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Supplement to the Sierra Leone Gazette Vol. CXLXIII, No. 27
dated 5th May, 2022

THE SIERRA LEONE PORT FACILITY AND SHIP SECURITY ACT, 2022

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SCHEDULES

No.



Sierra Leone

2022

A BILL ENTITLED

**THE SIERRA LEONE PORT FACILITY AND SHIP
SECURITY ACT, 2022**

Short title.

Being an Act to make provision for port security oversight as an additional function of the Sierra Leone Maritime Administration, to make general provision relating to ship and port security including International Ship Security Certificate, designation of officers and responsibilities of companies and ship personnel, to make provision for offences against ships and fixed platforms and to provide for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I—PRELIMINARY

Interpretation. 1. In this Act, unless the context otherwise requires -

"appropriate officer" means, in relation to -

- (a) Sierra Leone, a police officer or immigration officer; and
- (b) any other Convention country, an officer having corresponding functions, either of a police officer or of an immigration officer in Sierra Leone;

"authorised person" includes a maritime security officer referred to in Section 70, a custom officer, and any other person required to perform any official duties for the purpose of giving effect to this Act;

"Administration" means the Sierra Leone Maritime Administration established under the Sierra Leone Maritime Administration Act, 2000 (Act No. 11 of 2000);

"certificate" means a valid International Ship Security Certificate issued under section 28 or a valid Interim Ship Security Certificate issued under section 38;

"Code" means the International Code for the Security of Ships and of Port Facilities adopted on 12 December 2002, by resolution 2 of the Conference of Contracting Governments to the Convention;

"company" means an owner of a ship or an organisation or person such as the manager, or a charterer who has assumed responsibility for operation of the ship;

"Company Security Officer" means the person designated by a company for ensuring that a ship security assessment is carried out, that a ship security plan is developed, submitted for approval and thereafter implemented and maintained, and for liaison with the port facility security officers and ship security officer;

"Convention" means the International Convention for the Safety of Life at Sea 1974 together with such amendments thereof as may be in force in respect of Sierra Leone;

"Convention country" means, a country in which the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation is for the time being in force; and the Minister may by order certify that a country specified in the Order is for the time being a Convention country and any such Order for the time being in force shall be conclusive evidence that the country in question is for the time being a Convention country or where a country being a Party to the Convention has been issued a certificate from the Secretary General of the International Maritime Organisation shall be conclusive evidence that the country is for the time being a Convention country;

"customs officer" means a person employed in the customs, excise and preventive service of Sierra Leone;

"Declaration of Security" means a Declaration of Security determined by the Minister under subsection (1) and (2) of section 10;

"firearm" means a gun, rifle or pistol whether operated by force of explosives or not and is capable of discharging a shot, bullet or other missile;

"high-speed craft" means a craft capable of a maximum speed in metres per second equal to or exceeding $3.7 \sqrt{0.1667 V}$ where V is the displacement in cubic meters (m³), excluding craft the hull of which is supported completely clear above water surface in non-displacement mode by aerodynamic forces generated by ground effect;

"maritime security document" means a document issued or approved by a state party to the Convention for the purpose of Code;

"maritime security officer" means a person who is appointed under subsection (1) of section 70 to carry out maritime security functions;

"master" in relation to a ship, means the person (except a pilot) lawfully having for the time being command or charge of a ship and in relation to a fishing vessel means the skipper;

"Minister" means the Minister for the time being responsible for transport;

"mobile offshore drilling unit" means a vessel capable of engaging in drilling operations for the exploration or exploitation of resources beneath the sea bed such as liquid or gaseous hydrocarbons, Sulphur or salt.

"oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and

includes combination carriers, liquefied natural gas carrier when carrying a cargo or port cargo of oil in bulk;

"Organisation" means the International Maritime Organisation;

"passenger ship" means a ship which is constructed or which is habitually on any particular occasion used for carrying more than 12 passengers on international voyage;

"piracy" includes -

- (a) an illegal act of violence or detention or an act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft directed -
 - (i) on the high seas, against another ship or aircraft or against persons or property on board such ship or aircraft; or
 - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any state;
- (b) a voluntary act of participation in the operation of a ship or an aircraft with knowledge of fact making it a pirate ship or aircraft;
- (c) an act of inciting or of intentionally facilitating an act described in sub paragraph (a) or (b);

"pirate ship or aircraft" means a ship or aircraft under the dominant control of persons who -

- (a) intend to use such ship or aircraft for piracy; or
- (b) have used such ship or aircraft for piracy, so long as it remains under the control of those persons;

"port" means an area of water, or land and water including, installations or equipment situated in or on that land or water intended for use either wholly or partly in connection with the movement, loading, unloading, maintenance or provisioning of ships and includes -

- (a) areas of open water, between the land of the port and the open water outside the port, intended for use by ships to gain access to loading, unloading or other land-based facilities; and
- (b) areas of open water intended for anchoring or otherwise holding ships before they enter areas of water, including areas of open water between the areas of water.

"port facility" means a location, as determined by the Administration where ship-port interface take place, including areas such as anchorages awaiting berths, and approaches from seaward and includes fixed and floating platforms;

"port facility operator" means -

- (a) the owner of the port facility;

- (b) the manager of the port facility; or
- (c) any other person who is, for the time, responsible for the management of a port facility;

"port facility security officer" means a person designated under sub-section (1) of section 60 by the port facility operator; who is responsible for the development, implementation, revision and maintenance of the port facility plan and for liaising with the ships security officers and the company security officers;

"port facility security plan" means a plan developed to ensure the application of measures designed to protect a port facility, ships, persons, cargo, cargo transport units, and ship's stores within the port facility from the risks of a security incident;

"recognised security organisation" means an organisation appointed under subsection (1) of section 6;

"security incident" means a suspicious act or circumstance that threatens the security of a -

- (a) ship;
- (b) mobile offshore drilling unit and high-speed craft;
- (c) port facility;
- (d) ship-port interface; or
- (e) ship-to-ship activity;

"security level" means the qualification of the degree of risk that a security incident will be attempted or will occur;

"security level 1" means the level for which minimum appropriate protective security measures must be maintained at all times;

"security level 2" means the level for which appropriate additional protective measures shall be maintained for a period of time as a result of heightened risk of a security incident;

"security level 3" means the level for which further specific protective measures shall 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;

"security regulated port" means a port facility subject to a Declaration of Security under subsection (3) of section 10;

"Sierra Leonean ship" means a ship which is -

- (a) registered in Sierra Leone;
- (b) licensed in Sierra Leone; and
- (c) exempted by the Merchant Shipping Act, 2003 (Act No. 3 of 2003) from registration.

"ship-port interface" means the interaction that occurs when a ship is directly and immediately affected by action involving the movement of persons, goods or the provisions of port services to or from the ship;

"ship security officer" means the person on board the ship, accountable to the master, designated by the Company as responsible for the security of the ship, including implementation and maintenance of

the ship security plan and for liaison with the company security officer and port facility security officers;

"ship security plan" means a plan developed to ensure the application of measures on board the ship designed to protect persons on board, cargo, cargo transport units, ship's stores on the ship from the risks of a security incident;

"ship-to-ship activity" means any activity not related to a port facility that involves the transfer of goods or persons from one ship to another;

"ship's administration" means the competent authority of the State in which the ship is registered;

"Sierra Leone Maritime Administration" means the Sierra Leone Maritime Administration established under section 3 of the Sierra Leone Maritime Administration Act, 2000 (Act No. 11 of 2000);

"Sierra Leone waters" includes internal waters, inland waters and the territorial sea of Sierra Leone.

"USD" means the United States Dollar.

2. (1) This Act applies to - Application
- (a) the following types of ships engaged on international voyages -
 - (i) passenger ships, including high-speed passenger crafts;
 - (ii) cargo ships, including high speed craft, of 500 gross tonnage and more;
 - (b) mobile offshore drilling units that are located in Sierra Leone waters; and

- (c) port facilities within Sierra Leone that serve a ship or a mobile offshore unit specified under paragraph (a) subject to subsection (2).

