
STATUTORY INSTRUMENTS

2009 No. 2048

The Port Security Regulations 2009

PART 4

General Requirements

Port security assessment

^{F1}14.

Textual Amendments

F1 Reg. 14 revoked (29.11.2013) by [The Port Security \(Amendment\) Regulations 2013 \(S.I. 2013/2815\)](#),
regs. 1, 6

Port security plan

15.—(1) A Port Security Authority must develop, maintain and update the port security plan for each port for which it has been designated.

(2) The Port Security Authority must ensure that the port security plan—

- (a) addresses the specificities of different sections of the port;
- (b) has integrated into it—
 - (i) the approved port facility security plans for every port facility situated in that port;
 - (ii) the port related area security plans created for all port related areas (if any) designated in relation to the port; and
 - (iii) the AMSA facility contingency plans created for all AMSA facilities (if any) in the port;
- (c) where and to the extent appropriate, sets out the security measures to be applied to passengers and vehicles set for embarkation on seagoing vessels;
- (d) identifies for each of the security levels set out in regulation 20—
 - (i) the procedures to be followed,
 - (ii) the measures to be put in place, and
 - (iii) the actions to be taken,for the port, or where appropriate, for each part of the port,
- (e) takes into account the requirements of Schedule 4; and
- (f) identifies the person or persons responsible for each of the measures contained in that plan.

(3) Nothing in this regulation requires the Port Security Authority to carry out work that has been carried out in the course of developing a port facility security plan, a port related area security plan or an AMSA facility contingency plan.

(4) The Port Security Authority may appoint a recognised security organisation to develop the port security plan on its behalf.

(5) The Port Security Authority must ensure that, if a recognised security organisation has carried out a port security assessment or review of a port security assessment ^{F2}..., that recognised security organisation does not develop or review [^{F3}the port security plan for the port to which that assessment relates].

(6) In this regulation “AMSA facility contingency plan” means a contingency plan created by a directed party pursuant to an AMSA direction.

Textual Amendments

- F2** Words in [reg. 15\(5\)](#) omitted (29.11.2013) by virtue of [The Port Security \(Amendment\) Regulations 2013 \(S.I. 2013/2815\)](#), [regs. 1, 7\(a\)](#)
- F3** Words in [reg. 15\(5\)](#) substituted (29.11.2013) by [The Port Security \(Amendment\) Regulations 2013 \(S.I. 2013/2815\)](#), [regs. 1, 7\(b\)](#)

Approval of the port security plan

16.—(1) A Port Security Authority must request approval from the Secretary of State for the port security plan within 12 months of the designation of that Port Security Authority.

(2) The Secretary of State may, in respect of a request under paragraph (1)—

- (a) approve,
- (b) refuse to approve, or
- (c) approve subject to amendment,

the port security plan.

(3) When, or at any time after, approving a port security plan (whether or not subject to amendment), the Secretary of State may notify the Port Security Authority of types of amendments to the port security plan that must be submitted to the Secretary of State for approval before those amendments are implemented.

(4) Where a Port Security Authority has received a notification under paragraph (3), that Port Security Authority must request an approval from the Secretary of State before implementing an amendment to the port security plan of any type specified in that notification and must not implement that amendment until an approval has been obtained.

(5) The Secretary of State may in respect of a request under paragraph (4)—

- (a) approve,
- (b) refuse to approve, or
- (c) approve subject to further amendment,

an amendment to a port security plan.

(6) Any request under this regulation must be in writing, and a request for approval under—

- (a) paragraph (1) must be accompanied by a copy of the port security plan;
- (b) paragraph (4) must be accompanied by a copy of the port security plan and an explanation of the proposed amendments.

(7) The Secretary of State may request additional information in support of a request for approval under paragraph (1) or paragraph (4).

(8) If the Secretary of State fails to give or refuse approval within 30 days of the date of receipt of a request under paragraph (1) or (4), or of the date on which the Secretary of State requested

additional information under paragraph (7), whichever is later, the Secretary of State shall be deemed to have refused to give approval for the plan or amendment in question.

