

GUYANA SHIPPING

**THE GUYANA SHIPPING (SHIP AND PORT FACILITY SECURITY)
REGULATIONS, 201X**

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

1. These Regulations may be cited as the Guyana Citation
Shipping (Ship and Port Facility Security) Regulations,
2016.

2. (1) These Regulations apply to – Application
 - (a) Guyana cargo ships of 500 gross tons and greater, engaged in international voyages;
 - (b) ships engaged in international commercial passenger transport services irrespective of their size;
 - (c) mobile off shore drilling units; and
 - (d) port facilities that receive or interface with such ships.

- (2) These Regulations do not apply to warships, naval auxiliaries or other ships owned or operated by the Government and used only on Government non-commercial service; pleasure craft, fishing vessels, and to port facilities that interface with such ships.

3. These Regulations shall be deemed to have come into operation on [gazetted date to be inserted] Commencement

4. (1) In these Regulations, unless the contrary intention appears: Interpretation

"Act" means the Guyana Shipping Act;

"authorised person" means a person authorized in writing or on behalf of the Director or for the purposes of these Regulations.

"certificate" means an International Ship Security Certificate or an Interim International Ship Security Certificate issued in accordance with Part A of the ISPS Code;

"company" means the owner of a ship or any other organisation or person who has assumed responsibility for the operation of the ship from the owner and has agreed to take over all the duties and responsibilities imposed on a company by the ISPS Code;

"company security officer" means the person designated by the company to ensure that a ship security assessment is carried out, and a ship security plan developed, submitted for approval, implemented and maintained and to liaise with port facility security officers and the ship security officer;

"Declaration of Security" means an agreement reached between a ship and a port facility or another ship with which it interfaces, specifying the security measures each will implement;

"designated authority" means the organisation or the administration identified as responsible for ensuring the implementation of Chapter XI-2 of the Safety Convention pertaining to port facility security and ship/port interface from the point of view of the port facility and in the case of

Guyana, means the Maritime Administration Department;

"Director" means the Director of Maritime Affairs referred to in section 4(2)(a) of the Act and includes a person lawfully under the instructions of or on behalf of the Director;

"ISM Code" means the International Management Code for the Safe Operation of Ships and for Pollution Prevention adopted by the IMO by Resolution A-741(18);

"ISPS Code" or "Code" means the International Code for the Security of Ships and Port Facilities;

"mobile offshore drilling unit" means a vessel capable of engaging in drilling operations for the exploration for or exploitation of resources beneath the seabed such as liquid or gaseous hydrocarbons, sulphur or salt;

"port facility" means a location, as determined by the designated authority, where a ship/port interface takes place and includes anchorages, waiting berths and approaches from seaward, as appropriate;

"port facility operator" means a person operating a port facility;

"port facility security assessment" means an assessment of the security of a port facility carried out in accordance with section 15 of Part A of the ISPS Code;

"port facility security officer" means the person designated as responsible for the development, implementation, revision and maintenance of the port facility security plan and for liaison with the ship security officers and company security officers;

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

"recognised security organisation" means an organisation with appropriate expertise in security matters and appropriate knowledge of ship or port operations, authorised to carry out an assessment, verification, approval or a certification activity, required by these Regulations or by Part A of the ISPS Code;

"restricted zone" means a zone to which access is restricted for security reasons, pursuant to these Regulations;

"Safety Convention" means the International Convention for the Safety of Life at Sea, 1974 and its Protocol of 1978, together with such amendments thereto or replacements thereof that the Minister may by Order declare to be in effect with respect to Guyana;

"security incident" means any suspicious act or circumstance threatening the security of a ship including a mobile offshore drilling unit and a high speed craft or of a port facility or of any ship/port interface or any ship to ship activity, and which may

- (a) result in significant loss of life;
- (b) result in environmental change;
- (c) cause disruption in transportation systems; and
- (d) result in the economic disruption of a particular area;

"security level" means the qualification of the degree of risk

that a security incident will be attempted or will occur;

"ship/port interface" means the interactions that occur when a ship is directly and immediately affected by actions involving the movement of persons or goods or the provision of port services to or from the ship;

"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 security assessment” means a risk assessment undertaken by, or for, a company security officer as a prelude to the preparation of a ship security plan or the review, or amendment, of an approved ship security plan.

“ship security officer” means the person on board the ship, accountable to the master, who is 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 or the ship from the risks of a security incident;

"tons" means gross tonnage.

(2) In these Regulations, where any reference is made to Part A of the ISPS Code, the guidance provisions in Part B of the Code in relation to that matter shall be taken into account in construing Part A.

(3) For the purposes of these Regulations, references in Part A of the Code to "the Administration" shall be construed as references to "the Director" in relation to Guyana ships.

(4) For the purposes of Part I, a person is permitted to have access to a restricted zone of a port facility where he is permitted to enter the zone or where arrangements exist for permitting any of his employees or agents to enter the zone

5. (1) without prejudice to any other duties specified in these regulations, the Maritime Administration Department

Functions and
Powers of
Maritime

shall -

Administration
Department

(a) evaluate and distribute port security intelligence to subordinate port facility officials;

(b) develop plans and policies to counter port security threats;

(c) review, test and audit Security Plans and issue Statement of Compliance as warranted;

(d) enforce port security laws, regulations, policies and procedures;

(e) inspect, maintain, and test security facilities, equipment, and systems;

(f) oversee the implementation and adequacy of port security;

(g) set the applicable security level;

(h) identify security regulated port facilities and approve subordinate Port Security Officers;

(i) ensure the completion and approval of Security Assessments, plans and subsequent amendments;

(j) exercise control and compliance measures; and

(k) supervise or coordinate all law enforcement agencies and security organizations performing port security services.

(2) The Maritime Administration Department shall have the power to -

(a) enter and inspect any security regulated port facility; designated port facility;

(b) make inquiries, examinations, inspections and searches upon the security regulated port facilities and ships adjacent thereto;

(c) disseminate such information and documentation

as is required under these Regulations; and

(d) investigate and adjudicate administrative violations under these Regulations.

6. The Maritime Administration Department is empowered to Security Levels

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(a) implement a system to collect, integrate and analyze threats to ports, port facilities, shipping and cargo; and

(b) set security levels and provide security guidance to ports, port facilities, shipping and cargo.

7. The Maritime Administration Department may delegate its Delegation of Authority

authority power and functions under these Regulations to qualified personnel or recognized security organisations, except the responsibility to -

(a) set the applicable security levels;

(b) exercise ship control and compliance

measures;

(c) approve security assessments;

(d) approve Security Plans;

(e) establish the requirements for a Declaration of Security.

8. Where port facilities interface with regulated ships Alternative Security Arrangements
operating on short fixed international routes, the Maritime Administration Department may enter into alternative security agreements with other participating governments to ensure that the ships undertake all steps necessary to maintain the security of the ship-to-port interface.

9. Port facilities with infrequent or special operations shall Equivalent Security Arrangements
adopt security measures equivalent to those prescribed in these Regulations.

10. The Maritime Administration Department may authorise a Recognized Security Organisation to - Recognised Security Organisations
- (a) conduct Security Assessments;
 - (b) develop and prepare Security Plans; and
 - (c) inspect and audit port facilities.
11. The Department shall ensure that Recognised Security Organisations are qualified to perform delegated duties. The Recognised Security Organisations appointment shall be revoked if it fails to meet the conditions and qualifications set out in these Regulations Qualifications for Recognised Security Organisations
12. Recognised Security Organisations shall not - Restrictions of Recognised Security Organisations
- (a) set security levels;
 - (b) approve Security Assessments;
 - (c) approve Security Plans; or
 - (d) exercise ship control and compliance measures

PART II
GENERAL SECURITY PRACTICES

13. Port Security Officers, Port Facility Security Officers and Ship Security Officers shall ensure the completion, periodic review and update of Security Assessments addressing the following elements - Security Assessments
- (a) physical security;
 - (b) security equipment;
 - (c) security procedures;
 - (d) communications;
 - (e) transportation infrastructure;
 - (f) utilities infrastructure; and
 - (g) other areas that may, if damaged or used for illicit observation, pose a risk to persons, property, or operations within the port, port facility or aboard ships adjacent thereto
14. Port Security Officers, Port Facility Security Officers, Ship Security Officers shall ensure the completion, periodic review and update of a Security Plan addressing the following elements- Security Plans
- (a) security incident duties and comprehensive response procedures;
 - (b) weapon and dangerous substance interdiction;
 - (c) access procedures;
 - (d) evacuation procedures;
 - (e) security personnel duties;
 - (f) periodic Security Plan review, audit and update

procedures;

(g) Emergency response and public safety contact information;

(h) Security Plan protection measures;

(i) cargo security procedures;

(j) security level compliance/establishment procedures;

(k) ship security communication procedures;

(l) public threat announcement procedures; and

(m) operational interface security procedures.

