
Government Notice No. 302 of 2021

THE PORTS ACT

Regulations made by the Mauritius Ports Authority, with the approval of the Minister, under section 65 of the Ports Act

PART I – PRELIMINARY

1. Short title

These regulations may be cited as the Ports (Security) Regulations 2021.

2. Interpretation

In these regulations –

“authorised person” means a person authorised, in writing, by or on behalf of the Authority, to carry out any of its functions specified in these regulations;

“company” means the owner of a vessel, or any organisation or person, including the manager, or the bareboat charterer, who –

- (a) assumes the responsibility for the operation of the vessel from the owner of the vessel; and
- (b) on assuming that responsibility, agrees to take over all the duties and responsibilities imposed by the ISM Code;

“Contracting Government” means the Government of a State which is party to the SOLAS Convention;

“declaration of security” means a declaration made and submitted under regulation 33;

“designated authority” means the authority designated as such under regulation 4;

“firearm” has the same meaning as in the Firearms Act;

“ISM Code” –

(a) means the International Safety Management Code for the Safe Operation of Ships and for Pollution Prevention adopted by the International Maritime Organisation in 1993 by Resolution A.741(18); and

(b) includes any amendments made thereto;

“ISPS Code” –

(a) means the International Code for the Security of Ships and of Port Facilities adopted by the International Maritime Organisation on 12 December 2002 by the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea 1974; and

(b) includes any amendments thereto;

“Mauritius ship” has the same meaning as in the Merchant Shipping Act;

“mobile offshore drilling unit” means a mechanically propelled unit or vessel which is capable of engaging in drilling operations for the exploration of, or exploitation of, resources beneath the seabed such as liquid or gaseous hydrocarbons, sulphur, or salt, but which is not on location carrying out drilling operations;

“NMHSC” means the National Maritime and Harbour Security Committee referred to in regulation 5;

“port facility” –

(a) means the port facilities as set out in the First Schedule or, where a vessel to shore interface takes place, such other locations as may be required by the designated authority; and

- (b) includes any area such as an anchorage, waiting berth or approach from seaward;

“Port Facility Operator” means –

- (a) any person licensed under the Act or any regulations made under it to operate within a port facility; or
- (b) the Authority where it carries out activities within a port facility;

“Port Facility Security Assessment” means an assessment of the security of a port facility carried out in accordance with regulation 15;

“Port Facility Security Officer” means a person appointed as such under regulation 20;

“Port Facility Security Plan” means the Port Facility Security Plan referred to in regulation 16;

“port related area” means an area or a property located in a port, other than a port facility, that affects or is likely to affect the security of the port and is designated by the Authority as a port related area in relation to that port;

“Port restricted area” has the same meaning as “restricted area” specified in the Restricted Areas (Port Area) Order 1994;

“Port Security Assessment” means the Port Security Assessment referred to in regulation 7;

“Port Security Officer” means a person appointed as such under regulation 12;

“Port Security Plan” means the Port Security Plan referred to in regulation 8;

“recognised security organisation” means a security organisation recognised by the Authority after consultation with the NMHSC;

“restricted zone” means a zone delimited within a port restricted area under regulation 27;

“security incident” means any suspicious act or circumstance threatening the security of a vessel, mobile offshore drilling unit, port facility, port related area, vessel/port interface, or vessel-to-vessel activity;

“security level” means –

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

“security level 1” means the security level for which minimum appropriate protective security measures shall be maintained at all times;

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

“security level 3” means the security 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, even if it is not possible to identify the specific target;

“SOLAS Convention” means the International Convention for the Safety of Life at Sea, 1974, including any amendments thereto;

“statement of compliance” means the statement of compliance issued under regulation 22;

“vessel/port interface” means the interactions that occur where a vessel is directly and immediately affected by actions

involving the movement of persons, goods or the provisions of port services to or from the vessel;

“vessel security officer” means a person designated as such by a company in respect of every vessel operated by it;

“vessel-to-vessel activity” means any activity not related to a port facility or port related area and involves the transfer of goods or persons from one vessel to another.

3. Application of regulations

These regulations shall apply to –

- (a) any port facility serving a vessel which is engaged on international voyages and port related area, if any; and
- (b) the following vessels which are engaged on international voyages –
 - (i) passenger ships, including high-speed passenger craft;
 - (ii) cargo ships, including high-speed craft, of 500 tonnage or more; and
 - (iii) mobile offshore drilling units.

PART II – ADMINISTRATION

4. Designated authority

(1) The designated authority referred to in Chapter XI-2 of the SOLAS Convention, in relation to the security of port and vessels, shall, for the purposes of these regulations, be the Prime Minister’s Office.

(2) The Secretary to Cabinet and Head of the Civil Service shall –

- (a) require all port facilities operating within vessel to shore interface to designate a Port Facility Security Officer and to prepare a Port Facility Security Plan;

- (b) approve the Port Security Assessment and Port Security Plan recommended by the Port Security Committee;
- (c) issue the statement of compliance for the port;
- (d) ensure that the relevant authorities at the port are exercising control and security measures in compliance with the ISPS Code; and
- (e) specify the appropriate security level of the port after consultation with the chairperson of the Port Security Committee and the Commissioner of Police or whenever he has credible intelligence of an imminent threat to the port infrastructure.

5. National Maritime and Harbour Security Committee

(1) There shall be, under the aegis of the Prime Minister's Office, a National Maritime and Harbour Security Committee (NMHSC).

(2) NMHSC shall consist of –

- (a) the Secretary to Cabinet and Head of the Civil Service or his representative, as Chairperson;
- (b) the Secretary for Home Affairs, Prime Minister's Office, Home Affairs Division;
- (c) the Permanent Secretary, Prime Minister's Office, Home Affairs Division;
- (d) the chairperson of the Maritime Security Steering Committee;
- (e) the chairperson of the Maritime Search and Rescue Standing Committee;

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- (f) the chairperson of the Port Security Committee;
 - (g) the Permanent Secretary, Prime Minister's Office, External Communications Division;
 - (h) the Commissioner of Police;
 - (i) the Director-General, National Security Service;
 - (j) the Commanding Officer, Special Mobile Force;
 - (k) the Commandant, National Coast Guard;
 - (l) the Officer-in-Charge, Counterterrorism Unit;
 - (m) the Director of Shipping;
 - (n) the Director of Customs, Mauritius Revenue Authority;
 - (o) the Officer-in-Charge, Passport and Immigration Office;
 - (p) the Principal Coordinator, Security Matters; and
 - (q) such other person as the Chairperson may determine.

(4) NMHSC may appoint such subcommittees as it may determine or it may appoint an expert to advise it on any matter pertaining to its functions.

(5) NMHSC shall –

- (a) take stock of all major programmes and measures undertaken by the different committees on maritime and harbour security;
- (b) provide policy guidelines in connection with maritime and harbour security; and
- (c) keep the Prime Minister abreast of all major issues in relation to maritime and harbour security.

6. Port Security Committee

(1) There shall be a Port Security Committee which shall consist of –

- (a) the Director-General, Mauritius Ports Authority, as Chairperson;
- (b) the Port Master, Mauritius Ports Authority;
- (c) the Passport and Immigration Officer;
- (d) a representative of the Prime Minister’s Office, External Communications Division;
- (e) the Director of Shipping;
- (f) the Director of Customs, Mauritius Revenue Authority;
- (g) the Officer-in-Charge, Port Police;
- (h) the Commandant, National Coast Guard;
- (i) the Managing Director, Cargo Handling Corporation Limited;
- (j) the Officer-in-Charge, Anti-Drug and Smuggling Unit; and
- (k) the Port Security Officer.

(2) The Port Security Committee may co-opt such persons, including representatives of the Ministry responsible for the subject of fisheries (Fisheries Division), the Ministry responsible for the subject of health, the Ministry responsible for the subject of agriculture, the Chairperson of Port Users Council, as may be of assistance in relation to any matter before it.

(3) In the absence of the Director-General, Mauritius Ports Authority, the Port Master, Mauritius Ports Authority, shall chair the Port Security Committee.

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- (4) The Port Security Committee shall –
- (a) take stock of the status of security in the port area and ensure appropriate measures are taken on matters relating to security at the port;
 - (b) assess existing organisational and security measures in place within the port and port premises to prevent threats;
 - (c) assess security incidents at the port and recommend remedial actions;
 - (d) ensure that the security assessment of the port is carried out in a timely manner;
 - (e) coordinate and facilitate the implementation of the security measures recommended in the Port Security Plan and the Port Facility Security Plan;
 - (f) approve the Port Facility Security Assessments and Port Facility Security Plans of the Authority;
 - (g) report to NMHSC on security measures and programmes undertaken at the port;
 - (h) ensure the implementation of policies and directives issued by NMHSC; and
 - (i) establish the requirements for a declaration of security.

PART III – SECURITY ASSESSMENTS AND PLANS

Sub-Part A – Port Security

7. Port Security Assessment

(1) Subject to regulation 11, the Authority shall complete a Port Security Assessment in respect of each port every 5 years.

