

**MERCHANT SHIPPING (SHIP & PORT FACILITY)
REGULATIONS 2014**

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MERCHANT SHIPPING (SHIP & PORT FACILITY) REGULATIONS, 2014

IN EXERCISE of the powers conferred on the Minister responsible for Maritime Affairs by section 528 of the Merchant Shipping Act 2010, these Regulations.

1. Citation

These Regulations made be cited as Merchant Shipping (Ship and Port Facility Security) Regulations, 2014.

2. Interpretation

(1) In these Regulations, unless the context otherwise requires-

“Act” means the Merchant Shipping Act 2013;

“Administration” means the Gambia Maritime Administration;

“anniversary date” means the day and the month of each year which will correspond to the date of expiry of the relevant certificate;

“authorised person” means a person authorised in writing by or on behalf of the Administration for the purposes of these Regulations;

“bulk carrier” means a ship which is constructed generally with single deck, top-side tanker and hopper side tanks in cargo spaces, and is intended primarily to carry dry cargo in bulk and includes such types as are carriers and combinations carriers;

“certificate” means an International Ship Security Certificate or an Interim International Ship Security Certificate issued in accordance with these Regulations;

“chemical tanker” means a cargo ship constructed or adapted and used for the carriage of bulk of any liquid product listed in Chapter 17 of the International Bulk Chemical Code (IBC Code).;

“company” means the owner of the ship any other organisation or person such as manager or the bareboat

charterer who has the responsibility for the operation of the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by this Part of the Regulations;

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

“Convention” means the International Convention for the Safety of Life at Sea 1974, as amended;

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

“Gambian ship” has the meaning given by Section 3 of the Act;

“gas carrier” means a cargo ship constructed or adapted and used for the carriage of in bulk of any liquefied gas or other product listed in Chapter 19 of the International Gas Carrier Code;

“Government” means the Government of the Republic of The Gambia;

“high-speed craft” means a craft capable of maximum speed in metres per second (m/s) equal to or exceeding-

3.7 ▲ 011667

Where ▲ = displacement corresponding to the design waterline (m);

“IBC Code” means the International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk adopted by the Marine Environment Protection Committee of the Organization by Resolution MEPC 19 (22) as may be amended and adopted by the Organization and brought into force in accordance with the amendment procedures in Marpol applicable to an Appendix

to an Annex;

“IGC Code” means the Code for Construction and Equipment of ships carrying liquefied Gases in Bulk 1983, as amended;

“ISM Code” means the International Management Code for the Safe Operation of Ships and Pollution Prevention adopted by the Organization by Resolution A.741 (18) as amended by the Maritime Safety Committee Resolution 104 (73) and brought into force and take effect in accordance with the provisions of Article VIII of the Safety Convention concerning the amendment procedures applicable to the Annex other than Chapter 1;

“ISPS Code or Code” means the International Code for the Security of Ships and Port Facilities, adopted, on 12th December, 2002 by resolution 2 of the Conference of State Parties to the International Convention for the Safety of Life at Sea 1974 and any amendments that may be in effect for The Gambia;

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

“oil tanker” means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes-

- (a) a combination carrier,
- (b) chemical tanker when it is carrying a cargo or part cargo in bulk;

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

“oil tanker” means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes-

- (a) a combination carrier,
- (b) chemical tanker when it is carrying a cargo or part cargo in bulk;

“Organization” means International Maritime Organization (IMO);

“port facilities” means a location as determined in The Gambia by the National Security Agency or elsewhere by the relevant government authority, where ship/port interface takes place. This includes areas such as anchorages, waiting berths and approaches from seaward, as appropriate;

“port facility operator” means any person operating a port facility or such other person as may be designated for the purposes of this Part as port facility operator for one or more port facilities by the National Security Agency;

“port facility security assessment” means an assessment of the security of a port facility (or more than one port facility) carried out in accordance with section 15 of Part A of the ISPS Code;

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

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

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

“restricted zone” means a zone to which access is restricted for security reasons pursuant to these Regulations;

“ship security officer” means the person on board the ship, accountable to the master, designated by the Company as responsible for the security of the ship, including implementation and maintenance of the ship security plan and for liaison with the company security officer and port

facility security officers;

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

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

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

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

“security level 3” means the level for which further specific protective security measures shall be maintained for a limited period of time when a security incident is probable or imminent, although it may not be possible to identify the specific target;

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

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

“short international voyage” has the meaning given by Section 254 of the Act.

“state party” means a State which has consented to be bound by the Convention and for which the Convention is in force;

“ton” means gross tonnage;

(2) The term “all ships” when used in Part 1, means any ship to which the Part applies.

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

(4) For the purposes of Part 1, a person is permitted to have access to a restricted zone of a port facility if he or she is permitted to enter that zone or if arrangements exist for permitting any of his or her employees or agents to enter that zone.

3. Application

(1) Subject to sub-regulation (6), this Part shall apply to the following types of Gambian ships engaged on international voyages-

(a) a passenger ship including high-speed passenger craft;

(b) a cargo ship including high-speed craft of 500 tons or more; and

(c) mobile offshore drilling units.

(d) a port facility in The Gambia serving such ships engaged in voyage.

(2) This Part shall also apply to any port facility specified in a Notice issued by the Administration which, although used primarily by ships not engaged in international voyages, is required occasionally, to serve ships arriving or departing on international voyages.

(3) A Notice referred to in sub regulation (2) shall not be issued without a port Facility security assessment for that port facility having been undertaken in accordance with the provisions of these Regulations.

(4) A Notice under sub-regulation (2) shall not in any way compromise the level of security intended to be achieved by this Part and Part A of the ISPS Code.

(5) Regulations 22,23 and 24 shall also apply to a port facility not falling within sub-regulation (1) or (2).

(6) This Part does not apply to-

- (a) warships;
- (b) naval auxiliaries; or
- (c) other ships owned or operated by a State Party to the Convention and used only on Government non-commercial service.

4. Security measures: Responsibilities of the Administration

(1) Without prejudice to any other duties under these Regulations, the Administration shall-

- (a) in accordance with the provisions of these Regulations set three ascendant levels of security, namely, security levels 1,2, 3 for every Gambia ship and ensure the provision of security level information for Gambian ships;
- (b) when changes in security level occur, update security level information as the circumstance dictates;
- (c) indicate when a Declaration of Security is required for a Gambian ship; and
- (d) approve ship security plan and relevant amendments to a previously approved plan.

(2) The Administration may delegate its responsibilities under this Part to a recognised security organization except the following-

- (a) setting of the applicable security level for ships;
- (b) exercising control and compliance measure pursuant to Regulations 22, 23 and 24;
- (c) establishing the requirement for a Declaration of Security.