15. Port Security Officers, Port Facility Security Officers, Ship Security Officers shall ensure the completion, periodic review and update of a Security Plan immediately if-

(a) the relevance of the PFSA has been affected by operational changes at the port facility;

(b) an independent audit of the PFSP or an inspection by the Maritime Administration Department inspection identifies a deficiency in the security measures

(c) the port facility has conducted an unsuccessful drill or exercise:

(d) there is a security incident or presence of a threat thereof; or

(e) there is a change in ownership or operational control of the port facility.

16. The Maritime Administration Department shall issue a Statement of Compliance to compliant ports, port facilities and ships indicating-

Statement of
Compliance

(a) the Security Plan compliance with the provisions of these Regulations; and

(b) the period of validity of the Statement of

Compliance, not to exceed five years.

17. The port facility shall require a Declaration of Security with arriving ships detailing the security responsibilities of each when -
- Declarations of Security
- (a) the port facility or ship is operating at Security level 3;
 - (b) the ship/port interface poses a specific risk to local facilities or residents;
 - (c) the ship has undertaken a ship-to-ship activity with a non-SOLAS or high risk ship;
 - (d) the ship is a non-SOLAS ship;
 - (e) the Port Security Officer deems a Declaration of Security necessary to maintain port security; or
 - (f) the ship does not possess a valid International Ship Security Certificate (ISSC).
18. (1) The responsible security officer shall maintain all security records for a period of not less than 7 years.
- Records
- (2) Records of ships security activities, including Declarations of Security and the record of the ship security level, shall be maintained on board for a period covering at least the previous 10 calls at port facilities
19. Security plans shall be audited by internal or external auditors at intervals not to exceed 5 years.
- Audit Requirements
20. (1) The Maritime Administration Department shall set and communicate national security levels to alert Port/Port Facility/Ship Security Officers to the perceived risk of a terrorist attack or security threat.
- Security Levels - General
- (2) In setting the security level, the Maritime Administration Department could take account of general and specific threat information and shall set the security level applying to ships, ports or port facilities at one of three levels -

(a) Security level 1: normal, the level at which the ship or port facility normally operates;

(b) Security level 2: heightened, the level applying for as long as there is a heightened risk of a security incident; and

(c) Security level 3: exceptional, the level applying for the period of time when there is the probable or imminent risk of a security incident.

(3) The Port Facility, Ship, or Company Security Officer may increase the port facility or ship security measures as necessary to prevent a security incident or respond to a security threat.

21. Security level I means the level at which minimum appropriate protective security measures shall be maintained at all times. At security level I, the following security measures shall be implemented - Security Level 1

(a) enforce access controls;

(b) screen and/or search person and vehicles;

(c) conspicuously post signs identifying restricted areas and security measures in effect;

(d) inspect cargo and ship stores prior to loading;

(e) screen accompanied and unaccompanied baggage prior to loading; and

(f) monitor access points, land and waterside perimeter, restricted areas and ship to port interface

22. Security level 2 means the level at which appropriate additional protective security measures shall be maintained for a period of time as a result of heightened risk of a security incident. At security level 2, the following security measures Security Level 2

shall be implemented –

- (a) increase landside and waterside security patrols;
- (b) reduce the number of access points to restricted areas;
- (c) increase the coverage and intensity of lighting and surveillance equipment;
- (d) intensify checking of cargo, seals, ship's stores, cargo transport units and cargo storage areas;
- (e) intensify cargo documentation review;
- (f) intensify delivery vehicles searches;
- (g) subject all unaccompanied baggage to x-ray screening from at least two different angles; and
- (h) escort all delivery vehicles

23. (1) Security level 3 means the level for which further specific protective security measures shall be maintained for a limited period of time when a security incident is probable or imminent. Security Level 3

(2) At security level 3, the following security measures shall be implemented -

(a) suspend access to all, or part of, the ship or port facility;

(b) grant access only to those responding to the security incident or threat thereof;

(c) suspend personnel or vehicular movement within all, or part, of the ship or port facility;

(d) increase security patrols aboard ship or within the port facility;

(e) suspend operations within all, or part, of the ship or port facility;

(f) direct ship movements relating to all, or part, of the

port facility;

(g) evacuate all, or part of, the ship or port facility;

(h) activate all lighting within, or adjacent to the ship or port facility;

(i) activate all surveillance equipment aboard ships or in and adjacent to the port facility; and

(j) restrict or suspend the handling of unaccompanied baggage

PART III – SHIP SECURITY

24. (1) (a) Every ship security plan or amendment thereto shall be submitted with the prescribed fee to the Director, or to a recognized security organisation so authorised, for approval in accordance with section 9 of part A of the ISPS Code. Ship Security Plans

(b) A recognised security organisation authorized under sub-section (1) (a) shall not have been involved in the preparation of the ship security plan or the amendment in question.

(2) The Director shall determine which changes to an approved ship security plan or to any security equipment specified in an approved plan shall not be implemented unless the relevant amendments to the plan are approved by the Director. Any such changes shall be in compliance with those measures prescribed in this Part and in Part A of the ISPS Code.

25. (1) The duties and responsibilities of the Company Security Officer shall include, but are not limited to – Company Security Officer

(a) advising the level of threats likely to be encountered by the ship, using appropriate security assessments and other relevant information;

(b) ensuring that ship security assessments are carried

out;

(c) ensuring the development, the submission for approval, and thereafter the implementation and maintenance of the ship security plan;

(d) ensuring that the ship security plan is modified, as appropriate, to correct deficiencies and satisfy the security requirements of the individual ship;

(e) arranging for internal audits and reviews of security activities;

(f) arranging for the initial and subsequent verifications of the ship by the Maritime Administration Department or the recognized security organisation;

(g) ensuring that deficiencies and non-conformities identified during internal audits, periodic reviews, security inspections and verifications of compliance are promptly addressed and dealt with;

(h) enhancing security awareness and vigilance;

(i) ensuring adequate training for personnel responsible for the security of the ship;

(j) ensuring effective communication and co-operation between the ship security officer and the relevant port facility security officers;

(k) ensuring consistency between security requirements and safety requirements;

(l) ensuring that, if sister-ship or fleet security plans are used, the plan for each ship reflects the ship-specific information accurately; and

(m) ensuring that any alternative or equivalent arrangements approved for a particular ship or group of ships are implemented and maintained.

(2) The Company Security Officer shall be empowered to-

(a) board company ships to make inquiries, examinations, inspections and searches in accordance with these Regulations and;

(b) implement all security measures and protocols as required by these Regulations.

(3) A Company Security Officer that fails to comply with these regulations commits an offence.

(1) The duties and responsibilities of the Ship Security Officer shall include, but are not limited to – Ship Security
Officer

(a) coordinating security measures with inter-facing security regulated ports and Port facilities;

(b) ensuring the development, submission and implementation of required security plans;

(c) conducting ship security inspections;

(d) conducting ship security drills;

(e) ensuring adequate ship security personnel training;

(f) maintaining records as required by these Regulations;

(g) ensuring the execution of any required Declarations of Security;

(h) notifying law enforcement personnel, emergency responders and relevant port security authorities of applicable ship security incidents; and

(i) ensuring that all security measures and protocols set forth in these Regulations are implemented and enforced.

(2) The Ship Security Officer shall be empowered to –

(a) exercise physical security controls aboard assigned security regulated ships; and

(b) implement security measures and protocols as

required by these Regulations.

(3) A Ship Security Officer that fails to comply with these regulations commits an offence.

