

Government Notice No. 124 of 2019

THE MERCHANT SHIPPING ACT

Regulations made by the Minister under section 228 of the Merchant Shipping Act

1. These regulations may be cited as the Merchant Shipping (Security of Ships) Regulations 2019.

2. Interpretation

In these regulations –

“Act” means the Merchant Shipping Act;

“baggage” means –

(a) possession of a passenger or crew member –

(i) that are carried, or intended to be carried on board ship; and

(ii) to which the passenger or crew member will have general access while on board the ships; and

(b) possessions of a visitor to a ship;

“cargo” means goods, other than baggage or stores that are transported, or intended to be transported, by ship;

“Continuous Synopsis Record” means an on-board record of the history of the ship with respect to information recorded therein;

“crew” in relation to a ship, includes any person employed on the ship;

“Company Security Officer” means the person designated by the Company for ensuring that a ship security assessment is carried out; a ship security plan is developed, submitted for approval, and thereafter implemented and maintained, and for

liaison with port facility security officers and the ship security officer.

“Contracting Government” means a State which is a party to the SOLAS Convention;

“Declaration of Security” means an agreement between any of the following specifying the security measures that each will implement when interfacing with one another:

- (a) a ship;
- (b) a port facility; and
- (c) an offshore facility;

“foreign ship” means –

- (a) a passenger ship, including a high speed passenger craft;
- (b) a cargo ship, including a high speed craft of 500 gross tonnage and above; and
- (c) a mobile offshore drilling unit;

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

“ISPS Code” means the International Ship and Port Facility Security Code, as may be amended from time to time;

“Master” in relation to a ship, means the person who has command or charge of the ship;

“Mauritius Ports Authority” has the same meaning as under the Ports Act;

“Mauritius ship” means –

- (a) a passenger ship, including a high speed passenger craft;
- (b) a cargo ship, including a high speed craft of 500 gross tonnage and above; and
- (c) a mobile offshore drilling unit;

“Minister” means the Minister to whom responsibility for the subject of shipping is assigned;

“National Maritime and Harbour Security Committee” means the committee set up under the aegis of the Prime Minister’s Office;

“Port”, in the case of Mauritius, has the meaning given under the Ports Act;

“recognised organisation” shall have the same meaning as “Classification Society” under the Act;

“Security Level 1” means the level at which normal protective security measures are maintained on ships at all times;

“Security Level 2” means the level at which security measures additional to those of Security Level 1 are maintained as long as there is a heightened risk of a security incident;

“Security Level 3” means the level at which security measures additional to those of Security Level 1 and Security Level 2 are maintained for a limited period of time when there is a probable or imminent risk of a security incident regardless of whether the specific target is identified;

“security incident” means any act or circumstance, real or suspicious, that threatens or actually endangers the security of a ship, port facility or an offshore facility or an interface between any of them;

“ship” means –

- (a) a Mauritius ship; and
- (b) a foreign ship;

“ship operator” means –

- (a) the owner of a ship; and
- (b) includes any other organisation or person such as the manager, or the bareboat charterer that assumes the responsibility for the operation of the ship from the owner;

“ship security assessment” means the identification of the possible threats to key shipboard operations existing security measures and weaknesses in the infrastructure, policies and procedures;

“Ship Security Officer” means an officer employed on board the ship, not below the rank of an officer in charge of navigational watch and accountable to the master, designated by the ship operator as responsible for the security of the ship, including implementation and maintenance of the ship security plan, and for liaison with the company security officer and port facility security officers;

“Ship Security Plan” means a plan developed to ensure the application of measures on board the ship, designed to protect persons on board, cargo, cargo transport units, ship’s stores or the ship from the risks of a security incident;

“SOLAS Convention” means the International Convention for the Safety of Life at Sea 1974, as amended from time to time;

“STCW Code” means the Seafarers’ Training, Certification and Watchkeeping (STCW) Code;

“STCW Convention” means the International Convention on Standards of Training, Certification and Watch keeping for Seafarers 1978, as amended;

“territorial sea” has the same meaning as in the Maritime Zones Act.

3. For the purposes of these regulations, the National Maritime and Harbour Security Committee shall declare the security level for every Mauritius ship to which these regulations apply.