5. Security Measures: Additional Responsibilities of the Administration

(1) Without prejudice to any other duties under this Part, the Administration shall-

- (a) in accordance with the provisions of these Regulations, set security level and ensure the provision of security level information for a port facility within The Gambia and to ships prior to entering a port in The Gambia whilst in a port within The Gambia;
 - (b) when changes in security level occur, update security level information as the circumstance dictates;
 - (c) determine which of the port facilities located within The Gambia are required to designate a Port Facility Security Officer (PFSO) who will be responsible for the preparation of the port facility security plan;
 - (d) approve the Port Facility Security Plan (PFSP) and any subsequent amendments to a previously approved plan.
- (2) The Administration may delegate to a recognised security organization their duties under these Regulations except-
- (a) setting the applicable security level for port facilities or ship-to-ship interface in Gambia's territorial waters;
 - (b) approving a port facility security assessment and subsequent amendments to an approval assessment;
 - (c) determining the port facility security plan and subsequent amendment to an approved plan;
 - (d) exercising control and compliance measures pursuant to regulations 22, 23 and 24; and
 - (e) establishing the requirements for a Declaration of Security.

6. Requirements for a Company

- (1) A Company shall comply with the relevant requirements of this Part, and in particular, without prejudice to any other duties, ensure that-
- (a) a company security officer is appointed and is properly trained and qualified in his or her duties and responsibilities;

- (b) a ship security officer is appointed for each of its ships and is properly trained and qualified in his or her duties and responsibilities;
- (c) each ship has a ship security plan; and
- (d) the master has available on board, at all times, information through which officers duly authorised by any State Party to the Convention can establish-
 - (i) who is responsible for appointing the members of a crew or other persons currently employed or engaged on board the ship in any capacity or the business of that ship,
 - (ii) who is responsible for deciding the employment of the ship, or
 - (iii) in cases of where the ship is employed under the terms of charter party or parties, who are the parties to such charter party or parties.

(2) A Company which fails without reasonable cause to comply with this Regulation commits an offence and is liable on conviction to a fine not exceeding two million Dalasis.

7. Ship Security Plan

(1) Every Gambian ship to which this Part applies shall submit its security plan or amendment thereto to the Administration or to a recognised security organization it authorizes on its behalf for approval in accordance with the provisions of these Regulations.

(2) A recognised security organization authorized under sub-regulation (1) shall not have been involved in the preparation of the ship security plan or the amendment in question.

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

- (a) measures designed to prevent weapons, dangerous substances and devices intended for use against persons, ships or ports and the carriage of which is not authorised from being taken on board the ship;
- (b) identification of the restricted areas and measures for the prevention of unauthorized access to the ship;

- (c) the measures for the prevention of an unauthorized access to the ship;
- (d) the procedures for responding to security threats and breaches of security, including provisions for maintaining critical operations for the ship-to-ship or ship/port interface;
- (e) procedures for responding to any security directives issued by the Administration in respect of security level 3;
- (f) the procedures for evacuation in case of security threats or breaches of security;
- (g) the duties of ship board personnel assigned security responsibilities and of other ship board personnel on security activities;
- (h) the procedures for auditing the security activities;
- (i) the procedures for training, drills and exercises associated with the plan;
- (j) the procedures for interfacing with port facility security activities;
- (k) the procedures for the periodic review and updating of the plan;
- (l) the procedures for reporting security incidents;
- (m) identification of the company security officer designated under Regulation 8 including 24 hour contact details;
- (n) Identification of the ship security officer designated under Regulation 9;
- (o) The procedures to ensure the inspection, testing, calibration and maintenance of any security equipment provided on board;
- (p) The frequency for testing or calibration of any security equipment provided on board;

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

(4) The Administration shall determine which change to an approved ship security plan or to any security equipment specified in an approved plan shall not be implemented unless the relevant amendments to the plan are approved by the Administration. Any such changes shall be at least as effective as those measures prescribed by these Regulations.

(5) A Company which does not comply with sub-regulation (1), or otherwise fails to comply with these Regulations commits an offence and is liable on a conviction to a fine not exceeding two million Dalasis.

8. Company Security Officer

(1) The Company Security Officer shall perform the responsibilities and duties specified in this Part and in particular those listed below-

- (a) advising the level of threats likely to be encountered by the ship using appropriate security assessments and other relevant information;
- (b) ensuring that the ship security assessments are carried out;
- (c) ensuring the development, the submission for approval, and thereafter the implementation and maintenance of the ship security plan;
- (d) ensuring that the ship security plan is modified, as appropriate, to correct deficiencies and satisfy the security requirements of individual ships;
- (e) arranging for internal audits and reviews of security activities;
- (f) arranging for the initial and subsequent verifications of the ship by the Administration or the recognised security organization;

- (g) ensuring that deficiencies and conformities identified during internal audits, periodic reviews, security inspections and verifications of compliance are promptly addressed and dealt with;
- (h) enhancing security awareness and vigilance;
- (i) ensuring adequate training for personnel responsible for the security of the ship;
- (j) ensuring effective communication and co-operation between the ship security officer and the relevant port facility security officers;
- (k) ensuring consistency between security requirements and safety requirements;
- (l) ensuring that, if sister-ship or fleet security plans are used, the plan for each ship reflects the ship-specific information accurately'; and
- (m) ensuring that any alternative or equivalent arrangements approved for a particular ship or group of ships are implemented and maintained.

(2) A company security officer who contravenes these Regulations commits an offence and is liable to a fine not exceeding two million Dalasis.

9. Ship Security Officer

(1) A ship security officer shall perform the responsibilities and duties specified in this Part and particular, a ship security officer's duties shall include-

- (a) undertaking regular security inspections of the ship to ensure that appropriate security measures are maintained;
- (b) maintaining and supervising the implementation of the ship security plan, including any amendments to the plan;
- (c) co-ordinating the security aspects of the handling of cargo and ship's stores with other shipboard personnel

and with the relevant port facility security officers;

- (d) proposing modifications to the ship security plan;
- (e) reporting to the company security officer any deficiencies and non-conformities identified during internal audits, periodic reviews, security inspections and verifications of compliance and implementing any corrective actions;
- (f) enhancing security awareness and vigilance on board;
- (g) ensuring that adequate training has been provided to ship board personnel, as appropriate;
- (h) reporting all security incidents;
- (i) co-ordinating implementation of the ship security plan with the company security officer and the relevant port facility security officers; and
- (j) ensuring that security equipment is properly operated; tested, calibrated and maintained, if any.

(2) A person who contravenes these Regulations commits an offence and is liable on conviction to a fine not exceeding two million Dalasis.

10. Requirements for ships

(1) A Gambian ship to which these Regulations apply shall comply with all the relevant requirements of these Regulations.

(2) Prior to entering a port or whilst in a port within the territory of a State Party to the Convention, a ship shall comply with the requirements for the security level set by that State, if such security level is higher than the security level set by the Administration for the ship.