26. All ship security personnel shall be subjected to a background records check in accordance with procedures prescribed by the Maritime Administration Department. Background Checks
27. All security personnel and organisations governed by these Regulations shall demonstrate expertise in the following areas of ship security - Expertise
- (a) security organisation;
 - (b) ship and facility security measures;
 - (c) emergency preparedness and response;
 - (d) security equipment and systems;
 - (e) inspections, control, and monitoring techniques;
 - (f) relevant legislation and regulations;
 - (g) law enforcement responsibilities;
 - (h) security measures and procedures;
 - (i) security related communications;
 - (j) current security threats and patterns;
 - (k) recognizing and detecting dangerous substances and devices;
 - (l) recognizing characteristics and behavioral patterns of persons who are likely to threaten security;
 - (m) techniques used to circumvent security measures;
 - (n) conducting physical searches and nonintrusive inspections; and

(o) conducting security drills and exercises

28. (1) The Maritime Administration Department shall be responsible for developing and maintaining security awareness and training of ship employees and agents. Training

(2) The Security Officer shall receive specific training in basic ship security and ISPS Code implementation and administration.

(3) Security personnel shall receive training in -

(a) relevant provisions of the Ship Security Plan;

(b) security levels;

(c) emergency procedures;

(d) recognition and detection of dangerous substances and devices;

(e) recognition of characteristics and behavioral patterns of persons who are likely to threaten security;

(f) other training specific to their duties

29. Security drills shall be conducted at least once every three months to test the individual elements of the Security Plan. Drills shall take into account the specific threats and responses identified in the Security Assessment and the Security Plan. Drills

30. Security exercises shall be conducted once each calendar year with no more than 18 months between exercises to test the effectiveness of the Security Plan, and enable the Security Officer to identify any security related deficiencies that need to be addressed. Security exercises may be - Exercises

(a) full scale;

(b) tabletop simulation;

(c) seminar; or

(d) in response to actual events

31. Ships may designate shipboard restricted areas and security zones to restrict access and address specific security requirements. Security Zones
32. A person shall not enter a shipboard restricted area or security zone except by permission of the CSO, Master, SSO, or its representative. Restricted Access
33. Ship security officers shall secure and control all shipboard access points including: Access Points
- a) access ladders;
 - b) access gangways;
 - c) access ramps;
 - d) access doors, side scuttles, windows and ports;
 - e) mooring lines and anchor chains; and,
 - f) cranes and hoisting gear.
34. The ship shall install signage clearly identifying all security zones and restricted areas. Signage
35. (1) The ship's deck, access points and areas immediately around the ships shall be illuminated during hours of darkness and periods of low visibility while conducting ship/ship and ship/port interface activities and at anchorage. Lighting
- (2) While underway, ships shall use the maximum lighting available consistent with safe navigation.
36. The ship security officer shall ensure continued monitoring of: Surveillance
- a) access points;
 - b) weather decks;
 - c) restricted areas on board the ship; and,

- d) area surrounding the ship.
37. Where access points into restricted areas are key-controlled, a restricted key system shall be implemented to monitor, track, and control subject keys. Key Control
38. The Ship Security Officer shall have the means to effectively communicate with the ship and port facility security personnel, law enforcement authorities and emergency response authorities and notify facility personnel of changes in shipboard security conditions. Communications
39. In accordance with Chapter XI-2 of the SOLAS Convention, security regulated ships shall maintain a ship security alert system, which shall: Ship Security Alert System (SSAS)
- a) be capable of being activated from the navigation bridge and in at least one other location;
- b) conform to IMO standards;
- c) be designed so as to prevent the inadvertent initiation of the ship security alert;
- (d) initiate and transmit a ship-to-shore security alert to a competent authority designated by the Maritime Administration identifying the ship, its location and indicating that the security of the ship is under threat or it has been compromised;
- (e) not send the ship security alert to any other ships;
- (f) not raise any alarm on-board the ship; and
- (g) continue the ship security alert until deactivated and/or reset
40. Regulated ships shall employ, maintain and operate an Automatic Identification System (AIS). Automated Identification System (AIS)
41. Regulated ships shall employ, maintain and operate a Long Range Identification and Tracking (LRIT) system. Long Range Identification and Tracking (LRIT)

42. If, in the professional judgment of the Master, a conflict between safety and security requirements applicable to the ship arises during its operations, the Master may give precedence to measures intended to maintain the safety of the ship, and take such temporary security measures as seem best under all circumstances Master's Discretion
43. 1. All Guyana ships to which this Part applies shall be subject to initial, renewal and intermediate verifications in accordance with section 19.1 of part A of the ISPS Code; Verification
2. When an initial or renewal verification is satisfactorily completed pursuant to paragraph (1), the Director or a recognized security organization acting on the Director's behalf shall upon payment of the prescribed fee, issue or, as the case may be, endorse an International Ship Security Certificate.
44. Security regulated ships shall comply with port control directives issued by relevant port security officers and port facility security officers. Port Control Compliance
45. Security regulated ships shall maintain onboard sufficient crew to operate and navigate the ship in case of emergency. Manning Requirements
46. At all security levels, the master must ensure security sweeps are performed prior to getting underway and after any period the ship was unattended. Security Sweeps
47. The ship shall implement access control procedures as specified in the security plan for: Access Control
- a) ship's crew;
 - b) service providers;
 - c) passengers;
 - d) visitors;
 - e) cargo and ships' stores; and

f) law enforcement officers and emergency providers

48. Security regulated ships shall maintain a valid International Ship Security Certificate in accordance with Chapter XI-2 of the SOLAS Convention. International Ship Security Certificate (ISSC)

49. For the purposes of: Interim Certification

(a) a ship without a Certificate, on delivery or prior to its entry or re-entry into service;

(b) transfer of a ship from the flag of a Contracting Government to the flag of another Contracting Government;

(c) transfer of a ship from the flag of a Contracting Government to a State which is not a Contracting Government; or

(d) a Company assuming the responsibility for the operation of a ship not previously operated by that Company

until the Certificate referred to in regulations 43.(2) is issued, the Director, or a recognized security organization so authorized, may upon payment of the prescribed fee cause an Interim International Ship Security Certificate to be issued pursuant to the conditions and requirements specified in section 19.4.2 and section 19.4.4 to 19.4.6 of part A of the ISPS Code.

50. Prior to entering the port facility, arriving ships shall provide the following information within the time period specified by the Maritime Administration Department: Communications /Reporting Procedures

a) ISSC status;

b) current security level of the ship.

c) details of last 10 ship to port and ship to ship interface activities;

d) ship location and estimated time of arrival;

- e) crew list;
 - f) cargo description or manifest; and
 - g) passenger list
51. Ship security incidents shall be responded to, reported and managed in accordance with Port or Port Facility's incident response requirements. Security Incidents
52. In the event of a breach of security in a restricted area, the SSO shall ensure that the incident is investigated and a security sweep of the affected area be conducted. Unauthorised Access/Breach Procedures
53. Regulated ships shall employ the following stowaway prevention/detection measures as applicable: Stowaway Procedures
- a) securely fasten and lock doors, hatchways, storerooms, equipment lockers, cargo hatches, engine rooms and crew/passenger accommodations.
 - b) fit plates over anchor hawse pipes;
 - c) accommodation doors could also be secured and locked, leaving only one open entrance. In the interests of safety, keys to the locked doors should be placed in convenient positions so that doors can be opened in the event of emergency.
 - d) store rooms, equipment lockers on deck, the engine room and the accommodations should remain locked throughout a port call;
 - e) establish a gangway watch;
 - f) inspect areas that can't be locked on a regular basis;
 - g) a detected stowaway should be reported immediately to the appropriate authorities. However, as some stowaways may be violent, direct engagement is discouraged as the safety and security of the ship and its crew should not be compromised.
54. (1) These Regulations apply to all ships engaged on Continuous

international voyages, except -

Synopsis Record

- (a) ships of war and troop ships;
- (b) ships not propelled by mechanical means;
- (c) wooden ships of primitive build;
- (d) cargo ships under 500 Gross Tons
- (e) pleasure vessels not engaged in trade; and
- (f) fishing vessels.

