements of this Chapter or Part A of the ISPS Code, the officers may

take the steps referred to in sub-paragraph (v) in relation to that ship. Any such step that is taken must be proportionate, taking into account the guidance given in Part B of the ISPS Code.

(v) For the purposes of sub-paragraph (iv), the steps are as follows:

- (1) requiring the rectification of the non-compliance;
- (2) requiring the ship to proceed to a location within Singapore specified by the Director;
- (3) inspecting the ship, if the ship is in the territorial sea of Singapore;
- (4) denying the ship entry into the port.

Prior to initiating any such step, the Director shall inform the ship of his intentions. If, upon being informed by the Director, the master withdraws the intention to enter the port, no such step shall be taken against the ship.

(c) *Additional provisions*

(i) In the event that —

- (1) any control measure referred to in paragraph (a) (iii), other than any lesser administrative or corrective measure, is imposed; or
- (2) any step referred to in paragraph (b) (v) is taken,

in relation to a ship, an officer duly authorised by the Director shall forthwith inform in writing the Contracting State whose flag that ship is entitled to fly of every control measure imposed and step taken, and the reasons therefor. The Director shall also notify the recognised security organisation which issued the Certificate relating to that ship and the Organisation when any such control measure has been imposed or any such step has been taken.

(ii) When a ship is denied entry into the port or is expelled from the port, the Director shall communicate the relevant facts to the authorities of the State of the next

port of call, if known, and any other appropriate coastal States, taking into account guidelines to be developed by the Organisation. The confidentiality and security of any such communication shall be ensured.

(iii) A ship shall be denied entry into the port under paragraph (b) (iv) and (v), or expelled from the port under paragraph (a) (ii) and (iii), only if the officers duly authorised by the Director have clear grounds to believe that —

- (1) the ship poses an immediate threat to the security or safety of persons, ships or other property; and
- (2) there are no other appropriate means for removing that threat.

(iv) Where —

- (1) any control measure referred to in paragraph (a) (iii) has been imposed; or
- (2) any step referred to in paragraph (b) (v) has been taken,

in respect of any failure by a ship to comply with the requirements of this Chapter or Part A of the ISPS Code, the control measure or step shall cease once the failure to comply has been corrected to the satisfaction of the Director, taking into account the actions proposed by the ship or the Contracting State whose flag the ship is entitled to fly, if any.

(v) Where the Director exercises control under paragraph (a) or takes any step under paragraph (b) —

- (1) all possible efforts shall be made to avoid a ship being unduly detained or delayed;
- (2) if a ship is thereby unduly detained or delayed, the ship shall be entitled to compensation for any loss or damage suffered; and
- (3) necessary access to the ship for emergency or humanitarian reasons, or for security purposes, shall not be prevented.

Regulation 10

Requirements for Port Facilities

The security requirements in respect of port facilities are as set out in Part XVA of the Port Regulations.

Regulation 11

Alternative Security Agreements

(a) The Director may, when implementing this Chapter and Part A of the ISPS Code, conclude in writing a bilateral or multilateral agreement with any other Contracting State on alternative security arrangements for short international voyages on fixed routes between a Singapore port facility and a port facility located within the territory of that Contracting State.

(b) Any such agreement shall not compromise the level of security of other ships or port facilities not covered by the agreement.

(c) No ship covered by such an agreement shall conduct any ship-to-ship activity with any ship not covered by the agreement.

(d) Each such agreement shall be reviewed periodically, taking into account the experience gained as well as any change in the particular circumstances, or the assessed threats to the security, of the ships, port facilities or routes covered by the agreement.

Regulation 12

Equivalent Security Arrangements

(a) The Director may allow any particular Singapore ship or group of Singapore ships to implement other security measures equivalent to those prescribed in this Chapter or in Part A of the ISPS Code, if such security measures are at least as effective as those prescribed in this Chapter or Part A of the ISPS Code. If the Director allows the implementation of such security measures, he shall communicate to the Organisation the particulars thereof.

(b) When implementing this Chapter and Part A of the ISPS Code, the Director may allow any particular port facility or group

of port facilities in Singapore, other than any port facility covered under an agreement concluded under Regulation 11, to implement security measures equivalent to those prescribed in this Chapter or in Part A of the ISPS Code, if such security measures are at least as effective as those prescribed in this Chapter or Part A of the ISPS Code. If the Director allows the implementation of such security measures, he shall communicate to the Organisation the particulars thereof.