(3) A ship shall respond without undue delay to any change to a higher security level.

(4) Where a ship is not in compliance with the requirements of these Regulations or cannot comply with the requirements of the security level set by the Administration or by another State Party to the Convention and applicable to that ship, the ship shall notify the

Administration prior to conducting any ship/port interface or prior to entry into port whichever occurs earlier.

(5) Where there is a breach of sub-regulation (1) to (4) in relation to a ship, the company and the master of the ship each commit an offence and are liable on conviction to a fine not exceeding two million Dalasis.

11. Ship Security Alert System

(1) A Gambian ship to which these Regulations apply shall be provided with a Ship Security Alert System as follows-

- (a) a ship constructed on or after 1 July, 2004;
- (b) a passenger ship including high speed craft, constructed before 1 July, 2004 not later than the first survey of the radio installation after 1 July, 2004;
- (c) oil tankers, chemical tankers, gas carriers, bulk carrier and cargo high speed craft of 500 tons and above, constructed before 1 July 2004, not later than the first survey of the radio installation after 1 July, 2004; and
- (d) other cargo ships of 500 tons and above and mobile offshore drilling units constructed before 1 July 2004, not later than the first survey of the radio installation after 1 July, 2006.

(2) A Ship Security Alert System when activated shall –

- (a) initiate and transmit a ship-to-shore security alert to a competent authority designed by the Administration which in these circumstances may include the Company, identifying the ship, its location and indicating that the security of the ship is under threat or it has been compromised;
- (b) not send the ship security alert to any other ships;
- (c) not raise any alarm on board the ship; and
- (d) continue the ship security alert until deactivated and/or reset;

(3) The Ship Security Alert System shall –

- (a) be capable of being activated from the navigation bridge and in at least one other location; and
- (b) conform to the performance standards, not inferior to those adopted by the Organization.

(4) The Ship Security Alert System activation points shall be designed so as to prevent the inadvertent initiation of the ship security alert system.

(5) The requirements of a ship security alert system may be complied with by using radio installation fitted for compliance with the requirements of Chapter IV of the Safety Convention, provided all requirements of these Regulations are complied with.

(6) Whenever the Administration receives a notification of a ship security alert relating to a ship registered in The Gambia, it shall immediately notify the State(s) in the vicinity of which the ship is presently operating.

(7) Whenever the Administration receives a notification of a ship security alert from a ship which is not registered in The Gambia, it shall immediately notify the competent authority of that State and, if appropriate, the State(s) in the vicinity of which the ship is presently operating.

(8) A person who contravenes sub-regulation (1) to (4) commits an offence and is liable on conviction to a fine not exceeding two million Dalasis.

12. Threats to a Ship

(1) The Administration shall set security levels and ensure the provision of security level information to ships operating in the territorial sea of The Gambia or having communicated an intention to enter the territorial sea of The Gambia.

(2) In addition to sub-regulation (1), the Administration shall provide a point of contact through which such ships can request advice or assistance and to which such ships can report any request advice or assistance and to which such ships can report any security concerns about other ships movements or

communications.

(3) Where a risk of attack has been identified, the Administration shall advise a ship concerned and the competent authority of the country where the ship is registered of the following matters-

- (a) the current security level;
- (b) any security measures that should be put in place by the ship concerned to protect it from attack in accordance with the provisions of these Regulations; and
- (c) the security measures that the Administration decided to put in place, as appropriate.

13. Master's Discretion for Ship and Security

(1) The master of a Gambian ship shall not be constrained by the Company, a charterer or any other person from taking or executing any decision which in the professional judgment of the master is necessary to maintain the safety and security of the ship.

(2) This includes denial of access to persons (except those identified as Duly authorised by a State Party to the Convention) or their effects and refusal to load cargo including containers or other closed cargo transport units.

(3) Where in the professional judgment of the master, a conflict between any safety and security arrangements applicable to the ship arises during its operations, the master shall give effect to these requirements necessary to maintain the safety of the ship.

(4) In such cases, the master may implement temporary security measures and shall forthwith inform the Administration, and, if appropriate the State Party to the Convention in whose port the ship is operating or intends to enter.

(5) Such temporary security measures under this Regulation shall to the highest possible degree, be commensurate with the prevailing security level.

(6) Whenever such cases are identified, the Administration shall ensure that such conflicts are resolved forthwith and that the possibility of recurrence is minimized.

14. Verification for Ships

(1) A Gambian ship to which these Regulations apply shall be subject to verification specified below-

- (a) an initial verification before the ship put in service or before the certificate required under regulation 15 is issued for the first time;
- (b) such verification shall include a complete verification of the ship's security systems and any associated security equipment covered by the relevant provisions of these Regulations and of the approved ship security plan;
- (c) this verification shall ensure that the security system and any associated security equipment of the ship fully complies with the applicable requirements of these Regulations, and is in satisfactory condition and fit for the service for which the ship is intended.

(2) A renewal verification at intervals of two years to ensure that the security System and any associated security equipment of the ship fully complies with the applicable requirements of these Regulations, the approved ship security plan, and is in satisfactory condition and fit for the service for which the ship is intended.

(3) At least one intermediate verification which shall take place between the second and third anniversary date of the certificate.

(4) The intermediate verification shall include inspection of the security system and any associated equipment of the ship to ensure that it remains satisfactory for the service for which the ship is intended.

(5) Such intermediate verification shall be endorsed on the certificate.

(6) Any such additional verification as may be determined by the Administration as and when an occasion arises.

(7) Any such verification shall be carried out by officers authorised by the Administration but the Administration may entrust the verification to a recognised security organisation.

(8) In every case, the Administration shall fully guarantee the completeness and efficiency of the verification and shall undertake

to ensure the necessary arrangements to satisfy this obligation.

(9) After the verifications referred to above have been completed, no changes shall be made in the security system and any associated security equipment or the approved security plan without the sanction of the Administration.

(10) After verification, the security system and any associated security equipment shall be maintained to conform to the provisions of these Regulations and of the approved ship security plan.

(11) A person who contravenes any of the provisions of this regulation commits an offence and is liable on conviction to a fine not exceeding five million Dalasis.

15. Issue or Endorsement of Certificate

(1) An International Ship Security Certificate shall be issued to a ship after the Initial or renewal verification, in accordance with the provisions of Regulation 15.

(2) Such Certificate shall be endorsed by the Administration or by a recognised security organization acting on behalf of the Administration.

(3) The International Ship Security Certificate shall be drawn up in a form corresponding to the model which appears in schedule 1 of these Regulations.