(2) All ships shall be provided with a Continuous Synopsis Record for the purpose of providing an on board record of the history of the ship with respect to the information recorded therein.

(3) For ships constructed before 1st July, 2004, the Continuous Synopsis Record shall provide the history of the ship as from 1st July, 2004.

(4) The Continuous Synopsis Record shall, upon payment of the prescribed fee, be issued by the Director to each Guyana ship and contain the following information -

(a) the name of the State whose flag the ship is entitled to fly;

(b) the date on which the ship was registered in Guyana;

(c) the ship's identification number in accordance with the Guyana Shipping (Registration) Regulations;

(d) the name of the ship;

(e) the port at which the ship is registered;

(f) the name of the registered owner and his registered address;

(g) the name of the registered bareboat charterer and his registered address, where applicable;

(h) the name of the company, its registered address and the address from where it carries out the safety management activities;

(i) the name of the classification society with which the ship is classed;

(j) the name of the Director or of the Contracting Government or of the recognized organisation which has issued the Document of Compliance, or the Interim Document of Compliance specified in the ISM Code, to the company operating the ship and the name of the body which has carried out the audit on the basis of which the document was issued, if other than that issuing the document;

(k) the name of the Director or of the Contracting Government or of the recognized organisation that has issued the Safety Management Certificate or the Interim Safety Management Certificate, specified in the ISM Code , to the ship and the name of the body which has carried out the audit on the basis of which the certificate was issued, if other than that issuing the certificate;

(l) the name of the Director of the Contracting Government or of the recognised security organisation that has issued the International Ship Security Certificate (or an Interim International Ship Security Certificate), specified in part A of the ISPS Code , to the ship and the name of the body which has carried out the verification on the basis of which the certificate was issued, if other than that issuing the certificate; and

(m) the date on which the ship ceased to be registered in Guyana.

(5) The Continuous Synopsis Record shall be kept on board the ship and be available for inspection at all times.

(6) Any changes relating to the entries referred to in sub-regulation (4)(d) to (m) shall be recorded in the Continuous Synopsis Record so as to provide updated and current

information together with the history of the changes.

(7) In case of any changes relating to the entries referred to in sub-regulation (4)(a), the Director shall issue, as soon as is practicable but not later than three months from the date of the change, to the ships entitled to fly the Guyana flag either a revised and updated version of the Continuous Synopsis Record or appropriate amendments thereto.

(8) In case of any changes relating to the entries referred to in sub-regulation (4) the Director, pending the issue of a revised and updated version of the Continuous Synopsis Record, shall authorise and require either the company or the master of the ship to amend the Continuous Synopsis Record to reflect the changes.

(9) Where the Continuous Synopsis Record has been amended the Company shall, without delay, inform the Director accordingly.

(10) The Continuous Synopsis Record shall be in the format developed by the IMO and shall be maintained in accordance with guidelines developed by the IMO.

(11) Any previous entries in the Continuous Synopsis Record shall not be modified, deleted or, in any way, erased or defaced.

(12) A master who fails to -

(a) make any changes in the Continuous Synopsis Record that he is required to make under these regulations; or

(b) ensure the Continuous Synopsis Record is left on the ship and is available for inspection as required by these regulations, commits an offence and is liable on summary conviction to a maximum fine of five hundred thousand dollars

PART III – PORT FACILITY SECURITY

55. For the purposes of implementing and administering the requirements of these regulations, the Administration shall appoint the following officers, namely-
- Appointment of Port Security Officers
- (a) Chief Port Security Officer ;
 - (b) Deputy Port Security Officer.
56. The Chief Port Security Officer shall –
- Duties of the Chief Port Security Officer
- (a) conduct an initial survey of designated port facilities;
 - (b) facilitate the completion of the security audits for required port facility security plans;
 - (c) ensure the development and maintenance of the port facility security plans;
 - (d) undertake regular security inspections of port facilities to ensure the effectiveness and adequacy of security plans and facilitating reviews as necessary;
 - (e) recommending modifications to security plans in order to:
 - (i) correct deficiencies therein; or
 - (ii) update the plan to account for changes to the port facility
 - (f) enhancing of security awareness and vigilance of port personnel through the conduct of drills and exercises;
 - (g) ensuring that standards for port facility security personnel are met and that adequate training is provided to such personnel;
 - (h) maintaining records, including of occurrences which

threaten the security of port facilities;

- (i) notifying the relevant authorities, including emergency responders of port security threats and incidents;
- (j) coordinating with security, police, coast guard, fire, ambulance, medical, search and rescue services, as appropriate;
- (k) ensuring that all security equipment are properly operated, inspected, tested, calibrated and maintained;
- (l) ensuring that all security measures and protocols set forth in these Regulations are implemented and enforced;
- (m) providing advice to the Director on the operational and safety aspects of the implementation of security and control measures.

57. The Chief Port Security Officer shall have the power to –

Powers of the
Chief Port
Security Officer

- (i) enter port facilities or board ships for the purpose of conducting enquiries, examinations, inspections, searches and facilitating arrests in accordance with these Regulations;
- (ii) exercise control measures over ships within ports and to require Declarations of Security with those ships;
- (iii) increase port facilities' security level as necessary to prevent a security incident or respond to a security threat;
- (iv) implement all security measures as required by these Regulations.

58. The Director may delegate the power and function under these Regulations to any other duly appointed Security

Delegation of
Authority

Officer.

59. Prior to the approval of a security plan, a port facility operator must, subject to the approval of the Administration, appoint a port facility security officer (PFSO) to establish and maintain the security of the port facility. Appointment of Port Facility Security Officer
60. (1) The port facility operator shall – Duties of Port Facility Operator
- (a) ensure that port facilities comply with the relevant requirements of these regulations and Part A of the ISPS Code;
 - (b) ensure that the port facility security officer receives appropriate training as specified in section 18.1 Part A of the ISPS Code;
 - (c) provide the port facility security officer with the resources, assistance and support necessary to enable him or her to carry out his or her duties;
 - (d) ensure that port facility personnel having specific security duties have appropriate knowledge and receive appropriate training as specified in section 18.2 of Part A of the Code; and
 - (e) ensure that other port facility personnel have appropriate knowledge as specified in section 18.3 of Part A of the Code.
- (2) A port facility operator who fails to comply with this regulation without reasonable excuse commits an offence.
61. (1) The port facility security officer shall have the following duties and responsibilities – Duties of port facility security officer
- (a) conducting an initial comprehensive survey of the port facility, taking into account the relevant port

facility security assessment;

- (b) facilitating the development, submission, and maintenance of the port facility security plan;
- (c) ensuring the exercise, revision and maintenance of the port facility security plan;
- (d) conducting regular inspections of the port facility to ensure continuation of appropriate security measures;
- (e) conducting security drills and exercises, at appropriate intervals, to enhance the security awareness and vigilance of port facility personnel;
- (f) ensuring adequate training is provided to port facility security personnel;
- (g) notifying the relevant authorities, including law enforcement and other emergency responders of occurrences which threaten the security of the port facility;
- (h) conduct continuous security assessments of the port facility and its surrounding areas with the aim of identifying possible security threats;
- (i) maintaining records as required by these Regulations including, records of continuous security assessments and records of occurrences which threaten the security of the port facility;
- (j) co-coordinating implementation of security measures as detailed in the port facility security plan with interfacing security regulated ships, and other security services, as appropriate;
- (k) maintaining effective communication on all security matters with the company security officers (CSOs) and ship security officers (SSOs) of ships using, or intending to use, the port facility;
- (l) ensuring the proper operation, testing, calibration

and maintenance of all security equipment;

- (m) ensuring that the required standards for the port facility security personnel are met;
- (n) assisting ship security officers in confirming the identity of persons seeking to board the ship when requested;
- (o) ensuring that deficiencies and non-conformities identified during audits, security inspections and verifications of compliance are promptly addressed;
- (p) ensuring that all security measures and protocols set forth in these Regulations are implemented and enforced.

(2) A Port Facility Security Officer who fails to comply with this regulation without reasonable excuse commits an offence.