(2) The Port Security Assessment shall be carried out taking into consideration –

- (a) the requirements under the Second Schedule;
- (b) the Port Facility Security Assessments carried out for the port facilities and port related areas, if any, situated within the port;
- (c) specificities of different sections of –
 - (i) the port; and
 - (ii) any areas adjacent to the port referred to in a notice under paragraph (3).

(3) NMHSC may, by notice in writing, require the Authority to include in its Port Security Assessment any area adjacent to the port that the Committee considers may have an impact on the security of the port.

(4) The Authority may appoint a recognised security organisation to carry out or review, on its behalf, the Port Security Assessment.

(5) On recommendation of the Port Security Committee, the Authority shall request approval from the designated authority for the Port Security Assessment not later than 30 days from the date of completion of the assessment.

(6) A request for approval under paragraph (5) shall be made in writing and shall be accompanied by information showing that the assessment has been carried out in accordance with paragraph (2).

(7) On receipt of a request under paragraph (5), the designated authority may approve the Port Security Assessment on such terms and conditions as it may determine.

8. Port Security Plan

(1) Subject to regulation 11, the Authority shall develop, maintain and update the Port Security Plan for each port every 5 years.

- (2) The Authority shall ensure that the Port Security Plan –
- (a) addresses the specificities of different sections of the port;
 - (b) has integrated into it –
 - (i) the approved Port Security Facility Plans of every port facility situated in that port; and
 - (ii) the approved Port Security Plans of port related areas, if any, designated in relation to the port;
 - (c) where and to the extent appropriate, sets out the security measures to be applied to passengers and vehicles for embarkation on seagoing vessels;
 - (d) identifies for every security level –
 - (i) the procedures to be followed;
 - (ii) the measures to be put in place; and
 - (iii) the actions to be taken,
for the port;
 - (e) takes into account the requirements under the Third Schedule; and
 - (f) identifies the person responsible for each of the measures specified in that plan.

(3) The Authority may appoint a recognised security organisation to develop or review, on its behalf, the Port Security Plan.

(4) Where a recognised security organisation has carried out or reviewed a Port Security Assessment for a port, the recognised security organisation may also develop or review the Port Security Plan for that port.

9. Approval of Port Security Plan

(1) On the recommendation of the Port Security Committee, the Authority shall, not later than 45 days from receipt of the said recommendation, seek approval from the designated authority for the Port Security Plan.

(2) On receipt of a request made under paragraph (1), the designated authority may approve the Port Security Plan on such terms and conditions as it may determine.

(3) When, or at any time after, approving a Port Security Plan, whether or not subject to amendment, the designated authority may notify the Authority of the types of amendments to the Port Security Plan that shall be submitted to the committee for approval before those amendments are implemented.

(4) Where the Authority has received a notification under paragraph (3), it shall request an approval from the designated authority before implementing an amendment to the Port Security Plan of any type specified in that notification and shall not implement that amendment until the approval has been obtained.

(5) The designated authority may, in respect of a request made under paragraph (4), approve the Port Security Plan on such terms and conditions as it may determine.

(6) A request under this regulation shall be in writing and a request for approval under –

- (a) paragraph (1) shall be accompanied by a copy of the Port Security Plan;

- (b) paragraph (4) shall be accompanied by a copy of the Port Security Plan and an explanation of the proposed amendments.

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

10. Implementation of Port Security Plan

The Authority shall implement and comply with the approved Port Security Plan and ensure that all other Port Facility Operators comply with it.

11. Review of Port Security Assessment and Port Security Plan

(1) The Authority shall complete a review of the Port Security Assessment and the Port Security Plan –

- (a) within 30 days of a major operational change in the port;
- (b) within 30 days of a major structural change in the port;
- (c) within 30 days of a security incident at the port;
- (d) within 30 days of a written request of the designated authority; and
- (e) not more than 5 years after the Port Security Assessment or the Port Security Plan was last approved.

(2) A review of a Port Security Assessment under paragraph (1) shall consist of –

- (a) a review of the security risks highlighted in the Port Security Assessment;
- (b) the likelihood of the security risks occurring;

- (c) the impact such an occurrence would have; and
- (d) the actions to be taken to address those security risks.

(3) Following a review under paragraph (1), the Authority shall amend the Port Security Assessment and Port Security Plan, as may be appropriate, and shall submit same to the Port Security Committee for recommendation and approval by the designated authority.

(4) Where a Port Security Plan or a Port Security Assessment has been reviewed under paragraph (1)(a), (b), (c), (d) or (e) and as may be amended under paragraph (3), the Authority shall request approval from the designated authority for the amended Port Security Assessment and Port Security Plan, not later than 30 days after the recommendation of the Port Security Committee.

(5) Regulation 7(6) and (7) shall apply to a request for approval from the designated authority for a Port Security Assessment under paragraph (1)(a), (b), (c), (d) or (e) as they apply to a request for approval under regulation 7(5).

(6) Regulation 9(2) and (6) shall apply to a request for approval from the designated authority for a Port Security Plan following a review of that Port Security Plan under paragraph (1)(a), (b), (c), (d) or (e) as they apply to a request for approval under regulation 9(1).

(7) The Authority may appoint a recognised security organisation to carry out a review of the Port Security Assessment or Port Security Plan on its behalf.

(8) In this regulation –

- (kq) “major operational change” means change to a commercial maritime transport operator or its

operations, which shall have an impact on the security of the port;

- (kr) “major structural change” means a major change to any physical structures in the port, which shall have an impact on the security of the port.

12. Port Security Officer

(1) The Authority shall, for the purposes of these regulations and the ISPS Code, appoint a Port Security Officer for its ports.

(2) The Authority shall notify NMHSC of any appointment made under paragraph (1) within 30 days of the appointment.

(3) A person may be appointed as a Port Security Officer for one or more ports.

(4) The Authority shall provide the Port Security Officer with the resources, assistance and support necessary to enable him to carry out his duties and discharge his responsibilities under these regulations and the ISPS Code.

13. Functions of Port Security Officer

(1) A Port Security Officer shall –

- (a) be the point of contact for port security and related issues; and
- (b) co-operate with every Port Facility Security Officer situated in the port.

(2) A Port Security Officer may require a Port Facility Security Officer of any port facility situated in the port to furnish him with such information as he may consider necessary in the discharge of his functions under these regulations.

14. Duties and responsibilities of Port Security Officer

In addition to the duties and responsibilities specified in Part A of the ISPS Code, the other duties and responsibilities of a Port Security Officer shall be the following –

- (a) conducting an initial comprehensive security survey of the port, taking into account the relevant Port Facility Security Assessment;
- (b) ensuring the development and maintenance of the Port Facility Security Plan;
- (c) implementing and exercising the Port Security Plan;
- (d) undertaking regular security inspections of the port facilities to ensure the continuation of appropriate security measures;
- (e) recommending and incorporating, as appropriate, modifications to the Port Security Plan in order to correct deficiencies and to update the plan to take into account relevant changes to the port facility;
- (f) enhancing security awareness and vigilance of the port and facilities personnel;
- (g) ensuring that adequate training has been provided to personnel responsible for the security of the port facility;
- (h) reporting to the relevant authorities and maintaining records of occurrences which threaten the security of the port;
- (i) coordinating with the appropriate company and vessel security officer for the implementation of the Port Security Plan in relation to the vessel security plan;
- (j) coordinating with law enforcement agencies and security service providers;

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- (k) ensuring that standards for personnel responsible for the security of the port and port facilities are met; and
 - (l) ensuring that security equipment is properly operated, tested, calibrated and maintained, if any.

Sub-Part B – Port Facility Security

15. Port Facility Security Assessment

(1) The Port Facility Operator shall not carry out its activities at a port facility, unless –

- (a) in the case of a Port Facility Operator other than the Authority, there is, in respect of that port facility, a completed Port Facility Security Assessment approved by the Authority;
- (b) in case a Port Facility Operator is the Authority, there is, in respect of that port facility, a completed Port Facility Security Assessment approved by the Port Security Committee.

(2) The Port Facility Operator shall, every 5 years, complete a Port Facility Security Assessment in respect of every port facility for which it is responsible.

(3) The Port Facility Security Assessment shall be carried out taking into account the requirements specified in the Fourth Schedule.

(4) The Port Facility Operator shall carry out the Port Facility Security Assessment referred to in this regulation or appoint a recognised security organisation to carry out the Port Facility Security Assessment on its behalf.

(5) (a) The Authority shall request approval of the Port Facility Security Assessment from the Port Security Committee not later than 30 days from the completion of the security assessment.

(b) A Port Facility Operator, other than the Authority, shall request approval of the Port Facility Security Assessment from the Authority not later than 30 days from the completion of the security assessment.

(6) A request for approval under paragraph (5) shall be made in writing and shall be accompanied by information showing that the assessment has been carried out in accordance with paragraph (3).

(7) On receipt of an application made under paragraph (6), the Port Security Committee or the Authority, as the case may be, may approve the Port Facility Security Assessment on such terms and conditions as it may determine.

(8) The Port Security Committee, the Authority, the Port Facility Operator and the recognised security organisation shall protect the report on the Port Facility Security Assessment from unauthorised access or disclosure.