16. Issue or Endorsement of Certificate at the Request of the Administration

(1) The competent authority of a State Party to the Convention may at the request of the Administration, cause a ship to be verified and if satisfied that the provisions of regulation 14 have been complied with, issue or authorize the issue of an International Ship Security Certificate to the ship and where appropriate endorse or authorize the endorsement of that certificate on the ship in accordance with these Regulations.

(2) A copy of the Certificate and copy of the verification report shall be transmitted as soon as possible to the Administration.

(4) A certificate so issued, shall contain a statement to the effect that it has been issued at the request of the Administration and it shall have the same force and receive the same recognition as a

Certificate issued by the Administration or by a recognised security organisation acting on behalf of the Administration.

17. Duration and Validity of ISSC

(1) Subject to regulation 18, an International Ship Security Certificate issued under regulation 15 shall be valid for five years.

(2) Where the renewal verification is completed within three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal verification to a date not exceeding five years from the date of the existing certificate.

(3) Where the renewal verification is completed after the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal verification to a date not exceeding five years from the date of the existing certificate.

(4) Where the renewal verification is completed more than three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal verification.

(5) Where a renewal verification has been completed and a new certificate cannot be issued or placed on board the ship before the expiry date of the existing certificate, the Administration or a recognised security organisation acting on behalf of the Administration may endorse the existing certificate and such certificate shall be accepted as valid for a further period which shall not exceed five months from the expiry date.

(6) If a ship at the time when a certificate expires is not in a port in which it is to be verified, the Administration may extend the period of validity of the certificate.

(7) The extension referred to in sub-regulation (6) shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be verified and then only in cases where it appear proper and reasonable to do so.

(8) A certificate shall not be extended for a period longer than three months and the ship to which an extension is granted shall not on its arrival in the port in which it is to be verified be entitled by virtue of such extension to leave that port without having a new certificate.

(9) A certificate issued to a ship on short voyages which has not been extended under the foregoing provisions of this Regulation may be extended by the Administration for a period of grace up to one month from the date of expiry stated on it.

(10) Where the renewal verification is completed, the new certificate shall be valid to a date not exceeding five years from the expiry date of the existing certificate before the extension was granted.

(11) Where an intermediate verification is completed before the period specified in regulation 14(3)(a), the expiry date shown on the certificate shall be amended by endorsement to a date which shall not be more than three year later than the date on which the intermediate verification was completed.

(12) The expiry date may remain unchanged provided one or more additional verifications are carried out so that the maximum intervals between the verifications prescribed by regulation 14(3)(a) are not exceeded.

18. Cessation of Validity of Certificate

(1) A certificate issued under regulation 15 shall cease to be valid if any of the following events occur-

- (a) if the relevant verifications are not completed within the periods specified in regulation 14;
- (b) if a certificate is not endorsed in accordance in regulation 15; and
- (c) upon the transfer of the ship to the flag of another state.

(2) In the event of a transfer of a ship to the flag of another State Party to the Convention, the competent authority of the State where the ship was previously registered shall as soon as possible, transmit to the State where the ship is now registered, copies of or all information relating to the International Ship Security Certificate carried by the ship before the transfer and copies of available verification report, or

(3) Where a Company has assumed responsibility for the operation of a ship not previously operated by that Company, the

previous Company shall, as soon as possible transmit to the receiving Company, copies of any information relating to the International Ship Security Certificate, or to facilitate verifications described in regulation 19.

19. Interim Certification

(1) A certificate specified in regulation 15 shall be issued only if the Administration is fully satisfied that a ship complies with the requirements of regulation 14.

(2) After 1st July, 2004, for the purposes of -

- (a) a ship without a certificate, on delivery or prior to its entry or re-entry into service;
- (b) the transfer of a ship from the flag of a State Party to Convention to the flag of another State Party to the Convention;
- (c) transfer of a ship from the flag of a state party to the Convention to the flag of another state which is not a party to the Convention; or
- (d) a Company assuming the responsibility for the operation of a ship not previously operated by that Company;

until a certificate referred to in regulation 16 is issued, the Administration or a recognised security organisation on behalf of the Administration shall issue an interim International Ship Security Certificate to a ship in the form corresponding to the model given in Schedule 2 of these Regulations.

(3) An Interim International Ship Security Certificate shall only be issued if the Administration or a recognised security organisation on behalf of the Administration has verified that-

- (a) the ship security assessment required by these Regulations has been completed;
- (b) a copy of the ship plan meeting the requirements of these Regulations is provided on board, has been submitted for review and approved, and is being implemented on the ship;

- (c) the ship provided with a ship security alert system meeting the requirements of regulation 11, if required;
- (d) the company security officer has ensured-
 - (i) the review of the ship security plan for compliance with these Regulations,
 - (ii) that the plan has been submitted for approval, and
 - (iii) that the plan is being implemented on the ship;
- (e) the security officer has established the necessary arrangements, including arrangements for drills, exercises and internal audits through which the company security officer is satisfied that the ship has successfully completed the required verification in accordance with regulation 14 (1) to (4) within six months;
- (f) an arrangement has been made for carrying out the required verification under sub-regulations (1) to (4);
- (g) the master, the ship security officers and other ship's personnel with specific security duties are familiar with their duties and responsibilities as specified in these Regulations;
- (h) the persons referred to in sub-paragraph (g) above are familiar with the relevant provisions of the ship security plan placed on board and have been provided with such information in English; and
- (i) the ship security officer meets the requirements of these Regulations.

20. Duration of Interim International Ship Security Certificate

- (1) An Interim Ship Security Certificate shall be valid for six months or until the certificate required by regulation 15 is issued whichever comes first and the Interim International Ship Security Certificate may not be extended.
- (2) The Administration shall not cause a subsequent consecutive Interim International Ship Security Certificate to be issued to a ship

if, in its judgment or in the judgment of a recognised security organization, one of the purposes of the ship or a Company requesting such certificate is to avoid full compliance with these Regulations beyond the period the initial Interim Certificate as specified in sub-regulation (1).

(3) For the purposes of regulations 22, 23 and 24, the Administration may, prior to accepting an Interim International Ship Security Certificate, ensure that the requirements of these Regulations have been met.

21. Prohibition on Proceeding to Sea Without an Appropriate Certificate

(1) A Gambian ship required to be verified under these Regulations shall not proceed or attempt to proceed to sea unless there is in force for such ship, a valid International Ship Security Certificate or an Interim International Ship Security Certificate.

(2) Where a ship proceeds, or attempts to proceed to sea in contravention of sub-regulation (1), the Company and the master each commit an offence and are liable on conviction to a fine not exceeding two million Dalasis.

CONTROL AND COMPLIANCE MEASURES

22. Control of Ships in Port

(1) For the purpose of these Regulations, every ship to which these Regulations apply is subject to control in a port in The Gambia by officers duly authorised by the Administration.

