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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

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MERCHANT SHIPPING ACT, No. 52 OF 1971

REGULATIONS made by the Minister of Ports, Shipping and Aviation under section 321 of the Merchant Shipping Act, No. 52 of 1971 read with section 139 of the said Act.

NIMAL SIRIPALA DE SILVA,
Minister of Ports, Shipping and Aviation.

Colombo,
08th of February, 2023.

Regulations

1. (1) These regulations may be cited as the Merchant Shipping (Special Measures to Enhance Maritime Security) Regulations, No. 01 of 2023.

(2) The purpose of these regulations shall be to give effect to Chapter XI-2 of the International Convention for the Safety of Life at Sea 1974 (hereinafter referred to as the “Convention”), Protocol of 1988 as amended from time to time and any subsequent amendment made to such Protocol and the International Ship and Port Facility Security (ISPS) Code.



PART 1

APPLICABILITY OF THESE REGULATIONS

2. (1) Subject to the provisions of sub-regulation (2) of this regulation, these regulations shall apply to -
- (a) the following types of ships which are entitled to fly the Sri Lanka flag and engaged in international voyages —
 - (i) passenger ships, including high speed passenger craft;
 - (ii) cargo ships, including high speed craft, of 500 gross tonnage and above; and
 - (iii) mobile offshore drilling units;
 - (b) foreign ships to which the Convention apply while they are in Sri Lanka waters; and
 - (c) port facilities serving the ships specified in paragraphs (a) and (b).
- (2) These regulations shall not apply to -
- (a) warships 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) government operated ships used for non-commercial purposes.

3. (1) A ship which is not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake a single international voyage may be exempted by the Director-General of Merchant Shipping (in these regulations referred to as the “Director-General”) from any of the requirements of these regulations provided that it complies with safety requirement which is adequate in the opinion of the Director-General for the voyage which is to be undertaken by the ship.

- (2) An exemption granted under this regulation shall be only valid, if –
- (a) it is in writing;
 - (b) it specifies the date on which it takes effect; and
 - (c) the case of an exemption, specify the terms (if any) on which it is given.

(3) The Director-General may, on giving reasonable notice, alter or cancel any exemption granted under this regulation.

PART II

SHIP SECURITY

4. (1) For the purposes of Part II of these regulations and in accordance with the provisions of Chapter XI-2 of the Convention and the ISPS Code, the Director-General shall be vested with the enforcement of ship security on Sri Lanka ships and foreign ships to which these regulations apply.

(2) Under the provisions of Chapter XI-2 of the Convention and Part A of the ISPS Code, the Director-General is responsible for -

- (a) setting the applicable security level for ships;
- (b) approving the Ship Security Plan and relevant amendments to a previously approved plan;
- (c) verifying the compliance of ships with the provisions of Chapter XI-2 of the Convention and Part A of the ISPS Code and issuing to ships the International Ship Security Certificate;

- (d) exercising control and compliance measures in accordance with Regulation 9 of Chapter XI-2 of the Convention;
- (e) testing approved ship security plans; and
- (f) communicating information to the Organization in accordance with the Regulation 13 of Chapter XI-2 of the Convention and to the shipping and port industries.

(3) The Director-General shall set security levels as prescribed in Part A of the ISPS Code and ensure the provision of security-level information to ships entitled to fly the flag of Sri Lanka. However, when changes in security level occur, security level information shall be updated as the circumstance dictates.

(4) In pursuance to sub-regulation (3), following factors shall be considered in setting the appropriate security level include -

- (a) the degree that the threat information is credible;
- (b) the degree that the threat information is corroborated;
- (c) the degree that the threat information is specific or imminent; and
- (d) the potential consequences of such a security incident.

5. (1) A company of a Sri Lanka ship shall comply with the relevant requirements of Chapter XI-2 of the Convention and Part A of the ISPS Code, taking into account the guidance given in Part B of the ISPS Code.

(2) A ship shall comply with the relevant requirements of the Chapter XI-2 of the Convention 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.

(3) A ship shall prior to entering a port or whilst in a port within Sri Lanka comply with the requirements for the security level set by the Government of Sri Lanka, if such security level is higher than the security level set by the State whose flag the ship flying.

(4) A Sri Lanka ship shall prior to entering a port or whilst in a port within a contracting State comply with the requirements for the security level set by the contracting Government, if such security level is higher than the security level set by the Director General.

(5) The master of a ship shall respond without undue delay to any change to a higher security level.

(6) Where a ship is not in compliance with the requirements of Chapter XI-2 of the Convention or Part A of the ISPS Code or cannot comply with the requirements of the security level set by the Government of Sri Lanka or by another contracting Government and applicable to that ship, then the master of the ship shall notify the Director-General or the designated authority of that Government prior to conducting any ship to port interface or prior to entry into port, whichever occurs earlier.