(9) A Port Facility Security Assessment may cover more than one port facility where –

- (a) the facility operator, location, equipment and design of the port facilities are similar; and
- (b) prior approval of the Port Security Committee or the Authority, as the case may be, has been obtained.

(10) On completion of the Port Facility Security Assessment, the Port Facility Operator or recognised security organisation appointed under paragraph (4), as the case may be, shall, not later than 30 days from the completion of the security assessment, prepare a report consisting of –

- (a) a summary of how the security assessment was conducted;
- (b) a description of each vulnerability found during the assessment; and

- (c) a description of countermeasures that could be used to address each vulnerability.

16. Port Facility Security Plan

(1) The Port Facility Operator shall not carry out its activities at a port facility or at a port related area, if any, unless –

- (a) in the case of a Port Facility Operator other than the Authority, there is, in respect of that port facility or port related area, a Port Facility Security Plan approved by the Authority;
- (b) in case a Port Facility Operator is the Authority, there is, in respect of that port facility or port related area, a Port Facility Security Plan approved by the Port Security Committee.

(2) The Port Facility Operator shall, in respect of every port facility or port related area for which it is responsible, develop and maintain a Port Facility Security Plan within 3 months prior to carrying out any activities in the port facility.

(3) The Port Facility Security Plan –

- (a) may be prepared by a recognised security organisation;
- (b) shall not be inconsistent with the Port Security Plan;
- (c) shall take into account the requirements under the Fifth Schedule;
- (d) shall identify for every security level –
 - (i) the procedures to be followed;
 - (ii) the measures to be put in place; and
 - (iii) the actions to be taken,for the port facility;

- (e) shall identify the person responsible for each of the measures contained in that plan.

(4) Where a recognised security organisation has carried out or reviewed a Port Facility Security Assessment for a port facility, the recognised security organisation may also develop or review the Port Facility Security Plan for that port facility.

17. Approval of Port Facility Security Plan

(1) The Port Facility Operator shall request for the approval of the Port Facility Security Plan from the Port Security Committee or the Authority, as the case may be, not later than 30 days from its preparation or review, as the case may be.

(2) On receipt of a request made under paragraph (1), the Port Security Committee or the Authority, as the case may be, may approve the Port Facility Security Plan on such terms and conditions as it may determine.

(3) When, or at any time after, approving a Port Facility Security Plan, whether or not subject to any amendment, the Port Security Committee or the Authority, as the case may be, may notify the Authority or Port Facility Operator of the types of amendments to the Port Facility Security Plan that shall be submitted to Port Security Committee or the Authority, as the case may be, for approval before those amendments are implemented.

(4) Where the Authority or Port Facility Operator has received a notification under paragraph (3), it shall request an approval from the Port Security Committee or the Authority, as the case may be, before implementing an amendment to the Port Facility Security Plan for any type of amendment specified in that notification and shall not implement that amendment until the Port Security Committee or the Authority has approved it.

(5) The Port Security Committee or the Authority, as the case may be, may, on a request made under paragraph (4), approve a Port Facility Security Plan on such terms and conditions as it may determine.

(6) A request made under this regulation shall be in writing and a request for approval under –

- (a) paragraph (1) shall be accompanied by a copy of the Port Facility Security Plan;
- (b) paragraph (4) shall be accompanied by a copy of the Port Facility Security Plan and an explanation of the proposed amendments.

(7) A Port Facility Operator shall, at all times, keep –

- (a) at its main office, the original of its approved Port Facility Security Plan; and
- (b) at every of its sub-offices, a copy of such approved Port Facility Security Plan.

(8) A port facility security operator shall produce the original of the Port Facility Security Plan, or a copy thereof, on demand, to the Port Security Committee or the Authority, as the case may be.

18. Review of Port Facility Security Assessment and Port Facility Security Plan

(1) The Port Facility Operator shall cause a review of the Port Facility Security Plan to be made –

- (a) where the Port Facility Security Assessment relating to the port facility is altered;
- (b) where an independent audit of the Port Facility Security Plan or testing of the port facility by the Port Security Committee or the Authority, as the case may

be, identifies failings in the port facility or questions the continuing relevance of significant elements of the approved Port Facility Security Plan;

- (c) following security incidents or threats involving the port facility; and
- (d) following changes in ownership or operational control of the port facility.

(2) The review referred to in paragraph (1) shall be completed –

- (a) not later than 30 days from the occurrence of any of the events referred to in that paragraph;
- (b) not more than 5 years after the Port Facility Security Assessment or Port Facility Security Plan was last approved.

(3) The Port Facility Security Officer may recommend appropriate amendments to an approved Port Facility Security Plan following any review of the plan.

(4) Following a review under paragraph (1) or paragraph (3), the Port Facility Operator shall amend the Port Facility Security Assessment and Port Facility Security Plan, as appropriate.

(5) The Authority or Port Facility Operator, as the case may be, shall request for approval from the Port Security Committee or the Authority for every amendment to the Port Facility Security Plan relating to –

- (a) every proposed change which could fundamentally alter the approach adopted to maintain the security of the port facility;
- (b) the removal, alteration or replacement of permanent barriers, security and surveillance equipment and systems, previously considered essential in maintaining the security of the port facility.

(6) On receipt of a request made under paragraph (5), the Port Security Committee or the Authority, as the case may be, may approve a Port Facility Security Plan on such terms and conditions as it may determine.

19. Training, drills and exercises on port facility security

(1) A Port Facility Operator shall –

- (a) provide his port facility personnel having specific security duties, training in some or all of the areas specified in the Sixth Schedule;
- (b) where he has assigned specific security duties to his port facility personnel, provide them training in some or all of the areas specified in the Seventh Schedule.

(2) Where a port facility personnel has been assigned specific security duties by a Port Facility Operator, he shall –

- (a) understand his duties and responsibilities for port facility security, as described in the Port Facility Security Plan;
- (b) have sufficient knowledge in some or all of the areas specified in the Seventh Schedule.

(3) (a) A Port Facility Operator shall carry out drills and exercises at such intervals as specified in the Port Facility Security Plan or at such intervals as the Authority may determine.

(b) In carrying out the drills and the exercises, the Port Facility Operator shall take into account –

- (i) the types of operation of the port facility;
- (ii) port facility personnel changes;
- (iii) the type of vessel the port facility serves;
- (iv) other relevant circumstances; and

- (v) the guidance set out in the Eighth Schedule.
- (4) The Port Facility Security Officer shall –
 - (a) participate in the drills referred to in paragraph (3);
 - (b) take into account the guidance set out in the Eighth Schedule; and
 - (c) ensure the effective coordination and implementation of the Port Facility Security Plan.

20. Port Facility Security Officer

(1) A Port Facility Operator shall, for the purposes of these regulations and the ISPS Code, appoint a person having training and sufficient knowledge, in some or all of the areas specified in the Sixth and Seventh Schedules, to be the Port Facility Security Officer of the port facility for which he is responsible.

(2) A person may be appointed as a Port Facility Security Officer for more than one port facility.

(3) The Port Facility Operator shall provide the Port Facility Security Officer with –

- (a) the resources, assistance and support necessary to enable him to carry out his duties and discharge his responsibilities under this regulation and the ISPS Code; and
- (b) the necessary support to fulfil the duties and responsibilities imposed on him under regulation 21, by Chapter XI-2 of the SOLAS Convention and Part A of the ISPS Code.

21. Duties and responsibilities of Port Facility Security Officer

In addition to any other duty or responsibility specified in Part A of the ISPS Code, the duties and responsibilities of the Port Facility Security Officer shall include the following –

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- (a) conducting an initial comprehensive security survey of the port facility, taking into account the relevant Port Facility Security Assessment;
 - (b) ensuring the development and maintenance of the Port Facility Security Plan;
 - (c) implementing and exercising the Port Facility Security Plan;
 - (d) undertaking regular security inspections of the port facility to ensure the continuation of appropriate security measures;
 - (e) recommending and incorporating, as appropriate, modifications to the Port Facility Security Plan in order to correct deficiencies and to update the plan to take into account relevant changes to the port facility;
 - (f) enhancing security awareness and vigilance of the port facility personnel;
 - (g) ensuring that adequate training has been provided to personnel responsible for the security of the port facility;
 - (h) reporting to the relevant authorities and maintaining records of occurrences which threaten the security of the port facility;
 - (i) coordinating with the appropriate company and vessel security officer for the implementation of the Port Facility Security Plan in relation to the vessel security plan;
 - (j) coordinating with security officers, as appropriate;
 - (k) ensuring that standards for personnel responsible for security of the port facility are met;
 - (l) ensuring that security equipment is properly operated, tested, calibrated and maintained, if any;

- (m) assisting vessel security officers in confirming the identity of those seeking to board the vessel when requested.

22. Statement of compliance by Prime Minister's Office and the Authority

(1) The Prime Minister's Office may, in respect of a port, issue a statement of compliance indicating –

- (a) the port;
- (b) that the port complies with Chapter XI-2 of the SOLAS Convention and Part A of the ISPS Code;
- (c) the period of validity of the statement of compliance, not exceeding 5 years; and
- (d) the subsequent verification arrangements determined by the Authority and a confirmation when these verification arrangements are carried out.