(2) Such control shall be limited to verifying that there is on board, a valid certificate under the provisions of these Regulations which shall be accepted unless there are clear grounds for believing that the ship is not in compliance with the requirements of these Regulations.

(3) Where there are clear grounds or when no valid certificate is produced when required, the duly authorised officers shall impose any one or more control measures in relation to that ship as provided in sub-regulation (4).

(4) Such control measures are as follows-

(a) inspection of the ship;

- (b) delaying of the ship;
- (c) detention of the ship;
- (d) restriction of operations including movement within the port;
- (e) expulsion of the ship from port; or
- (f) additionally or alternatively, other lesser administrative or corrective measures.

(5) In the event of the control measures giving rise to an intervention of any kind, the officer carrying out the control shall forthwith inform in writing, the consul or in his or her absence, the nearest diplomatic representative of the State where the ship is registered of all the circumstances in which the Intervention was deemed necessary.

(6) In addition, the recognised security organization responsible for the issue of the certificate shall also be notified.

(7) The facts concerning the intervention shall be reported to the Organization.

23. Ships entering a port in The Gambia

(1) The Administration may require that a ship intending to enter a port in The Gambia provide the following information to duly authorised officers to ensure compliance with these Regulations prior to entry into port, with the aim of avoiding the need to impose control measures or steps-

- (a) that the ship possesses a valid certificate and the name of its issuing authority;
- (b) the level of security at which the ship is currently operating;
- (c) the security level at which the ship operated in any previous port where it has conducted a ship/port interface within the timeframe specified by sub-regulation (3);
- (d) any special or additional measures that were taken by the ship in any previous port where it has conducted a

ship/port interface within the time frame specified in sub-regulation (3);

- (e) that the appropriate ship security procedures were maintained during any ship to ship activity within the time frame specified in sub-regulation (3); or
- (f) other practical security related information (but not the details of the ship security plan) taking into account the guidance given in Part B of the Code.

(2) Every Gambian ship to which these Regulations apply intending to enter the port of a State Party to the Convention shall provide the information described in sub-regulation (1) on request of the officers duly authorised by the competent authority of that State. The master may decline to provide such information on the understanding that failure to do so may result in denial of entry into port.

(3) A ship shall keep records of the information referred to in sub-regulation (2) for the last 10 calls at a port facility.

(4) Where, after receipt of the information referred to in sub-regulation (1), officers duly authorised by the Administration have clear ground for believing that the ship is not in compliance with the requirements of these Regulations, such officers shall attempt to establish communication with and between the ship and the competent authority of the country where the ship is registered in order to rectify the non-compliance.

(5) Where such communication does not result in rectification or if such officers have clear grounds for believing that the ship is not in compliance with the requirements of these Regulations, such officers may take steps in relation to that ship as provided in sub-regulation (7).

(6) Any such steps taken must be proportionate taking into the guidance given in Part B of the Code.

(7) The steps referred to in sub-regulation (5) shall include-

- (a) a requirement for the rectification of the non-compliance;
- (b) a requirement that the ship proceeds to a location specified in

the territorial sea or internal waters of The Gambia;

- (c) inspection of the ship, if in the territorial sea of The Gambia; or
- (d) denial of entry to port

(8) Prior to initiating the steps referred to in sub-regulation (5), the Administration shall inform the ship of its intentions and on receipt of this information, the master may withdraw the intention to enter the port in which case this Regulation shall not apply.

24. Additional Control and Compliance Provisions

(1) In the event-

- (a) of the imposition of control measures other than an administrative or a corrective measure referred to in regulation 22 (3); or
- (b) of any steps referred to in regulation 23 (5) being taken,

an officer duly authorised by the Administration shall forthwith inform in writing, the competent authority of the country where the ship is registered specifying which control measures have been imposed or steps taken and the reasons thereof. He shall also notify the recognised security organization which issued the certificate relating to the ship concerned and the Organization when any such control measures have been imposed as steps taken.

(2) When entry is denied or a ship is expelled from a port in The Gambia, the Administration shall communicate the appropriate facts to the competent authority of the State of the next appropriate ports of call, when known, and any other appropriate coastal States, taking into account any guidelines developed by the Organization. Confidentiality and security of such Notification shall be ensured.

(3) Denial of entry into port pursuant to regulation 23(4) and (5) or expulsion from port, pursuant to regulation 24 (1) to (4) shall only be imposed where the duly authorised officers have clear grounds to believe that the ship poses an immediate threat to the security or safety of persons, or of ships or other property and there are no other appropriate means of removing that threat.

(4) The control measures referred to in regulation 22 (1) and the steps referred to in regulation 23 (5) shall only be imposed pursuant to regulations 22 and 23 until the non-compliance giving rise to the control measures or steps has been corrected to the satisfaction of the Administration, taking into account actions proposed by the ship or the Administration, if any.

(5) When control is exercised under regulation 22 or steps are taken under regulation 23-

(a) all possible efforts shall be made to avoid a ship being unduly detained or delayed, and if a ship is thereby unduly detained, or delayed, it shall be entitled to compensation for any loss or damage suffered; and

(b) necessary access to the ship shall not be prevented for emergency or humanitarian reasons and security purposes.

25. Port Facilities: Responsibilities of the Administration

(1) The Administration shall ensure that-

(a) port facility assessments are carried out, reviewed and approved in accordance with the provisions of these Regulations; and

(b) port facility security plans are developed, reviewed, approved and implemented in accordance with the provisions of these Regulations.

(2) The Administration shall designate and communicate to the port facility operator and the port facility security officer, the measures required to be addressed in a port facility security plan for various security levels including when the submission of a Declaration of Security will be required.

26. Port Facilities: Duties of Port Facility Operator

(1) The port facility operator shall ensure a port facility shall comply with the Relevant requirements of these Regulations.

(2) In particular, the port facility operator shall appoint a suitably qualified port facility security officer, and ensure that he or she receives appropriate training in accordance with provisions of these Regulations.

- (3) The port facility operator shall provide the port facility security officer with the resources, assistance and support necessary to enable him or her carry out his or her duties.
- (4) The port facility operator shall ensure that other port facility personnel having specific security duties have appropriate knowledge and receive training in accordance with the provisions of these Regulations.
- (5) The port facility operator shall ensure that other port facility personnel have appropriate knowledge as specified in these Regulations.
- (6) A port facility operator who fails to comply with these Regulations commits an offence and is liable on conviction to a fine not exceeding two million Dalasis.