6. A company of a ship shall ensure that the master of that ship has available on board, at all times, information through which officers duly authorized by the Government of Sri Lanka may establish -

- (1) the person responsible for appointing the members of the crew or other persons currently employed or engaged on board the ship in any capacity on the business of that ship;
- (2) the person responsible for deciding the employment of the ship; and
- (3) in cases where the ship is employed under the terms of a charter party, the parties to such charter party.

7. (1) The Director-General may authorize recognized security organizations to undertake certain security related activities as prescribed in Chapter XI-2 of the Convention and Part A of the ISPS Code, including;

- (a) approval of ship security plans, or amendments thereto, on behalf of the Director-General; and
- (b) verification and certification of compliance of Sri Lanka ships with the requirements of Chapter XI-2 of the Convention and Part A of the ISPS Code on behalf of the Director-General.

(2) When authorizing a recognized security organization, the Director-General shall give consideration to the competency of such an organization. A recognized security organization shall be able to demonstrate -

- (a) the expertise in relevant aspects of security;
- (b) appropriate knowledge of ship and port operations, including knowledge of ship design and construction, if providing services in respect of ships and port design and construction and in respect of port facilities;
- (c) capability to assess the likely security risks that could occur during ship and port facility operations including the ship or port interface and how to minimize such risks;
- (d) ability to maintain and improve the expertise of their personnel;
- (e) ability to monitor the continuing trustworthiness of their personnel;
- (f) ability to maintain appropriate measures to avoid unauthorized disclosure of, or access to, security sensitive material;
- (g) knowledge of the requirements of Chapter XI-2 of the Convention and Part A of the ISPS Code and relevant national and international legislation and security requirements;
- (h) knowledge of current security threats and patterns;
- (i) knowledge on recognition and detection of weapons, dangerous substances and devices;
- (j) knowledge on recognition, on a non-discriminatory basis, of characteristics and behavioural patterns of persons who are likely to threaten security;
- (k) knowledge on techniques used to circumvent security measures; and
- (l) knowledge of security and surveillance equipment and systems and their operational limitations.

(3) When delegating specific duties to a recognized security organization, the Director-General shall ensure that the recognized security organization has the competencies needed to undertake the task.

(4) A recognized security organization may also advise or provide assistance to companies on security matters, including ship security assessments and ship security plans which shall include completion of a ship security assessment or plan.

(5) The recognized organizations referred to in Merchant Shipping (Surveys and Certificates) Regulations, No. 1 of 2022 published in the *Gazette* No. 2261/49 of January 6, 2022 may be appointed as recognized security organizations referred in sub-regulation (1) of this regulation, provided such organisation meets the requirements of sub-regulations (2) and (3).

8. The Director-General shall ensure that appropriate measures are in place to avoid unauthorized disclosure of, or access to, security sensitive material relating to Ship Security Assessments and Ship Security Plans of ships that are entitled to fly the Sri Lanka Flag.

9. (1) The Director-General shall determine when a declaration of security is required by assessing the risk the ship to port interface or ship-to-ship activity poses to persons, property or the environment.

(2) The declaration of security referred to in sub-regulation (1) of this regulation shall address the security requirements that could be shared between a port facility and a ship (or between ships) and shall state the responsibility for each.

(3) A ship may request completion of a declaration of security when -

- (a) the ship is operating at a higher security level than the port facility or another ship it is interfacing with;
- (b) there is an agreement on a declaration of security between governments covering certain international voyages or specific ships on those voyages;
- (c) there has been a security threat or a security incident involving the ship or involving the port facility, as applicable;
- (d) the ship is at a port which is not required to have and implement an approved port facility security plan; or
- (e) the ship is conducting ship-to-ship activities with another ship not required to have and implement an approved Ship Security Plan.

(4) The Declaration of Security shall be completed by -

- (a) the master or the ship security officer on behalf of the ship and, if appropriate;
- (b) the port facility security officer or, by any other body responsible for shore-side security, on behalf of the port facility.

(5) A Declaration of Security shall be retained on board a ship for a minimum period as specified in regulation 18.

10. (1) A ship shall be fitted with a ship security alert system, which complies with the requirements of Regulation 6 of Chapter XI-2 of the Convention.

(2) The ship security alert system when activated shall initiate and transmit a ship-to-shore security alert to the Director-General, which in these circumstances may include the company, identifying the ship, its location and indicating that security of the ship is under threat or it has been compromised.

(3) In addition to the requirement referred to in sub-regulation (2), the ship-to-shore security alert system, when activated, shall also initiate and transmit a ship-to-shore security alert to the other parties specified in the relevant implementation standards published by the Director-General.

(4) The requirement for a ship security alert system referred to in sub-regulation (1) may be complied with by using the radio installation fitted for in compliance with the requirements of Chapter IV of the Convention, provided all requirements of this regulation are complied with.