4. (1) These regulations shall apply to –
- (a) every Mauritius ship engaged in international voyages; and
 - (b) every foreign ship, while within the port or territorial sea of Mauritius.
- (2) These regulations shall not apply to –
- (a) a warship or other ship operated for naval, military, customs or law enforcement purposes by Mauritius or a foreign State; or
 - (b) a ship, other than a ship referred to in paragraph (a), which is –
 - (i) owned, leased or chartered by, or otherwise in the operational control of, Mauritius or a foreign State; and
 - (ii) being used wholly for non-commercial activities;
 - (c) a fishing vessel;
 - (d) a pleasure craft; and
 - (e) a dismantled or laid up ship.

5. There shall be on board every ship –
 - (a) an international ship security certificate or an interim International Ship Security Certificate, as the case may be;
 - (b) a ship security plan;
 - (c) a continuous synopsis record issued; and
 - (d) a copy of the last 10 declarations of security.

6. The ship operator of a ship shall –
 - (a) establish an administration and organisational structure for security on the ship;
 - (b) provide every person who has responsibilities under these regulations with the support needed to meet their responsibilities;
 - (c) designate in writing, by name, a company security officer and ship security officer;
 - (d) ensure that ship security records are kept;
 - (e) ensure that security communication is readily available;
 - (f) provide the master with the following information –
 - (i) the names of the parties responsible for appointing ship personnel;
 - (ii) the names of the parties responsible for deciding the employment of the ship, including time and voyage charters or bareboat charters, or any other entity acting in such capacity and flout;
 - (iii) if the ship is employed under the terms of a charterparty, the contract details, including time charters or voyage charters; and

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- (g) ensure that ships' personnel have the ability to maintain their effectiveness while performing their duties in accordance with the requirements set out in the safe manning document.
7. (1) No person shall constrain the master of a ship from taking or executing any decision that, in the professional judgment of the master, is necessary to maintain the safety and security of the ship. This includes decisions to deny access to persons, except those identified as duly authorised by the competent governmental authority, or their effects, to refuse to load cargo, including containers or other closed cargo transport units.
- (2) If a conflict between any safety and security requirements applicable to the ship arises during its operations, the master shall give precedence to requirements intended to maintain the safety of the ship and, in such a case, may take any temporary security measures that the master determines are appropriate under the circumstances and to the highest possible degree, commensurate the prevailing security level.
- (3) Where the master of a Mauritius ship takes temporary procedures as referred to in paragraph (2) the master shall, as soon as practicable, inform –
- (a) if the ship is in port in Mauritius, the Director; and
 - (b) if the ship is a Mauritius ship outside Mauritius, the Mauritius Radio Services;
 - (c) if the ship is a Mauritius ship in the waters of another Contracting Government, the relevant maritime Authority of that country and the Mauritius Radio Services; and
 - (d) the owner or operator.

(4) The master shall ensure coordination with, and implementation of, changes in the security levels.

8. (1) A ship operator to which these regulations apply shall designate a company security officer.

(2) A ship operator may designate a single company security officer for all its ships to which this regulation applies, or may designate more than one company security officer, in which case the ship operator shall clearly identify in the ship security plan the ships for which each company security officer is responsible.

(3) A company security officer performing the duties and responsibilities required of a company security officer may perform other duties within the operator's organisation.

(4) The company security officer may delegate duties required by these regulations, but shall remain responsible for the performance of those duties.

9. (1) The company security officer shall, for each Mauritius ship –

- (a) keep the ship informed of potential threats and other information relevant to its security;
- (b) ensure that the ship security assessment is carried out by a recognised organisation;
- (c) ensure that a ship security plan is prepared and submitted for approval to the Director;
- (d) ensure that the ship security plan is implemented and amended when necessary;
- (e) ensure that security drills and exercises are conducted;
- (f) ensure that the ship's security activities are audited;

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- (g) ensure the timely correction of problems identified by audits or inspections;
 - (h) enhance security awareness and vigilance within the operator's organisation;
 - (i) ensure that personnel with security responsibilities receive adequate security training to fulfill those responsibilities;
 - (j) ensure that there is proper communication and cooperation between the ship, port, marine facilities and offshore facilities with which the ship interfaces;
 - (k) ensure consistency between the security requirements and safety requirements;
 - (l) ensure that if a sister-ship or fleet security plans are used, the plan for each ship reflects the ship-specific information accurately; and
 - (m) ensure that the safe manning document is applied in the development of security procedures.

