

[Legal Notice No. 68]

**MARITIME SAFETY ADMINISTRATION (SHIP AND PORT  
SECURITY) REGULATIONS 2011**

**ARRANGEMENT OF REGULATIONS**

**PART 1 – PRELIMINARY**

1. Citation
2. Interpretation
3. Application of these Regulations

**PART 2 – ROLES OF THE ADMINISTRATION**

4. Responsibilities of the Administration
5. The Maritime Security Committee
6. Administration to set Security Levels

**PART 3 – DECLARATIONS OF SECURITY**

7. Declarations of Security
8. Initiating a Declaration of Security
9. Form of a Declaration of Security
10. Review of a Declaration of Security

**PART 4 – PORT SECURITY**

11. Responsibilities of the Ports Authority
12. Responsibilities of Port Security Officers
13. Port Security Plans
14. Port Facility Security Plans
15. Responsibilities of Port Facility Operators
16. Security exercises
17. Responsibilities of port employees and agents
18. Responsibilities of other port users

**PART 5 – OBLIGATIONS OF SHIPS ENTERING PORT**

19. Information to be provided by ships prior to entry into port
  20. Assessment of information related to ships prior to entry into port
- 
-

**PART 6 – SHIP SECURITY**

21. Responsibilities for Ship Security
22. Ship Security Plans
23. Responsibilities of Company Security Officers and Ship Security Officers
24. Responsibilities of company employees and agents
25. Overriding authority of masters

**PART 7 – DEALING WITH SECURITY THREATS**

26. Contingency Procedures at Ports
27. Contingency Procedures for Ships

**PART 8 – SECURITY TRAINING**

28. Security Training at Ports
29. Security Training for Ships

**PART 9 – INTERNATIONAL SHIP SECURITY CERTIFICATES**

30. Requirement to hold a Certificate
31. Verification and Intermediate Verifications
32. Issue and endorsement of Certificates
33. Period of Validity of Certificates
34. Extension of Validity of Certificates
35. Interim Certification
36. Cancellation of Certificates
37. Fees and charges for Certificate

**PART 10 – MISCELLANEOUS PROVISIONS**

38. Duties to assist police and comply with security plans
  39. Guidelines, Standards and Codes of Practice
  40. Offences against these Regulations
  41. Prescribed forms and requirements
  42. Repeal of the Shipping (Maritime Security) Regulations 2004
  43. Transitional and savings provisions
  44. Application of other laws
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[Legal Notice No. 68]

**MARITIME SAFETY ADMINISTRATION ACT 2009  
(No. 8 of 2009)**

**MARITIME SAFETY ADMINISTRATION (SHIP AND PORT  
SECURITY) REGULATIONS 2011**

IN exercise of the powers conferred upon me by section 25 of the Maritime Safety Administration Act 2009 and by sections 3(2), 56 and 220 of the Shipping Act 1998, I do hereby make these Regulations –

**PART 1 – PRELIMINARY**

tation

**1.** These Regulations may be cited as the Maritime Safety Administration (Ship and Port Security) Regulations 2011.

terpretation

**2.** (1) In these Regulations, unless the context otherwise requires –

“approved” in relation to any guideline, standard or code of practice to be applied under these Regulations, means any such document approved by the Minister in accordance with regulation 39;

“company” means a shipping company incorporated in Solomon Islands which operates a ship to which these Regulations apply;

“company security officer” means the person designated by a Company to perform the duties and responsibilities stated in Part 6 in relation to the security of the ships operated by the Company;

“contracting party” means any State which is a party to SOLAS and which has adopted and applied the ISPS Code;

“Convention” means the International Convention for the Safety of Life at Sea, 1974 (SOLAS), and “SOLAS” is the corresponding acronym;

“deadweight tonnage” means the total load of cargo, fuel, stores and ballast that a ship can carry, and “DWT” is the corresponding acronym;

- “declaration of security” means a declaration of security determined under regulation 7;
- “Director” means the Director of Marine holding office from time to time under the Act, and includes any officer of the Administration acting in the position of Director;
- “exclusion zone” means a waterside area to which access is temporarily restricted to persons authorised by the Ports Authority;
- “gross registered tonnage” means the total capacity of a vessel in tonnage units of 100 cubic feet, and “GRT” is the corresponding acronym;
- “high security level” means a security level specified by the Director under regulation 6(1);
- “International Ship Security Certificate” means an International Ship Certificate issued by the Administration in accordance with Part 9, or by a Designated Authority of a Contracting Party;
- “ISPS Code” means the International Ship and Port Facility Security Code adopted under the Convention, and as amended from time to time;
- “Maritime Administration” means the duly constituted maritime administration of a contracting party which has jurisdiction over a ship to which these regulations apply and which is not a Solomon Islands ship;
- “Maritime Security Committee” means the committee established under regulation 5;
- “master” means any person having command or charge of a ship;
- “Minister” means the Minister responsible for maritime transport;
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“port facility operator; means the manager of any port facility that provide for 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 a ship;

“port facility security officer” means a suitably qualified person designated by a Port Facility Operator to be responsible for performing the duties stated in Part 4 of these Regulations;

“port facility security plan” means a plan developed and approved in accordance with Part 4, and which provides for the application of measures designed to protect the port facility and ships, persons, cargo, cargo transport units and ship’s stores within the port facility, from the risks of a security incident;

“port security officer” means a suitably qualified person designated by the Ports Authority to be responsible for performing the duties in stated in Part 4;

“restricted area” means any area on a ship to which access is permitted only for crew, persons invited by the master or ship security officer, and other persons authorised pursuant to these Regulations or the relevant safety plan;

“restricted zone” means landside areas to which access is permitted only for persons authorised by a Port Facility Operator, or persons authorised pursuant to these Regulations;

“screener” means a person who is responsible in accordance with a Security Plan approved under these Regulations, to screen people or goods for disallowed items, including any weapons or dangerous goods, which are not allowed aboard a ship or within any sterile area;

“screening procedures” means those measures applied to the inspection of people and goods, and which involve ~~checking for disallowed items to make sure that~~ the items are not carried into sterile areas or onto a ship;

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“ship security officer” means the person on board a ship, who is designated by the Company and accountable to the master, and responsible for performing the duties stated in Part 6;

“ship security plan” means a plan developed and approved in accordance with Part 6 of these Regulations for any ship to which these Regulations apply;

“Ship to which these Regulations apply” means any ship of the nature or type referred to in regulation 3(1);

