

# BILL

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

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No.



Sierra Leone

2022

**A BILL ENTITLED**

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

Short title.

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

[

] Date of commencement.

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

PART I—PRELIMINARY

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

"appropriate officer" means, in relation to -

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

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

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

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

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

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

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

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

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

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

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

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

"high-speed craft" means a craft capable of a maximum speed in metres per second equal to or exceeding  $3.7 \sqrt{0.1667 V}$  where  $V$  is the displacement in cubic meters ( $m^3$ ), excluding craft the hull of which is supported completely clear above water surface in non-displacement mode by aerodynamic forces generated by ground effect;

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

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

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

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

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

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

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

"Organisation" means the International Maritime Organisation;

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

"piracy" includes -

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



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

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

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

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

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

"port facility operator" means -

- (a) the owner of the port facility;

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

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

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

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

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

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

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

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

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

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

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

"Sierra Leonean ship" means a ship which is -

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

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

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

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

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

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

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

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

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

"USD" means the United States Dollar.

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

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

(2) This Act shall not apply to -

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

- (i) a warship

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

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

- (i) protected with security, and

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

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

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

Sierra Leone  
Maritime  
Administration  
port security  
oversight  
function.

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

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

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

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

Delegation of port security oversight function.

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

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

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

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

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

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

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

Effect of delegation.

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

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

Appointment of recognised security organisations.

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



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

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

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

### PART III—GENERAL PROVISIONS RELATING TO SECURITY

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

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

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

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

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

Provision of security level information.

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

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

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

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

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

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

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

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

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

- (a) indicate the boundaries of the security regulated port;
- (b) specify the security requirements to be shared and indicate the respective responsibilities, between -
  - (i) a port facility and a ship; or
  - (ii) ships; and
- (c) specify the minimum period for which the Declaration of Security is to be kept in force by-
  - (i) a port facility, and
  - (ii) Sierra Leonean ship.

Request for  
Declaration  
of Security.

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

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

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

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

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

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

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

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

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

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

(a) at an interval specified in writing by -

(i) the Administration; or

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

(b) every 5 years.

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

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

Equivalent security arrangement.

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

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

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

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

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

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

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

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

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

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

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

#### PART IV - SHIP SECURITY

##### Sub-Part 1 - Ship Security Plan

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

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



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

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

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

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

Non-disclosure of ship security plan.

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

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

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

Application for approval of ship security plan.

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

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

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

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

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

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

Content of  
ship security  
plan.

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

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

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

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

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

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

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

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

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

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

- (a) refuse to approve the plan, and

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

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

**Appeals.**

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

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

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

**Amendment  
to ship  
security plan.**

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

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

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

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

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

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

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

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

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

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

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

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

Compliance  
with ship  
security  
levels.

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

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

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

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

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

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

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

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

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

- (a) security level 2, the master of a Sierra Leonean ship shall acknowledge receipt of the instructions and communicate to the port facility security officer the initiation of the implementation of the appropriate measures and procedures as detailed in the ship security plan; or
- (b) security level 3, the master of a Sierra Leonean ship, shall in addition to the requirement under sub-section (1) carry out instructions issued by that party.

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



- (a) contained in the ship security plan; or
- (b) issued by a party to the Convention under subsection (6), the master of the ship shall report to the competent authority of the party to the Convention of the difficulties, and the port facility security officer and the ship security officer shall liaise and co-ordinate the appropriate actions.

(8) Where the master of a Sierra Leonean ship -

- (a) is required by the Administration to operate at a higher security level, or
- (b) already operating at a higher security level than that set for the port it intends to enter or in which it is already located, the master of the ship shall without undue delay, inform the competent authority of the party to the Convention within whose territory the port facility is located of the appropriate action to be taken.

(9) Where a report is made under subsection (7) the ship security officer shall liaise with the port facility security officer designated under section 60 and may if necessary, co-ordinate appropriate actions.

(10) Where the Administration has set security levels, -

- (a) the Administration shall ensure the provision of information to the masters of ships that operate or intend to enter Sierra Leonean waters in respect of -
  - (i) applicable security levels; and

(ii) applicable security measures that need to be taken by such ships; and

(b) the master of a ship that intends to enter Sierra Leonean waters shall maintain vigilance and report to the Administration immediately, of any information likely to affect maritime security in the respective area.