10. (1) The ship security officer shall be an officer of the ship holding a certificate of proficiency in accordance with Regulation VI/5 of the STCW Convention and shall be accountable to the master.

(2) The Ship Security Officer of any towing ship towing a barge or barges astern or alongside or pushing a barge shall coordinate and ensure the implementation of security procedures applicable to both the towing ship and the barge.

(3) The Ship Security Officer may delegate duties required by under these regulations, but shall remain responsible for the performance of those duties.

11. The Ship Security Officer shall –

- (a) regularly inspect the ship to ensure that security procedures are maintained;
- (b) ensure the maintenance and supervision of the implementation of the ship security plan and of any amendments to it;
- (c) ensure the coordinated implementation of the ship security plan with the company security officer and, when the ship is interfacing with a port facility, with the offshore or port facility security officer;
- (d) ensure that the procedures of these regulations with respect to cargo and the ships' stores and bunkers are complied with;
- (e) if applicable, propose amendments to the ship security plan to the company security officer;
- (f) ensure that any problems identified during audits or inspections are reported to the master and the company security officer, and promptly implement any corrective measures;
- (g) ensure security awareness and vigilance on board the ship;
- (h) ensure that personnel with security responsibilities receive adequate security training to fulfill those responsibilities;
- (i) ensure the reporting and recording of all security incidents in compliance with these regulations; and
- (j) ensure that security equipment is properly operated, tested, calibrated and maintained in compliance with the provisions of the ISPS Code.

12. Seafarers who are assigned security duties shall hold a certificate of proficiency in accordance with Regulation VI/6 of the STCW Convention.

13. All seafarers working on board a vessel shall have attended a course in security awareness training, in accordance with Regulation VI/6 of the STCW Convention.

14. All ship personnel, including contractors, whether temporary or permanent shall be briefed by the ship security officer with respect to the following matters –

- (a) the meaning and the consequential requirements of the different security levels, including emergency procedures and contingency plans;
- (b) the recognition and detection of weapons and dangerous substances and devices;
- (c) the recognition of characteristics and behavioural patterns of persons who are likely to threaten security; and
- (d) techniques used to circumvent security procedures.

15. (1) Security drills and exercises shall test the proficiency of ship personnel in assigned security duties at all security levels and the effective implementation of the ship security plan, and shall enable the ship security officer to identify any related security deficiencies that need to be addressed.

(2) The Ship Security Officer shall ensure that at least one security drill is conducted at least every 3 months, except when the ship is out of service due to repairs or seasonal suspension of operation in which case the officer shall ensure that a drill is conducted within one week after the ship's reactivation. Security drills may be conducted with other drills, if appropriate.

(3) Security drills shall test individual elements of the ship security plan, including response to security threats and incidents, and shall take into account the types of operations of the ship, ship personnel changes and other relevant circumstances.

(4) If the ship is moored at a port, port facility or offshore facility on the date the facility has planned to conduct any security drills, the ship may participate in the facility's scheduled drill.

(5) If more than 25 per cent of the ship's permanent personnel has been changed at any one time with personnel that has not previously participated in any drill on that ship within the previous 3 months, not including normal rotations, a security drill shall be conducted within one week of the change.

(6) The master of every Mauritius ship shall enter or cause to be entered in the official log book particulars of all security drills conducted referred to in subparagraph (1).