“Solomon Islands ports” means any port in Solomon Islands that services ships engaged on international voyages;

“Solomon Islands ship” means any ship that is registered in Solomon Islands;

“sterile area” means an area of a port that is designated under an approved Plan, to which persons, vehicles and goods are not permitted until given security clearance in accordance with the Plan;

“unaccompanied baggage” means any baggage or other personal effects, which are not with the passenger or member of ship’s crew at the point where screening takes place;

“unlawful interference” includes any of the following types of acts committed by a person without a lawful excuse –

- (a) seizing, or exercising control of, a ship by force, or threat of force, or any other form of intimidation;
  - (b) damaging or destroying a ship that is in service;
  - (c) placing, or causing to be placed, on board a ship in service a thing that is likely to -
    - (i) destroy the ship; or
    - (ii) endanger its safety;
  - (d) ~~communicating information, which is known~~ to be false, thereby endangering the safety of a ship; and
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- (e) committing an act of violence against a person, property or the environment at a port, if the act -
  - (i) causes, or is likely to cause, injury or death; and
  - (ii) endangers, or is likely to endanger, the safe and efficient operation of the port or the safety of anyone at the port; or

and includes any attempt to commit any of the above acts.

(2) The Administration shall be the "Designated Authority" under the International Ship and Port Facility Code, and the term "Contracting Government" wherever it may be used in relation to the ISPS Code shall include a reference to the Designated Authority.

(3) Terms not otherwise defined in these Regulations shall have the same meaning as the meaning attributed to them in the ISPS Code and the SOLAS Convention.

Application of  
these Regulations

3. (1) These Regulations apply to -
- (a) Solomon Islands passenger ships, including high-speed craft, engaged on international voyages;
  - (b) Solomon Islands cargo ships, of 500 gross tonnage and upwards, engaged on international voyages;
  - (c) ports and port facilities within ports in Solomon Islands that serve vessels engaged on international voyages;
  - (d) all foreign vessels in Solomon Islands waters to which the SOLAS Convention applies; and
  - ~~(e) fishing vessels of 12 metres in length and above which are fishing in the Exclusive Economic Zone of Solomon Islands.~~

(2) Notwithstanding the provisions of sub-regulation (1), the Director may determine the nature and extent of the application of these Regulations to any port facilities serving ships on domestic voyages, and which occasionally serve ships arriving or departing on international voyages.

**PART 2 – ROLES OF THE ADMINISTRATION**

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|----|-----|--|--|
| 4. | (1) | The Administration is responsible for –  | Responsibilities<br>of the<br>Administration |
|    | (a) | initiating, developing, promoting and reviewing maritime security policy, legislation, standards and procedures;   |  |
|    | (b) | auditing and enforcing compliance with maritime security policy, legislation, standards and procedures;  |  |
|    | (c) | approving Security Plans in accordance with these Regulations;   |  |
|    | (d) | coordinating the maritime security policy response to any threat, and any act which threatens the security of the maritime transport sector;                                       |  |
|    | (e) | coordinating the provision of intelligence and information on threats to the maritime industry;  |  |
|    | (f) | providing advice on maritime security to government, industry and the public.  |  |
|    | (g) | ensuring that all ships to which these Regulations apply hold valid International Ship Security Certificates in accordance with Part 9 of these Regulations and the ISPS Code; and |  |
|    | (h) | advising of the need for additional security measures to be taken.   |  |

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(2) The Administration shall provide administrative and technical support to the Maritime Security Committee.

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the Maritime  
Security Committee

5. (1) The Maritime Security Committee is established by this Regulation consisting of the following members –

- (a) the Director, who shall be Chairperson;
- (b) the General Manager of the Ports Authority, who shall be Deputy Chairperson; and
- (c) other members appointed under sub-regulation (2)

(2) The Minister shall appoint members to the Maritime Safety Committee, to include appropriate representation of-

- (a) Government Ministries, Departments and agencies whose functions and responsibilities -
  - (i) require their presence in a port; and
  - (ii) relate to security and safety;
- (b) private companies having operations within ports, or which provide services to the maritime sector; and
- (c) the shipping industry

(3) Meetings of the Maritime Security Committee shall be convened when considered necessary by the Director.

(4) The functions of the Maritime Safety Committee shall be to -

- (a) coordinate the implementation of national maritime security measures in Solomon Islands ports and on ships in Solomon Island waters;
  - (b) provide a forum for the discussion of maritime security matters affecting port operations, port users and ships visiting Solomon Island ports;
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- (c) draw up and maintain a list of vulnerable points of the ports, including essential equipment and facilities, and review their security implications from time to time;
- (d) provide a forum for communication between port operators, port users and shipowners on issues of security and procedures in place to meet threats,
- (e) provide information to all ports users and ships on approved security plans and procedures, and approved contingencies for periods of heightened tension and emergency situations;
- (f) otherwise promote security awareness amongst port workers and users, and shipowners.
- (g) liaise with external agencies on security issues and responses to threats; and
- (h) ensure that maritime security measures and processes are implemented in a coordinated manner.

(5) The Administration shall ensure that a record of each meeting is kept, and that minutes are forwarded, either in written or electronic form, to all committee members in advance of each meeting.

(6) The Director shall convene a meeting of the Committee in response to any reported security incident, and the Committee shall make arrangements for the establishment of a support team to effectively coordinate a response to the incident.

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(7) The functions of a support team appointed by the Committee under sub-regulation (6) shall be to –

- (a) provide technical and operational advice and assistance to the police in relation to operational matters and resources available at a port;
- (b) consult with the police and ensure the orderly conduct of other operations in the port that are not associated with or affected by the incident; and
- (c) provide incident-related advice and information to their respective organisations and to the Administration.

Administration to  
Security Levels

6. (1) After consultation with the Maritime Safety Committee, the Director shall specify in writing security levels for the purposes of these Regulations, which shall generally reflect the following designations –

- (a) “Security Level 1” indicates the level for which minimum appropriate protective security measures must be maintained at all times;
- (b) “Security Level 2” indicates the level for which appropriate additional protective security measures must be maintained for a period of time as a result of heightened risk of a security incident; and
- (c) “Security Level 3” indicates the level for which further specific protective security measures must be maintained for a limited period of time when a security incident is probable or imminent, although it may not be possible to identify the specific target.

(2) Where there is greater likelihood of occurrence of a security incident a higher security level shall be applied as specified in sub-regulation (1), and the factors to be considered in applying the appropriate security level shall 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.

