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STATUTORY INSTRUMENTS

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**2009 No. 2048**

**The Port Security Regulations 2009**

**PART 4**

General Requirements

**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 of 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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Port Security Regulations 2009, Section 22.