27. Port Facility Security Officer

- (1) A port facility security officer shall carry out the duties and responsibilities placed on him or her by these Regulations.
- (2) In particular, the port facility security officer shall -
 - (a) conduct initial comprehensive security survey of the port facility, taking into account the relevant port facility security assessment;
 - (b) ensure the development and maintenance of the port facility security Plan;
 - (c) implement and exercise the port facility security plan;
 - (d) undertake regular security inspections of the port facility to ensure the continuation of appropriate security measures;
 - (e) recommend and incorporate, 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) enhance security awareness and vigilance of the port facility personnel;
 - (g) ensure that adequate training has been provided to

personnel responsible for the security of the port facility;

- (h) report to the relevant authorities and maintain records of occurrences which threaten the security of the port facilities;
- (i) co-ordinate implementation of the port facility security plan with the appropriate company and ship security officer(s);
- (j) co-ordinate with security services, as appropriate;
- (k) ensure that standards for personnel responsible for security of the port facility are met;
- (l) ensure that security equipment is properly operated, tested, calibrated and maintained, if any; and
- (m) assist ship security officers in confirming the identity of those seeking to board the ship requested.

(2) A port facility security officer who fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding two million Dalasis.

28. Drills and Exercises

(1) To ensure the effective implementation of the port facility security plan, drills shall be carried out at appropriate intervals taking into account the type of operation of the port facility, port facility personnel change, the type of ship the port facility is serving and other relevant circumstances taking into account guidance given in Part B of the Code.

(2) The port facility security officer shall ensure the effective co-ordination and implementation of the port facility security plan by participating in exercises at appropriate intervals, taking into account the guidance given in Part B of the Code.

(3) A port facility operator and the facility security officer who contravene sub-regulation (1) each commit an offence and are liable on conviction to a fine not exceeding two million Dalasis.

(4) A port facility security officer who contravenes sub-regulation (2) commits an offence and is liable on conviction to a fine not

exceeding two million Dalasis.

29. Alternative Security Arrangements

(1) The Administration may when implementing these Regulations, conclude in writing, bilateral or multilateral agreements with other State Parties to the Convention, and alternative security arrangement covering short international Voyages on fixed routes between port facilities located within their territories.

(2) Any such agreement shall not compromise the level of security of other ships or of port facilities not covered by the agreement.

(3) A ship covered by such an agreement shall not conduct any ship to ship activities with any ship not covered by the agreement.

(4) Such agreements shall be reviewed periodically taking into account the experience gained as well as any changes in particular circumstances or the assessed threats to the security of the ships, the port facilities or the routes covered by the agreement.

30. Equivalent security arrangements

(1) The Administration may allow a particular ship or a group of Gambian ships to implement other security measures equivalent to those prescribed by these Regulations, provided such security measures are, at least, effective as those prescribed by these Regulations.

(2) When implementing these Regulations, the Administration may allow a particular port facility or a group of port facilities location within The Gambia, other than those covered by an agreement concluded under regulation 31 to implement security measures equivalent to those prescribed by these Regulations, provided such security measures are at least as effective as those prescribed by these Regulations.

(3) The Administration shall, where it allows such security measures communicate to the organization particulars thereof.

31. Communication of information

(1) The Administration shall not later than 1 July, 2004 or the date when Chapter XI -2 of the Convention comes into force in The

Gambia, communicate to the Organization and shall make available for the information of companies and ships-

- (a) the names and contact details of their national authority or authorities responsible for the ship and port facility security;
- (b) the locations within The Gambia covered by the approved port facility security plans;
- (c) the names and contact details of those designated to be available at all times to receive and act upon the ships to shore, security alerts referred to in regulation 11 (2) (a);
- (d) the names and contact details of those who have been designated to be available at all times to receive and act upon any communications from a State Party to the Convention who exercise control and compliance referred to in regulation 24 (b); and
- (e) the names and contact details of those who have been designated to be available at all times to provide advise or assistance to ships and to whom ships can report any security concerns referred to in regulation 12 (2) and thereafter update such, as and when changes relating thereto occur.

(2) The Administration shall, not later than the date referred to in sub-regulation (1), communicate to the Organization the names and contact details of any recognized security organization authorised to act on their behalf together with details of the specific responsibility and conditions of authority delegated to such organization. Such information shall be updated as and when changes relating thereto occur.

(3) The Administration shall, not later than the date referred to in sub-regulation (1), communicate to the Organization a list showing the approved port facilities security plans for the port facilities located in The Gambia together with the location or locations covered by each approved port facility security plan and the corresponding date of approval and thereafter shall further communicate when any of the following changes take place-

- (a) changes in the location or locations covered by an approved port facility security plan are to be

introduced or have been introduced in such cases the information to be communicated shall indicate in the location or locations covered by the plan and the date as of which such changes are to be introduced or were implemented;

- (b) an approved port facility security plan, previously included in the list submitted to the Organization is to be withdrawn or has been withdrawn. In such cases, the information to be communicated shall indicate the date on which the withdrawal will take effect or was implemented. In these cases, the communication shall be made to the Organization as soon as is practicably possible; and
- (c) additions are to be made to the list of approved port facility security plans. In such cases, the information to be communicated shall indicate the location or locations covered by the plan and the date of approval.

(4) The Administration shall at a five year interval after 1 July, 2004, communicate to the Organization, a revised and updated list showing all the approved port facility security plans for port facilities located in The Gambia together with the location or locations covered by each approved port facility security plan and the corresponding date of approval (and the date of approval of any amendments thereto) which shall supersede and replace all information communicated pursuant to sub-regulation (3) during the preceding five years.

(5) The Administration shall communicate to the Organization information that an agreement under regulation 29 has been concluded. The information communicated shall include-

- (a) the names of State Parties to the Convention which have concluded the agreement;
- (b) the port facilities and fixed routes covered by the agreement;
- (c) the periodicity of review of the agreement;
- (d) date of entry into force of the agreement; and
- (e) the information or any consultations which have taken

place with other State Parties to the Convention and thereafter shall communicate, as Soon as practically possible, to the Organization information when the agreement has been amended or has ended.

(6) Where the Administration allows, under the provisions of regulation 29 any equivalent security arrangement with respect to a ship registered in The Gambia or with respect to a port facility located within The Gambia, it shall communicate to the organization particulars thereof.

32. Requirement to provide information

(1) Without prejudice to regulation 23, and subject to the provisions in the Code, where ship security plans are not subject to inspection by an officer duly authorised by the Administration except in limited circumstances, the Administration may serve notice in writing on any of the following persons –

- (a) the owner, charterer, manager or master of any ship which is in or appears to the Administration to be likely to enter a port facility in The Gambia;
- (b) a port facility operator in The Gambia;
- (c) a person who carries on operations in a port in The Gambia; and
- (d) a person who is permitted to have access to a restricted zone of a port in The Gambia for the purpose of the activities of a business carried on by him or her

requiring that person to provide the Administration with such information specified in the notice as the Administration may require in connection with the exercise of its functions under these Regulations.

(2) A notice under sub-regulation (1) shall specify the date before which the information required by the notice is to be furnished to the Administration.