(3) After consultation with the Maritime Safety Committee, the Director shall issue appropriate instructions whenever necessary, and shall provide security related information to the ships and port facilities that may be affected by a security threat.

(4) A higher levels of alert the Director may impose additional preventive and protective security measures, and such measures may be applied to an entire port, specific port operations or certain port facilities.

(5) Additional security measures may be implemented either at the direction of the Director, or on the initiative of the Ports Authority or ship owner or master, who shall promptly notify the Director of the implementation of the measures.

(6) The Director may delegate to a Recognised Security Organisation certain duties and responsibilities under these Regulations, but no such delegation may be to permit –

- (a) the setting of the applicable security level;
  - (b) the approval a Port, Port Facility or Ship Security Assessment, and subsequent amendments to an approved assessment;
  - (c) the determination of the port or port facilities that will be required to appoint a Port or Port Facility Security Officer; or
  - (d) the approval of a Port, Port Facility or Ship Security Plan, and subsequent amendments to an approved plan.
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## PART 3 – DECLARATIONS OF SECURITY

Declaration of  
security

7. (1) A Declaration of Security may be made under this regulation to facilitate agreement a ship and a port facility, or with other ships with which the ship interfaces, as to the respective security measures each will undertake in accordance with the provisions of their respective approved security plans.

(2) The Director 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.

(3) The owner or master of a ship can request 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 agreement on a Declaration of Security between Contracting 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;
- (d) the ship is at a port that is not required to have and implement an approved port or 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.

Initiating a  
Declaration of  
Security

8. (1) A Declaration of Security shall be initiated in accordance with this regulation in respect of a port or port facility when the Director deems it necessary or when the owner or master of a ship makes a written request and states adequate grounds for a Declaration of Security to be initiated that are consistent with regulation 7(3).

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- (2) The need for a Declaration of Security may be indicated by the results of the Port Facility Security Assessment, and the reason and circumstances in which a Declaration of Security is required shall be set out in the Port Facility Security Plan.
- (3) The need for a Declaration of Security may be indicated by the Maritime Administration for ships entitled to fly its flag or as a result of a ship security assessment, and shall be set out in the ship security plan.
- (4) A Declaration of Security may be requested at higher security levels if –
- (a) a ship has a higher security level than the port facility, or another ship with which it interfaces; or
  - (b) ship-to-port interface or ship-to-ship activities pose a higher risk to persons, property or the environment for reasons specific to that ship (including its cargo or passengers), or the circumstances at the port facility or a combination of these factors.
- (5) If a ship or a Maritime Administration, on behalf of ships entitled to fly its flag, requests the imposition of a Declaration of Security, the Port Facility Security Officer or Ship Security Officer shall acknowledge the request and undertake consultations about appropriate security measures.
- (6) A Port Facility Security Officer may also initiate a Declaration of Security prior to ship-to-port interfaces that are identified in the approved Port Facility Security Assessment as being of particular concern, including –
- (a) embarking or disembarking passengers; and
  - (b) transferring, loading or unloading dangerous goods or hazardous substances.
- (7) A Port Facility Security Assessment may also identify facilities at or near highly populated areas or economically significant operations that warrant a Declaration of Security.
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Form of a  
Declaration of  
Security

9. (1) All Declarations of Security shall be in a form that complies with the ISPS Code, and any requirements imposed from time to time by the Director.

- (2) An agreed Declaration of Security must -
- (a) be signed and dated by the relevant port facility security officer and the ship security officer of any relevant ship or ships;
  - (b) indicate compliance with SOLAS Chapter XI-2 and Part A of the ISPS Code;
  - (c) state its duration, the relevant security level, or levels; and
  - (d) provide the relevant contact details for all parties.

(3) The Declaration of Security must be completed in the English language.

(4) A Declaration of Security must address the security requirements that can be shared between a port facility and a ship (or between ships), and must state the responsibility for each.

(5) A Declaration of Security must specify the minimum period for which it shall be applied by port facilities located within Solomon Islands.

(6) The Administration must specify the minimum period for which Declarations of Security shall be applied by ships entitled to fly the Solomon Islands flag.

Review of a  
Declaration of  
Security

10. A change in the security level may require that a new or revised Declaration of Security be initiated and completed in accordance with this Part.

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**PORT 4 – SECURITY SECURITY**

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| 11. | (1) | The Ports Authority must -  | Responsibilities of<br>the Ports Authority       |
|     |     | <ul style="list-style-type: none"> <li>(a) establish a Port Security Committee comprising senior officers of the Ports Authority;</li> <li>(b) conduct a Port Security Assessment and prepare a Port Security Plan for each port under its authority;</li> <li>(c) submit each Port Security Plan for approval by the Director;</li> <li>(d) appoint a Port Security Officer for each port under its authority;</li> <li>(e) enforce compliance with the provisions of a Port Security Security Plan, and with additional security measures required by the Administration from time to time; and</li> <li>(f) initiate periodic internal audits or reviews of the Port Security Plan to ensure compliance with, and the effectiveness of, existing security measures.</li> </ul> |  |
|     |     | <p>(2) All actions taken by the Ports Authority under sub-regulation (1) must be in accordance with all guidelines, standards and codes or practice recommended by the Maritime Safety Committee, or imposed by the Director from time to time.</p>   |  |
| 12. |     | Port Security Officers must -   | Responsibilities of<br>Port Security<br>Officers |
|     |     | <ul style="list-style-type: none"> <li>(a) in consultation with Port Facility Security Officers, ensure that appropriate security measures are maintained at the port;</li> <li>(b) maintain and supervise the implementation of the Port Security Plan, including any amendments to the Plan;</li> </ul>   |  |
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- (c) propose modifications to the Port Security Plan;
- (d) report to the General Manager of the Ports Authority any deficiencies and compliance issues identified during internal audits, periodic reviews, security inspections and verifications of compliance;
- (e) implement any necessary corrective measures;
- (f) attend meetings of the Port Security Committee;
- (g) enhance security awareness and vigilance by all employees of the Ports Authority;
- (h) ensure adequate security training has been provided to port employees and agents with regard to their security roles and responsibilities, and the maintenance of training records;
- (i) ensure that security equipment is appropriate operated, tested, calibrated and maintained;
- (j) ensure effective communication and cooperation between the port and members of the Port Security Committee;
- (k) report all security incidents to the Administration; and
- (l) oversee the distribution of copies of the Port Security Plan, and maintain a record of all authorised holders of the Plan.