62. The Port Facility Security Officer shall have the power to – Powers of the
Port Facility
Security Officer
- (a) exercise control measures over ships interfacing with the port facility;
 - (b) request Declarations of Security from ships interfacing with the port facility;
 - (c) enter company port facility or board ships within the port facility to conduct enquiries, examinations, inspections, searches, seizures and facilitating arrests in accordance with these Regulations;
 - (d) implement all security measures and protocols as required by the Port Facility Security Plan or these Regulations.
63. (1) The Maritime Administration Department shall convene a National Port Security Committee, consisting of not less than seven members having an interest in maritime security and who may be selected from: National Port
Security
Committee

- (a) law enforcement and emergency response agencies;
- (b) maritime industry; and
- (c) other port stakeholders having a special competence and/or interest in maritime security.

(2) The Port Security Committee shall:

- (a) identify critical port infrastructure and operations;
- (b) identify risks (threats, vulnerabilities, and consequences);
- (c) determine mitigation strategies and implementation methods; and
- (d) advise and assist the Chief Port Security Officer in developing the Security Assessment and Security Plan

(3) The members of the Port Security Committee shall be empowered to:

- (a) enter any port facility premises in furtherance of their duties;
- (b) inspect port facility security-related documents, records and plans;
- (c) inspect port and port facility security equipment; and
- (d) assist with the planning and execution of port and port facility security training and exercises.

- 64. All port facility security personnel shall be subjected to a background records check in accordance with procedures prescribed by the Maritime Administration Department. Port Facility Security Personnel Screening Requirements
- 65. All security personnel and organisations governed by these Regulations shall demonstrate expertise in the following Port Facility Security Personnel Basic

areas of port security -

Port Security
Knowledge

- (a) security organisation;
- (b) ship and facility security measures;
- (c) emergency preparedness and response;
- (d) security equipment and systems;
- (e) inspections, control, and monitoring techniques;
- (f) relevant legislation and regulations;
- (g) law enforcement responsibilities;
- (h) general security measures and procedures;
- (i) security related communications;
- (j) current security threats and patterns;
- (k) recognizing and detecting dangerous substances and devices;
- (l) recognizing characteristics and behavioral patterns of persons who are likely to threaten security;
- (m) techniques used to circumvent security measures;
- (n) conducting physical searches and nonintrusive inspections; and
- (o) conducting security drills and exercises.

PART V– TRAINING, DRILLS AND EXERCISES

66. (1) The Maritime Administration Department shall be responsible for developing and maintaining security awareness and training of port facility employees and agents. Training
- (2) The Port Facility Security Officer shall receive specific training in basic ship and port security and ISPS Code

implementation and administration including-

- (a) security administration;
- (b) relevant Government legislation and regulations;
- (c) relevant international conventions and codes
- (d) responsibilities and functions of other security organisations;
- (e) ship and port operations and conditions;
- (f) ship and port facility security measures;
- (g) emergency preparedness and response contingency planning;
- (h) handling sensitive security-related;
- (i) knowledge of current security threats and patterns;
- (j) security drills and exercises, including drills and exercises with ships;
- (k) assessment of security drills and exercises; and
- (l) all other elements of security as to the Chief Port Security Officer may be appropriate and in accordance with section 18.1 of Part B of the ISPS Code, as amended.

(3) Security personnel shall receive training in -

- (a) relevant provisions of the Port Facility Security Plan;
- (b) security levels;
- (c) emergency procedures;
- (d) recognition and detection of dangerous substances and devices;
- (e) recognition of characteristics and behavioral patterns of persons who are likely to threaten security;

(f) other training specific to their duties

67. Security drills shall be conducted at least once every three months to test the individual elements of the Security Plan. Drills shall take into account the specific threats and responses identified in the Security Assessment and the Security Plan. Drills

68. Security exercises shall be conducted once each calendar year to test the effectiveness of the Security Plan, and enable the Port Facility Security Officer to identify any security related deficiencies that need to be addressed. Security exercises may be - Exercises

- (a) full scale field exercise;
- (b) tabletop simulation;
- (c) seminar; or
- (d) command post exercise.

PART VI- PHYSICAL SECURITY (PORTS)

69. Port Facilities shall designate restricted areas to control access to: Restricted Area Designation

- (a) the ship to shore interface;
- (b) cargo facilities;
- (c) passenger facilities;
- (d) critical infrastructure; and,
- (e) security administration facilities

Port Facilities may designate fixed and moving security zones to address specific security requirements in and adjacent to the port facility and its approaches. Fixed and Moving Security Zones

70. A person shall not enter a port facility restricted area or security zone except by permission of the PFSO, the port facility operator or its representative. Restricted Area Access
71. (1) Port facilities shall establish a controlled perimeter around restricted areas. Control measures may include fencing and natural barriers and shall: Perimeter
- (a) define the regulated area;
 - (b) deter unauthorized entry; or
 - (c) delay unauthorized entry; and
 - (d) identify access control points.
- (2) The integrity of the perimeter shall be verified at least once per security shift.
72. The port facility shall install signage clearly identifying all restricted areas and such signage shall be visible from the landside perimeter and waterside approaches. Signage
73. Port facilities shall control all port facility access points when in use and shall secure access points when not in use against access by unauthorized persons and vehicles. Access Points
74. The Port Facility Security Officer shall have the means to effectively communicate with ship and port facility security personnel, law enforcement authorities and emergency response authorities and notify facility personnel of changes in security conditions at the facility. Communications
75. The Port Facility Security Officer shall ensure continued monitoring of: Surveillance
- (a) the facility and all its approaches;
 - (b) restricted areas within the facility; and
 - (c) ships at the facility and areas surrounding the ships.

PART VII- OPERATIONAL SECURITY (PORTS)

76. The port facility shall implement access control procedures as specified in the Security Plan for: Access Control
- (a) regular users;
 - (b) service providers;
 - (c) ships' crew;
 - (d) passengers;
 - (e) visitors;
 - (f) vehicles;
 - (g) cargo and ships' stores; and
 - (h) law enforcement officers and emergency responders
77. (1) All persons gaining entry to the port facility must: Access Control
Identification
Requirements
- (a) hold an identification card as required by these regulations and be authorized to be in the area; or
 - (b) be accompanied by another individual who holds a valid identification card issued under these regulations and is authorized to be in the area;
- (2) a port facility identification card shall be denied or revoked if:
- (a) a person has been convicted of a felony;
 - (b) the Maritime Administration believes a person to be a terrorism security risk; or
 - (c) a person has caused a port facility security incident.

(3) The port facility identification cards must at a minimum meet the following requirements:

a) be laminated or otherwise secured against tampering;

(b) contain the individual's full name, including (full first and last names, and middle initial is acceptable);

(c) bear the signature of the individual;

(d) contain a photo that accurately depicts that individual's current appearance or other suitable biometric; and

(e) bear the name of the issuing authority

78. Regular users gaining entry to the port facility must:

Access Control –
Regular Users

(a) present valid port facility identification to access control personnel;

(b) be authorized to be in the area which access is gained;

(c) be in the course and scope of his or her duties; and

(d) be screened and/or searched as determined by access-control personnel

79. Service providers gaining entry to the port facility must:

Access Control –
Service Providers

(a) be preapproved;

(b) be verified by the requesting ship or organisation;

(c) present valid identification;

(d) be screened and/or searched; and,

(e) be escorted at all times within the port facility by the requesting ship or organisation

80. Ships' crew gaining entry to the port facility must:

Access Control –
Ship's Crew

(a) be preapproved;

- (b) present valid identification;
 - (c) be screened by customs and immigrations, where applicable; and
 - (d) be escorted at all times within the port facility
81. Visitors gaining entry to the port facility must: Access Control -
Visitors
- (a) be preapproved by the Port Facility Security Officer;
 - (b) present valid identification;
 - (c) be screened and/or searched as required by the Port Facility Security Plan;
 - (d) be issued a visitor's pass; and
 - (e) be escorted at all times within the port facility
82. (1) All vehicles entering the port facility shall be searched. Access Control -
Vehicles
- (2) All drivers and passengers shall produce valid identification as required by the Port Facility Security Plan.
83. (1) To enter a security regulated port facility, a law enforcement officer or emergency responder must: Access Control -
Law
Enforcement/E
mergency
Responders
- (a) be in the course and scope of his/her duties;
 - (b) identify himself or herself as a law enforcement officer/emergency responder; and
 - (c) notify security personnel as to the reason for access.
- (2) If not responding to an emergency, a law enforcement officer or responder must present identification issued by their agency for access
84. Individuals gaining unauthorized access to the port facility from landside, waterside, or shipboard shall be apprehended and referred for administrative or criminal prosecution in accordance with these Regulations or Unauthorised
Access
Procedures

Guyana law.