(5) When the Director-General receives notification of a ship security alert from a Sri Lanka ship, the Director-General shall immediately notify the State in the vicinity of which that ship is presently operating.

(6) When the Director-General receives notification of a ship security alert from a foreign ship, the Director-General shall immediately notify the State whose flag that ship is flying and, if appropriate the State in the vicinity of which that ship is presently operating.

11. (1) The master shall not be constrained by the company, the charterer or any other person from taking or executing any decision which, in his professional judgment, is necessary to maintain the safety and security of the ship. This includes denial of access to persons (except those identified as duly authorized by a Contracting Government), or their effects and refusal to load cargo, including containers or other closed cargo transport units.

(2) If, in the professional judgment of the master, a conflict between any safety and security requirements applicable to the ship arises during its operations, the master shall give effect to those requirements that are necessary to maintain the safety of the ship. In such cases the master may implement temporary security measures and shall forthwith inform the Director-General and, if appropriate, the Contracting Government in whose port the ship is operating or intends to enter.

(3) Any such temporary security measures under sub-regulation (3) shall, to the highest possible degree, be commensurate with the prevailing security level.

12. (1) A ship shall carry on board a ship security plan approved by the Director-General. The plan shall make provisions for the three security levels as defined in Part A of the ISPS Code.

(2) Such plan shall address the provisions in Part A of the ISPS Code and shall be developed, taking into account the guidance given in Part B of the ISPS Code and shall be written in the English language.

(3) Subject to the provisions of sub-regulation (5) of this regulation, a recognized security organization may prepare the ship security plan for a specific ship.

(4) The Director-General may entrust the review and approval of ship security plans, or of amendments to a previously approved plan, to recognized security organizations.

(5) In such cases the recognized security organization undertaking the review and approval of a ship security plan, or its amendments, for a specific ship shall not have been involved in either the preparation of the ship security assessment under regulation 13 or of the ship security plan or of the amendments, under review.

(6) The submission of a ship security plan or of amendments to a previously approved plan, for approval shall be accompanied by the security assessment on the basis of which the plan or the amendments, have been developed.

(7) Personnel conducting internal audits of the security activities specified in the ship security plan or evaluating its implementation shall be independent of the activities being audited unless this is impracticable due to the size and the nature of the Company or of the ship.

(8) The Director-General shall determine which changes to an approved ship security plan or to any security equipment specified in an approved plan shall not be implemented, unless the relevant amendments to the plan are approved by the Director-General. Any such changes shall be at least as effective as those measures prescribed in Chapter XI-2 of the Convention and Part A of the ISPS Code.

(9) The nature of the changes to the ship security plan or the security equipment that have been specifically approved by the Director-General, pursuant to sub-regulation (8), shall be documented in a manner that clearly indicates such approval. This approval shall be available on board and shall be presented together with the International Ship Security Certificate (or the Interim International Ship Security Certificate). If these changes are temporary, once the original approved measures or equipment are reinstated, this documentation no longer needs to be retained by the ship.

(10) The ship security plan shall be kept in an electronic format. It shall be protected by procedures aimed at preventing its unauthorized deletion, destruction or amendment.

(11) The plan shall be protected from unauthorized access or disclosure.

(12) Ship security plans of foreign vessels are not subject to inspection by officers duly authorized by the Director-General to carry out control and compliance measures in accordance with regulation 9 of Chapter XI-2 of the Convention, save in circumstances specified in sub-regulation (13).

(13) If the officers duly authorized by the Director-General have clear grounds to believe that the ship is not in compliance with the requirements of Chapter XI-2 of the Convention or Part A of ISPS Code, and the only means to verify or rectify the non-compliance is to review the relevant requirements of the ship security plan, limited access to the specific sections of the plan relating to the non-compliance is exceptionally allowed, but only with the consent of the Contracting Government of, or the master of, the ship concerned. Nevertheless, the provisions in the plan relating to section 9.4 subsections .2, .4, .5, .7, .15, .17 and .18 of Part A of the ISPS Code are considered as confidential information, and cannot be subject to inspection unless otherwise agreed by the Contracting Governments concerned.

13. (1) The company security officer shall ensure that the ship security assessment is carried out by persons with appropriate skills to evaluate the security of a ship, in accordance with Part A of the ISPS Code, taking into account the guidance given in Part B of the ISPS Code.

(2) Subject to the provisions of sub-regulation (5) of regulation 12, a recognized security organization may carry out the ship security assessment of a specific ship.

(3) The ship security assessment shall include an on-scene security survey and at least the elements prescribed in Part A of the ISPS Code.

(4) The ship security assessment shall be documented, reviewed, accepted and retained by the Company.

14. (1) A ship to which these regulations apply shall be subject to the verifications as specified in Part A of the ISPS Code.