Security Plans **13.** (1) Port Security Officers must prepare a Draft Port Security Plan on behalf of the Ports Authority, which must –

- (a) meet the requirements of these Regulations, any guidelines, standards and codes of practice applied by the Administration, and the provisions of the ISPC Code;

- (b) be based upon the findings of the Port Security Assessment;
  - (c) reflect the views of the Maritime Safety Committee; and
  - (d) be signed by the Manager of the Ports Authority.
- (2) Draft Port Security Plans must be submitted by the Ports Authority to the Director, who may endorse the draft plan for circulation to all relevant stakeholders, as determined by the Director.
- (3) A Port Security Plan shall become effective upon final approval by the Director after consideration of comments from stakeholders and when appropriate modifications have been made to the satisfaction of the Director.
- (4) All approved Port Security Plans must -
- (a) be treated as confidential and made available only to those employees of the Ports Authority who have responsibilities relating to the implementation of particular aspects of the Plan; and
  - (b) not be reproduced or transmitted, in any form or by any means, without the written consent of the Port Security Officer.
- (5) The Port Security Officer may review an approved Plan from time to time, and any review shall have regard to -
- (a) developments in relation to human and other resources, and advances in security procedures; and
  - (b) experience gained in relation to security by other port authorities.
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(6) The Port Security Officer may prepare an amended Port Security Plan if, after review of the approved Plan, the Port Security Officer is satisfied that -

- (a) the approved Plan is no longer adequate for any one or more of the Plan's purposes; or
- (b) the effectiveness of the Plan for those purposes could be substantially improved.

(7) The Port Security Officer must submit an amended Plan to the Director for approval.

Port Facility  
Security Plans

**14.** (1) All Port Facility Operators must conduct a Port Facility Security Assessment and prepare a Draft Port Facility Security Plan, to be issued under the authority of Port Facility Security Officer.

(2) A Draft Port Facility Security Plan must -

- (a) meet the requirements of these Regulations, any guidelines, standard and codes of practice applied by the Director, and the provisions of the ISPS Code;
- (b) be based upon the findings of the Port Facility Security Assessment; and
- (c) reflect the views of the Maritime Safety Committee.

(3) The Director shall review the Draft Plan and may approve its contents prior to its circulation to stakeholders identified by the Director.

(4) A Port Facility Security Plan shall become effective upon final approval by the Director.

(5) Each Port Facility Security Plan shall be incorporated into the relevant Port Security Plan.

(6) The Port Facility Security Officer may review an approved Plan from time to time, and any review shall have regard to -

- (a) developments in relation to human and other resources, and advances in security procedures; and

- (b) experience gained in relation to security by other port authorities and port facilities.

(7) The Port Facility Security Officer may prepare an amended Port Facility Security Plan if, after review of the approved Plan, the Port Security Facility Officer is satisfied that -

- (a) the approved Plan is no longer adequate for any one or more of the Plan's purposes; or
- (b) the effectiveness of the Plan for those purposes could be substantially improved.

(8) The Port Facility Security Officer shall submit an amended Plan to the Director for approval.

15. (1) All port facility operators, and their less and tenants, are responsible for - Responsibilities of  
Port Facility  
Operators

- (a) the security of their facilities and areas specifically allocated for their use;
- (b) maintaining access control procedures as they apply to any of their facilities; and
- (c) ensuring that any staff or other persons, such as contractors, who enter restricted zones or sterile areas do so only on current essential duties related to that area; and
- (d) ensuring compliance with the requirements of these Regulations by contractual arrangements other appropriate means.

(2) All port facility operators, and their lessees and tenants, may be required by the Ports Authority or the Administration to comply with security systems and procedure variations resulting from increases in maritime security threats.

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Security exercises

16. (1) Security exercise to test measures and response arrangements must be conducted by the Ports Authority and Port Facility Operators at times required by the Director, and in accordance with any guidelines and codes of practice applied by the Administration under these Regulations.

(2) Security exercise shall take the form of -

- (a) theoretical or desktop exercises;
- (b) simulated incidents to practice response and handling arrangements; and
- (c) any other exercise, operation or procedure stated in any approved guideline or code of practice.

(3) Security exercise shall test response arrangements to a simulated act of unlawful interference, and -

- (a) practice call out of all involved elements;
- (b) test the adequacy of facilities;
- (c) involve members of the port security committee in the provision of effective support to police operational elements; and
- (d) test the adequacy of applicable contingency plans.

(4) The relevant Port Security Officer and Port Facility Security Officers must review each security exercise and submit a formal report to the Director, and the Maritime Security Committee, within 1 month of the completion of each exercise.

Responsibilities  
Port employees  
Agents

17. (1) All employees and agents of the Ports Authority whose duties require them to implement security controls at the port or routinely access a restricted zone at the port have a responsibility to ensure that the protective security arrangements covered by this Plan are observed at all times.

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- (2) Any employee or agent who -
- (a) becomes aware of any breach or suspected breach of security arrangements;
  - (b) identifies any deficiency in the Plan; or
  - (c) observes activities of a suspicious nature -

must report the matter immediately to the relevant Port Security Officer.

18. All persons who enter a port must comply with all regulatory provisions brought to their notice by any means including public notices, signs, announcements, publications or verbal directions or instructions. Responsibilities of other port users

#### PART 5 – OBLIGATIONS OF SHIPS ENTERING PORT

19. (1) As stipulated in a Code of Practice approved under regulation 39, or as otherwise required by the Director from time to time, certain ships or classes of ships intending to enter a Solomon Islands port may be required to provide the following information and supporting evidence - Information to be provided by ships prior to entry into port

- (a) confirmation that the ship possesses a valid internationally recognised security certificate, and the name of its issuing authority;
- (b) details of the security level at which the ship is currently operating;
- (c) details of the security level at which the ship operated in the previous 10 calls at port facilities where it has conducted a ship-to-port interface, and details of any special or additional measures that were taken by the ship during that timeframe, including -
  - (i) any records of the measures taken while visiting a port facility located in the territory of a State which is not a Contracting Party, especially those measures that would normally have been provided by port facilities located in the territories of Contracting Governments; and