25. (1) The evaluation of the security of a Sierra Leonean ship shall be carried out by a recognised security organisation engaged by the owner, manager, operator or charterer. Ship security assessment.

(2) A ship security assessment shall conform to requirements prescribed in this Act and shall contain an on-scene security survey including the identification and evaluation of-

(a) existing security measures, procedures and operations;

(b) key shipboard operations that are important to protect;

(c) possible threats to the key shipboard operations and the likelihood of their occurrence; in order to establish and prioritise security measures; and

(d) weaknesses, including human factors, in the infrastructure, policies and procedures.

(3) The owner, manager, the operator or a bareboat charterer shall ensure that the ship security assessment is -

(a) reviewed and updated as soon as practicable in the event of major changes to the ship;

- (b) periodically reviewed and updated, taking into account minor changes to the ship; and
- (c) retained by the owner, the manager, the operator or the bareboat charterer.

Ship security  
alert system.

26. (1) A Sierra Leonean ship shall have in place a ship security alert system.

(2) A ship security alert system, when activated, shall -

- (a) initiate and transmit a ship-to-shore security alert to a competent authority designated by the Administration which in these circumstances may include the owner, manager, charterer of the ship, 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 alert to any other ships;
- (c) not raise any alarm on board the ship; and
- (d) continue the ship security alert until deactivated or reset.

(3) A 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 Organisation.

(4) A ship security alert system activation points shall be designed so as to prevent the inadvertent initiation of the ship security alert.

27. (1) Where the Administration receives notification of a ship security alert, it shall immediately notify the States in the vicinity of which the ship is operating.

Notification of ship security alert.

(2) Where the Administration receives notification of a ship security alert from a ship which is not a Sierra Leonean ship, it shall immediately notify, -

- (a) the competent authority in the country where the ship is registered; and
- (b) if necessary, the States in the vicinity where the ship is operating.

#### Sub-Part III - International Ship Security Certificate.

28. (1) An owner, a manager or a charterer of a Sierra Leonean ship shall, prior to the use or operation of that ship for any international voyage, ensure that there is a valid International Ship Security Certificate in force in respect of that ship.

International Ship Security Certificate.

(2) An owner, a manager or a charterer who contravenes or permits a person under his control to contravene subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding 10 million Leones.

29. An application for an International Ship Security Certificate for a ship may be made in writing by the owner, manager or bareboat charterer of the ship to the Administration in such form as it shall determine.

Application for International Ship Security Certificate.

30. (1) A Sierra Leonean ship shall -

- (a) prior to the ship being put in service or the Ship Security Certificate in respect of that ship be subject to an initial verification which shall include complete verification of the ship's -

Verification of ship for International Ship Security Certificate.

- (i) security system and associated security equipment, and
    - (ii) approved security plan in compliance with the applicable requirements for the service for which the ship is intended.
  - (b) be subject to a renewal verification at intervals to be specified by the Administration but not exceeding 5 years;
  - (c) be subject to at least one intermediate verification; and
  - (d) any additional verification as may be determined by the Administration.
- (2) A verification under subsection (1) shall -
- (a) include inspection of the security system and associated security equipment of the ship, to ensure compliance with the applicable requirements of Chapter X1-2 of the Convention and Part A of the Code and the approved ship security plan;
  - (b) be carried out by officers of the Administration or a recognised security organisation entrusted by the Administration with the verifications.
- (3) In every case, the Administration shall fully guarantee the completeness and efficiency of the verification.
- (4) After verification under subsection (1) has been completed and endorsed in forms in Schedules II, III and IV, change shall not be made to -

- (a) the security system;
- (b) any associated security equipment; or
- (c) the approved ship security plan, without authorisation of the Administration.

(5) A person who contravenes the provisions of subsection (4) commits an offence and is liable on summary conviction to a fine not exceeding 10 million Leones or to a term imprisonment not exceeding 2 years or to both.

31. (1) The Administration or a recognised security organisation acting on behalf of the Administration may issue an International Ship Security Certificate for a period not exceeding 5 years where -

Issuance of  
International  
Ship Security  
Certificate.