(2) The verifications of ships shall be carried out by the Director-General. The Director-General may, however, entrust the verifications to a recognized security organization referred to in regulation 7.

(3) The security system and any associated security equipment of the ship after verification shall be maintained to conform with the provisions of these regulations, Part A of the ISPS Code and the approved ship security plan. After any verification under sub-regulation (1) has been completed, no changes shall be made in the security system and in any associated security equipment or the approved ship security plan without the sanction of the Director-General

15. (1) An International Ship Security Certificate shall be issued to a ship to which these regulations apply after the initial or renewal verifications in accordance with the provisions of the Part A of the ISPS Code.

(2) Such certificate shall be issued or endorsed either by the Director-General or by a recognized security organization.

(3) (a) An International Ship Security Certificate referred to in sub-regulation (1) shall be issued for a period which shall not exceed five years from the date of issue.

(b) When the renewal verification is completed within three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal verification to a date not exceeding five years from the date of expiry of the existing certificate.

(c) When the renewal verification is completed after the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal verification to a date not exceeding five years from the date of expiry of the existing certificate.

(d) When the renewal verification is completed more than three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal verification to a date not exceeding five years from the date of completion of the renewal verification.

(e) If a certificate is issued for a period of less than five years, the Director-General may extend the validity of the certificate beyond the expiry date to the maximum period specified in paragraph (a), provided that the verifications referred to in regulation 14(1) applicable when a certificate is issued for a period of five years are carried out as appropriate.

(f) If a renewal verification has been completed and a new certificate cannot be issued or placed on board the ship before the expiry date of the existing certificate, the Director-General or recognized security organization acting on behalf of the Director-General may endorse the existing certificate and such a certificate shall be accepted as valid for a further period which shall not exceed five months from the expiry date.

(g) If a ship at the time when a certificate expires is not in a port in which it is to be verified, the Director-General may extend the period of validity of the certificate but this extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be verified, and then only in cases where it appears proper and reasonable to do so. No certificate shall be extended for a period longer than three months, and the ship to which an extension is granted shall not, on its arrival in the port in which it is to be verified, be entitled by virtue of such extension to leave that port without having a new certificate. When the renewal verification is completed, the new certificate shall be valid to a date not exceeding five years from the expiry date of the existing certificate before the extension was granted.

(h) A certificate issued to a ship engaged on short voyages which has not been extended under the foregoing provisions of this sub-regulation may be extended by the Director-General for a period of grace of up to one month from the date of expiry stated on it. When the renewal verification is completed, the new certificate shall be valid to a date not exceeding five years from the date of expiry of the existing certificate before the extension was granted.

(i) If an intermediate verification is completed before the period specified in verification section of Part A of the ISPS Code then:

- (i) the expiry date shown on the certificate shall be amended by endorsement to a date which shall not be more than three years later than the date on which the intermediate verification was completed;
- (ii) the expiry date may remain unchanged provided one or more additional verifications are carried out so that the maximum intervals between the verifications prescribed by Part A of the ISPS Code are not exceeded.

(4) A certificate issued under sub-regulation (1) shall cease to be valid in any of the following cases-

- (a) if the relevant verifications are not completed within the periods specified in Part A of the ISPS Code;
- (b) if the certificate is not endorsed in accordance with Part A of the ISPS Code, if applicable;
- (c) when a Company assumes the responsibility for the operation of a ship not previously operated by that Company; and
- (d) upon transfer of the ship to the flag of another State.

(5) In the case of -

- (a) a transfer of a ship to the flag of another Contracting Government, the Director-General shall, as soon as possible, transmit to the administration of that contracting Government copies of, or all information relating to, the International Ship Security Certificate carried by the ship before the transfer and copies of available verification reports, or

- (b) a Company that assumes responsibility for the operation of a ship not previously operated by that Company, the previous Company shall as soon as possible, transmit to the receiving Company copies of any information related to the International Ship Security Certificate or to facilitate the verifications described in sub-regulation (2) of regulation 16.

(6) The International Ship Security Certificate shall be drawn up in the form corresponding to the models given in the appendix to the ISPS Code and it shall be in English language.

16. (1) An Interim International Ship Security Certificate may be issued by the Director-General or by a recognized security organization when -

- (a) a ship is without a certificate, on delivery or prior to its entry or re-entry into service;
- (b) transfer of a ship from the flag of a Contracting Government to the flag of Sri Lanka;
- (c) transfer of a ship to the flag of Sri Lanka from a State which is not a Contracting Government; or
- (d) a company assumes the responsibility for the operation of a ship not previously operated by that Company;

until the International Ship Security certificate referred to in regulation 15 is issued.