- (ii) any Declarations of Security that were entered into with port facilities or other ships;
  - (d) confirmation that appropriate ship security procedures were maintained during ship-to-ship activity conducted within the period of the last 10 calls at a port facility, including -
    - (i) records of the measures taken while engaged in a ship-to-ship activity with a ship flying the flag of a State which is not a Contracting Government, including those measures that would normally have been provided by ships flying the flag of Contracting Governments;
    - (ii) records of the measures taken while engaged in a ship-to-ship activity with a ship that is flying the flag of a Contracting Government but is not required to comply with the provisions of chapter XI-2 and part A of the Code, including a copy of any security certificate issued to that ship under other provisions; and
    - (iii) in the event that persons or goods rescued at sea are on board, all known information about such persons or goods, including their identities and the results of any checks run on behalf of the ship to establish the security status of those rescued, but only to the extent that it does not delay or prevent the delivery of those in distress at sea to a place of safety;
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- (e) particulars of other practical security related information required by the Director from time to time, or under an approved Code or Practice including -
- (i) information contained in the Continuous Synopsis Record;
  - (ii) location of the ship at the time the report is made;
  - (iii) expected time of arrival of the ship in port;
  - (iv) a complete crew list;
  - (v) a general description of cargo aboard the ship;
  - (vi) a complete passenger list;
  - (vii) information regarding parties responsible for appointing shipboard personnel, including ship management companies; manning agents, contractors and concessionaries;
  - (viii) information regarding parties responsible for deciding the employment of the ship including, time or bareboat charterers, or any entity acting in such a capacity; and
  - (ix) in cases when the ship is employed under the terms of a charter party, the contact details of those parties including time or voyage charterers.

(2) Provision of the information stated in sub-regulation (1) shall be a condition of entry into port.

(3) All information required under this regulation must be provided -

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- (a) in the English language; and
  - (b) 24 hours before the ship's estimated time of arrival into the port.
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assessment of  
information related  
to ships prior to  
entry into port

**20.** (1) If a master declines to provide information requested in accordance with regulation 19, the Director or the Harbourmaster may deny the ship entry into port, and in any such case the Administration shall, by the most expeditious means, ensure that the Flag State Administration of the ship is informed in writing (by facsimile or e-mail) specifying the reasons for declining entry.

(2) If the assessment of available information regarding a ship does not establish clear grounds that the ship is contravening these Regulations or the ISPS Code, the Director may allow the ship to enter port.

(3) If the assessment of available information regarding the ship shows that there are clear grounds to believe that the ship is contravening these Regulations and the requirements of Chapter XI-2 or Part A of the ISPS Code, the Director shall attempt to establish communication with the ship and the relevant Flag State Administration, in order to remedy the non-compliance.

(4) If the communication does not result in rectification of the apparent non-compliance, or if the Director has clear grounds for believing the ship is contravening these Regulations, the Director may -

- (a) allow the ship to enter the port, knowing that the ship is apparently non-compliant; or
- (b) inspect the ship before it enters port; or
- (c) deny the ship entry into port.

#### **PART 6 – SHIP SECURITY**

responsibilities for  
Ship Security

**21.** (1) Any company which owns a ship to which these Regulations apply that is registered in Solomon Islands or operating in Solomon Islands waters must -

- (a) appoint a Company Security Officer to oversee all security arrangements of the Company, and to ensure that the Company and each of its Ship Security Officers comply with these Regulations and the ISPS Code;
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- (b) appoint a Ship Security Officer with responsibilities to apply and enforce these Regulations in relation to the designated ship for which the officer is responsible;
- (c) ensure that Ship Security Assessment are undertaken and that Ship Security Plans are prepared and approved for each ship operated by the company;
- (d) enforce compliance with the provisions of each Ship Security Plan, and with additional security measures required by the Administration from time to time; and
- (e) ensure that periodic internal audits or reviews are undertaken for each Ship Security Plan.

(2) All actions taken by a company under sub-regulation (1) must be in accordance with all guidelines, standards and codes of practice recommended by the Maritime Safety Committee, or imposed by the Director from time to time.

22. (1) Any company which owns a ship to which these Regulations apply must conduct a Ship Security Assessment and produce a Ship Security Plan for each ship that it operates on international voyages that - Ship Security Plans

- (a) meets the requirements of these Regulations;
- (b) complies with all standards and requirements approved from time to time by the Maritime Security Committee, or imposed by the Director; and
- (c) be issued under the authority of Company Security Officer.

(2) The Director must review each draft Ship Security Plan and must give approval prior to the Company putting the Plan into effect.

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- (3) An approved Ship Security Plan must -
- (a) be treated as confidential and made available only to those crew members who have responsibilities relating to the implementation of particular aspects of the Plan in relation to the ship; and
  - (b) not be reproduced or transmitted, in any form or by any means, without the written consent of the Company Security Officer.
- (4) No part of an approved Ship Security Plan may be reproduced or transmitted, in any form or by any means, without the written consent of the Company Security Officer.
- (5) The Company Security Officer may review an approved Plan from time to time, and any review shall have regard to -
- (a) developments in relation to human and other resources, and advances in security procedures; and
  - (b) experience gained in relation to security involving ships.
- (6) The Company Security Officer may prepare an amended Ship Security Plan if, after review of the approved Plan, the Company Security Officer is satisfied that -
- (a) the approved Plan is no longer adequate for any one or more of the Plan's purposes; or
  - (b) the effectiveness of the Plan for those purposes could be substantially improved.
- (7) The Company Security Officer must submit an amended Plan to the Director for approval.
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23. (1) Each Company Security Officer must -
- Responsibilities of  
Company Security  
Officers and Ship  
Security Officers
- (a) give advice to the Company and any master of a ship operated by the company on international voyages, of the level of threats likely to be encountered by the ship, utilising appropriate security assessment and other relevant information;
  - (b) ensure that ship security assessments are carried out and regularly reviewed;
  - (c) ensure that a Ship Security Plan for each of the company's ships used on international voyages is prepared, approved and implemented in accordance with these Regulations and the ISPS Code;
  - (d) ensure that each Ship Security Plan is amended from time to time to address each of the security requirements of the individual ship;
  - (e) arrange for internal audits and reviews of security activities relevant to the company's operations;
  - (f) ensure that deficiencies identified during internal audits, periodic reviews, security inspections and verifications of compliance are promptly addressed and dealt with;
  - (g) enhance security awareness and vigilance by the company's employees and agents;
  - (h) ensure adequate training is provided to company personnel responsible for any aspect of the security of a ship;
  - (i) ensure effective communication and cooperation between the Ship Security Officer and the relevant Port and Port Facility Security Officers;
  - (j) ensure consistency between security requirements and safety requirements;
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- (k) ensure that the plan for each ship accurately reflects the ship-specific information in any sister-ship or fleet security plans adopted by the company;
- (l) ensure that any alternative or equivalent arrangements approved for a particular ship or group of ships are implemented and maintained; and
- (m) authorise the issue of copies of each Ship Security Plan to appropriate personnel, and maintain a record of all authorised holders of Plans.