(3) Any such notice may require the person on whom it is served, after he or she has furnished to the Administration the information required by the notice, to Inform the Administration if at any time the information previously furnished to the Administration (including any

information furnished in pursuance of a requirement imposed by virtue of this sub-regulation) is rendered inaccurate by any change of circumstances.

(4) In so far as such a notice requires further information to be furnished to the Administration in accordance with sub-regulation (3), it shall require that information to be furnished to it before the end of such period as is specified in the notice for the purposes of this sub-regulation.

(5) A notice served on a person under sub-regulation (1) may at any time –

(a) be revoked by a notice in writing served on him or her by the Administration; or

(b) be raised by a further notice under sub-regulation (1).

(6) The Administration may in a like manner, require the owner, charterer, manager or master of any Gambian ship to provide him or her with information.

(7) A person who –

(a) without reasonable excuse fails to comply with a requirement imposed on him by a notice under this regulations, or

(b) in furnishing any information so required, makes a statement which he or she knows to be false in a material particular, or recklessly makes a statement which is false in a material particular,

commits an offence and is liable on conviction to a fine not exceeding five million Dalasis.

33. Powers of inspection

(1) An authorised person shall have power if required of his or her credentials to inspect-

(a) any Gambian ship;

(b) any other ship while in port facility;

(c) any part of any port facility, or

- (d) any land outside a port facility which is occupied for the purposes of a business by a person who –
 - (i) carries (or appears to the authorised person to be about to carry) on harbour operations in a port facility for the purposes of that business, or
 - (ii) is permitted (or appeared to the authorised person to be about to be permitted) to have access to a restricted zone of a port facility for the purposes of the activities of that business.

(2) An authorised person inspecting a ship or any part of a port facility or any land outside a port facility under sub-regulation (1) above shall have power-

- (a) to subject any property found by him or her on the ship or, as the case may be, to subject that part of the port facility or any property found by him there on that land to such tests;
- (b) take such steps-
 - (i) to ascertain what practices or procedures are being followed in Relation to security; or
 - (ii) to test the effectiveness of any practice procedure relating to Security; or
- (c) to require the owner, charterer, manager or master of the ship, port facility operator or the occupier of the land to furnish to him or her such information, as the authorised person may consider necessary for the purposes for which the inspection is carried out.

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

- (a) for the purpose of inspecting a ship, to go on board it and to take all and steps as are necessary to ensure that it is not moved;

- (b) for the purpose of inspecting any part of a port facility, to enter any building or works in the port facility or enter upon any land in the port facility; or
 - (c) for the purpose of inspecting any land outside a port facility, to enter upon the land and to enter any building or works on the land.
- (4) The powers conferred by sub-regulation (3) shall not include power for the authorised person to use force for the purpose of going on board any ship, entering any building or works or entering upon any land.
- (5) A person who -
- (a) without reasonable excuse, fails to comply with a requirement imposed on him or her under sub-regulation (2) (c); or
 - (b) in furnishing any information so required, makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,
- commits an offence and is liable on conviction to a fine not exceeding five million Dalasis.

34. False statements relating to baggage or cargo

- (1) A person commits an offence if in answer to a question which –
- (a) relates to any baggage, cargo or stores (whether belonging to him or her or to another) that is intended for carriage by sea –
 - (i) by a Gambian ship,
 - (ii) by any other ship to or from The Gambia and
 - (b) is put to him or her for purposes of these Regulations-
 - (i) by any of the persons mentioned in sub-regulation (2),

(ii) by any employee or agent of such a person in his capacity as employee or agent, or

(iii) by a policeman,

he or she makes a statement which he or she knows to be false in a material particular, or recklessly makes a statement which is false in a material particular.

(2) The persons referred to in sub-regulation (1) (b) are-

(a) a port facility operator;

(b) the owner, charterer or manager of any ship; and

(c) any person who –

(i) is permitted to have access to a restricted zone of a port facility for the purposes of the activities of business carried on by him or her; and

(ii) has control in that restricted zone over the baggage, cargo or stores to which the question relates.

(3) In this regulation -

“cargo” includes mail;

“ship” does not include a ship used in naval, customs or police service; and

“stores” means any goods intended for sale or use in the ship including fuel and spare parts and other articles of equipment whether or not for immediate fitting.

35. False statements in connection with identity documents

(1) A person commits an offence if-

(a) for the purposes of, or in connection with an application made by him or her or another person for the issue of identity documents to

which this sub-regulation applies; or

- (b) in connection with the continued holding by him or her or another person of any such document which has already been issued;

he or she makes to any of the persons specified in sub-regulation (3), to any employee or agent of such person or to a policeman, a statement which he or she knows to be false in material particular or recklessly makes to any of those persons, to any such employee or agent or to a policeman a statement which is false in material particular.

(2) Sub-regulation (1) applies to any identity document which is to be or has been issued by any of the persons specified in sub-regulation (3) for the purposes of the ship security plan or a port facility security plan.

(3) The persons referred to in sub-regulation (1) are -

- (a) a port facility operator;
- (b) the owner, charterer or manager of any ship; and
- (c) any person who is permitted to have access to a restricted zone of a port facility for the purposes of the activities of a business carried on by him.

36. Unauthorised presence in restricted zones

(1) A person shall not –

- (a) go with or without a vehicle, vessel, onto or into any part of a restricted zone of a port facility except with the permission of the port facility operator or a person acting on behalf of the port facility operator and in accordance with any conditions subject to which that permission is for the time being granted; or
- (b) remain in any part of such a restricted zone after being requested to leave by the port facility operator or a person acting on behalf of the port facility operator.

(2) Sub-regulation (1) does not apply unless it is proved that at the material time, notices stating that the area concerned is a restricted zone were posted so as to be readily seen and read by persons entering the restricted zone.

(3) A person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding five million Dalasis.

37. Offences relating to authorised persons

(1) A person who –

(a) intentionally obstructs an authorised person acting in the exercise of a power conferred on him or her by or under these Regulations; or

(b) falsely pretends to be an authorised person,

commits an offence and is liable on conviction to a fine not exceeding five million Dalasis.

38. Defences

It shall be a defence for a person who commits an offence under these Regulations to show that he or she took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

PART II - CONTINUOUS SYNOPSIS RECORD

39. Continuous Synopsis Record

(1) This regulation applies to all ships engaged on international voyages except –

- (a) ships of war or troopships;
- (b) cargo ships of less than 500 tons;
- (c) ships not propelled by mechanical means;
- (d) wooden ships of primitive build;
- (e) pleasure vessels not engaged in trade; and
- (f) fishing vessels.

(2) A Gambian ship to which this Part applies shall be provided with a Continuous Synopsis Record for the purpose of providing an

onboard record of the history of the ship with respect to the information recorded therein.