(2) The Authority may, in respect of a port facility occupied by a Port Facility Operator other than the Authority, issue a statement of compliance indicating –

- (a) the port facility;
- (b) that the port facility complies with Chapter XI-2 of the SOLAS Convention and Part A of the ISPS Code;
- (c) the period of validity of the statement of compliance, not exceeding 5 years;
- (d) the subsequent verification arrangements determined by the Port Facility Operator and a confirmation when these verification arrangements are carried out.

(3) A statement of compliance referred to in this regulation shall be in the form set out in the Ninth Schedule.

PART IV – VESSEL SECURITY MEASURES**23. Inspection of records**

(1) Subject to paragraph (2), where the Authority has clear grounds to believe that a vessel is not in compliance with the requirements of Chapter XI-2 or Part A of the ISPS Code, and the only means to verify or rectify the non-compliance is to review the relevant requirements of the vessel security plan, the master of the vessel shall allow limited access to the specific sections of the plan relating to the non-compliance.

(2) Unless the consent of the master of the vessel is obtained, the Authority shall not access the following provisions of the vessel security plan of the vessel –

- (a) identification of the restricted areas and measures for the prevention of unauthorised access to them;
- (b) procedures for responding to security threats or breaches of security, including provisions for maintaining critical operations of the vessel, or vessel/port interface;
- (c) procedures for responding to any security instructions given by the Authority at security level 3;
- (d) duties to its personnel on any security responsibilities;
- (e) procedures to ensure the inspection, testing, calibration and maintenance of any security equipment provided on board;
- (f) identification of the locations where the vessel security alert system activation points are provided; and
- (g) procedures, instructions and guidance on the use of the vessel security alert system, including the testing,

activation, deactivation and resetting, and to limit false alerts.

(3) Where a company receives a written request under paragraph (1), it shall make the relevant records available to the Authority in a legible format.

24. Pre-arrival information

(1) Every master of a vessel shall, prior to entry into a port, provide to the Port Master information –

- (a) on whether the vessel possesses a valid certificate of registration and the name of its issuing authority;
- (b) on the security level at which the vessel is currently operating;
- (c) on the security level at which the vessel was operated in any previous port where it has conducted a vessel/port interface within the period specified in paragraph (2);
- (d) on any special or additional security measures that were taken by the vessel in any previous port where it has conducted a vessel/port interface within the period specified in paragraph (2);
- (e) as to whether the appropriate vessel security procedures were maintained during any vessel-to-vessel activity within the period specified in paragraph (2); and
- (f) on other practical security related information, other than the details of the vessel security plan.

(2) Every vessel shall keep records of the information specified in paragraph (1) for its last 10 calls at port facilities.

(3) The information referred to in paragraph (1) shall be provided to the Authority in such form as may be approved by the Authority –

- (a) at least 24 hours prior to entry into port; or
- (b) at the time the vessel leaves the previous port, where the voyage time is less than 24 hours.

(4) Where the master of a vessel or company fails to provide the information referred to in paragraph (1) or provides information in contravention of paragraph (3), the Authority may –

- (a) establish communication with the master and the vessel's administration and company to rectify the non-compliance; and
- (b) where the communication does not result in rectification –
 - (i) require the vessel to proceed to a specified location within the territorial waters or a port designated by the Port Master;
 - (ii) request the National Coast Guard to inspect the vessel to ascertain compliance with the requirements of these regulations; and
 - (iii) deny the vessel entry into a port where it has reasonable grounds to believe that the vessel represents an immediate threat to the security or safety of port facilities, persons, vessels or other property and there is no other means to remove the threat.

(5) The Authority shall inform the master of the vessel of any requirement, request or denial under paragraph (4)(b) by such means of communication as he considers appropriate.

(6) A measure taken under this regulation –

- (a) shall be brought to the attention of the Director of Shipping as soon as possible;
- (b) shall be proportionate to the extent of the non-compliance; and
- (c) may include other lesser administrative or corrective measures.

(7) Where a vessel is denied entry under paragraph (4)(b)(iii), the Authority or port facility, as the case may be –

- (a) shall take all possible measures to avoid the vessel being unduly detained or delayed; and
- (b) a person may be allowed to leave the vessel or access the vessel for humanitarian, emergency and security reasons.

(8) The Authority may direct that a Port Facility Operator or a port service provider shall not provide services to the vessel referred to in paragraph (4)(b)(iii) where a control measure has been taken in terms of that paragraph.

(9) A measure taken under paragraph (4)(b) shall remain effective until the non-compliance that gave rise to the taking of that measure is rectified to the satisfaction of the Authority and the Director of Shipping.

PART V – SECURITY MEASURES

25. Security levels

(1) NMHSC or the designated authority shall, after consultation with the Director-General of the Mauritius Ports Authority and the Commissioner of Police, give the Authority notice of the security level which applies to a port.

(2) Where NMHSC gives the Authority a notice under paragraph (1), the Authority shall ensure that security measures required for that level and set out in the Port Security Plan are in place at that port –

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

(3) NMHSC or the designated authority shall inform the Authority of any information that has come to their knowledge in respect of a security threat to a vessel or port facility or in respect of a security incident.

(4) The Authority may require any vessel intending to operate, or operating, within a port to comply with any of the security levels.

(5) NMHSC or the designated authority shall –

- (a) change the security level of a port previously notified to the Authority where it considers it is necessary to do so, having regard to a change in the risk of a security incident; and
- (b) give the Authority notice of the new security level,

and the Authority shall comply with paragraph (2).

26. Additional security measures

(1) A Port Facility Operator shall not implement an additional security measure, other than one which is referred to in the Port Facility Security Plan, unless such additional security measure has been approved by the Port Security Committee or Authority, as the case may be.

(2) A Port Facility Operator shall make an application to the Port Security Committee or the Authority, as the case may be, in such

form and manner as the Port Security Committee or the Authority, as the case may be, may determine for the approval of the additional security measure referred to in paragraph (1).

(3) The Port Security Committee or the Authority, as the case may be, may grant or reject an application made under paragraph (2).

(4) Where the Port Security Committee or Authority, as the case may be, grants the application, it shall issue a written approval to the Port Facility Operator, subject to such terms and conditions as it may impose.

27. Restricted zones within the port restricted areas

The Authority may delimit within a port restricted area, a restricted zone which may include –

- (a) shore and waterside areas immediately adjacent to the mooring place of vessels;
- (b) an embarkation and disembarkation area, a passenger and vessel's personnel holding or a processing area, and a search point;
- (c) an area where loading, unloading or storage of cargo and stores are undertaken;
- (d) a location where security sensitive information, including cargo documentation, are kept;
- (e) an area where dangerous goods and hazardous substances are kept;
- (f) a vessel traffic management system control room, an aid to navigation and port control building, and a security and surveillance control room;
- (g) an area where security and surveillance equipment are stored or located;

-
- (h) an essential electrical, radio or other telecommunication, water or other utility installation; and
 - (i) any other locations in the port restricted area where access by vessels, vehicles and individuals shall be further restricted.

28. Access to port premises

No person shall have or be given access to, enter or remain inside, a port restricted area or restricted zone unless he is in possession of a valid pass issued under regulation 226 of the Ports (Operations and Safety) Regulations 2005.

29. Access to port restricted areas and restricted zones

(1) Where a person wishes to enter or remain inside a port restricted area or a restricted zone at security level 1, the following control mechanisms should be in place –

- (a) verification of access passes and the identity of the person;
- (b) the person may be accompanied by an authorised person, including an employee of the Authority or the Port Facility Operator being visited;
- (c) where the person brings a vehicle into the restricted area or restricted zone, he shall display a valid vehicle pass issued under regulation 226 of the Ports (Operations and Safety) Regulations 2005 on the vehicle;
- (d) persons, personal effects, vehicles and their contents are subjected to a search by the Police and Customs Department;
- (e) the National Coast Guard shall provide waterside security;

- (f) a vessel master or the agent of a vessel shall provide the Port Facility Operator with the pre-arrival documents, including the crew list and passenger list, specified in regulation 15 of the Ports (Operations and Safety) Regulations 2005; and
- (g) where he is a crew member or passenger who exits the gate, he shall not re-enter unless he shows a photo identification document which the Police Officer on duty shall check against the crew list or passenger list.

(2) Where a person wishes to enter or remain inside a port restricted area or a restricted zone at security level 2, the following control mechanisms should be in place –

- (a) all measures relating to security level 1 and referred to in paragraph (1) shall apply;
- (b) access shall be controlled through higher scrutiny of access pass and the police officer on duty may request the person to produce an additional identification document, including the National Identity Card;
- (c) only main gates giving access to port restricted areas and restricted zones shall be kept open, whilst other access points shall be closed and secured under lock and key, with the keys kept in the custody of the Police;
- (d) there shall be a security barrier at every gate to enable the Police to further restrict access; and
- (e) the National Coast Guard shall further improve waterside security by more frequent patrols.

(3) Where a person wishes to enter or remain inside a port restricted area or a restricted zone at security level 3, the following control mechanisms should be in place –

-
- (a) all measures relating to security levels 1 and 2 and referred to in paragraphs (1) and (2), respectively, shall apply;
 - (b) evacuation and closure of gates shall be at the discretion of the Police depending on threat received;
 - (c) additional police officers shall be deployed to ensure control at access points and assist with evacuation, if necessary;
 - (d) any percentage of check and search of persons, personal effects and vehicles shall be further increased; and
 - (e) access shall be granted only to a person complying with measures following a security threat.