(9) If the Secretary of State has, or is deemed to have, refused to approve a request made under paragraph (1) the Port Security Authority must, within 30 days of that refusal or deemed refusal, revise the port security plan and submit a further request for approval.

(10) Paragraphs (2), (6), (7), (8) and (9) apply to a further request made under paragraph (9) as they do to a request made under paragraph (1).

Implementation of the port security plan

17.—(1) A Port Security Authority must satisfy itself that the port security plan is implemented.

(2) Any person who is identified as being responsible for a measure contained in a port security plan, as required by regulation 15(2)(f), must implement that measure.

Review of the port security assessment and port security plan

18.—(1) A Port Security Authority must complete a review of the port security assessment and the port security plan—

- (a) at each meeting of the Port Security Authority;
- (b) within 30 days of a major operational change in the port;
- (c) within 30 days of a major structural change in the port;
- (d) within 30 days of a major security incident at the port;
- (e) within 30 days of any written request of the Secretary of State; and
- (f) not more than 5 years after that assessment was last approved or that plan was last approved.

(2) A review of a port security assessment under paragraph (1)(a) must consist of a review of the security risks highlighted in the port security assessment, the likelihood of the security risks occurring, the impact such an occurrence would have and the actions to be taken to address those security risks.

(3) A review of a port security assessment under paragraph (1)(b), (c), (d), (e) or (f) must consist of a review of the matters [^{F4}that are required by regulation 3A(2) to be taken into account].

(4) A review of a port security plan under paragraph (1) must consist of a review of the matters that the Port Security Authority is required to comply with under regulation 15(2).

(5) Following a review under paragraph (1) the Port Security Authority must amend the port security assessment and port security plan as appropriate.

(6) Where a port security plan or a port security assessment has been reviewed under paragraph (1) (b), (c), (d), (e) or (f), the Port Security Authority must request approval from the Secretary of State for the port security plan or port security assessment (as amended if appropriate under paragraph (5)) no later than 30 days after the deadline for undertaking the review specified in that provision.

[^{F5}(7) A request for approval under paragraph (6) must be made in writing and be accompanied by information demonstrating that the review has been carried out in accordance with paragraph (3).

(7A) After receiving a request for approval under paragraph (6), the Secretary of State may—

- (a) approve,
- (b) refuse to approve, or
- (c) approve subject to amendment,

the port security assessment.

(7B) If the Secretary of State fails to give or refuse approval within 30 days of receipt of a request under paragraph (6), the Secretary of State shall be deemed to have refused to approve the port security assessment.

(7C) If the Secretary of State has, or is deemed to have, refused to approve the port security assessment, the Port Security Authority must revise that assessment and submit a further request for approval within 30 days of that refusal or deemed refusal.]

(8) The provisions of regulation 16(2),(6),(7),(8) and (9) apply to a request for approval from the Secretary of State of a port security plan following a review of that port security plan under paragraph (1)(b),(c),(d), (e) or (f) as they apply to a request for approval under regulation 16(1).

(9) The Port Security Authority may appoint a recognised security organisation to carry out a review of the port security assessment or port security plan on its behalf.

(10) In this regulation—

- (a) “major operational change” means a major change to a commercial maritime transport operator or its operations that will have an impact on the security of the port; and
- (b) “major structural change” means a major change to any physical structures in the port that will have an impact on the security of the port.

Textual Amendments

- F4** Words in reg. 18(3) substituted (29.11.2013) by [The Port Security \(Amendment\) Regulations 2013 \(S.I. 2013/2815\)](#), regs. 1, **8(2)**
- F5** Reg. 18(7)-(7C) substituted for reg. 18(7) (29.11.2013) by [The Port Security \(Amendment\) Regulations 2013 \(S.I. 2013/2815\)](#), regs. 1, **8(3)**

Security training

19. A Port Security Authority must ensure that adequate training exercises are carried out that take into account the requirements of Schedule 5.