(2) An Interim International Ship Security Certificate referred to in sub-regulation (1) of this regulation shall only be issued when the Director-General or recognized security organization, has verified that -

- (a) the ship security assessment required by Part A of the ISPS Code has been completed;
- (b) a copy of the ship security plan meeting the requirements of the provisions of Chapter XI-2 of the Convention and Part A of the ISPS Code is provided on board, has been submitted for review and approval, and is being implemented on the ship;
- (c) the ship is provided with a ship security alert system meeting the requirements of the provisions of regulation 6 of Chapter XI-2 of the Convention, if required;
- (d) the company security officer -
 - (i) has ensured:
 - (ia) the review of the ship security plan for compliance with Part A of the ISPS Code,
 - (ib) that the plan has been submitted for approval, and
 - (ic) that the plan is being implemented on the ship, and
 - (ii) has established the necessary arrangements, including arrangements for drills, exercises and internal audits, through which the company security officer is satisfied that the ship will successfully complete the required verification in accordance with Part A of the ISPS Code within six months;
- (e) arrangements have been made for carrying out the required verifications;
- (f) the master, the ship's security officer and other ship's personnel with specific security duties are familiar with their duties and responsibilities as specified in Part A of the ISPS Code; and with the relevant provisions of the ship security plan placed on board; and have been provided such information in the working language of the ship's personnel or languages understood by them; and
- (g) the Ship Security Officer meets the requirements of the provisions of these regulations.

(3) An Interim International Ship Security Certificate shall be valid for 6 months from the date of issue, or until the International Ship Security Certificate required by regulation 15 is issued, whichever comes first, and shall not be extended.

(4) The interim International Ship Security Certificate shall be drawn up in the form corresponding to the models given in the appendix to the ISPS Code and it shall be in English language.

17. (1) The Director-General may, at the request of a Government of a country to which the Convention applies, cause the ship to be verified and, if satisfied that the provisions of ISPS Code are complied with, shall issue or authorize the issue of an International Ship Security Certificate or an Interim International Ship Security Certificate to the ship and, where appropriate, endorse or authorize the endorsement of that certificate on the ship, in accordance with the ISPS Code. Any certificate so issued shall contain a statement to the effect that it has been issued at the request of the Government of the State whose flag the ship is or will be entitled to fly and it shall have the same force and receive the same recognition as the certificate issued under these regulations. A copy of the certificate and a copy of the verification report shall be transmitted as soon as possible to the requesting Government.

(2) The Director-General may request the Government of a country to which the Convention applies, to cause a Sri Lanka ship to be verified and, if satisfied that the provisions of ISPS Code are complied with, may issue or authorize the issue of an International Ship Security Certificate or an Interim International Ship Security Certificate to the ship and, where appropriate, endorse or authorize the endorsement of that certificate on the ship, in accordance with the ISPS Code. Any certificate so issued shall contain a statement to the effect that it has been issued at the request of the Government of Sri Lanka and it shall have the same force and receive the same recognition as a certificate issued by the Director-General.

18.(1) The master shall maintain records of the activities specified in the ship security plan and Part A of the ISPS Code on board the ship for a minimum period of 12 months or the last ten calls at port facilities, whichever is greater.

(2) The records shall be -

- (a) kept in English language;
- (b) kept in an electronic format. In such a case, they shall be protected by procedures aimed at preventing their unauthorized deletion, destruction or amendment; and
- (c) protected from unauthorized access or disclosure.

19. (1) A company shall designate a company security officer and the person so designated may act as the company security officer for one or more ships depending on the number or types of ships the Company operates provided it is clearly identified for which ships this person is responsible.

(2) A Company may, depending on the number or types of ships they operate designate several persons as company security officers provided it is clearly identified for which ships each person is responsible.

(3) The duties and responsibilities of the company security officer shall be as specified in the Part A of the ISPS Code.

20. (1) A company shall designate a ship security officer on each of its ships.

(2) The duties and responsibilities of the ship security officer shall be as specified in Part A of the ISPS Code.

21. (1) The company security officer referred to in regulation 19 and appropriate shore-based personnel shall have knowledge, have received training and have been appropriately certified in accordance with the Part B of the ISPS Code and the guidelines developed by the Organisation.

(2) The ship security officer referred in regulation 20 shall have knowledge, have completed training and shall hold a Certificate of Proficiency in accordance with the Merchant Shipping (Standards of Training, Certification and Watch Keeping for Seafarers) Regulations, 2016 published in the *Gazette* No.1987/19, October 4, 2016.

(3) Shipboard personnel having specific security duties and responsibilities shall understand their responsibilities for ship security as described in the ship security plan and shall have sufficient knowledge, have completed training and shall hold a Certificate of Proficiency in accordance with the Merchant Shipping (Standards of Training, Certification and Watch Keeping for Seafarers) Regulations, 2016 published in the *Gazette* No. 1987/19, October 4, 2016.