(2) This Act shall not apply to -

- (a) the following ships owned or operated by the Republic of Sierra Leone and used only for non-commercial activities, -

- (i) a warship

- (ii) a ship designated for naval, military, customs or law enforcement purposes, or

- (b) part of a whole of a port that is -

- (i) protected with security, and

- (ii) under the exclusive control of Sierra Leone Armed Forces.

(3) Part B of the Code shall be read as one with this Act and shall apply subject to such modification as may be necessary to give effect to this Act.

**PART II - THE SIERRA LEONE MARITIME
ADMINISTRATION PORT SECURITY OVERSIGHT
FUNCTION.**

Sierra Leone
Maritime
Administration
port security
oversight
function.

3. The Sierra Leone Maritime Administration shall, in addition to its functions specified in section 10 of the Sierra Leone Maritime Administration Act, 2000 (Act No. 11 of 2000), -

- (a) with respect to each port facility in Sierra Leone, ensure that -

- (i) security assessment is conducted, approved and reviewed in accordance with subsection (3) of section 52;
 - (ii) security plan is developed, implemented and maintained in accordance with section 55;
 - (iii) security plan is approved in accordance with section 58;
- (b) ensure that with respect to Sierra Leone ships
 - (i) security assessment is conducted, reviewed, accepted in accordance with section 52;
 - (ii) security plan is developed, implemented and maintained in accordance with section 55;
 - (iii) security plan is approved in accordance with section 58;
- (c) ensure that appropriate security levels are applied for -
 - (i) port facilities within Sierra Leone;
 - (ii) a Sierra Leonean ship or any other ship that uses port facilities within Sierra Leone, and
 - (iii) ships that conduct ship-to-ship activities in Sierra Leonean waters;
- (d) specify and communicate the measures that must be addressed for each security level in a port facility security plan or a ship security plan;

- (e) determine a Declaration of Security under subsection (2) of section 10 in consultation with competent national bodies and the requirements for it;
- (f) conduct the necessary verification process for the issuance of certificates in accordance with section 30.

Delegation of port security oversight function.

4. (1) The Administration may, after consultation with the Minister, delegate a security oversight function under this Act to a recognised security organisation.

(2) Notwithstanding subsection (1), the Administration shall not delegate the following functions -

- (a) the setting of applicable security levels;
- (b) ensuring the conduct and approval of port facility security assessment in accordance with section 52;
- (c) determining which port facilities within Sierra Leone shall be required to -
 - (i) designate a port facility security officer; and
 - (ii) prepare a port facility security plan;
- (d) approving a port facility security plan or subsequent amendments to an approved plan;
- (e) exercising control and compliance measures and

- (f) establishing the requirements for a Declaration of Security.

(3) A delegation of a security oversight function under subsection (1) shall -

- (a) be in writing;
- (b) indicate the specified period for the delegation of the functions;
- (c) require prior written consent of the Minister.

5. Where the Administration delegates a security oversight function to a recognised security organisation under subsection (1) Effect of delegation.

- (a) the delegation shall not affect or prevent the exercise of the function by the Administration;
- (b) the Administration may after written notice to the recognised security organisation withdraw the delegation;
- (c) the Administration shall not be relieved from the ultimate responsibility for the discharge of the delegated function; and
- (d) the delegation shall be exercised only by the recognised security organisation responsible for that delegated function.

6. (1) The Administration may, for the purposes of this Act, appoint recognised security organisations. Appointment of recognised security organisations.