16. (1) Security exercises –

- (a) shall fully test the ship security plan and include the substantial and active participation of personnel referred to in regulations 12, 13 and 14;
- (b) may include port facility security personnel and governmental authorities depending on the scope and the nature of the exercises;
- (c) may be performed with respect only to the ship or performed as part of a cooperative programme to exercise the security plans of the port administration, port facility, offshore facility and other ships; and

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- (d) shall test communication and notification procedures and elements of coordination, resource availability and response.
- (2) The exercises shall be conducted at least once every calendar year, and in any event at least once every 18 months.
- (3) Exercises may be –
- (a) full scale or live;
 - (b) tabletop stimulation or seminar;
 - (c) combined with other appropriate exercises; or
 - (d) a combination of the elements referred to in paragraphs (a) to (c).
17. (1) A ship security officer shall keep records of –
- (a) security training, including the date, duration and description and the names of the participants;
 - (b) security drills and exercises, including the date and description, the names of the participants and any best practices or lessons learned that might improve the ship security plan;
 - (c) security threats, breaches of security and security incidents, including the date, time, location, description and response and the identity of the person to whom it was reported;
 - (d) changes in the security level, including the date, the time that notification was received and the time of compliance with the security requirements of the new level;

- (e) maintenance, calibration and testing of equipment used in security, including the date and time of the activity and the specific equipment involved;
- (f) a copy of the last 10 declarations of security and a copy of each continuing declaration of security for at least 90 days after the end of its effective period;
- (g) a record of annual audit of the ship security plan that includes, with respect to each annual audit, a letter certified by the ship security officer that states the date the audit was completed;
- (h) a record that includes the last 10 calls at port facilities;
- (i) each periodic review of the ship security plan, including the date on which it was conducted, the findings of the review and any amendments to the ship security plan that are recommended;
- (j) each amendment to the ship security plan, including the date of approval and implementation; and
- (k) a list of the names of the persons who have security responsibilities.

(2) The ship security officer shall ensure that the records are kept for at least 2 years after they are made and make them available to the Minister on request.

(3) The records shall be protected from unauthorised access or disclosure.

(4) The records may be kept in electronic format if they are protected from deletion, destruction and revision.

(5) The records shall be written in the English language.

18. (1) The Continuous Synopsis Record shall be issued by the State where the ship is registered and shall contain such information as required under the ISPS Code.

(2) Any change relating to the information required under paragraph (1) shall be recorded in the Continuous Synopsis Record so as to provide updated and current information together with the history of changes.

(3) Where there is any change as referred to under paragraph (2), the State where the ship is registered shall, not later than 3 months from the date of the change, issue to ships entitled to fly its flag either a revised or an updated version of the Continuous Synopsis Record or appropriate amendments thereto.

(4) In case of any change relating to the entries referred to in paragraph (2), the ship operator or the master shall amend the Continuous Synopsis Record, pending the issue of a revised or updated Continuous Synopsis Record to reflect the changes.

(5) (a) The Director shall issue a Continuous Synopsis Record and any updated Continuous Synopsis Record, where applicable, to Mauritius ships to which these regulations apply.

(b) The ship operator of a Mauritius ship shall keep the Director informed of any change to any entry referred to in paragraph (2).

(6) The master or the ship operator of a Mauritius ship shall not modify, delete or in any way erase or deface any previous entry in the Continuous Synopsis Record.

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

19. (1) The master of a ship shall, before the ship enters a port or interfaces with a port facility or offshore facility, ensure that all procedures are taken that are specified in the ship security plan for compliance with the security level in effect for the port, port facility or offshore facility.

(2) When notified of an increase in the security level, the master of a ship shall acknowledge receipt of the notification, and –

- (a) if the security level for a port, port facility or offshore facility in which the ship is located or is about to enter or interface is raised to a higher level, ensure that the ship complies, without undue delay and no later than 12 hours after being notified of the higher level, with all procedures specified in the ship security plan for compliance with that higher security level;
- (b) if the ship is in Mauritius, ensure that the Director is notified when compliance with the higher security level has been implemented;
- (c) if the ship is a Mauritius ship in the waters of another contracting Government, notify the maritime authority of that country; and
- (d) brief all ship personnel of identified threats, emphasize reporting procedures and stress the need for increased vigilance.

(3) Any ship that interfaces with a port, port facility or offshore facility and is operating at a higher security level than that broadcast by Mauritius Radio Services at the 72-hour zone, shall report to the Mauritius Radio Services and to the Mauritius Ports Authority –

- (a) their security level at its current location; and

- (b) any change in the ship's security level during the transit from the ship's location at 72-hour to the port facility;

20. (1) The ship security officer shall have a means to notify ship personnel of changes in security conditions on board the ship.