30. Handling of cargo

(1) The Authority may, with the assistance of the Police and the Mauritius Revenue Authority where necessary, carry out a cargo handling control at the level specified in paragraphs (2), (3) and (4) by –

- (a) visual or physical examination; or
 - (b) using scanning or detection equipment, mechanical devices or dogs.
- (2) A cargo handling control at security level 1 may include –
- (a) a routine check of cargo, cargo transport unit or cargo storage area within a port facility prior to or during a cargo handling operation;
 - (b) a check to ensure that cargo entering the port facility matches the delivery note or equivalent cargo documentation;

- (c) a search of a vehicle or a person;
- (d) the verification of any seal affixed to, or other method used to prevent tampering with, a cargo upon such cargo entering the port facility or upon storage within the port facility.

(3) A cargo handling control at security level 2 may, in addition to the controls under paragraph (2), include –

- (a) increased frequency and detail in checking of cargo, a cargo transport unit or a cargo storage area within the port facility;
- (b) coordination of enhanced security measures with the company or other responsible party in addition to an established agreement or established procedures;
- (c) intensified checks to ensure that only the documented cargo enters the port facility, is temporarily stored there and loaded onto a vessel;
- (d) intensified searches of any vehicle;
- (e) increased frequency and detail in checking of seals or other methods used to prevent tampering.

(4) A cargo handling control at security level 3 may, in addition to the controls under paragraphs (2) and (3), include –

- (a) restriction or suspension of cargo movements or operations in a port facility or a specific vessel;
- (b) restriction of cargo movement to a specific berth which is under the surveillance of a CCTV camera;
- (c) verification of inventories of dangerous goods and hazardous substances held within the port facility and their location.

31. Delivery of vessel's stores

(1) The Authority may, with the assistance of the Police and the Mauritius Revenue Authority, where necessary, carry out a vessel's store delivery control at the levels specified in regulation 25(2), (3) and (4).

(2) A control on a vessel's stores delivery at security level 1 may include –

- (a) a requirement that a vessel or its agent notifies the port facility in advance of all vessel's stores intended for delivery, including bunkers by a road tanker, and all manifest details in possession of any driver;
- (b) advanced notification of the details of the driver and the vehicle registration number, and the production of his access pass issued under the Ports (Operations and Safety) Regulations 2005;
- (c) a reconciliation of all stores at delivery; and
- (d) checking of vessels by means of –
 - (i) visual or physical examination; or
 - (ii) using scanning or detection equipment, mechanical devices or dogs.

(3) A control on a vessel stores delivery at security level 2 may, in addition to the controls under paragraph (2), include –

- (a) detailed checking of the vessel's stores by –
 - (i) increasing the frequency and detail of searches of delivery vehicles;
 - (ii) increasing the use of scanning or detection equipment, mechanical devices or dogs; and

- (iii) restricting or prohibiting entry of stores that shall not leave the port facility within a specified period;
 - (b) detailed searches of delivery vehicles;
 - (c) coordination with vessel personnel to check the order against the delivery note prior to entry in the port facility; and
 - (d) escorting the delivery vehicle within the port facility.
- (4) A control on a vessel's stores delivery at security level 3 may, in addition to the controls under paragraphs (2) and (3), include –
- (a) a prohibition that a vessel stores shall not enter the port area or a port facility until the vessel has notified the Authority that it is ready to receive such goods directly;
 - (b) physical checks and verifications of the vessel stores against an inventory previously provided;
 - (c) the supervision at all times by a nominated crew member of the delivery of the vessel's stores; and
 - (d) the suspension or refusal of the delivery of any vessel's stores.

32. Unaccompanied luggage

(1) The Authority may, with the assistance of the Police and the Mauritius Revenue Authority where necessary, secure, screen or search any unaccompanied baggage before such baggage is allowed in the port facility or is transferred between the port facility and the vessel, as the case may be.

(2) A control on unaccompanied baggage at security level 1 may include the screening or search of up to 100 per cent of the baggage and the use of x-ray screening.

(3) A control on unaccompanied baggage at security level 2 shall include 100 per cent x-ray screening.

(4) A control on unaccompanied baggage at security level 3 shall, in addition to the control under paragraph (3), include –

- (a) subjecting such baggage to more extensive screening;
- (b) preparations for restriction or suspension of handling of such baggage; and
- (c) refusal to accept such baggage in the port facility.

33. Declaration of security

(1) The Authority may require the master of a vessel or a Port Facility Operator to make and submit to the Authority a declaration of security by assessing the risk which the vessel/port interface or vessel-to-vessel activity poses to persons, property or the environment where –

- (a) the vessel is operating at a higher level than the port facility or another vessel it is interfacing with;
- (b) there is an agreement on a Declaration of Security between Contracting Governments covering an international voyage or specific vessel on the voyage;
- (c) there has been a security threat or a security incident involving the vessel or the port facility, as the case may be;
- (d) the vessel is at a port which is not required to have and implement an approved facility security plan; and
- (e) the vessel is conducting vessel-to-vessel activities with another vessel not required to have and implement an approved vessel security plan.

- (2) The declaration of security shall –
- (a) set out –
 - (i) the contact details of the parties involved in the vessel/port interface or the vessel-to-vessel activity;
 - (ii) the period for which the declaration is valid; and
 - (iii) the security level in force for each party; and
 - (b) be completed, signed and dated by –
 - (i) the master or the vessel security officer on behalf of the vessel involved in the vessel/port interface or the vessel-to-vessel activity; or
 - (ii) the Port Facility Security Officer,
as the case may be.

(3) A declaration of security shall address the security requirements that may be shared between a port facility and a vessel or between vessels and shall state the responsibility of each.

(4) The company or Port Facility Operator, as the case may be, shall keep a copy of the declaration of security for a period of 3 years beginning after the day the declaration ceases to be valid.

PART VI – ACCESS CONTROL

34. Access control to vessel

A vessel security plan shall establish security measures to control access to the vessel at security levels 1, 2 and 3.

35. Access control under security level 1

(1) At security level 1, the security measures referred to in regulation 34 shall include the following –

-
- (a) checking the identity of all persons seeking to board the vessel and confirming their reasons for doing so;
 - (b) in liaison with the port facility, ensuring that designated secure areas are established in which inspections and searching of persons, baggage, including carry-on items, personal effects, vehicles and their contents may take place;
 - (c) in liaison with the port facility, ensuring that vehicles destined to be loaded on board car carriers and other passenger vessels are subject to search prior to loading, in accordance with the frequency required in the vessel security plan;
 - (d) segregating checked persons and their personal effects from unchecked persons and their personal effects;
 - (e) segregating embarking from disembarking passengers;
 - (f) identifying access points that should be secured or attended to prevent unauthorised access;
 - (g) securing, by locking or other means, access to unattended spaces adjoining areas to which passengers and visitors have access; and
 - (h) providing security briefings to all vessel personnel on possible threats, the procedures for reporting suspicious persons, objects or activities and the need for vigilance.

(2) The confirmation under paragraph (1)(a) may be done by checking joining instructions, passenger tickets, boarding passes and work orders.

(3) At security level 1, every person who seeks to board a vessel shall be subject to search.

(4) The frequency of the search referred to in paragraph (3), including random searches, shall be –

- (a) specified in the approved vessel security plan;
- (b) specifically approved by the Authority.

(5) The vessel security plan may provide that –

- (a) the search referred to in paragraph (3) may be undertaken by the Port Facility Operator in close collaboration with the vessel and in close proximity to it;
- (b) unless there are clear security grounds for doing so, members of the vessel's personnel shall not be required to search their colleagues or their personal effects.

(6) A search under these regulations shall be undertaken in a manner that fully takes into account the human rights of the individual and preserves their basic human dignity.

36. Access control under security level 2

At security level 2, the security measures shall be such as to protect against a heightened risk of security incident to ensure higher vigilance and tighter control, and shall include the following –

- (a) assigning additional personnel to patrol deck areas during silent hours to deter unauthorised access;
- (b) limiting the number of access points to the vessel, identifying those to be closed and the means of adequately securing them;
- (c) deterring waterside access to the vessel, including, in liaison with the Port Facility Operator, provision of boat patrols;

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- (d) establishing a restricted area on the shore side of the vessel, in close co-operation with the Port Facility Operator;
 - (e) increasing the frequency and detail of searches of persons, personal effects and vehicles being embarked or loaded onto the vessel;
 - (f) escorting visitors on the vessel;
 - (g) providing additional specific security briefings to all vessel personnel on any identified threats, re-emphasising the procedures for reporting suspicious persons, objects or activities and stressing the need for increased vigilance; and
 - (h) carrying out a full or partial search of the vessel.

37. Access control under security level 3

(1) At security level 3, the vessel and every person in charge of the vessel shall comply with the instructions issued by the Authority and any other person responding to the security incident or threat relating to the vessel.