(2) The Administration shall, by notice published in the Gazette, -

- (a) where the Administration appoints a recognised security organisation under subsection (1), publish the appointment; and
 - (b) where a recognised security organisation ceases to operate, publish a termination of the appointment.
- (3) The Administration shall, in appointing a recognised security organisation under subsection (1), consider -
- (a) expertise of the recognised security organisation for relevant aspect of security;
 - (b) knowledge of the recognised security organisation in respect of ship and port operations, ship design and construction;
 - (c) capability of the recognised security organisation to assess the likely security risk that can occur during ship and port facility operations or ship-port interface and how to minimise such risks;
 - (d) ability of the recognised security organisation to -
 - (i) maintain and improve the expertise of their personnel;
 - (ii) to monitor the loyalty of its personnel;
 - (iii) maintain appropriate measures to avoid unauthorised disclosure of, or access to security material;
 - (e) knowledge of the recognised security organisation of -

- (i) current security threats and patterns;
- (ii) the identification and detection of weapons, dangerous substances and devices;
- (iii) behavioural patterns of persons likely to threaten security;
- (iv) techniques used to circumvent security measures; and
- (v) security and surveillance equipment systems and their operational limits.

7. The duties of a recognised security organisation shall include -
- Duties of recognised security organisation.
- (a) approval on behalf of the Administration of a ship security plan or amendment thereto;
 - (b) verification and certification of ships on behalf of the Administration in compliance with the requirements of this Act, and
 - (c) conducting a port facility security assessment as required by the Administration.

PART III—GENERAL PROVISIONS RELATING TO SECURITY

8. (1) The Administration shall in accordance with Part B of the Code set 3 separate levels of security levels namely, 1, 2 and 3 for ascendant every Sierra Leonean ship and every port or port facility in Sierra Leone.
- Administration to set separate ascendant security levels.

(2) Where it is necessary to reduce the risk of a security incident, the Administration may vary the levels of security set under subsection (1).

(3) The Administration shall periodically, in consultation with competent national bodies, review and update a security level set under subsection (1).

(4) The Administration shall, in setting the appropriate security levels, take into account -

- (a) the degree at which threat information should be taken as credible;
- (b) the degree at which threat information is corroborated;
- (c) the degree at which threat information should be taken as specific or imminent; and
- (d) the potential consequences of such a security incident.

Provision of security level information.

9. (1) Where the Administration sets security levels, it shall provide information related to the security level to -

- (a) every Sierra Leonean ship;
- (b) every port facility within Sierra Leone; and
- (c) any other ship or port facility that may be affected by the setting of the security level.

(2) Where the Administration updates information relating to a set security level under subsection (3) of section 8, it shall relay relevant security related information to the ships and ports facilities specified under paragraph (a) to (c) of subsection (1).

(3) Where the Administration sets security level 3 it shall issue appropriate instructions to ships and port facilities specified under paragraphs (a) to (c) of subsection (1).

10. (1) The Administration shall issue a notice of Declaration of Security in respect of a specified port or place. Declaration of Security.

(2) The Administration may, after assessing the risk of ship-port interface and ship-to-ship activity, determine when a Declaration of Security is required.

(3) A port to which a Declaration of Security under subsection (1) applies shall be a security regulated port.

(4) Notwithstanding subsection (3), an area that is under the exclusive control of Sierra Leone Armed Forces shall not be considered as part of a security regulated port.

11. A notice of a Declaration of Security under subsection (1) of section 10 shall, - Content of notice of Declaration of Security.

(a) indicate the boundaries of the security regulated port;

(b) specify the security requirements to be shared and indicate the respective responsibilities, between -

(i) a port facility and a ship; or

(ii) ships; and

(c) specify the minimum period for which the Declaration of Security is to be kept in force by-

(i) a port facility, and

(ii) Sierra Leonean ship.

Request for
Declaration
of Security.

12. (1) A request for a Declaration of Security may be lodged in writing by -

- (a) a master of a ship;
- (b) a ship security officer;
- (c) a port facility security officer;
- (d) such other person as the Minister may, in consultation with the master or ship security officer, determine.

(2) A request for a Declaration of Security shall be acknowledged in writing by the respective port facility or master of the ship.