(2) Each Ship Security Officer must -

- (a) undertake regular security inspections of the ship to ensure that appropriate security measures are maintained;
  - (b) maintain and supervise the implementation of the Ship Security Plan, including any amendments to the Plan;
  - (c) coordinate the security aspects of the handling of cargo and ship's stores with other shipboard personnel and with the relevant Port and Port Facility Security Officers;
  - (d) propose modifications to the Ship Security Plan;
  - (e) report of the Company Security Officer any deficiencies identified during internal audits, periodic reviews, security inspections and verifications of compliance, and implement necessary corrective actions;
  - (f) enhance security awareness and vigilance on board the ship;
- 
-

- (g) ensure adequate training is provided to shipboard personnel with regard to their security roles and responsibilities, and the maintenance of training records;
- (h) report all security incidents to the Company Security Officer and the Director;
- (i) coordinate the implementation of the Ship Security Plan with the Company Security Officer and the relevant Port and Port Facility Security Officers; and
- (j) ensure that security equipment is properly operated, tested, calibrated and maintained.

24. (1) All ships' crews and other employees and agents of a company to which these Regulations apply, must ensure that the protective security arrangements prescribed in a Ship Security Plan are observed at all times. Responsibilities of company employees and agents

(2) All crew members and other employees or agents of a company to which these Regulations apply, who -

- (a) observes or becomes aware of any breach or suspected breach of security arrangements;
- (b) identifies any deficiency in the Plan in relation to a matter which is under the responsibility of that person; or
- (c) observes activities of a suspicious nature on board a ship or affecting the security of a ship -

must report the matter immediately to the Company Security Officer or Ship Security Officer.

25. Nothing in these Regulations removes from the master the overriding authority and responsibility to make decisions with respect to the safety and security of the ship, and to request the assistance of the Company or of any government as may be necessary. Overriding authority of masters

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## PART 7 – DEALING WITH SECURITY THREATS

Contingency  
Procedures at Ports

26. (1) All employees and agents of the Ports Authority or of a Port Facility Operator who becomes aware of an act of unlawful interference to any aspect of a Port Safety Plan or procedures, or of an unlawful threat to security at a port or involving a ship, must report the incident or threat as soon as practicable to the Port Security Officer.

(2) Where the incident or threat may impact upon another organisation, the Port Security Officer must provide details of the incident or threat to an appropriate representative of the organisation as soon as possible.

(3) Assessing and classifying threats in accordance with this regulation is the responsibility of -

- (a) the Ports Authority, if the threat is against any of the port's facilities or operations; or
- (b) the Port Facility Operator, if the threat is against any of the operator's facilities or operations.

(4) Threats are to be classified as either "Genuine", in which case appropriate response procedures are to be implemented, or as a "Hoax", in which case no further action (other than to report the incident to the local police and the Administration) is necessary.

(5) Where the search of a building or facility over which the Ports Authority or Port Facility Operator has management control is considered necessary, the threat shall be considered to remain genuine until the Port Security Officer advises that the threat has been reclassified as a hoax, or any suspicious object discovered during the search has been removed, or rendered and declared safe.

(6) The Port Security Officer must report to the local police details of significant breaches of security or threats impacting upon the operations of the Ports Authority or Port Facility Operator which involve any act or threat of violence.

(7) The Port Security Officer must report to the Administration at the earliest opportunity, all security related incidents and all actual or suspected acts of terrorism, impacting upon the operation of the Ports Authority or Port Facility Operator, including -

- (a) the discovery of weapons or prohibited items (including explosive devices) within the Port of Port Facility;
- (b) any unauthorised access to restricted areas;
- (c) any unauthorised access to a ship
- (d) any bomb or sabotage threats;
- (e) disruptive or abusive behaviour by passengers, stevedores or other employees in the port area; and
- (f) incidents that have attracted any media attention.

(8) Contingency procedures must be developed and maintained to provide for situations that could present a threat to the security of the Port or Port Facility, and these procedures shall form part of the Port Security Plan or Port Facility Security Plan.

(9) Port Security Plans and Port Facility Security Plans must provide for emergency procedures for incidents involving -

- (a) bomb search routine;
- (b) evacuation procedures;
- (c) security equipment failure; and
- (d) action to be taken in respect of any major security incidents at the port.

(10) A preliminary report must be forwarded to the Administration if it may not be possible to provide a full report within a reasonable time frame due to the need to undertake further investigations.

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(11) All reports provided to the Administration by a Port Security Officer must include the information specified in Annex VI of the ISPC Code and any requirement imposed from time to time by the Director.

Contingency  
procedures for  
ships

27. (1) Any person who becomes aware of an act of unlawful interference to a ship at sea or in port, or of an unlawful threat to security involving a ship, must report the incident or threat as soon as practicable to the Ship Security Officer and the Company Security Officer.

(2) Where the incident or threat may impact upon another organisation, the ship's master or the relevant Security Officer must provide details of the incident or threat to an appropriate representative of the organisation as soon as possible.

(3) Assessing and classifying threats in accordance with this regulation is the responsibility of the owner, charterer and master of the ship.

(4) Threats are to be classified as either "Genuine", in which case appropriate response procedures are to be implemented, or as a "Hoax", in which case no further action (other than to report the incident to the local police and the Administration) is necessary.

(5) Where any search is considered necessary, the threat shall be considered to remain genuine until the master or Company Security Officer advises that the threat has been reclassified as a hoax, or any suspicious object discovered during the search has been removed, or rendered and declared safe.

(6) The master or Company Security Officer must report to the local police details of significant breaches of security or threats impacting upon the operations of the ship which involve any act or threat of violence.