(2) The vessel security plan shall detail the security measures which the vessel shall take in close co-operation with those responding to such security measures and the Port Facility Operator.

(3) The security measures referred to in regulation 56 and paragraph (3) shall include the following –

- (a) limiting access to a single and controlled access point;
- (b) granting access to those responding to the security incident or threat thereof;
- (c) directing persons on board;
- (d) suspension of embarkation or disembarkation;
- (e) suspension of cargo handling operations, deliveries and other related activities;

- (f) evacuation of the vessel;
- (g) movement of the vessel; and
- (h) preparing for a full or partial search of the vessel.

PART VII – ENFORCEMENT AND PENALTIES

38. Compliance with regulations

(1) For the purpose of ensuring compliance with these regulations, the designated authority, Port Security Committee or Authority, as the case may be, shall –

- (a) verify whether, in respect of every port facility, the Port Facility Operator –
 - (i) carries out a Port Facility Security Assessment; and
 - (ii) develops a Port Facility Security Plan, as provided for in these regulations;
- (b) determine –
 - (i) when a declaration of security is required; and
 - (ii) the requirements for any declaration of security;
- (c) approve –
 - (i) a Port Facility Security Assessment;
 - (ii) a Port Facility Security Plan; and
 - (iii) a review or an amendment to an approved Port Facility Security Plan or a part security assessment;
- (d) exercise control measures provided for in, and ensure compliance with, these regulations;

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- (e) publish guidelines for the purposes of implementing these regulations;
 - (f) ensure the enforcement of relevant security regulations in force in the port area;
 - (g) review and examine the effectiveness of peripheral security around public and private occupied lands in the port area;
 - (h) examine the procedures for the issue of access passes under the Ports (Operations and Safety) Regulations 2005;
 - (i) to ascertain the effectiveness of access control at every port facility and check whether those procedures are in accordance with the Port Security Plan;
 - (j) review the effectiveness and implementation of port security legislation and suggest any improvement required;
 - (k) examine the security procedures laid down for dangerous goods stored or transiting in the port area to ensure the efficiency of the surveillance system; and
 - (l) ensure that appropriate measures are taken including the surveillance of restricted zones and vital assets in case of riots or otherwise.
- (2) Where the designated authority, Port Security Committee or Authority, as the case may be –
- (a) has evidence of one or more security infringement committed by any Port Facility Operator, port service provider, Port Licensee, Port lessee or any other person; and

- (b) considers that the Port Facility Operator or port service provider, any of their employees or the person represents a security risk to the port or any vessel,

it may direct the Port Facility Operator, port service provider, Port Licensee, Port lessees or any other person to take immediate remedial actions to address the identified security infringement(s) within one month.

(3) In the case of the Port Facility Operator, other than the Authority, port service provider, Port Licensee or Port lessees, fails to comply within the defined period the directives of the Authority, the Authority may suspend the respective licence until such time as the breach in security is remedied within a defined period.

39. Implementation of regulations

The Authority shall, for the purposes of implementing these regulations, communicate to every Port Facility Operator other than the Authority –

- (a) the name and position of the person who is responsible to coordinate security within a port restricted area, including port facilities and port related area, if any;
- (b) the contact details of such person;
- (c) the modes to ascertain the identity of persons who are authorised to have access to a port restricted area or a restricted zone; and
- (d) such observations and advice as may be appropriate on Port Facility Security Assessments and Port Facility Security Plans.

40. Issue of directions and guidelines by Authority

(1) The Authority may issue directions or guidelines, not inconsistent with these regulations, relating to the maintenance of security in the port restricted areas and port related area, if any.

(2) No person shall refuse to comply with any direction or guideline issued under paragraph (1) unless he satisfies the Authority that alternative measures implemented or proposed meet the desired objectives of the direction or guideline.

(3) Any direction or guideline issued under paragraph (1) may include –

- (a) the administrative arrangements for granting access into any part of a port restricted area or restricted zone;
- (b) the delimitation and definition of restricted zones;
- (c) the conduct of persons and presence of vehicles within the port restricted areas;
- (d) the nature of security measures applicable to –
 - (i) persons seeking entry with intent to board any vessel or for any other purpose; and
 - (ii) their baggage or other property carried into a port restricted area or a restricted zone, whether intended for carriage or not;
 - (iii) the nature of security measure, applicable to any vehicle, moveable property, machinery, goods, packages, entering and moving within the port restricted area or restricted zone, where consigned for transportation by sea or brought into the port area in relation to any authorised purpose.

41. Inspections

(1) An authorised person may, for the purposes of these regulations –

- (a) board and inspect any vessel;

- (b) enter into any port facility or land, including any building within a port restricted area;
- (c) subject any property found by him on a vessel or within a port restricted area or restricted zone or port related area, if any, to such tests as may be required;
- (d) take such steps as it may determine –
 - (i) to ascertain what practices or procedures are being followed in relation to security within a port restricted area or restricted zone or port related area, if any; or
 - (ii) to test the effectiveness of any such practice or procedure;
- (e) require the company, the Port Facility Operator, the port service provider, or the Port Licensee or the occupier of any port related area or any land adjacent to a port area to furnish to him such information as he may consider necessary for the purpose of the inspection.

(2) Where an authorised person on board a vessel becomes aware of any occurrence which in his opinion affects the security of the vessel or the port facility, he shall immediately inform the Port Master.

- (3) Any person who –
- (a) without reasonable excuse, fails to comply with a requirement imposed on him under these regulations; or
 - (b) in furnishing any information required under these regulations, 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,

shall commit an offence.

(4) Where –

- (a) a vessel does not comply with any directions given by the Authority;
- (b) the Authority has reasonable grounds to believe that the vessel poses a threat to the security or safety of persons, port facilities or other property in the port areas; or
- (c) the Port Master informs the Authority that the vessel does not have a valid International Ship Security Certificate or a valid Interim International Ship Security Certificate,

the Authority may –

- (i) require the vessel to proceed to a specified location within the territorial waters or a port area;
- (ii) deny the vessel entry to a port; or
- (iii) require the vessel to proceed outside the territorial waters,

and shall inform the Director of Shipping of its decision.

42. Obstruction

No person shall obstruct or impede any authorised person or other person in the exercise of his powers or in the performance of his duties under these regulations.

43. Offences and penalties

Any person who –

- (a) omits or fails or neglects to do an act which is required by these regulations;
- (b) fails or neglects to comply with any lawful order, direction or instruction issued by or on behalf of the Authority under these regulations;
- (c) contravenes these regulations,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years.

44. Transitional provisions

(1) Any Port Facility Security Plan or any other document approved by the Port Security Committee or the Authority, as the case may be, before the coming into operation of the regulations shall be deemed to be valid under these regulations.

(2) Every application made to the Port Security Committee or the Authority, as the case may be, before the coming into operation of these regulations for the approval of a Port Facility Security Plan or an amendment thereof shall be processed in accordance with these regulations.

45. Commencement

These regulations shall come into operation on 15 December 2021.

Made by the Mauritius Ports Authority on 6 December 2021 and approved by the Minister on 9 December 2021.

FIRST SCHEDULE

[Regulation 2]

PORT FACILITIES

Bulk Sugar Terminal (Mauritius Cane Industry Authority)

Chantier Naval de l'Océan Ltée (CNOI)

Christian Decotter Cruise Jetty

Froid des Mascareignes Ltd (Zone 8)

Mauritius Freeport Development Ltd (Zone 16)

Oil Jetty

Port Mathurin

Taylor Smith Facilities (Cameron Ltd & Black Axe Ltd.)

Terminal I (Trou Fanfaron, Quay A, Quay D, Quay E, Quay C)

Terminal II

Terminal III (Mauritius Container Terminal)

SECOND SCHEDULE

[Regulation 7(2)(a)]

PORT SECURITY ASSESSMENT**1. General requirements**

The Port Security Assessment must at least cover the following –

- (a) identification and evaluation of important assets and infrastructure which it is important to protect;
- (b) identification of possible threats to the assets and infrastructure and the likelihood of their occurrence, in order to establish and prioritise security measures;
- (c) identification, selection and prioritisation of counter-measures and procedural changes and their level of effectiveness in reducing vulnerability; and
- (d) identification of weakness, including human factors in the infrastructure, policies and procedures.