(2) The ship to which these regulations apply shall have the communication systems and procedures that allow effective communications –

- (a) between the ship security personnel and the port, marine facility or the offshore facility interfacing with the ship;
- (b) with the Director; and
- (c) with the National Coast Guard.

(3) The communications systems shall have a back-up to ensure internal and external communications.

21. (1) The master of a ship shall ensure that the ship does not enter the territorial sea of Mauritius unless the master reports pre-arrival information at the following time to the Director –

- (a) if the duration of the segment of the voyage before entering territorial sea is less than 24 hours, as soon as practicable, but at least 12 hours before entering a port facility in Mauritius;
- (b) if the duration of the segment of the voyage before entering the territorial sea is less than 96 hours but more than 24 hours, preferably before departure but at least 24 hours before entering a port facility in Mauritius; or
- (c) 72 hours before entering the territorial sea.

(2) The pre-arrival information to be provided by a ship to which these regulations apply shall comply with the provisions of the ISPS Code and chapter XI-2 of SOLAS Convention.

(3) The master shall ensure that the ship's automated identification system (AIS) is fully operational at the time of submitting the pre-arrival information.

22. (1) The ship operator shall ensure that the ship is equipped with a ship security alert system to ensure compliance with the ISPS Code and Chapter XI-2 of SOLAS Convention.

(2) The requirement for a ship security alert system may be complied with by using the ship's radio installation fitted for compliance with the requirements of chapter IV of SOLAS Convention.

(3) The ship security alert system –

- (a) shall, be capable of being activated from the navigation bridge and at least one other location; and
- (b) shall, be equipped with activation points designed to prevent its inadvertent initiation.

23. The ship security alert system, when activated shall, in the case of –

- (a) a foreign ship whose security is under threat or has been compromised, initiate and transmit a ship-to-shore security alert to its Flag State identifying the ship and its location and indicating that the security of the ship is under threat or has been compromised;
- (b) a Mauritius ship, regardless of where the ship is, provide a ship-to-shore alert to the nearest marine rescue coordination centre as well as to Mauritius Radio Services;

- (c) shall not send the security alert to any other ships;
- (d) shall not raise any alarm on board the ship; and
- (e) shall continue the security alert until it is deactivated or reset.

24. (1) The radio system used for a ship security alert system shall comply with relevant international standards.

(2) The activation points of a ship security alert system shall operate the radio system so that transmission of a security alert does not require any adjustment of the radio system, such as the tuning of channels or the setting of modes or menu options.

(3) The operation of a ship security alert system shall not impair the functionality of the global maritime distress safety system (GMDSS) installation.

(4) If the ship security alert system is powered from the ship's main source of electrical power, it shall also be possible to operate the system from another source of power.

25. Where the Mauritius Radio Services receives notification of a ship security alert, the Director shall immediately notify the National Maritime and Harbour Security Committee of the matter.

26. (1) The ship operator shall ensure that procedures are established for requesting a declaration of security and for handling declaration of security requests from marine facilities and other ships.

(2) The declaration of security used under paragraph (1) shall be in accordance with Part B Appendix 1 of the ISPS Code.

(3) In the case of a ship interfacing with a port facility in Mauritius –

- (a) before the ship arrives at the facility, the port facility security officer and the ship security officer shall coordinate security needs and procedures, and agree on the contents of the declaration of security for the period the ship is to be at the facility; and
- (b) on the ship's arrival at the facility and before any passenger embarkation or disembarkation or cargo transfer operation, the port facility security officer and the ship security officer shall sign the declaration of security.

(4) In the case of a ship interfacing with another ship in port in Mauritius –

- (a) before interfacing, the ship security officers shall coordinate security needs and procedures, and agree on the contents of the declaration of security for the period the ships are to be interfacing; and
- (b) on the ships interfacing and before any passenger embarkation or disembarkation or cargo transfer operation, the ship security officers shall sign the declaration of security.