85. (1) Cargo security and control measures shall be implemented to: Cargo
Operations

(a) prevent cargo tampering; and,

(b) track cargo for storage, staging, loading, and discharge.

(2) Port security personnel will ensure that containers are shut and sealed and check the container numbers against ship's manifest before containers are moved to the loading area.

(3) Signs of tampering or damage shall be referred to the Port Security Officer or Port Facility Security Officer for investigation and coordination with the appropriate law enforcement authorities.

86. Ship's stores shall be: Ship's Stores

(a) documented in advance;

(b) coordinated with ship;

(c) inspected upon arrival at the port facility;

(d) escorted to and from ship; and,

(e) accepted/received by a member of ship's crew

87. Passengers shall: Passenger
Procedures

(a) present valid identification;

(b) be screened by customs and immigration officials, where applicable;

(c) escort, label, and submit all baggage for screening;

(d) be segregated from all other port facility activities; and,

(e) be further segregated by embarkation/debarkation

class.

88. Prior to entering a port facility, arriving ships shall provide the following information within the time period specified by the Maritime Administration Department no less than 24 hours, nor more than 96 hours prior to arrival:
- Communications
/Reporting
Procedures
- (a) ISSC status;
 - (b) current security level of the ship;
 - (c) details of last 10 ship to port and ship to ship interface activities;
 - (d) ship location and estimated time of arrival;
 - (e) crew list;
89. (1) A port security incident is any occurrence resulting in the violation of any port security regulation within the geographical boundaries of port facility.
- Port Security
Incidents
- (2) A major port security incident is any occurrence resulting, or likely to result in:
- (a) the introduction of weapons, explosives or security prohibited items into the port facility or aboard a ship adjacent to a port facility;
 - (b) the infiltration of terrorists or hostile persons into the port facility or aboard a ship adjacent to port facility;
 - (c) the destruction of, damage to, or tampering with port facility property or ships or cargo within or adjacent to the port facility;
 - (d) non-accidental death or personal injury within the port facility or aboard ships adjacent to the port facility; and,
 - (e) the unauthorized breach of the ship-to-port interface.

(3) A minor port security is any violation of a port security Regulation not rising to the severity of a major port security incident, including but not limited to: -

(a) breaches of screening points;

(b) inappropriate uses of passes;

(c) damage to security equipment through sabotage or vandalism;

(d) suspicious behavior in or near the port facility

(e) suspicious packages in or near the port facility; and

(f) unsecured access points.

90. Threats of major security incidents shall be deemed major security incidents. Threats are to be classified as either “GENUINE”, in which case appropriate response procedures are to be enacted, or “HOAX”, in which case no further action, other than to report the incident to the Maritime Administration Department is necessary. Security Threats
91. Authorized users of the port facility are obligated to immediately report known or suspected violations of port security regulations and activities of a suspicious nature to port security authorities. Incident Reporting Requirements
92. Upon notification of a major security incident, the Port Facility Security Officer shall notify the Maritime Administration Department and local authorities immediately, and coordinate incident response measures in accordance with incident response procedures set out in the Security Plan. Major Incident Response
93. Upon notification of a minor security incident, the Port Facility Security Officer shall respond in accordance with the procedures set forth in the Security Plan and shall notify the Maritime Administration Department within seventy-two hours of the incident. Minor Incident Response

94. Upon notification of the threat or existence of Chemical, Biological, or Radiological (CBR) weapons of mass destruction within the port facility or in, on or aboard cargo or ships in or adjacent to the port facility, the Port Facility Security Officer shall notify the Maritime Administration Department and initiate emergency procedures as set forth in the Security plan.

Weapons of
Mass
Destruction
Response

PART VIII- ENFORCEMENT

95. The Maritime Administration Department and its delegates are empowered to:

Administrative
Enforcement
Authority

- a) investigate and prosecute unlawful acts under this Code;
- b) convene boards of inquiry; and
- c) promulgate directives for the conduct of boards of inquiry

96. 90. (1) An authorized person may, on production of his Inspection credentials, where required, inspect -

Powers of
Inspection

- (a) a Guyana ship;
- (b) another ship while in a port facility;
- (c) a port facility; or
- (d) land outside a port facility which is occupied for the purposes of a business by a person who-
 - (i) carries on, or appears to the authorised person to be about to carry on, port operations in a port facility for the purposes of the business; or

(ii) is permitted or appears to the authorised person to be about to be permitted, to have access to a restricted zone of a port facility for the purposes of the activities of

that business.

(2) An authorised person inspecting a ship, a port facility or land outside a port facility under sub-regulation (1) may-

(a) subject the property found by him on the ship, or the land outside the port facility, to such tests;

(b) take such steps -

(i) to ascertain what practices or procedures are being followed in relation to security; or

(ii) to test the effectiveness of any practice or procedure relating to security; or

(c) require the owner, charterer, manager or master of the ship, the port facility operator or the occupier of the land to furnish to him, such information, as the authorised person may consider necessary for the purpose for which the inspection is carried out.

(3) Subject to sub-regulation (4), an authorised person, for the purpose of exercising any power conferred on him by sub-regulation (1) or (2) in relation to a ship, a port facility or

land outside a port facility, may -

(a) go on board a ship and to take all such steps as are necessary to ensure that it is

not moved;

(b) enter any building or works in the port facility or enter upon any land in the port

facility; or

(c) enter upon the land outside a port facility and to enter any building or works on the land.

(4) An authorised person shall not use force for the purpose of going on board a ship, entering any building or

works or entering upon any land.

(5) A person who -

(a) without reasonable excuse, fails to comply with a requirement imposed on him

under sub-regulation (2)(c); or

(b) in furnishing any information so required, makes a statement which he: knows to be

false in a material particular, or recklessly makes a statement which is false in a

material particular, commits an offence

97. 1. A security guard is a person who is:

Security Guards
- defined

a) employed by the port facility or a security contractor to perform security duties; and

b) not a certified law enforcement officer.

2. A security guard must possess the following qualifications:

a) complete training as required by the Maritime Administration Department; and

b) basic port security skills and knowledge as set forth herein.

3. While on duty, security guards must wear the designated uniform; and possess valid identification as specified by the Maritime Administration Department.

98. Security guards are empowered to:

Security Guards
Authority

a. enter a regulated security area, or any building, vehicle, or place in any part of a regulated security area, or any ship, for the purpose of exercising and carrying out his or her powers, functions, and duties under these regulations;

b. visually and physically search persons, vehicles,

vessels, cargo, stores and baggage on or entering into a restricted zone;

c. require any person found in a restricted zone to produce identification;

d. require any person to state the reason for being in a restricted zone;

e. compel unauthorised persons, vehicles and vessels to be removed from a restricted zone;

f. detain and frisk a person, if security guard reasonably suspects that the person is committing, or has committed an offence. Thereafter, the detained person must be delivered to police as soon as possible;

g. seize any item for the purpose of determining whether the item may lawfully be taken on board a vessel or into a restricted zone;

h. destroy or dispose of items which pose an imminent safety or security risk; and

i. use the minimum force necessary to exercise assigned duties and authorities.

99. Law enforcement officers are empowered to enforce criminal laws and to make arrests for violations of these Regulations within security regulated port facilities and aboard security regulated vessels. Commissioned, warrant, and petty officers of the Coast Guard, Marine Police and Guyana Police Force may exercise general law enforcement authority.