2. Detailed requirements

For this purpose the assessment must at least –

- (a) identify all areas which are relevant to port security, including identifying port boundaries;
- (b) identify security issues deriving from the interface between port facility and other port security measures;
- (c) identify which port personnel should be subject to background checks and/or security clearance because of their involvement in high risk areas;
- (d) subdivide, if useful, the port according to the propensity to security incidents of its sections or sub-areas, on the basis not only of their direct profile as a potential target, but also their potential role of passage when neighbouring areas are targeted;
- (e) identify risks variations; for example, based on seasons;
- (f) identify the specific characteristics of each sub-area, such as location, accesses, power supply, communication system,

ownership and users and other elements considered security-relevant;

- (g) identify potential threat scenarios for the port. The entire port or specific parts of its infrastructure, cargo, baggage, people or transport equipment within the port can be a direct target of an identified threat;
- (h) identify the specific consequences of a threat scenario. Consequences can impact on one or more sub-areas. Both direct and indirect consequences must be identified. Special attention must be given to the risk of human casualties;
- (i) identify the possibility of cluster effects of security incidents;
- (j) identify the vulnerabilities of each sub-area;
- (k) identify all organisation aspects relevant to overall port security, including the division of all security-related authorities, existing rules and procedures;
- (l) identify vulnerabilities of the overarching port security related to organisational, legislative and procedural aspects;
- (m) identify measures, procedures and actions aimed at reducing critical vulnerabilities. Specific attention must be paid to the need for, and the means of access control or restrictions to the entire port or to specific sections or sub-areas of a port, including identification of passengers, port employees or other workers, visitors and vessel crews, area or activity monitoring requirements, cargo and luggage control, measures, procedures and actions must be consistent with the perceived risk, which may vary between port areas;
- (n) identify how measures, procedures and actions will be reinforced in the event of an increase of security level;
- (o) identify specific requirements for dealing with established security concerns, such as suspect cargo, luggage, bunker, provisions or persons, unknown parcels and known dangers (e.g. bomb). These requirements must analyse desirability conditions for clearing the risk either where it is encountered or after moving it to a secure area;
- (p) identify measures, procedures and actions aimed at limiting and mitigating consequences;

- (q) identify task divisions allowing for the appropriate and correct implementation of the measures, procedures and actions identified;
 - (r) pay specific attention, where appropriate, to the relationship with other security plans (e.g. Port Facility Security Plans) and other existing security measures. Attention must also be paid to the relationship with other response plan which may be in force in the country;
 - (s) identify communication requirements for implementation of the measures and procedures;
 - (t) pay specific attention to measures to protect security-sensitive information from disclosure; and
 - (u) identify the need-to-know requirements of all those directly involved as well as, where appropriate, the general public.
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THIRD SCHEDULE
[Regulation 8(2)(e)]

PORT SECURITY PLAN REQUIREMENTS

1. General

(1) The Port Security Plan sets out the port's security arrangements. It must –

- (a) be based on the findings of the Port Security Assessment;
- (b) clearly set out detailed measures; and
- (c) contain a control mechanism allowing, where necessary, for appropriate corrective measures to be taken;

(2) The Port Security Plan must be based on the following general aspects –

- (a) defining all areas relevant to port security. Depending on the Port Security Assessment, measures, procedures, and actions may vary from sub-area to sub-area. Some sub-areas may require stronger preventive measures than others. Special attention must be paid to the interfaces between sub-areas, as identified in the Port Security Assessment;
- (b) ensuring coordination between security measures for areas with different security characteristics;
- (c) providing, when necessary, for varying measures both with regard to different parts of the port, changing security levels, and specific intelligence; and
- (d) identifying an organisational structure supporting the enhancement of port security.

2. Tasks and work plans

On the basis of the general aspects set out in paragraph 1(2), the Port Security Plan shall attribute tasks and specify work plans in the following fields –

- (a) access requirements, for some areas, requirements must only enter into force when security levels exceed minimal thresholds. All requirements and

- (b) identification, luggage and cargo control requirements, requirements may or may not apply to sub-areas; requirements may or may not apply in full to different sub-areas. Person entering or within sub-area may be liable to control. The Port Security Plan must appropriately respond to the findings of the Port Security Assessment, which is the tool by which the security requirements of each sub-area and at each security level must be identified. When dedicated identification cards are developed for port security purposes, clear procedures must be established for the issue, the use-control and the return of such documents. Such procedures must take into account the specificities of certain groups of port users allowing for dedicated measures in order to limit the negative impact of access control requirements. Categories must at least include seafarers, authority officials, people regularly working in or visiting the port, residents living in the port and people occasionally working in or visiting the port;
- (c) liaison with cargo control, baggage and passenger control authorities – Where necessary, the plan is to provide for the linking up of the information and clearance systems of these authorities, including possible pre-arrival clearance systems;
- (d) procedures and measures for dealing with suspect' cargo, luggage, bunker, provisions or persons, including identification of a secure area; as well as for other security concerns and breaches of port security;
- (e) monitoring requirements for sub-areas or activities must be properly signposted, control and access requirements must appropriately take into account all relevant existing law and practices. Monitoring of activities must be appropriately indicated;
- (f) communication and security clearance, all relevant security information must be properly communicated according to security clearance standards included in the plan. Because of the sensitivity of some information, communication must be based on a need-to-know basis, but it must include where necessary procedures for communication addressed to the general public. Security clearance standards must form part of the plan and are aimed at protecting security sensitive information against unauthorised disclosure;

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- (g) reporting of security incidents to ensure a rapid response, the Port Security Plan must set out clear reporting requirements to the Port Security Officer of all security incidents and/or to the Authority;
 - (h) signposting, areas with access and/or control requirements must be properly signposted. Control and access requirements must appropriately take into account all relevant existing law and practices. Monitoring of activities must be appropriately indicated;
 - (i) integration with other preventive plans or activities, the plan must specifically deal with integration with other preventive and control activities in force in the port;
 - (j) integration with other response and/or inclusion of specific response measures, procedures and actions. The plan must detail interaction and coordination with other response and emergency plans. Where necessary conflicts and shortcomings must be resolved;
 - (k) training and exercise requirements;
 - (l) operational port security organisation and working procedures, the Port Security Plan must detail the port security organisation, its task division and working procedures. It must also detail the coordination with port facility and vessel security officers, where appropriate. It must delineate the tasks of the port security committee, if this exists; and
 - (m) procedures for adapting and updating the Port Security Plan.
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FOURTH SCHEDULE

[Regulation 15(3)]

PORT FACILITY SECURITY ASSESSMENT REQUIREMENTS**1. General requirements**

The Port Facility Security Assessment must include, at least, the following –

- (a) identification and evaluation of important assets and infrastructure it is important to protect;
- (b) identification of possible threats to the assets and infrastructure and the likelihood of their occurrence, in order to establish and prioritize security measures;
- (c) identification, selection and prioritization of countermeasures and procedural changes and their level of effectiveness in reducing vulnerability; and
- (d) identification of weaknesses, including human factors, in the infrastructure, policies and procedures.

2. Detailed requirements**(1) Identification and evaluation of important assets and infrastructure it is important to protect**

(a) Identification and evaluation process of important assets and infrastructure must take into account potential loss of life, the economic significance of the port, symbolic value, and the presence of Government installations.

(b) Identification and evaluation process of important assets and infrastructure must be used to prioritise their relative importance for protection. The primary concern should be avoidance of death or injury. It must also be considered whether the port facility, structure or installation can continue to function without the asset, and the extent to which re-establishment of normal functioning is possible.

(c) Assets and infrastructure that must be considered important to protect may include –

- (i) accesses, entrances, approaches, and anchorages, manoeuvring and berthing areas;

- (ii) cargo facilities, terminals, storage areas, and cargo handling equipment;
- (iii) systems such as electrical distribution systems, radio and telecommunication systems and computer systems and networks;
- (iv) port vessel traffic management systems and aids to navigation;
- (v) power plants, cargo transfer pricing, and water supplies;
- (vi) bridges, railways and roads;
- (vii) port service vessels, including pilot boats, tugs, lighters, etc;
- (viii) security and surveillance equipment and systems; and
- (ix) the waters adjacent to the port facility

(d) The clear identification of assets and infrastructure is essential to the evaluation of the port facility's security requirements, the prioritization of protective measures, and decisions concerning the allocation of resources to better protect the port facility. The process may involve consultation with the relevant authorities relating to structures adjacent to the port facility which could cause damage within the facility or be used for the purpose of causing damage to the facility or for illicit observation of the facility or for diverting attention.

(2) Identification of possible threats to the assets and infrastructure and the likelihood of their occurrence, in order to establish and prioritize security measures

(a) Possible acts that could threaten the security of assets and infrastructure, and the methods of carrying out those acts, must be identified to evaluate the vulnerability of a given asset or location to a security incident, and to establish and prioritize security requirements to enable planning and resource allocations. Identification and evaluation of each potential act and its method must be based on various factors, including threat assessments by Government agencies. Those conducting the assessments do not have to rely on worst-case scenarios to guide planning and resource allocations.

(b) The Port Facility Security Assessment must include an assessment undertaken in consultation with the relevant national security organisations to determine –

- (i) any particular aspects of the port facility, including the vessel traffic using the facility, which make it likely to be the target of an attack;
- (ii) the likely consequences in terms of loss of life, damage to property and economic disruption, including disruption to transport systems, of an attack on, or at, the port facility;
- (iii) the capability and intent of those likely to mount such an attack; and
- (iv) the possible type, or types, of attack,

producing an overall assessment of the level of risks against which security measures have to be developed.

(c) The Port Facility Security Assessment must also consider all possible threats, which may include the following types of security incidents –

- (i) damage to, or destruction of, the port facility or of the vessel by explosive devices, arson, sabotage or vandalism;
- (ii) hijacking or seizure of the vessel or of persons on board;
- (iii) tampering with cargo, essential vessel equipment or systems or vessel's stores;
- (iv) unauthorised access or use, including presence of stowaways;
- (v) smuggling weapons or equipment, including weapons of mass destruction;
- (vi) use of the vessel to carry those attending to cause a security incident and their equipment;
- (vii) use of the vessel itself as a weapon or as a means to cause damage or destruction;
- (viii) blockage of port entrances, locks, approaches, etc.; and
- (ix) nuclear, biological and chemical attack.