- (a) a substantive application for an International Ship Security Certificate for a Sierra Leonean ship has been made under section 29;
- (b) a ship security plan for the ship is in force;
- (c) the initial or renewal verification in respect of the ship has been completed in accordance with subsection (1) of section 30.

(2) An endorsement of the verification for the International Ship Security Certificate shall be as in the form specified in Schedule V.

32. An International Ship Security Certificate issued by the Administration to a Sierra Leonean ship, shall come into force on the date of issue and shall remain valid until -

Period of  
validity of  
International  
Ship Security  
Certificate.

- (a) the Administration cancels the certificate; or
- (b) the expiration of 5 years from the date of issue.

Invalidity of  
International  
Ship Security  
Certificate.

33. An International Ship Security Certificate issued under subsection (1) of section 31, shall cease to be valid where -

- (a) relevant verification is not completed within the periods specified in section 30; the certificate is not endorsed following an interim verification in accordance with section 38;
- (c) an owner, a manager or a charterer assumes responsibility for the operation of a ship which was not previously operated by that owner, manager or charterer;
- (d) there is a transfer of the ship to another flag state.

Transfer of  
ship to flag of  
another state  
party

34. (1) The Administration shall, as soon as possible, upon the transfer of a ship to the flag of another state party, transmit to the new Administration, copies of or all information relating to the International Ship Security Certificate carried by the ship before the transfer and copies of available verification reports.

(2) An owner, a manager or a charterer who assumes responsibility for the operation of a ship not previously operated by him shall, as soon as possible, transmit to the receiving owner, manager or charterer, copies of or all information relating to the International Ship Security Certificate or facilitate the verification.

Renewal  
verification.

35. Where a renewal verification of an International Ship Security Certificate is completed -

- (a) within 3 months before the expiry date of an existing certificate;
- (b) more than 3 months before the expiry of the date of the existing certificate, the new

certificate shall be valid for a period not exceeding 5 years from the date of completion of the renewal of completion of the renewal verification.

36. (1) Where an International Ship Security Certificate is issued by the Administration for a period of less than 5 years, the Administration may, extend the validity of the certificate beyond the expiry date to the maximum period specified under section 32. Extension of validity of International Ship Security Certificate.

(2) 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 authorised by it may endorse the existing certificate as valid only for a further period not exceeding 5 months from the expiry date.

(3) Where a certificate expires at a time when the ship is not in the port in which it is to be verified, the Administration may only extend the validity of the certificate -

- (a) for the purpose of allowing the ship to complete its voyage to the port in which it is to be verified;
- (b) when the exigency of the circumstances require the extension; or
- (c) for a period not exceeding 3 months.

(4) A ship to which an extension under subsection (3) applies, shall not on arrival at the port in which it is to be verified, leave the port without the new Certificate.

(5) A new certificate in respect of an extended validity under subsection (3) shall be valid for a period not exceeding 5 years from the expiry date of the existing certificate.



(6) Where a certificate issued to a ship engaged on a short voyage has not been extended, the Administration may extend the validity of that certificate, -

- (a) for a period of up to one month from the date of expiry of the existing certificate; and
- (b) after renewal verification, for a period not exceeding 5 years from the date of expiry of the existing certificate.

(7) Where an interim verification is completed before the expiration period of 5 years specified under subsection (1) of section 30, the expiry date in the certificate -

- (a) shall be amended by endorsement to a date that is not more than 3 years later than the date on which the intermediate verification was completed; or
- (b) may remain unchanged provided an additional verification is carried out and the duration between verification does not exceed 5 years

(8) An endorsement for the extension of the validity of an International Ship Security Certificate shall be as specified in the form in Schedule VI.

Cancellation  
of  
International  
Ship Security  
Certificate.

37. The Administration shall, in writing, notify the owner, manager or charterer of a Sierra Leonean ship of the cancellation of its International Ship Security Certificate in circumstances where -

- (a) there is no longer a ship security plan in force for the ship, or
- (b) the ship is no longer subjected to the requirements for issuance of an International Ship Security Certificate.