(5) At Security Level 1, the ship security officer of any ship to which these regulations apply shall complete and sign a declaration of security –

- (a) with the ship security officer of any ship or marine facility with which the ship interfaces; or
- (b) with the port facility security officer of the port facility with which the ship interfaces,

whichever is applicable.

(6) The ship security officer of a ship that frequently interfaces with the same port facility may implement a continuing declaration of security for multiple interfaces at the facility at Security Level 1 or Security Level 2 if the declaration of security is valid for that security level. A continuing declaration of security may be in force –

(a) at Security Level 1, for not more than 90 days; and

(b) at Security Level 2, for not more than 30 days.

(7) A continuing declaration of security is void when the security level increases beyond the level contained in the continuing declaration of security and a new declaration of security shall be signed and implemented in accordance with this regulation.

(8) At Security Level 2 or Security Level 3 –

(a) the Ship Security Officer of a ship shall sign and implement a declaration of security before the ship interfaces with another ship; and

(b) the Ship Security Officer of a ship shall sign and implement a declaration of security with the port facility security officer of any port facility on which the ship calls before any cargo transfer operation or passenger embarkation or disembarkation.

27. (1) Every ship referred to in regulation 4(1) shall have a ship security plan.

(2) The ship security plan shall be drawn in accordance with the requirements of the ISPS Code and these regulations.

(3) The ship security plan shall be protected from unauthorised disclosure, release, amendment or destruction.

(4) Where the ship security plan is kept in an electronic format, procedures shall be in place to prevent its unauthorised deletion, destruction or amendment.

28. (1) The ship operator for a Mauritius ship shall submit the ship security plan to the Director for approval.

(2) The Director shall approve the plan where he is satisfied that the plan adequately addresses the relevant requirements of the ISPS Code and these regulations.

(3) Where the Director is not satisfied that the plan adequately addresses the relevant requirements of the ISPS Code and these regulations, he shall refuse to approve the plan and give the ship operator written notice of the refusal.

29. (1) Where there is an existing ship security plan and the ship operator submits a revised ship security plan to the Director, the revised plan shall replace any other plan for the ship in force at that time once it is approved by the Director.

(2) Where –

(a) a ship security plan for a Mauritius ship is in force; and

(b) the Director is no longer satisfied that the existing plan adequately addresses the relevant requirements of these regulations –

(i) because there is a change in the circumstances that relates to maritime transport security; or

(ii) for some other justified reason,

he may, by written notice given to the ship operator for the ship, him to submit a revised plan within a specified period.

(3) Where the ship operator fails to submit the revised plan within the specified period, or within any further period allowed by the Director, the Director shall, by written notice given to the ship operator, cancel the approval of the existing plan.

30. (1) The company security officer shall ensure that an audit of the ship security plan is performed annually.

(2) The company security officer shall ensure that an audit of the ship security plan is performed if there is a new operator, or if there have been modifications to the ship, including to its physical structure, emergency response procedures, security procedures, or operations. An audit of the plan as a result of modifications to the ship may be limited to those provisions of the plan affected by the modifications.

(3) Persons who perform audits of the security procedures specified in the ship security plan shall –

- (a) have knowledge of methods of conducting audits and inspections, and control and monitoring techniques;
- (b) not have regularly assigned security duties; and
- (c) be independent of the security procedures being audited unless impracticable due to the size and nature of the ship.

31. (1) The Director may delegate –

- (a) the conduct of the ship security assessment plan;
- (b) the preparation, review and approval of the ship security plan;
- (c) the verification of the ship as per the requirements of the ISPS Code; and

- (d) the issue, endorsement or cancellation of the International Ship Security Certificate to Recognised Organisations.
- (2) Where a Recognised Organisation has been involved –
 - (a) in the preparation of the ship security assessment or of the ship security plan; or
 - (b) in the preparation of the amendments to a previously approved ship security plan,

of a specific ship, that Recognised Organisation shall not review or approve the ship security plan or any amendment to be made to a previously approved plan.