(d) The identification and evaluation process may involve consultation with the relevant authorities relating to structures adjacent to the port facility which could cause damage within the facility or be used for the purpose of causing damage to the facility or for illicit observation of the facility or for diverting attention.

(3) Identification, selection and prioritisation of countermeasures and procedural changes and their level of effectiveness in reducing vulnerability

(a) The identification and prioritisation of countermeasures is designed to ensure that the most effective security measures are employed to reduce the vulnerability of a port facility or vessel/port interface to the possible threats.

(b) Security measures must be selected on the basis of factors such as whether they reduce the probability of an attack and should be evaluated using information that includes –

- (i) security surveys, inspections and audits;
- (ii) consultation with port facility owners and operators, and owners/operators of adjacent structures if appropriate;
- (iii) historical information on security incidents; and
- (iv) operations within the port facility.

(4) Identification of weaknesses, including human factors, in the infrastructure, policies and procedures

(a) Identification of vulnerabilities in physical structures, personnel protection systems, processes, or other areas that may lead to a security incident can be used to establish options to eliminate or mitigate those vulnerabilities.

(b) Identification of vulnerabilities must include the consideration of –

- (i) water-side and shore-side access to the port facility and vessels berthing at the facility;
- (ii) structural integrity of the piers, facilities, and associated structures;

- (iii) existing security measures and procedures, including identification systems;
 - (iv) existing security measures and procedures relating to port services and utilities;
 - (v) measures to protect radio and telecommunication equipment, port services and utilities, including computer systems and networks;
 - (vi) adjacent areas that may be exploited during, or for, an attack;
 - (vii) existing agreements with private security companies providing water-side/shore-side security services;
 - (viii) any conflicting port facility and security duty assignments;
 - (ix) any enforcement and personnel constraints;
 - (x) any deficiencies identified during training and drills; and
 - (xi) any deficiencies identified during daily operation, following incidents or alerts, the report of security concerns, the exercise of control measures, audits, etc.
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FIFTH SCHEDULE
[Regulation 16(3)(c)]

PORT FACILITY SECURITY PLAN REQUIREMENTS

The Port Facility Security Plan shall cover, at least –

- (a) measures designed to prevent weapons or any other dangerous substances and devices intended for use against persons, vessels or ports, and the carriage of which is not authorised, from being introduced into the port facility or on board a vessel;
- (b) measures designed to prevent unauthorised access to the port facility, to vessels moored at the facility, and to restricted areas of the facility;
- (c) procedures for responding to security threats or breaches of security, including provisions for maintaining critical operations of the port facility or vessel/port interface;
- (d) procedures for responding to any security instructions the Authority may give at security level 3;
- (e) procedures for evacuation in case of security threats or breaches of security;
- (f) duties of port facility personnel assigned security responsibilities and of other facility personnel on security aspects;
- (g) procedures for interfacing with vessel security activities;
- (h) procedures for the periodic review of the plan and updating;
- (i) identification of the Port Facility Security Officer, including 24-hour contact details;
- (j) measures to ensure the security of the information contained in the plan;
- (k) measures designed to ensure effective security of cargo and the cargo handling equipment at the port facility;
- (l) procedures for auditing the Port Facility Security Plan;
- (m) procedures for responding in case the vessel security alert system of a vessel at the port facility has been activated; and

- (n) procedures for facilitating shore leave for vessel's personnel or personnel changes, as well as access of visitors to the vessel, including representatives of seafarers' welfare and labour organisations.
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SIXTH SCHEDULE

[Regulations 19(1)(a) and 20(1)]

PORT FACILITY SECURITY OFFICER TRAINING REQUIREMENTS

A Port Facility Security Officer shall receive training in some or all of the following –

- (a) security administration;
- (b) relevant international conventions, codes and recommendations;
- (c) relevant national legislation and regulations;
- (d) responsibilities and functions of other security organisations;
- (e) methodology of Port Facility Security Assessment;
- (f) methods of vessel and port facility security surveys and inspections;
- (g) vessel and port operations and conditions;
- (h) vessel and port facility security measures;
- (i) emergency preparedness and response and contingency planning;
- (j) instruction techniques for security training and education, including security measures and procedures;
- (k) handling sensitive security-related information and security-related communication;
- (l) knowledge of current security threats and patterns;
- (m) recognition and detection of weapons, dangerous substances and devices;
- (n) recognition, on a non-discriminatory basis, of characteristics and behavioural patterns of person who are likely to threaten the security;
- (o) techniques used to circumvent security measures;
- (p) security equipment and systems, and their operational limitations;
- (q) methods of conducting audits, inspection, control and monitoring;

- (r) methods of physical searches and non-intrusive inspections;
 - (s) security drills and exercises, including drills and exercised with vessels; and
 - (t) assessment of security drills and exercises.
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SEVENTH SCHEDULE
[Regulations 19(1)(b) and (2)(b)]

**KNOWLEDGE REQUIREMENTS FOR PORT FACILITY PERSONNEL
HAVING SPECIFIC DUTIES**

A port facility personnel having specific duties must have knowledge and training in some or all of the following –

- (a) knowledge of current security threats and patterns;
 - (b) recognition and detection of weapons, dangerous substances and devices;
 - (c) recognition of characteristics and behavioural patterns of persons who are likely to threaten security;
 - (d) techniques used to circumvent security measures;
 - (e) crowd management and control techniques;
 - (f) security-related communications;
 - (g) operations of security equipment and systems;
 - (h) testing, calibration and maintenance of security equipment and systems;
 - (i) inspection, control and monitoring techniques; and
 - (j) methods of physical searches of persons, personal effects, baggage, cargo and vessel's stores.
-

EIGHTH SCHEDULE

[Regulation 19(3)(b) and (4)(b)]

GUIDANCE ON THE CARRYING OUT OF DRILLS AND EXERCISES

1. The objective of drills and exercises is to ensure that port facility personnel are proficient in all assigned security duties, at all security levels, and to identify any security-related deficiencies which need to be addressed.

2. To ensure the effective implementation of the provisions of the Port Facility Security Plan, drills should be conducted at least every three months unless the specific circumstances dictate otherwise. These drills should test individual elements of the plan such as those security threats listed in paragraph 2(B)(3) of the Fourth Schedule.

3. Various types of exercises, which may include participation of Port Facility Security Officers, in conjunction with relevant authorities in Mauritius, company security officers or vessel security officers in joint exercises should be made, bearing in mind the security and work implications for the vessel. These exercises should test communication, co-ordination, resource availability and response.

4. These exercises may be –

- (a) full-scale or live;
 - (b) tabletop simulation or seminar; or
 - (c) combined with other exercises held, such as emergency responses held, such as emergency response or other port State authority exercises.
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NINTH SCHEDULE
[Regulation 22(3)]

FORM OF STATEMENT OF COMPLIANCE OF PORT/PORT FACILITY

STATEMENT OF COMPLIANCE OF A PORT/PORT FACILITY



*Official
seal*

Mauritius/
Mauritius
Ports
Authority

Statement Number:

Issued under the provisions of Part B of the International Code for
the Security of Vessels and of Port Facilities (ISPS CODE)

The Government of Mauritius/The Mauritius Ports Authority

Name of the port/port
facility

Address of the port/port
facility

THIS IS TO CERTIFY that the compliance of this port/port facility with the provisions of Chapter XI-2 of the SOLAS Convention and Part A of the International Code for the Security of Vessels and of Port Facilities (ISPS Code) has been verified and that this port/port facility operates in accordance with the approved Port Facility Security Plan. This plan has been approved for the following [specify the types of operations, types of vessel or activities or other relevant information] (delete as appropriate) –

Passenger vessel

Bulk carrier

Oil tanker

Chemical tanker

Gas carrier

Mobile offshore drilling units

Cargo vessels other than those referred to above

Mobile offshore drilling units

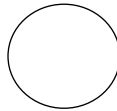
Cargo vessels other than those referred to above

This Statement of Compliance is valid until subject to verifications (as indicated overleaf)

Issued at (place of issue of the statement)

Date of issue:

..... (Signature of the duly authorised official issuing the document)



(Seal or stamp of the issuing authority, as appropriate)

Endorsement for verifications

The Government of Mauritius/Mauritius Ports Authority has established that the validity of this Statement of Compliance is subject to (insert relevant details of the verifications; e.g. mandatory annual or scheduled)

.....
.....
.....

THIS IS TO CERTIFY that, during a verification carried out in accordance with paragraph B/16.62.4 of the ISPS Code, the port facility was found to comply with the relevant provisions of Chapter XI-2 of the SOLAS Convention and Part A of the ISPS Code.

1st VERIFICATION Signed (Signature of authorised official)

Place
Date

2nd VERIFICATION Signed (Signature of authorised official)

Place
Date

3rd VERIFICATION Signed (Signature of authorised official)

Place
Date

4th VERIFICATION

Signed
(Signature of authorised official)

Place

Date