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

(4) The Continuous Synopsis Record shall be issued by the Administration to every Gambian ship which these Regulations apply to and shall contain at least the following information-

- (a) the name of The Gambia;
- (b) the date on which the ship was registered in The Gambia;
- (c) the ship's identification number in accordance with Merchant Shipping Act 2013;
- (d) the name of the ship;
- (e) the port at which the ship is registered;
- (f) the name of the registered owner(s) and their registered address(es), if any;
- (g) the name of the registered bareboat charter(s) and their registered address(es), if applicable;
- (h) the name of the Company, its registered address and the address(es) from where it carried out safety management activities;
- (i) the name of all classification society(ies) with which the ship is classed.
- (j) the name of Administration or of a State party or of the recognised organization which has issued the Document of Compliance (or the Interim Document of Compliance) specified in the ISM Code Regulations to the Company operating the ship and the name of the body which has carried out the audit on the basis of which the Document was issued, if other than that issuing the Document;

- (k) the name of the Administration or the State Party or recognised organization that has issued the Safety Management Certificate (or the Interim Safety Management Certificate), specified in the ISM Code Regulations, to the ship and the name of the body which has carried out the audit on the basis of which the certificate was issued, if other than issuing the certificate;
- (l) the name of the Administration or the State Party or the recognised security organization that has issued the International Ship Security Certificate (or an Interim International Ship Security Certificate) specified in these Regulations to the ship and the name of the body which has carried out the verification on the basis of which the certificate was issued, if other than that issuing the certificate and
- (m) the date on which the ship ceased to be registered with The Gambia.

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

(6) Any change relating to the entries referred to in paragraphs (d) to (m) of sub-regulation (4) shall be recorded in the Continuous Synopsis record so as to provide updated and current information together with the history of the changes.

(7) In the cases of any changes to the entries referred to in Sub-regulation (6), the Administration shall issue, as soon as is practically possible, but not later than three months from the date of the change, to ships registered in The Gambia either a revised and updated version of the Continuous Synopsis Record or appropriate amendments thereto.

(8) In the case of changes relating to entries referred to in Sub-regulation (6), the Administration shall, pending the issue of a revised updated version of the Continuous Synopsis Record, authorise and require the Continuous Synopsis Record to reflect the change

(9) After the Continuous Synopsis Record has been amended, the Company shall, without delay, inform the Administration

accordingly.

(10) The Continuous Synopsis Record shall be in English and shall be in the format developed by the Organization and shall be maintained in Accordance with the guidance developed by the Organization.

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

40. Transfer of flag by ship

(1) Whenever a ship is transferred to the flag of another State or a ship is sold to another owner (or is taken over by another bareboat charterer) or another Company assumes the responsibility for the operation of the ship, the Continuous Synopsis Record shall be left on board.

(2) When a ship is to be transferred to the flag of another State, the Company shall notify the Administration the name of the State under whose flag the ship is to be transferred as to enable the Administration to forward to that State a copy of the Continuous Synopsis Record covering the period during which the ship was under its jurisdiction.

(3) When a ship is transferred to the flag of another State, the Administration shall transmit to the competent authority of the State Party, as soon as possible after the transfer takes place, a copy of the relevant Continuous Synopsis Record covering the period during which the ship was under The Gambia's jurisdiction together with any Continuous Synopsis Records previously issued to the ship by other States.

(4) When a ship is transferred to the flag of another State; the Administration shall append the previous Continuous Synopsis Records to the Continuous Synopsis Record the Administration shall issue to the ship so as to provide the continuous history record intended by this Regulation.

41. Offences and Penalties

(1) A Company which fails without reasonable cause-

- (a) to provide the Administration the information required by regulation 39 (3) if requested to do so by the Administration;

- (b) to inform the Administration of changes referred to in regulation 39 (5);
- (c) to make changes in the Continuous Synopsis Record as is required to be made under regulation 39 (5) (c);
- (d) to inform the Administration as required by regulation 39 5 (c) (ii);
- (e) to ensure that the Continuous Synopsis Record is left on the ship and is available for inspection as required by regulation 39 (4),

commits an offence and is liable on summary conviction to a fine not exceeding two million Dalasis.

(2) A master of a Gambian ship who fails without reasonable cause-

- (a) to make changes in the Continuous Synopsis Record as required by regulation 39 (5) (c);
- (b) to ensure that the Continuous Synopsis Records is left on the Ship and is available for inspection as required by regulation 39 (4),

commits an offence and is liable on summary conviction to a fine not exceeding two million Dalasis.

SCHEDULE 1

**FORM OF THE INTERNATIONAL SHIP
SECURITY CERTIFICATE
INTERNATIONAL SHIP SECURITY CERTIFICATE**

(Official Seal)
(State)

Certificate Number.....

Issued under the provisions of the

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

under the authority of the Government of

(name of State)

by _____
(Person(s) or Organization Authorized)

Name of Ship.....
Distinctive Number or Letters.....
Port of Registry.....
Type of Ship.....
Gross Tonnage.....
IMO Number.....
Name and Address of the Company.....
.....

THIS IS TO CERTIFY

1. That the security system and any associated security equipment of the ship has been verified in accordance with section 19.1 of Part A of the ISPS Code;
2. That the verification showed that the security system and any associated security equipment of the ship is in all respects satisfactory and that the ship complies with the applicable requirements of chapter XI-2 of the Convention and Part A of the

ISPS Code;

3. That the ship is provided with an approved ship security plan.

Date of Initial Renewal Verification on which this Certificate is based.....

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

Issued at.....
(Place of Issue of Certificate)

Date of Issue.....
(Signature of the Duly Authorised Official
Issuing the Certificate)

(Seal or Stamp of Issuing Authority, as appropriate)

SCHEDULE 2

Form of the Interim International Ship Security Certificate

INTERIM INTERNATIONAL SHIP SECURITY CERTIFICATE

(Official Seal) (State)

Certificate Number.....

Issued under the provisions of the

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

Under the authority of Government of

(Name of State)

by _____
(Person(s) or Organization Authorized)

Name of ship.....
Distinctive Number or Letters.....
Port of Registry.....
Type of Ship.....
Gross Tonnage.....
IMO Number.....
Name and Address of the Company.....
.....

Is this a subsequent, consecutive Interim Certificate? Yes/No*

If Yes, date of issue of initial Interim Certificate.....

THIS IS TO CERTIFY THAT the requirements of section A/19.4.2 of
the ISPS Code have been complied with.

This Certificate is valid until.....

Issued at.....
(Place of issue of certificate)

Date of Issue.....
(Signature of the Duly Authorised official
Issuing the Certificate)

(Seal or Stamp of Issuing Authority, as appropriate)

DATED THIS DAY OF 2014

.....
BALLA GARBA JAHUMPA
MINISTER OF WORKS, INFRASTRUCTURE AND CONSTRUCTION