Law
Enforcement
Officers

100. If a law enforcement officer reasonably believes that it is necessary to do so for the purposes of safeguarding against unlawful interference with maritime transport or offshore facilities, the law enforcement officer may:

Law
Enforcement
Authority

a. investigate any suspected offence under these regulations;

b. enter a regulated security area, or any building,

vehicle, or place in any part of a regulated security area, or any ship, for the purpose of exercising and carrying out his or her powers, functions, and duties under these regulations;

c. stop and conduct an ordinary search or a frisk search of persons within the restricted zone;

d. stop and search vehicles within the restricted zone;

e. stop and search vessels within the restricted zone;

f. make inquiries, examinations, inspections, searches, seizures, and arrests;

g. examine a vessel's documents and papers, as well as examine, inspect, and search the vessel;

h. arrest persons suspected of committing offences subject to other lawful appropriate action;

i. remove a person, vehicle or vessel which has entered the restricted zone without authority;

j. prevent a person, vehicle or vessel which has entered the zone without authority, from leaving the zone;

k. seize any item for the purpose of determining whether the item may lawfully be taken on board that vessel or into that restricted zone;

l. destroy or dispose of items which pose an imminent safety or security risk;

m. enforce moving or fixed safety or security zones established pursuant to law;

n. conduct high speed intercepts;

o. assist with facility vulnerability assessments required under this chapter; and

p. carry out other security missions as are assigned to under the Laws of Guyana.

101. The Master of a ship may detain any person onboard the ship for so long as it appears necessary or expedient in the interest of security. Master's Power to Detain
102. The administrative inquiry of offences under these Regulations may be initiated and performed by the Maritime Administration Department, the Chief Port Security Officer, or any authorised delegate thereof. Administrative Inquiries
103. A criminal offence under these Regulations may be prosecuted by any agency or individual having prosecutorial authority in the jurisdiction within which the offence occurred. The Maritime Administration Department shall refer suspected criminal violations to the appropriate prosecutorial authority for investigation and prosecution and shall identify those laws or directives which were violated. Criminal Prosecutions
104. Administrative jurisdiction is appropriate in:
- a) the place where the offence was committed; or
 - b) any place in which the illegal offender or person complained against may be found.
105. If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty under these Regulations, the administrative adjudicator may: Administrative Sanctions - Vessels
- a) revoke any licence or certificate issued with respect to such vessel, with or without prejudice to the issuance of subsequent licence;
 - b) suspend such licence for a period of time considered by the adjudicator to be appropriate;
 - c) deny such licence;
 - d) impose additional conditions and restrictions on any licence issued, and impose a civil penalty; or
 - e) refuse or revoke the clearance required for entry into the port facility

106. If any port facility owner, operator, or Port Facility Security Officer is liable for a penalty under these Regulations, the administrative adjudicator may:
- a) revoke any licence or certificate issued with respect to such facility, with or without prejudice to the issuance of subsequent licences or certificates;
 - b) suspend such licence or certificate for a period of time considered by the adjudicator to be appropriate;
 - c) deny such licence or certificate;
 - d) impose additional conditions and restrictions on any licence or certificate issued, and impose a civil penalty; or
 - e) suspend or withdraw the approved Security Plan and Statement of Compliance, if issued.
107. If any person is liable for a penalty under these Regulations, the administrative adjudicator may:
- a) revoke any licence issued with respect to such person, with or without prejudice to the issuance of subsequent licence;
 - b) suspend such licence for a period of time considered by the adjudicator to be appropriate;
 - c) deny such licence;
 - d) impose additional conditions and restrictions on any licence issued; and
 - e) impose a fine.
108. Venue for the adjudication of a criminal offence is proper in the district wherein the offence shall have been committed.
109. All proceedings brought against a person for an offence under these Regulations shall be in the form required by the Summary Jurisdiction (Procedure) Act.
- Administrative Sanctions – Port Facilities
- Administrative Sanctions - Persons
- Venue
- Criminal Adjudication Procedure

- | | |
|--|------------------------------|
| 110. The violation of any provision of these Regulations, the commission of any activity proscribed by herein or the failure to perform any positive action required by these Regulations shall be an offence punishable under this these Regulations, or the Guyana Shipping Act. | Offences -
General |
| 111. An offence under these Regulations punishable by an administrative action is classified as an administrative violation. | Administrative
Violations |
| 112. An offence under these Regulations punishable by fine or imprisonment is classified as a crime. | Criminal
Violations |

PART IX– ADMINISTRATIVE VIOLATIONS

- | | |
|---|--|
| 113. It shall be an administrative violation for a regulated entity to operate without a valid security plan as required by law, punishable by: | Failure to
Implement and
Maintain
Security Plan |
| a. \$25,000 fine per day of violation; | |
| b. Facility closure; | |
| c. Ship seizure and detention; and | |
| d. Operating Licence/International Ship Security Certificate/Statement of Compliance revocation. | |
| 114. It shall be an administrative violation for a regulated entity to fail to conduct training, drills, assessments and exercises as required by law, punishable by: | Failure to
Conduct
Training, Drills.
Assessments
and Exercises |
| a. fifty thousand dollars fine per day of violation; | |
| b. Facility closure; | |
| c. Ship seizure and detention; and | |
| d. Operating License/International Ship Security Certificate/Statement of Compliance revocation. | |

115. It shall be an administrative violation for a regulated entity to fail to implement and maintain all physical security measures as required by the security plan, punishable by:
- a. twenty-five thousand dollars fine per day of violation;
 - b. Facility closure;
 - c. Ship seizure and detention; and
 - d. Operating License/International Ship Security Certificate/Statement of Compliance revocation.
116. It shall be an administrative violation for a regulated entity to fail to implement and maintain all operational security measures as required by the port facility security plan, punishable by:
- a. fifty thousand dollars fine per day of violation;
 - b. Facility closure;
 - c. Ship seizure and detention; and
 - d. Operating License/International Ship Security Certificate/Statement of Compliance revocation.
117. It shall be an administrative violation for a regulated entity to fail to maintain security records as required by law, punishable by:
- a. twenty-five thousand dollars fine per day of violation;
 - b. Facility closure;
 - c. Ship seizure and detention; and
 - d. Operating License/International Ship Security Certificate/Statement of Compliance revocation.
118. It shall be an administrative violation for a regulated entity to fail to meet audit requirements as required by law,

Failure to implement and maintain physical security measures

Failure to implement and maintain operational security measures

Failure to maintain security records

Failure to meet audit

punishable by:

requirements

a. one hundred thousand dollars fine per day of violation;

b. Facility closure;

c. Ship seizure and detention; and

d. Operating License/International Ship Security Certificate/Statement of Compliance revocation

119. It shall be an administrative violation for a regulated entity to operate or service a regulated ship that does not possess a valid International Ship Security Certificate (ISSC), punishable by:

Operating or servicing ships without valid International Ship Security Certificates

a. one hundred fifty thousand dollars fine per day per violation;

b. Facility closure;

c. Ship seizure and detention; and

d. Operating License/Statement of Compliance revocation

120. It shall be an administrative violation for any ship to fail to comply with security directions issued by a competent authority, punishable by:

Failure of a ship to comply with security directions

a. one hundred fifty thousand dollars fine per violation;

b. Ship seizure and detention; and

c. International Ship Security Certificate/Statement of Compliance revocation

121. It shall be an administrative violation for a regulated ship to fail to maintain its Ship's Security Alert System (SSAS)/Automated Identification System (AIS)/Long Range Identification and Tracking (LRIT) as required by law, punishable by:

Failure to maintain SSAS/AIS/LRIT

a. one hundred fifty thousand dollars fine per day of violation;

b. Ship seizure and detention; and

c. International Ship Security Certificate/Statement of Compliance revocation

122. It shall be an administrative violation for a Recognised Security Organization (RSO) to set security levels, approve ship or port facility security assessments, approve ship security plans without the Administration's approval or port facility security plans, or exercise ship control and compliance measures. A violation under this section is punishable by:

Prohibited RSO actions

a. five hundred thousand dollars fine per violation; and

b. Revocation of RSO certification

PART X- CRIMINAL VIOLATIONS

123. It shall be a criminal violation for an individual to knowingly or intentionally fail to comply with security directions issued by a competent authority. A person who commits an offence under this provision is liable upon summary conviction to:

Failure of an individual to comply with security directions

a. fifteen thousand dollars fine per violation; and

b. Six months imprisonment

124. It shall be a criminal violation for an individual to knowingly or intentionally prevent, obstruct, resist or otherwise delay law enforcement or ship/port security personnel in the discharge of their duties. A person who commits an offence under this provision is liable upon summary conviction to:

Interference with law enforcement or security personnel

a. thirty thousand dollars fine per violation; and

b. Six months imprisonment.