Regulation 13

Communication of Information

The Director shall make available for the information of every Company and ship —

- (i) the names and contact details of their national authorities responsible for ship and port facility security;
- (ii) the locations in Singapore covered by the approved port facility security plans;
- (iii) the names and contact details of the persons who have been designated to be available at all times to receive and act on the ship-to-shore security alerts referred to in Regulation 6 (b) (i);
- (iv) the names and contact details of the persons who have been designated to be available at all times to receive and act on any communication from any Contracting State relating to the exercise of any control measure or step referred to in Regulation 9 (c) (i); and
- (v) the names and contact details of the persons who have been designated to be available at all times to provide advice or assistance to ships, and to whom any ship can report any security concern, referred to in Regulation 7 (b).”.

New Regulations 12 and 13 of Chapter XII

12. The principal Regulations are amended by inserting, immediately after Regulation 11 of Chapter XII, the following Regulations:

“Regulation 12

*Hold, Ballast and
Dry Space Water Level Detectors*

(This Regulation applies to any bulk carrier
regardless of its date of construction)

- (a) Every bulk carrier shall be fitted with water level detectors —
- (i) in each cargo hold;
 - (ii) in any ballast tank forward of the collision bulkhead required by Regulation 11 of Chapter II-1; and
 - (iii) in any dry or void space other than a chain cable locker, any part of which extends forward of the foremost cargo hold.
- (b) A water level detector in a cargo hold shall —
- (i) except in the case of a bulk carrier to which sub-paragraph (ii) of Regulation 9 applies, give audible and visual alarms —
 - (1) when the water level above the inner bottom in the cargo hold reaches a height of 0.5 m; and
 - (2) when the water level above the inner bottom in the cargo hold reaches a height not less than 15% of the depth of the cargo hold but not more than 2 m,with the visual alarms clearly discriminating between the two different water levels detected in the hold;
 - (ii) in the case of a bulk carrier to which sub-paragraph (ii) of Regulation 9 applies, give an audible and visual alarm when the water level above the inner bottom in the hold reaches a height not less than 15% of the depth of the cargo hold but not more than 2 m; and

(iii) in every case, be fitted in the aft end of the cargo hold. If the cargo hold is used for water ballast, an alarm-overriding device may be installed.

(c) A water level detector in a ballast tank forward of the collision bulkhead shall give an audible and visual alarm when the liquid in the tank reaches a level not exceeding 10% of the tank capacity. An alarm-overriding device may be installed to be activated when the tank is in use.

(d) A water level detector in any dry or void space other than a chain cable locker, any part of which extends forward of the foremost cargo hold, shall give an audible and visual alarm at a water level of 0.1 m above the deck. The alarm need not be provided for any enclosed space, the volume of which does not exceed 0.1% of the ship's maximum displacement volume.

(e) The audible and visual alarms specified in paragraphs (b), (c) and (d) shall be located on the navigation bridge.

(f) Every bulk carrier constructed before 1st July 2004 shall comply with the requirements of this Regulation not later than the date of the first annual, intermediate or renewal survey of the bulk carrier to be carried out after 1st July 2004, whichever comes first.

Regulation 13

Availability of Pumping Systems

(This Regulation applies to any bulk carrier regardless of its date of construction)

- (a) On bulk carriers, the means for draining and pumping —
- (i) ballast tanks forward of the collision bulkhead; and
 - (ii) bilges of dry spaces any part of which extends forward of the foremost cargo hold,

shall be capable of being brought into operation from a readily accessible enclosed space, the location of which shall be accessible from the navigation bridge or propulsion machinery control position without traversing exposed freeboard or superstructure decks. Where pipes serving such tanks or bilges pierce the collision bulkhead, valve operation by means of remotely operated actuators may be accepted, as an alternative to the valve control

specified in Regulation 11 (*d*) of Chapter II-1, if the location of such valve controls complies with this Regulation.

(*b*) Every bulk carrier constructed before 1st July 2004 shall comply with the requirements of this Regulation not later than —

- (i) the date of the first intermediate or renewal survey of the ship to be carried out after 1st July 2004; and
- (ii) in any case, not later than 1st July 2007.”.

Miscellaneous amendments

13. The principal Regulations are amended by deleting the words “Chapter XI” in the following provisions and substituting in each case the words “Chapter XI-1”:

Regulation 3-1 of Chapter II-1, Regulation 16 (*b*) of Chapter VII, Regulation 6 (*b*) of Chapter IX, Regulation 3 of Chapter XII, Regulation 7 (i) and (ii) of Chapter XII and Regulation 9 (i) of Chapter XII.

*[G.N. Nos. S 287/99; S 40/2000; S 511/2000; S 533/2001;
S 314/2002; S 613/2002; S 645/2003]*

Made this 16th day of April 2004.

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

[SS 1.2.1 (17); AG/LEG/SL/179/2002/1 Vol. 4]