(4) Shipboard personnel without designated security duties shall have completed training and shall hold a certificate of Proficiency for Security Awareness in accordance with the Merchant Shipping (Standards of Training, Certification and Watch Keeping for Seafarers) Regulations, 2016 published in the *Gazette* No. 1987/19, October 4, 2016.

22.(1) Drills shall be carried out on board ships at appropriate intervals taking into account the ship type, ship personnel changes, port facilities to be visited and other relevant circumstances.

(2) Drills referred to in sub-regulation (1) shall be conducted at least once every three months. In addition, where more than 25% of the ship's personnel has been changed, at any one time, with personnel that has not previously participated in any drill on that ship within the last three months, a drill should be conducted within one week of the change.

(3) Shipboard drills shall cover such scenarios as:-

- (a) identification and search of unauthorized visitors on board the ship;
- (b) recognition of materials that may pose a security threat;
- (c) methods to deter attackers from approaching the ship;
- (d) recognition of restricted areas; and
- (e) mustering for evacuation.

(4) The Company Security Officer shall ensure the effective coordination and implementation of ship security plans by participating in exercises at appropriate intervals.

(5) Exercises referred in sub-regulation (4) shall include participation of company security officers, port facility security officers, Director-General as well as ship security officers, if available and shall be carried out at least once each calendar year with no more than eighteen months between the exercises.

(6) Exercises referred in sub-regulation (4) shall test communications, coordination, resource availability, and response. Exercises shall be:

- (a) full scale or live;
- (b) table top simulation or seminar; or
- (c) combined with other exercises held such as search and rescue or emergency response exercises.

(7) Company participation in an exercise with another Contracting Government should be recognized by the Director-General.

23.(1) The Company Security Officer is encouraged to ensure that a ship security plan is in place for passage through high security risk areas, and that this is exercised, briefed and discussed with the Master and the Ship Security Officer.

(2) The provision of carefully planned and installed ship protection measures prior to transiting the high-risk area is very strongly recommended.

(3) Ship security plans should include specific guidelines on the use of weapons in the vicinity of dangerous goods or hazardous substances. Firearms carried on board ship may have to be reported on arrival in port and may have to be surrendered, or held securely, for the duration of the port visit.

24.(1) A ship is subject to control when in a port facility in Sri Lanka by officers duly authorized by the Director-General, who may be the same as those carrying out functions of regulation 19 of the Merchant Shipping (Surveys and Certificates) Regulations, No. 1 of 2022 published in *Gazette* No. 2261/49 of January 6, 2022. Such control shall be limited

to verifying that there is onboard a valid International Ship Security Certificate or a valid Interim International Ship Security Certificate issued under the provisions of regulations 15 and 16 of these regulations, which if valid shall be accepted, unless there are clear grounds for believing that the ship is not in compliance with the requirements of these regulations or Part A of the ISPS Code.

(2) Control and compliance measures shall be in accordance with the provisions of regulation 9 of the Chapter XI-2 of the Convention.

(3) Every ship intending to enter a port facility of Sri Lanka shall provide the security information described in regulation 9 of Chapter XI-2 of the Convention on the request of the officers duly authorized by the Sri Lanka Government. The master may decline to provide such information on the understanding that failure to do so may result in denial of entry into port.

25. The Director-General may allow a particular ship or a group of ships entitled to fly the Sri Lankan flag to implement other security measures equivalent to those prescribed in these regulations or in Part A of the ISPS Code, provided such security measures are at least as effective as those prescribed in these regulations or Part A of the ISPS Code. The Director-General who allows such security measures shall communicate to the Organization particulars thereof.

PART III

PORT FACILITY SECURITY

26. (1) For the purpose of this part and in accordance with Chapter XI-2 of the Convention and the ISPS Code with respect to the port facility security and ship to port interface within the jurisdiction of Sri Lanka, the Commander of the Navy shall be the Designated Authority. The enforcement of the provisions of this part is vested with the Designated Authority.

(2) In pursuance of Chapter XI-2 of the Convention and Part A of the ISPS Code, the Designated Authority is responsible for -

- (a) setting the applicable security level for port facilities;
- (b) determining which of the port facilities located within the territory are required to designate a Port Facility Security Officer who will be responsible for the preparation of the Port facility security plan;
- (c) ensuring completion and approval of the Port facility security assessment and of any subsequent amendments to a previously approved assessment;
- (d) approving the Port facility security plan and any subsequent amendments to a previously approved plan; and
- (e) testing approved plans.

(3) The Designated Authority shall set security levels and ensure the provision of security-level information to port facilities within Sri Lanka, and to ships prior to entering a port or whilst in a port within Sri Lanka. When changes in security level occur, security-level information shall be updated as the circumstance dictates.

(4) In pursuance of sub-regulation (3), the following factors shall be considered in setting the appropriate security level include :-

- (a) the degree that the threat information is credible;
- (b) the degree that the threat information is corroborated;
- (c) the degree that the threat information is specific or imminent; and
- (d) the potential consequences of such a security incident.