125. It shall be a criminal violation for an individual to knowingly or intentionally enter or remain on or in a regulated port facility, regulated ship or security zone, without the consent of the owner or regulating authority. A person who commits an offence under this provision is liable upon summary conviction to a fine of fifteen thousand dollars. Trespass
126. It shall be a criminal violation for an individual to knowingly or intentionally alter, destroy, remove, or manipulate regulated ship or port facility property and containers and cargoes therein without authorisation. A person who commits an offence under this provision is liable upon summary conviction to: Tampering
- a. sixty thousand dollars fine per violation; and
 - b. six months imprisonment
127. It shall be a criminal violation for an unauthorized individual to possess a weapon inside a regulated port facility, onboard a regulated ship or within a security zone. A person who commits an offence under this provision is liable upon summary conviction to: Possession of
Weapon
- a. one hundred thousand dollars fine per violation; and
 - b. one year imprisonment
128. It shall be a criminal violation for an individual to knowingly or intentionally endanger persons or property inside a regulated port facility, onboard a regulated ship or within a security zone. A person who commits an offence under this provision is liable upon summary conviction to: Endangering
Persons or
Property
- a. twenty thousand dollars fine per violation; and
 - b. one month imprisonment
129. It shall be a criminal violation for an individual to knowingly or intentionally interfere with the operation of a Interference with
Port Facilities or

regulated port facility or regulated ships within regulated port facilities or security zones. A person who commits an offence under this provision is liable upon summary conviction to:

Vessels

- a. twenty thousand dollars fine per violation; and
- b. one month imprisonment

130. It shall be a criminal violation for an individual to knowingly or intentionally communicate the threat of injury to persons or damage to property inside a regulated port facility, onboard a regulated ship or within a security zone. A person who commits an offence under this provision is liable upon summary conviction to:

Threat

- a. fifty thousand dollars fine per violation; and
- b. one month imprisonment

131. It shall be a criminal violation for an individual to knowingly or intentionally falsely report the threat of injury to persons or damage to property inside a regulated port facility, onboard a regulated ship or within a security zone. A person who commits an offence under this provision is liable upon summary conviction to:

False Reporting

- a. fifty thousand dollars fine per violation; and
- b. one month imprisonment

132. It shall be a criminal violation for an individual to knowingly or intentionally forge, counterfeit, or alter without authorization any security-related certification or documentation, or to use, possess, or exhibit the same. A person who commits an offence under this provision is liable upon summary conviction to:

Counterfeiting

- a. one hundred thousand dollars fine per violation; and
- b. three months imprisonment

133. It shall be a criminal violation for an individual to knowingly or intentionally disclose port facility security assessments, port facility security plans, ship security assessments or ship security plans without authorization. A person who commits an offence under this provision is liable upon summary conviction to:
- a. twenty thousand dollars fine per violation; and
 - b. one month imprisonment.
134. It shall be a criminal violation for a governmental or port security official to possess an ownership interest in the ports, ships, or recognized security organizations over which he or she exercises regulatory authority, or to confer an unjust benefit to family and/or associates. A person who commits an offence under this provision is liable upon summary conviction to:
- a. one hundred thousand dollars fine per violation; and
 - b. three months imprisonment
135. It shall be a criminal violation for a governmental or port security official to knowingly or intentionally solicit or accept money, gifts or favors from a person or an entity seeking action by the official's office or agency. A person who commits an offence under this provision is liable upon summary conviction to:
- a. one hundred thousand dollars fine per violation; and
 - b. three months imprisonment
136. It shall be a criminal violation for a governmental or port security official to knowingly or intentionally use official information to acquire or aid another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information. A
- Unauthorised Disclosure
- Conflicts of Interests
- Bribery
- Misuse of Official Information

person who commits an offence under this provision is liable upon summary conviction to:

- a. one million dollars fine per violation; and
- b. one year imprisonment.

137. It shall be a criminal violation for an individual to knowingly or intentionally violate any security-related law, regulation, rule or order applicable to regulated ships and port facilities. A person who commits an offence under this provision is liable upon summary conviction to:

Security
Violations

- a. twenty thousand dollars fine per violation; and
- b. one month imprisonment

138. (1) Unless otherwise provided, a person who fails to comply with the provisions of these regulations commits an offence and is liable upon summary conviction to:

Offences
Generally

- a. twenty thousand dollars fine for each day the offence continues; and
- b. one month imprisonment

139. Where an offence under these Regulations committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in such capacity, he or she, as well as the body corporate, commits an offence and is liable to be proceeded against and punished accordingly.

140. (1) It shall be a defence for a person charged under these Regulations to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Defences

(2) Where an offence under these Regulations is committed, or would have been committed save for the operation of sub-regulation (1), by any person due to the act or default of some other person, that other person

commits the offence, and a person may be charged with and convicted of an offence by virtue of this sub-regulation whether or not proceedings are taken against the first mentioned person.

PART XI- MISCELLANEOUS

141. A recipient of a service specified in the first column of the Schedule shall pay the fee specified in the second column for the service. Fees
Schedule

SCHEDULE

FEEs

N.B. All fees are stated in United States dollars and shall be payable in Guyana dollars at the Bank of Guyana rate of exchange, as at the date of payment, for the sale, by the Bank, of United States dollar notes.			
		The following fees apply:-	
		MATTER	FEE
		On submission of ship security plan – regulation 24.(1)(a)	\$2,500.00
		On submission of amendment to ship security plan – regulation 24.(1)(a)	\$1,000.00
		Issue of International Ship Security Certificate – regulation 43.(2)	\$2,500.00
		Endorsement of International Ship Security Certificate – regulation 43.(2)	\$1,250.00
		Issue of Interim International Ship Security Certificate – regulation 49	\$1,250.00

		Issue of Continuous Synopsis Record – regulation 54(4)	\$500.00
		Issuing any document or performing any function not specifically provided for herein	\$75.00

APPENDIX

INTERNATIONAL SHIP SECURITY CERTIFICATE

(Official seal)

GUYANA

Certificate Number.....

Issued under the provisions of the

INTERNATIONAL CODE FOR THE SECURITY OF SHIPS AND OF PORT FACILITIES (ISPS CODE)

Under the authority of the Government of

GUYANA

by

Maritime Administration Department (MARAD)

Name of ship:.....

Distinctive number or letters:.....

Port of registry:.....

Type of ship :.....

Gross tonnage :.....

IMO Number:.....

Name and address of the Company:.....

.....

Company Identification Number:.....

THIS IS TO CERTIFY:

1. that the security system and any associated security equipment of the ship has been verified in accordance with section 19.1 of part A of the ISPS Code;
2. that the verification showed that the security system and any associated security equipment of the ship is in all respects satisfactory and that the ship complies with the applicable requirements of chapter XI-2 of the Convention and part A of the ISPS Code;
3. that the ship is provided with an approved Ship Security Plan.

Date of initial/renewal verification on which this certificate is based

This Certificate is valid until
subject to verifications in accordance with section 19.1.1 of part A of the ISPS Code.

Issued at

(place of issue of the Certificate)

Date of issue

.....

*(signature of the duly authorised official
issuing the Certificate)*

(Seal or stamp of MARAD)

ENDORSEMENT FOR INTERMEDIATE VERIFICATION

THIS IS TO CERTIFY that at an intermediate verification required by section 19.1.1 of part A of the ISPS Code the ship was found to comply with the relevant provisions of chapter XI-2 of the Convention and part A of the ISPS Code.

Intermediate verification

Signed
(Signature of authorized official)

Place

Date

(Seal or stamp of MARAD)

ENDORSEMENT FOR ADDITIONAL VERIFICATIONS

Additional verification

Signed
(Signature of authorized official)

Place

Date

(Seal or stamp of MARAD)

Additional verification

Signed
(Signature of authorized official)

Place

Date

(Seal or stamp of MARAD)

Additional verification

Signed
(Signature of authorized official)

Place

Date

(Seal or stamp of MARAD)