(7) The master or Company Security Officer must report to the Administration and the Company at the earliest opportunity, all security related incidents and all actual or suspected acts of terrorism impacting upon the operations of the ship or any port or port facility, including -

- 
- (a) the discovery of weapons or prohibited items (including explosive devices) aboard the ship;
-

- (b) any unauthorised access to restricted areas;
  - (c) any unauthorised access to the ship
  - (d) any bomb or sabotage threats;
  - (e) any disruptive or abusive passengers or crew; and
  - (f) incidents that have attracted media attention.
- (8) Contingency procedures must be developed and maintained to provide for situations that could present a threat to the security of the ship and to a Port or Port Facility, and these procedures shall form part of the Ship Security Plan.
- (9) Ship Security Plans must provide for emergency procedures for incidents involving -
- (a) bomb search routine in port;
  - (b) bomb search routine at sea;
  - (c) repelling unsolicited boarders at sea;
  - (d) evacuation of the vessel;
  - (e) security equipment failure; and
  - (f) security procedures while in dry-dock or during extended maintenance.
- (10) A preliminary report must be forwarded to the Administration if it may not be possible to provide a full report within a reasonable time frame due to the need to undertake further investigations.
- (11) All reports provided to the Company or to the Administration by a Ship or Company Security Officer must include the information specified in Annex VII of the ISPS Code and any requirement imposed from time to time by the Director.
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**PART 8 – SECURITY TRAINING**

Security Training  
Ports

28. (1) The Ports Authority is responsible for developing and maintaining the security awareness and training at Solomon Island ports, and must provide appropriate programs and courses for its employees and agents, and those of port facility operators.

(2) The Port Security Officer must ensure that employees and agents of the Ports Authority are provided with a basic level of training, the object of which is to establish a minimum mandatory level of security awareness, including training relating to -

- (a) port layout and organisations within the port area;
- (b) the role of the Ports Authority, the Administration, Police and other government agencies;
- (c) fundamental port security procedures;
- (d) access control within port areas;
- (e) threat response; and
- (f) other appropriate training specific to their duties.

(3) The Port Security Officer must ensure that employees and agents of the Ports Authority who have responsibilities relevant to port security, undertaken more advanced training, including instruction relating to -

- (a) principles of protective maritime security;
  - (b) applicable legislation and legal requirements;
  - (c) IMO standards applicable to maritime security;
  - (d) the administration and enforcement of these Regulation;
  - (e) the role of other law enforcement agencies in relation to maritime security;
- 
-

- (f) screening procedures and requirement applying to passengers, crews, cargo and baggage;
- (g) bomb threat assessment; and
- (h) search and evacuation procedures.

(4) Training modules, programs and courses provided under this regulation must be reviewed periodically with regard being given to developments in relevant equipment and internationally accepted procedures, and courses involving refresher training must be devised and offered to achieve full compliance with these Regulations and the ISPS Code.

(5) The Port Security Officer must ensure that records relating to the content, duration and dates of training activities undertaken by employees and agents of the Ports Authority are retained on an on-going basis for at least the previous 5 years.

(6) Port Facility Security Training is the responsibility of the Port Facility Operator, and the operator is responsible for developing and maintaining security awareness and providing training to its employees and agents, which must meet the requirements of this regulation.

**29.** (1) Owners and masters of each ship must ensure that all crew members are provided with sufficient training to enable them to understand and carry out their security responsibilities in accordance with these Regulations and the approved security plan. Security Training  
for Ships

(2) Security training to ship's crews must consist of initial training in procedures and practices applicable to their position, and appropriate refresher training which takes into account development in relation to the security equipment and internationally accepted maritime security procedures.

(3) The Ship Security Officer must ensure that records relating to the content, duration and dates of training activities undertaken by crew members are retained on an on-going basis for at least the previous 5 years.

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(4) Crew members on voyages to destinations beyond Solomon Islands must be provided with current travel advice information prepared by the Government and relating to the foreign ports they are to be visited by the ship, and the potential impact that any special port security procedures applying at those ports of call may have in relation to the operations of the ship.

**PART 9 – INTERNATIONAL SHIP SECURITY CERTIFICATES**

required to hold a certificate

**30.** (1) All ships to which these Regulations must hold an International Ship Security Certificate which is current for the entire period of its voyage within Solomon Islands waters.

(2) The master of each ship to which these Regulations apply must produce a the International Ship Security Certificate, or provide any details relating to it, whenever required to do so by the Administration or the Ports Authority.

verification and intermediate verifications

**31.** (1) Prior to the issue or renewal of an International Ship Security Certificate by the Administration, the ship must have been subjected to -

- (a) an initial verification undertaken by the Administration, if the ship is not currently holding a Certificate;
- (b) a renewal verification at a time specified by the Director when the Certificate was first issued by the Administration;
- (c) at least one intermediate verification during the currency of the Certificate; and
- (d) any additional verification required from time to time by the Director.

(2) All verifications must be conducted in accordance with any requirements determined by the Director, and shall involve -

- (a) verification of the ship's security system;
  - (b) an assessment of compliance by the ship with these Regulations, the approved ships security plan and training requirements; and
- 
- (c) the fitness of the ship for its intended service.

(3) If only one intermediate verification is carried out during the currency of a Certificate, the verification must take place between the second and third anniversary of the issue of the Certificate.

(4) All intermediate verifications shall be endorsed on the Certificate.

(5) If an intermediate verification is conducted before the time specified by the Director when the Certificate is issued -

- (a) the expiry date shown on the Certificate shall be amended by endorsement to a date which shall not be more than 3 years later than the date on which the intermediate verification was conducted; or
- (b) the expiry date may remain unchanged provided one or more additional verifications are carried out so that the maximum interval of 5 years between verifications is not exceeded.

32. (1) An International Ship Security Certificate may only be issued by the Administration after an initial or renewal verification has been carried out, and if the ship security systems have been found to comply with these Regulations and the ISPS Code. Issue and endorsement of Certificates

(2) Each International Ship Security Certificate issued by the Administration shall be given under the authority of the Director.

33. (1) A certificate issued by the Administration under this Part shall be valid for a term specified by the Director in the certificate, which shall not exceed 5 years. Period of Validity of Certificates

(2) If the initial term of validity is less than 5 years, the Director may, at any time prior to the expiry of the Certificate, extend the term for any period up to 5 years from the date of issue of the Certificate.

(3) The Director may specify any requirements for intermediate verifications when extending the term of a Certificate under sub-regulation (2).

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(4) The expiry date for a Certificate confirmed by a renewal verification shall be -

- (a) five years from the initial expiry date, if the renewal verification is conducted within 3 months of the initial expiry date; or
- (b) five years from the date of the renewal verification, if the renewal verification is conducted prior to 3 months before the initial expiry date; or
- (c) five years from the initial expiry date, if the renewal verification is conducted after expiry of the initial expiry date, unless the Director specifies a period of validity of less than 5 years.

(5) If a renewal verification has been completed but a new certificate cannot be issued or placed on board the ship before the expiry date of the existing certificate, the Director may endorse the existing certificate to be valid for an additional period not exceeding 3 months.

extension of  
validity of  
certificates

**34.** (1) If a ship is not in port at the time when the expiration of its Certificate occurs, the Company may apply to the Director for an extension of the Certificate.