38. (1) The Administration or a recognised security organisation may, on behalf of the Administration, issue an Interim International Ship Security Certificate in respect of -

Interim  
International  
Ship Security  
Certificate.

- (a) delivery of a ship or prior to its entry or re-entry into service;
- (b) transfer of a ship from the flag of a state party to the flag of another state party;
- (c) transfer of the ship to the flag of a state party from the flag which is not a state party; or
- (d) operation of a ship not previously operated by the owner, manager, operator or bareboat charterer.

(2) An Interim International Ship Security Certificate issued under subsection (1) shall -

- (a) be issued for a period not exceeding 6 months or until an International Ship Security Certificate is issued whichever comes first;
- (b) not be extended; and
- (c) be endorsed as in the form specified in Schedule VII.

(3) The Administration or a recognised security organisation may only issue an Interim International Ship Security Certificate to a Sierra Leonean ship in circumstances where -

- (a) the owner, manager or charterer of the ship has applied for an International Ship Security Certificate;
- (b) there is a ship security plan in force in accordance with this Act;

- (c) the ship has not yet been verified in accordance with section 30;
- (d) The ship security assessment required by Part A of the Code has been completed;
- (e) the ship is provided with the requisite security alert system meeting the requirements of the Act;
- (f) the Company Security Officer designated under subsection (1) of section 46 has ensured -
  - (i) the review of the ship security plan for compliance with Part A of the Code;
  - (ii) that the plan has been submitted for approval and is being implemented on the ship;
- (g) the Company Security Officer has made the necessary arrangements for drills, exercises and internal audits through which the company security officer is satisfied that the ship will successfully complete the required verification in accordance with section 30 within 6 months;
- (h) the ship's security officer and the other ship's personnel meet the requirement of Part A of the Code;
  - (i) the Administration reasonably believes that the ship is likely to qualify for a certificate when it is subjected to inspection for the purposes of the required verification under section 30.

(4) The Administration shall not issue an Interim International Ship Security Certificate where it reasonably believes that the owner, manager or the charterer of the ship intends to avoid full compliance with this Act beyond the 6 months period specified under subsection (2).

39. (1) A master, owner, manager or charterer of a Sierra Leonean ship shall ensure that the International Ship Security Certificate for that ship is kept on board the ship.

International Ship Security Certificate to be kept on board.

(2) A master, owner, manager or charterer of a Sierra Leonean ship who contravenes subsection (1), commits an offence and is liable on conviction to a fine not exceeding 5 million Leones or to a term of imprisonment not exceeding 1 year or to both.

Sub Part IV - Control and regulation of ships in Sierra Leonean ports.

40. (1) A master of a ship which intends to enter a port within Sierra Leone shall, prior to entry into that port, provide the Administration with the following details -

Control and regulation of ships in Sierra Leone ports.

- (a) evidence that the ship possesses an International Ship Security Certificate;
- (b) evidence of the security level at which the ship is operating;
- (c) evidence of the security level at which the ship operated during the period of its last 10 calls at ports where it conducted a ship-port interface;
- (d) evidence of any special additional security measures that were taken by the ship during the period of its last 10 ports of call where it conducted a ship-port interface;

- (e) evidence that the appropriate ship security procedures were maintained during any ship-to-ship activity during the period of its last 10 ports of call, and
- (f) any other practical security related details excluding details of the security plan, but including -
  - (i) any information contained in the ship's continuous synopsis record;
  - (ii) location of the ship at the time the report is made;
  - (iii) expected time of arrival of the ship in port,
  - (iv) crew list;
  - (v) a general description of cargo aboard the ship;
  - (vi) passenger list, if any
  - (vii) information required under regulation XI-2/5 of the Convention.

(2) A master of a ship shall keep a record of the information specified in subsection (1) of its last 10 port of calls.

(3) Where a master of a ship declines to provide the information or confirmation specified in subsection (1) or fails to comply with subsection (2), the Administration may deny the ship entry to port.

41. (1) The Administration shall accept the validity of a maritime security document related to a ship registered in a State that is a party to the Convention other than a Sierra Leonean ship. Acceptance of documents.