27. (1) The port facilities shall comply with the relevant requirements of Chapter XI-2 of the Convention and Part A of the ISPS Code, taking into account the guidance given in Part B of the ISPS Code.

(2) With respect to a port facility within Sri Lanka, the Designated Authority shall ensure -

- (a) port facility security assessments are carried out, reviewed and approved in accordance with the provisions of Part A of the ISPS Code; and
- (b) port facility security plans are developed, reviewed, approved and implemented in accordance with the provisions of Part A of the ISPS Code.

(3) The Competent Authority shall designate and communicate the measures required to be addressed in a port facility security plan for the various security levels, including when the submission of a Declaration of Security will be required.

(4) A port facility is required to act upon the security levels set by the Designated Authority within whose territory it is located. Security measures and procedures shall be applied at the port facility in such a manner as to cause a minimum of interference with, or delay to, passengers, ship, ship's personnel and visitors, goods and services.

28. (1) The port facility security assessment shall be carried out by the Designated Authority. The Designated Authority may authorise a recognized security organization to carry out the port facility security assessment of a specific port facility located within Sri Lanka.

(2) When the port facility security assessment has been carried out by a recognized security organization, the security assessment shall be reviewed and approved for compliance with Part A of the ISPS Code by the Designated Authority.

(3) The persons carrying out the assessment shall have appropriate skills to evaluate the security of the port facility in accordance with the Part A of the ISPS Code, taking into account the guidance given in Part B of this Code.

(4) The port facility security assessments shall periodically be reviewed and updated, taking account of changing threats or minor changes in the port facility and shall always be reviewed and updated when major changes to the port facility take place.

(5) The port facility security assessment shall include, at least, the following elements -

- (a) identification and evaluation of important assets and infrastructure it is important to protect;
- (b) identification of possible threats to the assets and infrastructure and the likelihood of their occurrence, in order to establish and prioritize security measures;
- (c) identification, selection and prioritization of counter measures and procedural changes and their level of effectiveness in reducing vulnerability; and
- (d) identification of weaknesses, including human factors in the infrastructure, policies and procedures.

(6) The Designated Authority may allow a port facility security assessment to cover more than one port facility if the operator, location, operation, equipment, and design of these port facilities are similar. The Designated Authority through the Director-General, which allows such an arrangement shall communicate to the Organization particulars thereof.

(7) Upon completion of the port facility security assessment, a report shall be prepared, consisting of a summary of how the assessment was conducted, a description of each vulnerability found during the assessment and a description of counter measures that could be used to address each vulnerability. The report shall be protected from unauthorized access or disclosure.

29. (1) A port facility security plan shall be developed and maintained, on the basis of a port facility security assessment, for each port facility, adequate for the ship or port interface. The plan shall make provisions for the three security levels, as defined in Part A of the Code.

(2) Subject to the provisions of sub-regulation (3), a recognized security organization may prepare the port facility security plan of a specific port facility.

(3) The port facility security plan shall be approved by the Designated Authority and shall be in English Language.

(4) Such a Plan shall be developed in accordance with the provisions of Part A of the ISPS Code taking into account the guidance given in Part B of the ISPS Code.

(5) The personnel conducting internal audits of the security activities specified in the plan or evaluating its implementation shall be independent of the activities being audited unless this is impracticable due to the size and the nature of the port facility.

(6) The port facility security plan may be combined with, or be part of, the port security plan or any other port emergency plan or plans.

(7) The Designated Authority shall determine which changes to the port facility security plan shall not be implemented unless the relevant amendments to the plan are approved by them.

(8) The plan may be kept in an electronic format. In such a case, it shall be protected by procedures aimed at preventing its unauthorized deletion, destruction or amendment.

(9) The Designated Authority may allow a port facility security plan to cover more than one port facility if the operator, location, operation, equipment, and design of these port facilities are similar. The Designated Authority through the Director-General, which allows such an alternative arrangement, shall communicate to the Organization particulars thereof.

30. The Designated Authority shall ensure that appropriate measures are in place to avoid unauthorized disclosure of, or access to, security sensitive material relating to ship security assessments, ship security plans, port facility security assessments and port facility security plans, and to individual assessments or plans.

31. (1) A port facility shall appoint a port facility security officer and the person so appointed may act as the port facility security officer for one or more port facilities.