(3) A request for a Declaration of Security under subsection (1) may be made where -

- (a) the ship is operating at a higher security level than the port facility or any other ship it is interfacing with;
- (b) there is an agreement on Declaration of Security between Sierra Leone and a flag state covering certain international voyages or specific ships or those voyages;
- (c) there has been a security threat or a security incident involving a port facility;
- (d) the ship is at a port which is not required to have and implement an approved port facility security plan; or
- (e) the ship is conducting ship-to-ship activities with any other ship not required to have and implement an approved ship security plan.

(4) A port facility security officer may in circumstances specified under paragraph (a) of subsection (3) request, in the form specified in Schedule I, for a Declaration of Security and lodge that request with the master of a ship or the ship security officer for the completion or modification of a Declaration of Security.

(5) The master of a ship or a ship security officer may in circumstances specified under paragraphs (d) and (e) of subsection (3), lodge a written request, in the form specified in Schedule I, with the master for the completion or modification of a Declaration of Security.

13. (1) Where Sierra Leone enters into an alternative security agreement with a flag state covering short international voyages on fixed routes between port facilities located within their territories, the Administration shall supervise the security arrangements for the respective ship and port facility covered by the agreement. Alternative security agreement.

(2) The master of a ship covered by an alternative security agreement may not conduct a ship-to-ship activity with a ship that is not covered by the same agreement unless the ship-to-ship activity is part of a search and rescue operation.

(3) The Administration shall review an alternative security agreement periodically -

(a) at an interval specified in writing by -

(i) the Administration; or

(ii) the alternative security agreement, in the absence of a specified interval; or

(b) every 5 years.

(4) The Administration shall in reviewing an alternative agreement under subsection (3) take into consideration the following factors-

- (a) experiences arising out of the agreement;
- (b) a change in the particular circumstances of a ship, port facility or route covered by the agreement; and
- (c) a change in the assessed threats to the security of a ship, port facility or route covered by the agreement.

Equivalent security arrangement.

14. (1) The Minister may authorise a Sierra Leone ship or a group of Sierra Leonean ships to implement other security measures equivalent to the security measure prescribed under -

- (a) Chapter X1 - 2 of the Convention; or
- (b) Part A of the Code,

where such security measures are as effective as security measures required for a ship under this Act.

(2) The Minister may authorise a port facility security officer of a port facility or a group of port facilities within the territorial limits of Sierra Leone, that is not covered by an alternative security agreement under section 13, to implement other security measures equivalent to security measures prescribed under -

- (a) Chapter X1 - 2 of the Convention; or
- (b) Part A of the Code,

where such security measures are as effective as security measures required for port facility under this Act.

(3) Where the Minister authorises equivalent security arrangements under subsections (1) and (2), the Administration shall as soon as practicable report the details of the arrangements to the Organisation.

15. (1) The Administration shall in accordance with such standards as it may consider appropriate, test the efficacy of - Testing of security plans

- (a) approved port facility security plan for a Sierra Leonean port facility including, subsequent amendments to the plan; and
- (b) approved ship security plan for a Sierra Leonean ship including, subsequent amendments to the plan.

(2) Where the Administration has tested an approved port facility security plan or an approved ship security plan under subsection (1) and it is of the opinion that a plan or an amendment to it, is not in accordance with such standards as it may consider appropriate, it may require that an amendment be made to the respective plan and submitted, in the case of -

- (a) a ship security plan, to the Administration; and
- (b) a port facility security plan, to the Minister, for consideration and approval.

PART IV - SHIP SECURITY

Sub-Part 1 - Ship Security Plan

16. (1) An owner, a manager or a charterer of a Sierra Leonean ship, who has assumed responsibility for the operation of the ship shall - Ship security plan.

- (a) based on the security assessment of that ship, develop, implement and maintain a ship security plan for that ship, and
- (b) update a ship security plan, as required by a review of that plan.

(2) A ship security plan for a Sierra Leonean ship shall be prepared by a Company Security Officer approved by the Administration.

(3) Where a Company Security Officer has not been involved in the preparation of -

- (a) a ship's security assessment;
- (b) a ship's security plan; or
- (c) amendments to a ship's security plan,

the Administration shall request that the Company Security Officer review and approve a ship security plan on its behalf.