(2) Notwithstanding subsection (1), where the Administration has reason to believe that -

- (a) a ship is not in compliance with the content of the maritime security document;
- (b) a ship is no longer in compliance with a requirement for the issuance of the maritime security document, or imposed by the maritime security document;
- (c) a ship has been materially altered without the approval of the flag state that issued or approved the maritime security document, or
- (d) the maritime security document has been fraudulently obtained or the holder of the maritime security document is not the person to whom the maritime security document was originally issued,

the Administration may refuse to accept the maritime security document or may suspend its acceptance of the document.

42. (1) Where an International Ship Security Certificate required under section 28 is not produced without a reasonable excuse, or the Administration has reason to believe that the foreign ship is not in compliance with the requirements of this Act, the Administration shall impose one or more of the following measures - Control of ships in port.

- (a) inspection of that ship for the purposes of ascertaining compliance with certification requirements under this Act including -

- (i) provision by the master, of information that the Administration considers relevant to the inspection;
    - (ii) demonstration to the Administration that the master or the relevant crew are familiar with essential shipboard security procedures; and
    - (iii) any shipboard security procedure that is capable of being carried out in a competent manner;
  - (b) delay of the ship;
  - (c) detain the ship;
  - (d) restrict the operations of the ship, including its movement within the port;
  - (e) expel the ship from the port where -
    - (i) the Administration has reason to believe that the ship poses an immediate threat to the security or safety of persons, ships, or other property within the port; and
    - (ii) there are no other appropriate means to overcome that threat.
- (2) A control measure imposed under subsection (1) -
- (a) shall correspond to the expected requirements of the circumstance; and
  - (b) may in addition or alternately include any other minimised administrative or corrective measures;

- (c) shall remain in force until the circumstance that gave rise to the imposition of the control measure is corrected to the satisfaction of the Administration.

(3) Where a ship is expelled from a port under paragraph (e) of subsection (1) -

- (a) the Administration may require the ship to proceed to a specified location within the territorial sea or Sierra Leonean waters;
- (b) the port facility operator shall on the directives of the Administration discontinue the provisions of services to that ship;
- (c) all exhaustive efforts shall be made to avoid a ship being unduly detained or delayed; and
- (d) a person may be allowed to leave the ship, or have access to the ship for emergency, humanitarian or security reasons.

43. (1) The Administration may inspect a ship security plan of a ship for purposes of the imposition of control measures, if - <sup>inspection of ship security plan.</sup>

- (a) the Administration has reason to believe that a ship is not in compliance with the requirements of Chapter X1-2 of the Convention or Part A of the Code;
- (b) the Administration considers it necessary to review the relevant requirements of a ship security plan, and
- (c) consent for the inspection to review the relevant requirements of the ship security plan is granted by -



- (i) the master of the ship; or
- (ii) the administration of a ship of a State which is a party to the Convention.

(2) Where a ship is not a Sierra Leonean ship, the Administration may only have access to information contained in the relevant sections of the ship security plan that relate to the suspected non-compliance.

(3) Where a ship is registered in a State that is not a party to the Convention, the Administration may authorise the full inspection of the ship.

Procedure to follow where control measures are imposed.

44. (1) Where control measure is imposed under subsection (1) of section 44, or action is taken under section 45, the Administration shall -

- (a) with respect to a ship which is not a Sierra Leonean ship, advise in writing, the ship's administration of, -
  - (i) the control measure imposed or action taken; and
  - (ii) the reasons for imposing the control measure or the action; and
- (b) provide written notice, specifying when the control measure was imposed or the action taken, to -
  - (i) the Organisation;
  - (ii) recognised security organisation that issued the certificate to the ship concerned where applicable; or

- (iii) the competent authority in the country where the ship is registered.

