
STATUTORY INSTRUMENTS

2004 No. 1495

The Ship and Port Facility (Security) Regulations 2004

PART 1

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Ship and Port Facility (Security) Regulations 2004 and shall come into force —

- (a) from 1st July 2004 for international shipping; and
- (b) from 1st July 2005 for Class A passenger ships engaged in domestic shipping, their companies and the port facilities serving them.

Interpretation

2.—(1) In these Regulations—

“the EC Regulation” means Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 (1) on enhancing ship and port facility security;

“the SOLAS Convention” means the International Convention for the Safety of Life at Sea 1974 (2) as amended from time to time, in so far as those amendments are integrated in Community maritime legislation in accordance with Article 10 of the EC Regulation (3);

“ISPS Code” means the International Ship and Port Facility Security Code as amended from time to time, in so far as those amendments are integrated in Community maritime legislation in accordance with Article 10 of the EC Regulation (4);

“Class A passenger ships” are passenger ships within the meaning of Article 4 of Council Directive 98/18/EC of 17 March 1998 (5) on safety rules and standards for passenger ships, in which “Class A” means a passenger ship engaged on domestic voyages other than voyages covered by Classes B, C and D in Article 4 of the Directive;

“constable” includes any person having the powers and privileges of a constable;

“domestic shipping” means any transport service by ship in sea areas from a port facility of the United Kingdom to the same port facility or another port facility within the United Kingdom;

“duly authorised officer” means either—

- (a) an inspector appointed under section 256 of the Merchant Shipping Act 1995 (6), or
- (b) a surveyor appointed under section 256 of the Merchant Shipping Act 1995, or

(1) OJ L129/ 6, 29.4.2004

(2) Cmnd 7874; amended in accordance with its Protocol of 1988, Cmnd 4420.

(3) The relevant amendments will be published in the Official Journal of the European Union.

(4) The relevant amendments will be published in the Official Journal of the European Union.

(5) OJ L 144, 15.5.1998, p.1.

(6) 1995 c. 21; section 256 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), Schedule 6, paragraph 15.

(c) an “authorised person” within the meaning of section 46(1)(7) of the Aviation and Maritime Security Act 1990;

“international shipping” means any maritime transport service by ship from a port facility of the United Kingdom to a port facility outside the United Kingdom, or conversely;

“international voyage” means a voyage from a country to which the SOLAS Convention applies to a port outside such country, or conversely;

“master” includes every person (except a pilot) having command or charge of a ship;

“non-United Kingdom ship” means a ship other than a United Kingdom ship;

“owner of the port facility security plan” means the person who submits the port facility security plan or the person on whose behalf that plan is submitted to the Secretary of State for approval under section 16.2 of Part A of the ISPS Code;

“restricted area” means an area in a ship or a port facility that is identified as such in a ship security plan or port facility security plan;

“United Kingdom registration provisions” means Part II of the Merchant Shipping Act 1995, or any Order in Council under section 1 of the Hovercraft Act 1968⁽⁸⁾.

“United Kingdom ship” has the same meaning as in section 85(2) of the Merchant Shipping Act 1995, and

“United Kingdom waters” means the sea or other waters within the seaward limits of the territorial sea of the United Kingdom.

(2) The expressions used in these Regulations which are given a meaning in the SOLAS Convention or the ISPS Code have the same meaning they bear in those instruments, and are listed in the Schedule to these Regulations.

(3) Other expressions used in these Regulations which are also used in the EC Regulation, have the same meaning they bear in that Regulation.

Purpose

3. The purpose of these Regulations is to provide for the implementation of the EC Regulation.

Application

4.—(1) These Regulations apply to—

(a) the following types of United Kingdom ships and non-United Kingdom ships in United Kingdom waters when engaged on international voyages, and their companies:

- (i) passenger ships including high speed craft which carry more than 12 passengers;
- (ii) cargo ships, including high speed craft, of 500 gross tonnage and upwards;
- (iii) mobile offshore drilling units;

(b) Class A passenger ships operating domestic services within United Kingdom waters and their companies;

(c) the following port facilities—

- (i) port facilities serving the ships specified in paragraph (1)(a); and
- (ii) port facilities serving ships specified in paragraph (1)(b).

(2) These Regulations do not apply to —

(7) 1990 c. 31; there are amendments to section 46 which are not directly relevant to these Regulations.

(8) 1968 c. 59.

- (a) ships of war 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) vessels not engaged in commercial activities.

Designations

5. The Secretary of State for Transport is hereby designated—
 - (a) the “focal point for maritime security” for the purposes of the EC Regulation;
 - (b) the “competent authority for maritime security” for the purposes of the EC Regulation;
 - (c) the “designated authority” for the purposes of Chapter XI-2 of the SOLAS Convention and the ISPS Code.