32. Procedures shall be established in the ship security plan in accordance with the provisions of the ISPS Code –

- (a) to control access, at all security levels to the ship;
- (b) to establish restricted areas –
 - (i) to prevent or deter unauthorised access;
 - (ii) to protect the ship, sensitive security areas within the ship, security and surveillance equipment and systems and persons authorised to be on board; and
 - (iii) to protect the cargo and ship's stores from tampering;
- (c) in relation to cargo handling, in order to –
 - (i) deter and detect tampering;
 - (ii) prevent cargo that is not meant for carriage from being accepted and stored on board the ship;
 - (iii) identify cargo that is approved for loading onto the ship;

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- (iv) include inventory control procedures at access points to the ship; and
 - (v) be able to check cargo for dangerous substances and devices at a rate specified in the plan.
- 33. (1)** For each security level, the ship operator shall ensure that the ship security officer and ship security personnel are able to –
- (a) respond to security threats or breaches of security and maintain critical ship and ship-to-facility interface operations, including by –
 - (i) prohibiting entry into the affected area;
 - (ii) denying access to the ship, except to persons responding to the threat or breach;
 - (iii) implementing Security Level 3 security procedures throughout the ship;
 - (iv) stopping cargo-handling operations; and
 - (v) notifying shore side authorities or other ships of the threat or breach;
 - (b) evacuate the ship in case of security threats, breaches of security or security incidents;
 - (c) report to the Director any security incidents involving the ship;
 - (d) brief ship personnel on possible threats to security and the need for vigilance and their assistance in reporting suspicious persons, objects or activities; and
 - (e) suspend non-critical operations in order to focus response on critical operations.

34. (1) The Mauritius ships referred to in regulation 4(2) shall be issued with an International Ship Security Certificate as set out in the First Schedule by the Director where –

- (a) there is a ship security plan in force for the ship; and
- (b) the security system on board and any associated security equipment of the ship have been verified and meet the requirements of the ISPS Code and Chapter XI-2 of SOLAS Convention.

(2) The International Ship Security Certificate of a Mauritius ship shall remain in force until –

- (a) the Director cancels the Certificate;
- (b) the ship operator is no longer the ship operator for the ship; or
- (c) the period of 5 years after the Certificate is issued expires.

35. (1) An interim International Ship Security Certificate as set out in the Second Schedule may be issued to a Mauritius ship until the Certificate under regulation 34 is issued where –

- (a) the ship is without a Certificate, on delivery or prior to its entry or re-entry into service;
- (b) the ship is transferred under the Mauritius Flag from a foreign Flag; or
- (c) there is a change in the company responsible for the management of the ship.

(2) An interim International Ship Security Certificate shall only be issued when the Director is satisfied that the provisions of the ISPS Code for the issue of the interim certificate have been met.

(3) An interim International Ship Security Certificate shall remain in force for a period not exceeding 6 months or until the Certificate under regulation 34 is issued, whichever comes first, and may not be extended.

36. (1) Subject to paragraph (2), every ship to which these regulations apply shall, at all times, implement the security measures for the security level set by the National Maritime and Harbour Security Committee.

(2) Where a foreign ship is directed by its flag State to implement a higher level of security than set by the National Maritime and Harbour Security Committee, the ship shall comply with the direction.

37. (1) The master of a ship to which these regulations apply shall report security incidents affecting the ship and its personnel.

(2) An incident under paragraph (1) shall be reported to –

(a) the Director; and

(b) to the port facility security officer where the ship is.

38. Where the ship operator or the master of a ship fails to comply with these regulations, he shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees.

39. These regulations shall come into operation on 1 July 2019.

Made by the Minister on 26 June 2019.

FIRST SCHEDULE
[Regulation 34]



Republic of Mauritius

Certificate no.

INTERNATIONAL SHIP SECURITY CERTIFICATE

Issued under the provisions of the

**International Code for The Security of Ships and of Port Facilities
(ISPS CODE)**

under the authority of the Government of the Republic of Mauritius

Name of ship	Distinctive number or netters	Port of Registry	Gross tonnage	IMO number
Name and address of the Company			Company identification number	Type of ship*

This is to certify that –

- (a) the security system and any associated security equipment of the ship has been verified in accordance with section 19.1 of part A of the ISPS Code;

- (b) the verification showed that the security system and any associated security equipment of the ship is in all respects satisfactory and that the ship complies with the applicable requirements of chapter XI-2 of the Convention and part A of the ISPS Code;
- (c) the ship is provided with an approved Ship Security Plan.