(2) Where a ship is expelled from a port under paragraph (e) of subsection (1) of section 42, or entry into a port is denied under section (3) of section 42, the Administration shall communicate the information to the relevant authority of -

- (a) the country of the next port of call if known;
- (b) any such other coastal state it may deem appropriate,

(3) Communication under subsection (2) shall -

- (a) include the following information -
  - (i) particulars of the ship's name, flag state, identification number, call sign, ship type and cargo;
  - (ii) reasons for denial of entry or expulsion from a port or port areas;
  - (iii) the nature of any security measures not complied with where applicable;
  - (iv) details of any attempts made to rectify any non-compliance with security measures including any conditions imposed on the ship for the voyages, where applicable;
  - (v) any previous port of call and next following declared port of call;
  - (vi) time of departure of the ship and the likely estimated time of arrival of the ship at those ports;

- (vii) any instructions given to the ship;
  - (viii) available information on the security level at which the ship is operating;
  - (ix) any information in respect of communication the Administration has had with the competent authorities of the country where the ship is registered;
  - (x) contact point within the Administration for the purpose of obtaining further information;
  - (xi) crew list;
  - (xii) any other relevant information; and
- (b) take into account any relevant official guidelines of the International Maritime Organisation.

(4) A person who, without reasonable excuse fails to comply with the control measure imposed by the Administration under subsection (1) of section 44, commits an offence and is liable on summary conviction if -

- (a) an individual, to a fine not exceeding 5 million Leones or to a term of imprisonment not exceeding 1 year; and
- (b) a corporate body to a fine not less than 10 million Leones.

Action where is not in compliance with this Act.

45. (1) Where the Administration has reason to believe that a ship is not in compliance with this Act, it shall contact the master of the ship or the competent authority of the country where the ship is registered to address the non-compliance by taking the necessary corrective action in respect of that ship.

(2) Where communication made under subsection (1) does not result in the required compliance, the Administration may take one or more of the following actions -

- (a) require the necessary rectification to ensure compliance;
- (b) require the ship to proceed to a specified location within the territorial sea or Sierra Leone waters;
- (c) inspect the ship to ascertain compliance with the certificate requirements of this Act where applicable;
- (d) deny the ship entry, if the Administration has reason to believe that the ship poses an immediate threat to the security or safety of persons, ships, or property and there are no other means to overcome that threat.

(3) The Administration shall, prior to any action being taken under subsection (2) (b) notify the master of the ship, in such manner as the Administration may determine of its intentions.

(4) An action taken under paragraph (b) of subsection (2) shall correspond to the expected requirements of the circumstance.

(5) Where a ship is denied entry under paragraph (d) of subsection (2), -

- (a) all exhaustive efforts shall be made to avoid a ship being unduly detained or delayed, and
- (b) a person may be allowed to leave the ship, or have access to the ship, for emergency, humanitarian or security reasons.

(6) Where a ship is denied entry to the port under paragraph (d) of subsection (2), the port facility operator shall on the directives of the Administration discontinue the provision of services to that ship.

(7) An action taken under this section remains in force until the circumstance that gave rise to the action taken is regularised to the satisfaction of the Administration.

**Sub-Part V - Designation of officers and responsibilities of companies and ship personnel.**

Company  
security  
officer.

46. (1) The owner, manager or charterer of a Sierra Leonean ship shall designate a Company Security Officer for the purposes of this Act.

(2) A Company Security Officer may act as the security officer for one or more ships, except that it shall be clearly identified for which ship the Company Security Officer is responsible.

(3) The owner, manager or charterer shall ensure that a company security officer receives the appropriate training to enable him or her perform his or her duties which shall include, but are not limited to the following -

- (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 subsequent implementation and maintenance of the ship plan;

- (d) ensuring that the ship security plan is modified, as appropriate, to correct deficiencies and satisfy the security requirements of the individual ship;
- (e) arranging for internal audits and reviews of security activities;
- (f) arranging for the initial and subsequent verifications of the ship, by the Administration or a recognised security organisation;
- (g) ensuring that deficiencies and non-conformities identified during internal audits, periodic reviews, security inspections and verifications of compliance are promptly addressed and dealt with;
- (h) enhancing security awareness and vigilance onboard ship;
- (i) ensuring adequate training for shipboard 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;
- (m) ensuring that any alternative or equivalent arrangements approved for a particular ship or group of ships are implemented and maintained; and

- (n) any such other function specified in the Code.

Ship security officer.

47. (1) The owner, manager or charterer of a Sierra Leone ship shall designate a ship security officer for a ship under his ownership or control.