(2) Upon application made under sub-regulation (1), the Director may extend the period of validity of the Certificate, but only for such time as is necessary for the ship to complete its voyage.

(3) No extension granted under sub-regulation (2) may be for a period of more than 3 months, and no ship which has entered the port of Honiara after the granting of an extension may leave the port before a renewal verification has been undertaken.

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(4) The Director may extend the period of validity of a Certificate for up to 1 month from the date of expiry of the existing Certificate, if -

- (a) the ship is only engaged on short voyages; and
- (b) no other extension of the Certificate has been granted.

35. (1) The Director may issue an interim Certificate to a <sup>Interim Certificate</sup> ship which -

- (a) which holds no Certificate, and has been recently delivered to Solomon Islands prior to its entry or re-entry into service;
- (b) has been recently transferred from the Solomon Islands registry to the flag of another Contracting Party;
- (c) has recently been transferred to the Solomon Islands registry to the registry of a State which is not a Contracting Party; or
- (d) is to be operated by a new Company.

(2) An Interim Certificate shall not be issued until -

- (a) the initial verification has been undertaken;
  - (b) a copy of the Ship Security Plan has been submitted to the Director by the Company Security Officer for review and approval, and it has been confirmed that it is being implemented on the ship;
  - (c) the ship has an adequate ship security alert system;
  - (d) the ship has established or implemented arrangements for security drill and training, and for internal audits; and
- 
- (e) the Ship Security Officer is discharging his or her responsibilities in accordance with these Regulations.



(3) An Interim Certificate shall be valid for a period of 6 months, and shall cease to be valid when a Certificate is issued under regulation 32.

(4) An Interim Certificate may not be extended, and no further Interim Certificate may be issued for that ship.

cancellation of  
Certificates

36. Any Certificate issued under this Part shall be deemed to be cancelled if –

- (a) the required verifications are not completed within the applicable times;
- (b) no endorsement is made as provided for by these Regulations;
- (c) the operation of the ship is transferred to another Company; or
- (d) the registration of the ship is removed from the Solomon Islands registry.

fees and charges  
Certificates

37. (1) The following fees and charges shall apply to the issue of Certificates under this Part –

- (a) for the issue of an International Ship Security Certificate \$ 5000
- (b) for any endorsement on a Certificate \$ 2500
- (c) for the issue of an Interim Certificate \$ 3000
- (d) for the conduct of any verification \$ 2000

(2) Subject to sub-regulation (3), fees prescribed under this regulation shall increase by 5% per annum, and each increased fee shall be deemed to be imposed under these Regulations from the 1st January each year after the commencement of these Regulations.

(3) Fees shall increase in accordance with sub-regulation (2), if the Director publishes a list of revised fees in the *Gazette* no later than the 30th November prior to the year for which the revised fees are to apply.

## PART 10 – MISCELLANEOUS PROVISIONS

38. (1) All provisions within ports and on board ships must obey any direction given by a member of the police force who is responding to a threat to maritime security, and must assist any such member of the police force to remove or minimise any such threat. Duties to assist police and comply with security plans

(2) All government officers performing functions and exercising lawful powers within ports or on board vessels must do so in a manner which complies with these Regulations and approved safety plans.

39. (1) The Minister may approve and publish Guidelines, Standardss and Codes of Practice for any purpose for which they are contemplated or required by these regulations, or which relate to any aspect of maritime security. Guidelines, Standards and Codes of Practice

(2) All requirements imposed under Guidelines, Standards and Codes of Practice applied under this regulation must be consistent with the ISPS Code.

(3) All approved Guidelines, Standards and Codes of Practice under these Regulations shall take effect in accordance with a Notice in the *Gazette*.

40. (1) Any person who - Offences against these Regulations

- (a) breaches any requirement under these Regulations, or any approved Guidelines, Standardss of Codess of Practice;
- (b) acts in contravention of any duty or responsibility under a safety plan approved in accordance with these Regulations;
- (c) fails to discharge any duty or responsibility imposed by these Regulations;
- (d) commits any act on board a ship or within a port which breaches any provision or requirement of the ISPS Code;

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- (e) does any act on board a ship or within a port, or which affects the operations of a ship or a port, and which constitutes a threat to security as provided for in the ISPS Code, these Regulation or an approved safety plan;
- (f) communicates any false information which may have the effect of endangering the operation of a ship, a port or a port facility;
- (g) enters any area or zone that is restricted in accordance with an approved safety plan, without authority to enter that area –

commits an offence and shall be liable upon conviction to a fine not exceeding 5000 penalty units, or to a term of imprisonment for up to 3 months, or both.

(2) Where any offence against these regulations continues for a period after the initial breach and no other penalty is provided elsewhere for the continuance of the offence, any person who commits that offence shall, in addition to any other liability, be liable upon conviction to a fine not exceeding 1000 penalty units for every day during which the offence continues.

prescribed forms  
and requirements

41. (1) The Director may, from time to time, approve forms for use in accordance with these regulations.

(2) Notwithstanding any provision of these regulations, the Director may, from time to time, impose requirements relating to any security relating procedure or to any security training required under these regulations, and such requirements shall be deemed to be prescribed requirements.

(3) All requirements imposed under this regulation must be consistent with the ISPS Code.

(4) The Director may approve, allow or apply any form or requirement applying in another jurisdiction to be the prescribed form or requirement for the purposes of these regulations.

42. The Shipping (Maritime Security) Regulations 2004 made under the Shipping Act 1998 and saved by the Maritime Safety Administration Act 2009 are hereby repealed.

Repeal of the Shipping (Maritime Security) Regulations 2004

43. (1) All formss used under the repealed regulations may be used for the purposes of these regulations until the Director exercise the powers stated in regulation 41.

Transitional and savings provisions

(2) The Appendices under the repealed regulations shall continue to have full force and effect until the Administration exercises its powers under regulations 39 and 41.

(3) All proceedings commenced for breaches of the repealed regulations are saved and may be continued as if those regulations remain in force, and proceedings may be commenced for any breach of the repealed regulations prior to the date of commencement of these regulations.

44. The provisions of these regulations shall be read and construed as supplementary to and not in derogation of the provisions of laws relating to port security and the safe operations of ships and ports, or any other laws of Solomon Islands.

Application of other laws

MADE AT HONIARA this twentieth-third day of September, 2011.

HON. JACKSON FIULAUA  
Minster for Infrastructure Development

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