Date of initial/renewal verification on which this certificate is based:
.....

This certificate is valid until subject to verifications in accordance with section 19.1.1 of part A of the ISPS Code.

Issued at

(Place of issue of certificate)
.....

Date of Issue

(Signature of the duly authorised person or recognised organisation issuing the certificate)

(Seal or Stamp of authorised person or recognized organisation, as appropriate)

*Insert the type of ship from: Passenger ship, passenger high-speed craft, cargo high-speed craft, bulk carrier, oil tanker, chemical tanker, gas carrier, mobile offshore drilling unit, other cargo ship.

Additional verification in accordance with section A1/19.3.7.2 of the ISPS Code

THIS IS TO CERTIFY that at an additional verification required by section 19.3.7.2 of part A of the ISPS Code the ship was found to comply with the relevant provisions of chapter XI-2 of the Convention and part A of the ISPS Code.

Signed _____
(signature of authorised person)

Place _____

Date _____

(Seal or Stamp of authorised person or recognised organisation, as appropriate)

Endorsement to extend the certificate if valid for less than 5 years where section A/19.3.3 of the ISPS Code applies

The ship complies with the relevant provisions of part A of the ISPS Code, and the Certificate shall, in accordance with section 19.3.3 of the part A of the ISPS Code, be accepted as valid until

Signed _____
(signature of authorised person)

Place _____

Date _____

(Seal or Stamp of authorised person or recognised organisation, as appropriate)

Endorsement where the renewal verification has been completed and section A/19.3.4 of the ISPS Code applies

The ship complies with the relevant provisions of part A of the ISPS Code, and the Certificate shall, in accordance with section 19.3.4 of Part A of the ISPS Code, be accepted and valid until

Signed _____
(signature of authorised person)

Place _____

Date _____

(Seal or Stamp of authorised person or recognized organisation, as appropriate)

Endorsement to extend the validity of the certificate until reaching the port of verification where section A/19.3.5 of the ISPS Code applies or for a period of grace where section A/19.3.6 of the ISPS Code applies

This certificate shall, in accordance with section 19.3.5/19.3.6* of part A of the ISPS Code, be accepted as valid until

Signed _____
(signature of authorised person)

Place _____

Date _____

(Seal or Stamp of authorised person or recognised organisation, as appropriate)

Endorsement for advancement of expiry date where section A/19.3.7.1 of the ISPS Code applies

In accordance with section 19.3.7.1 of part A of the ISPS Code, the new expiry date** is

Signed _____
(signature of authorised person)

Place _____

Date _____

(Seal or Stamp of authorised person or recognised organisation, as appropriate)

** Delete as appropriate*

***In case of completion of this part of the certificate, the expiry date shown on the front of the certificate shall also be amended accordingly*

SECOND SCHEDULE
[Regulation 35]



Republic of Mauritius

INTERIM INTERNATIONAL SHIP SECURITY CERTIFICATE

Certificate no.

Issued under the provisions of the

**International Code for The Security of Ships and of Port Facilities
(ISPS CODE)**

under the authority of the Government of the Republic of Mauritius

Name of ship	Distinctive number or letters	Port of Registry	Gross tonnage	IMO number
Name and address of the Company			Company identification number	Type of ship*

**Insert the type of ship from: Passenger ship, passenger high-speed craft, cargo high-speed craft, bulk carrier, oil tanker, chemical tanker, gas carrier, mobile offshore drilling unit, other cargo ship.*

Is this a subsequent, consecutive Interim Certificate? Yes/No*

If yes, date of issue of initial Interim Certificate

THIS IS TO CERTIFY THAT the requirements of section A/19.4.2 of the ISPS Code have been complied with.

This Certificate is issued pursuant to section A/19.4 of the ISPS Code.

This Certificate is valid until

Issued at

(Place of issue of the Certificate)

(Date of issue)

(Signature of the duly authorised official issuing the Certificate)

(Seal or stamp of issuing authority, as appropriate)

**Delete as appropriate*