(2) An owner, a manager or a charterer who designates a security officer for a ship under subsection (1), shall ensure that the ship security officer receives the appropriate training to enable him perform his duties and responsibilities including -

- (a) undertaking regular security inspections of the ship to ensure that appropriate security are maintained;
- (b) maintaining and supervising the implementation of the ship security plan, including amendments to the plan;
- (c) coordinating 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 measures;
- (f) enhancing security awareness and vigilance onboard;

- (g) ensuring that adequate training has been provided to shipboard personnel, including drills at appropriate intervals where applicable;
- (h) reporting all security incidents;
- (i) coordinating implementation of the ship security plan with the Company Security Officer and the relevant port facility security officer;
- (j) ensuring that security equipment is properly operated, tested, calibrated and maintained, if any; and
- (k) any other function specified in the Code.

48. (1) Shipboard personnel having specific security duties and responsibilities shall understand their responsibilities for ship security as described in the ship security plan and shall have sufficient knowledge and ability to perform their assigned duties. Shipboard personnel.

(2) To ensure the effective implementation of the ship security plan, drills shall be carried out at appropriate intervals taking into account the ship type, ship personnel changes, port facilities to be visited and other relevant circumstances.

(3) The Company Security Officer shall ensure the effective co-ordination and implementation of the security plans by participating in exercises at appropriate intervals.

49. (1) The owner, charterer or any other person shall not interfere with the decision of the master of a ship if that decision is made with the intention to maintain the safety and security of that ship including a decision in respect of - Master's discretion for ship safety and security.



- (a) denial of access to unidentified persons or their personal effects;
- (b) refusal to load cargo, including containers and other closed cargo transport units.

(2) The owner, manager or a bareboat charterer of a Sierra Leonean ship to which this Act applies shall ensure that the master and the ship security officer are given the necessary support to fulfill their duties and responsibilities under this Act.

(3) Where, in the professional judgement of the master, a conflict between any safety and security requirements applicable to the ship arises during its operations, the master -

- (a) shall give effect to the requirements necessary to maintain the safety of the ship;
- (b) may implement temporary security measures commensurate with prevailing security level;
- (c) shall inform the Administration as soon as practicable; and
- (d) shall in the case of a Sierra Leonean ship that is operating or intends to enter a port outside the jurisdiction of the country, inform the competent authorities of the State in which the port is located.

(4) Where the Administration is informed under paragraph (c) subsection (3), it shall confer with the master of the ship on -

- (a) the nature and gravity of the conflict; and
- (b) appropriate resolution for the conflict.

(5) Where the conflict identified under sub-section (4) involves a port facility, the master and the Administration shall consult the port facility security officer of that port facility prior to taking any action specified under subsection (3).

(6) A person who is on official duty, -

- (a) may board a ship to carry out his functions or duties, and
- (b) shall on request by the master of the ship or the ship security officer, present to the master or officer his or her identity card issued by the Administration.

50. (1) Where a ship is detained under paragraph (c) of subsection (1) of section 42, the owner, manager or charterer of the ship shall pay to the Administration - <sup>Costs of detention.</sup>

- (a) costs for detention of the ship;
- (b) incidental costs arising out of the detention of that ship including -
  - (i) costs for inspection and audit; and
  - (ii) costs incurred by the port facility operator as a result of detention.

(2) The costs specified under subsection (1) are payable without prejudice to any other remedy the Administration is entitled to recover as a debt through the due process of law.

(3) The Administration shall pay to the owner, manager or charterer of a ship, compensation for any loss resulting from the undue detention or under delay of that ship.

(4) A complainant shall indemnify the Administration for all costs for which the Administration is liable under sub-section (3) where -

- (a) a ship is detained due to information provided by that complainant;
- (b) the information provided by the complainant is subsequently found to be false; and
- (c) the complainant knew that information was false, at the time the complainant provided it.

#### PART V - PORT SECURITY

Duties of  
port facility  
operator.

51. A port facility operator shall -

- (a) operate in conformity with the security level specified by the Administration;
- (b) apply security measures and procedures in a manner that minimises interference with, or delay to, passengers, ships, personnel of ships, visitors, goods and services, and
- (c) appoint port facility security officers for the purpose of this Act.

Port facility  
security  
assessment.

52. (1) The Administration shall carry out a port facility security assessment of each port facility within Sierra Leone.