Non-disclosure of ship security plan.

17. (1) An owner, a manager or a bareboat charterer of a Sierra Leonean ship shall ensure that a ship security plan is kept on board the ship and is protected from unauthorised access or disclosure.

(2) Where a ship security plan is kept in an electronic format, it shall be protected in such a manner as to prevent its unauthorised deletion, destruction or amendment.

(3) A person who without authorisation discloses a ship security plan or gives access to a ship security plan contrary to subsection (1) or (2) commits an offence and is liable on conviction to a fine not less than 500 USD or a term of imprisonment not exceeding 5 years or to both.

Application for approval of ship security plan.

18. (1) An application for the approval of -

- (a) a ship security plan, or
- (b) amended ship security plan,

shall be made in writing to the Administration in such form as may be prescribed.

(2) An application under subsection (1) shall be accompanied by -

- (a) such fee as the Administration shall determine; and
- (b) a security assessment for the respective ship, on the basis of which the plan or amendments have been formulated.

19. (1) A ship security plan shall provide for -

Content of
ship security
plan.

- (a) the 3 security levels required under this Act including details of measures to be undertaken or implemented in connection with the security levels; and
- (b) the application of a Declaration of Security.

(2) A ship security plan shall include the following details -

- (a) measures designed to prevent weapons, dangerous substances and devices intended for use against persons, ships or ports and the carriage of which is not authorised from being taken on board the ship;
- (b) identification of the restricted areas and measures for the prevention of unauthorised access to them;
- (c) measures for the prevention of unauthorised access to the ship;
- (d) procedures for responding to security threats or breaches of security, including provisions for maintaining critical operations of the ship or ship to port interface;

- (e) procedures for responding to a security instruction issued by the Administration in respect of security level 3;
- (f) procedures for evacuation in the case of security threats or breaches of security;
- (g) the duties of shipboard personnel assigned security responsibilities and of other shipboard personnel or security aspects;
- (h) the procedures for auditing the security activities;
- (i) the procedures for training, drills and exercises associated with the plan;
- (j) the procedures for interfacing with port facility security activities;
- (k) the procedures for the periodic review and updating of the plan;
- (l) the procedures for reporting security incidents;
- (m) identification of the ship security officer;
- (n) identification of the Company Security Officer including 24-hour contact details;
- (o) the procedures to ensure the inspection, testing, calibration and maintenance of security equipment provided on board;
- (p) the frequency for the testing or calibration of a security equipment system and activation points are provided;

- (q) identification of the locations where the ships security alert system activation points are provided; and
- (r) the procedures, instructions and guidance on the use of the ship security alert system, including the testing, activation, deactivation and resetting to limit false alerts.

(3) For the purpose of ensuring confidentiality of a ship security plan, -

- (a) the Administration may give its approval for information under paragraphs (1) (q) and (r) of subsection (2) to be left in a document on board the ship; and
- (b) knowledge of the location of the information specified under paragraph (a) shall be limited to the master, ship security officer and any such other senior shipboard personnel determined by an owner, a manager or a charterer of the ship.

20. (1) A ship security plan shall not be put into effect without the requisite written approval of the Administration. Approval of ship security plan.

(2) The Administration shall give an owner, a manager or a charterer of a ship written notice of approval if it is satisfied that the ship security plan addresses the relevant requirements under sections 19 and 20.

(3) Where the Administration is not satisfied that a ship security plan addresses the relevant requirements under section 19, it may -

- (a) refuse to approve the plan, and

- (b) give the owner, manager or charterer of the ship, written notice of refusal with reasons for the refusal.

(4) The Administration shall consider the existing circumstances that relate to ship and port security in determining whether the ship security plan adequately addresses the relevant requirements under this Act.

Appeals.