(2) In addition to those specified elsewhere in Part A of the Code, the duties and responsibilities of the port facility security officer shall include, but are not limited to—

- (a) conduct an initial comprehensive security survey of the port facility, taking into account the relevant port facility security assessment;
- (b) ensure the development and maintenance of the port facility security plan;
- (c) implement and test the port facility security plan;
- (d) undertake regular security inspections of the port facility to ensure the continuation of appropriate security measures;
- (e) recommend and incorporate, as appropriate, modifications to the port facility security plan in order to correct deficiencies and to update the plan to take into account relevant changes to the port facility;

- (f) enhance security awareness and vigilance of the port facility personnel;
- (g) ensure adequate training has been provided to personnel responsible for the security of the port facility and all other port personnel;
- (h) report to the relevant authorities and maintain records of communication which threaten the security of the port facility;
- (i) coordinate implementation of the port facility security plan with the appropriate company and ship security officers;
- (j) maintain effective communication on security matters with the company security officer and the ship security officer of ships using, or intending to use, their port facility;
- (k) coordinate with security services, as appropriate;
- (l) ensure that standards for personnel responsible for the port facility are met;
- (m) ensure that security equipment is properly operated, tested, calibrated and maintained, if any; and
- (n) in exceptional circumstances, assist ship security officers in confirming the identity of those seeking to board the ship when requested to do so.

32. (1) A port facility security officer shall have completed security training as specified in Part A of the ISPS Code, taking into account the guidelines developed by the organisation, and the relevant IMO Model Course, and holds an affiliated training certificate.

(2) The port facility personnel having specific security duties shall understand their duties and responsibilities for port facility security, as described in the port facility security plan and shall have sufficient knowledge and ability to perform their assigned duties, taking into account the guidance given in Part B of this Code.

(3) To ensure the effective implementation of the port facility security plan, a port facility shall carry out drills at appropriate intervals taking into account the types of operation of the port facility, port facility personnel changes, the type of ship the port facility is serving and other relevant circumstances, taking into account guidance given in Part B of this Code.

(4) The port facility security officer shall ensure the effective coordination and implementation of the port facility security plan by participating in exercises at appropriate intervals, taking into account the guidelines developed by the organisation.

33. (1) The Designated Authority shall —

- (a) inspect any port facility in Sri Lanka; and
- (b) if the port facility is in compliance with these regulations and the ISPS Code, issue a statement of compliance in respect of that port facility for a period not exceeding five years from the date it is issued.

(2) A statement of compliance referred to under sub-regulation (1) is subjected to annual verification arrangements established by the Designated Authority.

(3) Where it is determined at an annual verification exercise that a port facility does not comply with the requirements of the ISPS Code that is relevant to the port facility; or any additional requirement imposed by the Designated Authority, the Designated Authority may suspend the statement of compliance until the deficiencies or non-conformities have been rectified, or withdraw the statement of compliance.

(4) The statement of compliance of a port facility shall be drawn up, in English, in the Form set out in the Appendix of the ISPS Code and the original statement of compliance shall be kept available at the port facility.

PART IV

GENERAL PROVISIONS

34. The footnotes in Chapter XI-I of the Convention and the resolutions, circulars or documents referred to by such footnotes shall be deemed to be a part of these regulations.

35. The Director-General may, with the concurrence of the Minister issue such implementing standards for the compliance with the minimum technical standards of the provisions of the Convention or Protocol 1988 as may be required for the implementation of the provisions of these regulations.

36. In these regulations -

“bulk carrier” means a bulk carrier as defined in regulation 1.6 of Chapter IX of the Convention;

“chemical tanker” means a chemical tanker as defined in regulation 8.2 of Chapter VII of the Convention;

“gas carrier” means a gas carrier as defined in regulation 11.2 of Chapter VII of the Convention;

“high-speed craft” means a craft as defined in regulation 1.2 of Chapter X of the Convention;

“mobile offshore drilling unit” means a mechanically propelled mobile offshore drilling unit, as defined in regulation 1 of Chapter IX of the Convention, not on location;

“oil tanker” means an oil tanker as defined in regulation 2.22 of Chapter II-1 of the Convention;

“company” means the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who, on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the International Safety Management Code;

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

“port facility” is a location, as determined by the Government of Sri Lanka or by the Designated Authority, where the ship/port interface takes place. This includes areas such as anchorages, waiting berths and approaches from seaward, as appropriate;

“port facility security officer” means the person designated as responsible for the development, implementation, revision and maintenance of the port facility security plan and for liaison with the ship security officers and company security officers;

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

“designated authority” means the person identified, within the Sri Lankan Government, as responsible for ensuring the implementation of the provisions of this Chapter pertaining to port facility security and ship to port interface, from the point of view of the port facility;

“International Ship and Port Facility Security (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 recommendatory), as adopted on 12 December 2002, by resolution 2 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 as may be amended by the Organization;

“security incident” means any suspicious act or circumstance threatening the security of a ship, including a mobile offshore drilling unit and a high-speed craft, or of a port facility or of any ship to port interface or any ship-to-ship activity;

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

“declaration of security” means an agreement reached between a ship and either a port facility or another ship with which it interfaces, specifying the security measures each will implement;

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

“organisation” means International Maritime Organisation.

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