Security levels

20.—(1) Where the Secretary of State gives a Port Security Authority notice of the security level that is to apply to a port or part of a port, the Port Security Authority must ensure that the security measures required for that level and set out in the port security plan are in place at that port or that part of a port—

- (a) within such time as is specified in the notice; or
- (b) if no time is specified in the notice, within 24 hours of that notice being given.

(2) The three security levels are—

- (a) security level 1;
- (b) security level 2; and
- (c) security level 3.

(3) In this regulation—

- (a) “security level 1” means the level for which minimum appropriate protective security measures are to be maintained at all times;
- (b) “security level 2” means the level for which appropriate additional protective security measures are to be maintained for a period of time as a result of a heightened risk of a security incident;

- (c) “security level 3” means the level for which further specific protective security measures are to be maintained for a limited period of time when a security incident is probable or imminent, even if it is not possible to identify the specific target.

Security clearance and protective marking of documents

21.—(1) A person who carries out security inspections of a port, or handles confidential information relating to the security of a port, must be approved for such work by the Secretary of State.

(2) A person who creates pursuant to these Regulations any document that relates to the security of a port must ensure that the document is clearly marked so as to indicate the degree of sensitivity with which that document is to be treated.

(3) In determining whether paragraph (2) has been complied with, account shall be taken of any Guidance issued by the Secretary of State on the protective marking of documents.

Monitoring of port security plans

22.—(1) For the purpose of verifying that a port security plan is being implemented in accordance with these Regulations, a transport security inspector, may, on production (if required) of their credentials, inspect—

- (a) any part of a port;
- (b) any land, building or works within a port; and
- (c) any vehicle, vessel, train or freight container in a port.

(2) A transport security inspector carrying out an inspection under paragraph (1) may, so far as he or she considers necessary for the purpose for which the inspection is carried out—

- (a) subject any part of the port or any property found by that inspector there or on such land or in that building or in those works, to tests;
- (b) subject any vehicle, vessel, train or freight container, or any apparatus or equipment installed in it, to tests;
- (c) take steps—
 - (i) to ascertain what practices or procedures are being followed in relation to security; and
 - (ii) to test the effectiveness or any practice or procedure relating to security;

(d) require—

- (i) the Port Security Authority,
- (ii) the port security officer,
- (iii) the port facility security officer or the owner of the port facility security plan of a port facility in the port,
- (iv) the directed party of an AMSA facility in the port,
- (v) the security manager of a port related area,
- (vi) any person whose place of work is in the port, or
- (vii) any person acting on behalf of any of the persons listed in sub-paragraphs (i) to (vi), to furnish that inspector with information.

(3) Subject to paragraphs (4) and (5), a transport security inspector may, for the purpose of exercising any power conferred on that inspector by paragraph (1) or (2), enter any land, building or works in a port.

(4) The powers conferred by paragraph (3) do not include power for a transport security inspector to use force for the purpose of entering any land, building or works.

(5) The powers conferred by paragraphs (1) to (3) do not apply in the case of premises used only as a private dwelling.

(6) For the purpose of this regulation “freight container” means an article of transport equipment which is—

- (a) of a permanent character and accordingly strong enough for repeated use,
- (b) designed to facilitate the transport of goods by one or more modes of transport without intermediate reloading,
- (c) designed to be secured or readily handled or both, having corner fittings for these purposes, and
- (d) of a size such that the area enclosed by the outer bottom corners is either—
 - (i) if the container is fitted with top corner fittings, at least 7 square metres, or
 - (ii) in any other case, at least 14 square metres,

and includes a container when carried on a chassis but does not include a vehicle or packaging, or any article of transport equipment designed solely for use in air transport, or a swap body except when it is carried by or on board a sea-going ship and is not mounted on a road vehicle or rail wagon.

Recognised security organisations

23.—(1) The Secretary of State may appoint a person as a recognised security organisation for the purposes of these Regulations.

(2) The Secretary of State must not appoint a person under paragraph (1) unless the Secretary of State is satisfied that the person meets the conditions set out in Schedule 6.

Changes to legislation:

There are currently no known outstanding effects for the The Port Security Regulations 2009, PART 4.