21. (1) Where the Administration does not approve a ship security plan within 90 days from the date of receipt of an application under section 18, the owner, manager or the bareboat charterer who is aggrieved by the Administration's decision may appeal in writing against it in the first instance to the Minister

(2) The Minister shall determine the matter within 30 days of the receipt of the appeal, and make decision

(3) Where an owner, a manager or a charterer is aggrieved by the decision of the Minister, an appeal may be made to the High Court for the review of the Minister's decision.

**Amendment
to ship
security plan.**

22. (1) An amendment to a ship security plan that has been approved of under subsection (2) of section 20, shall -

- (a) be as effective as the measures prescribed under Chapter X1-2 of the Convention and Part A of the Code; and
- (b) not be implemented without the written approval of the Administration

(2) Subject to subsection (3) the master or the owner, the manager or the bareboat charterer shall ensure that written approval of an amended ship security plan is -

- (a) documented in a manner that indicates approval;

- (b) is kept on board the ship; and
 - (c) protected from unauthorised disclosure.
- (3) Where written approval is given for -
- (a) a temporary amendment to an approved ship security plan; or
 - (b) a temporary change to a security equipment specified in an approved plan,

retention on board of the written approval for the temporary amendment or temporary change is not required if the originally approved measures or equipment are effectively implemented.

(4) A person who without authorisation discloses an amended ship security plan or gives access to the amended plan, contrary to paragraph (c) of subsection (2) commits an offence and is liable on conviction to a fine not less than 500 USD or to a term of imprisonment not exceeding 5 years or to both.

23. (1) The master of Sierra Leonean ship to which this Act applies shall not put it to sea or attempt to put it to sea on an international voyage unless - Enforcement of ship security plan.

- (a) there is a ship security plan in force for the ship;
- (b) the ship is operated in accordance with the ship security plan in force for the ship.

(2) The master of a Sierra Leonean ship which fails to comply with subsection (1), commits an offence and is liable on conviction to fine not less than 500 USD and the ship shall be detained until the fine is paid.

(3) The owner, manager or the bareboat charterer who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not less than 500 USD or to a term of imprisonment not exceeding 2 years or to both.

Sub-Part II - Ship security levels, assessment and systems.

Compliance
with ship
security
levels.

24. (1) The owner, manager, the master, or the bareboat charterer of a Sierra Leonean ship to which this Act applies shall comply with the security level set for the ship -

- (a) prior to the ship's entry to a port facility within the country; and
- (b) during any period the ship is within a port facility in the country.

(2) At security level 1, a master, owner, manager or charterer of a Sierra Leonean ship shall carry out the following activities in order to identify and take preventive measures against security incidents -

- (a) ensuring the performance of all security duties;
- (b) controlling access to the ship;
- (c) controlling the embarkation of persons and their effects;
- (d) monitoring restricted areas and areas to ensure that only authorised persons have access;
- (e) monitoring of dock areas and areas surrounding the ship;
- (f) supervising the handling of cargo and ship's stores; and

- (g) ensuring that security communication is readily available.

(3) At security level 2, an owner, a master, manager or a charterer of a Sierra Leonean ship to which this Act applies shall ensure that additional protective measure specified in the ship security plan are implemented for each activity specified in sub-section (2).

(4) At security level 3, an owner, a master, a manager or charterer of a Sierra Leonean ship to which this Act applies shall ensure that further specific protective measures specified in the ship security plan are implemented for each activity specified in subsection (2).

(5) Where the Administration sets security levels 2 and 3, the master of a Sierra Leonean ship shall acknowledge receipt of all instructions on the change of the security level for that ship.

(6) Prior to entry to a port or whilst within a port facility of a country which is a party to the Convention that has set -

- (a) security level 2, the master of a Sierra Leonean ship shall acknowledge receipt of the instructions and communicate to the port facility security officer the initiation of the implementation of the appropriate measures and procedures as detailed in the ship security plan; or.

- (b) security level 3, the master of a Sierra Leonean ship, shall in addition to the requirement under sub-section (1) carry out instructions issued by that party.

(7) Where there are difficulties in the implementation of the appropriate measures and procedures -