(2) The Administration may authorise a recognised security organisation to carry out a port facility security assessment on its behalf.

(3) Where a port facility security assessment is carried out by a recognised security organisation, the Administration shall review the assessment and ensure that it addresses the following elements within the port facility in accordance with Part B paragraph 15.3 of the ISPS Code-

- (a) physical security;
- (b) structural integrity;
- (c) personnel protection systems;
- (d) procedural policies;
- (e) radio and telecommunication systems, including computer systems and networks;
- (f) relevant transportation infrastructure;
- (g) utilities; and
- (h) other areas that may, if damaged or used for illicit observation, pose a risk to persons, property, or operations within the port facility.

(4) Where the Administration is satisfied that the assessment complies with the requirements specified in subsection (3) it may approve the assessment.

(5) The Administration shall ensure that each port facility security assessment is -

- (a) periodically reviewed and updated, taking into account changing threats and or minor changes in the port facility; and
- (b) reviewed as soon as possible in the event of any major changes to the infrastructure of the port facility.

(6) A port facility security assessment may cover more than one port facility where -

- (a) the operator, location, operation equipment, and design of these facilities are similar; and
- (b) the Administration agrees to this arrangement.

(7) Where a port facility security assessment covers more than one port facility, the details of this arrangement shall be submitted in writing by the Administration to the Organisation.

Report on port facility security assessment.

53. (1) Upon completion of a port facility security assessment, the person who carried out the assessment shall prepare for the Administration a report which contains -

- (a) summary of how the assessment was conducted;
- (b) description of each vulnerability found during the assessment; and
- (c) a description of counter measures that could be employed to address each vulnerability.

(2) A port facility security assessment report prepared for the Administration under subsection (1), shall be protected from unauthorised access or disclosure

(3) A person who without authorisation discloses a report or gives access to a report contrary to subsection (2) commits an offence and is liable on conviction to a fine of not less than 10 million Leones or to a term of imprisonment not exceeding 5 years or to both.

Content of port facility security assessment.

54. (1) Subject to subsection (2) a valid port facility security assessment shall specify the following details -

- (a) identification and evaluation of important assets and infrastructure that are necessary 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;
- (d) identification of weaknesses including human factors in the infrastructure, policies and procedures.

(2) The Administration may, by notice published in the Gazette prescribe additional requirements to be met by a port facility security assessment

55. (1) A port facility operator shall -

Port facility security plan.

- (a) develop, implement, and maintain a port facility security plan based on the port facility security assessment of that port facility;
- (b) design a port facility security plan to suit the purposes of ship-port interface;
- (c) update that port facility security plan by a review of that plan; and
- (d) protect that port facility security plan from unauthorised access or disclosure.

(2) A port facility security plan -

- (a) shall provide for the 3 security levels specified under section 8, and

(b) may cover more than one port facility where

- (i) the operator, operation, equipment, and the design of these port facilities are similar, and
- (ii) Administration agrees to the arrangement

(3) A recognised security organisation may prepare the port facility security plan for a port facility.

(4) A port facility security plan or an amendment to an approved plan shall not be implemented without the written approval of the Minister.

(5) A person who without authorisation discloses a port facility security plan or gives access to a port facility security plan, contrary to paragraph (d) of subsection (1) commits an offence and is liable on conviction to a fine not less than 10 million Leones or a term of imprisonment not exceeding 3 years or to both.

Content of  
port facility  
security plan.

56 A valid port facility security plan shall address the following matters -

- (a) measures designed to prevent weapons or any other dangerous substances and devices intended for use against persons, ships or ports, and the carriage of which is not authorised, from being introduced into the port facility or on board a ship;
- (b) measures designed to prevent unauthorised access to the port facility, to ships 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 ship/port interface;
- (d) procedures for evacuation in case of security threats or breaches of security;
- (e) procedures for responding to security instructions the Administration may give to a port facility at security level 3;
- (f) duties of port facility personnel assigned security responsibilities and of other facility personnel or security aspects;
- (g) procedures for interfacing with ship security activities;
- (h) procedures for the periodic review of the plan and updating;
- (i) procedures for reporting security incidents;
- (j) identification of the port facility security officer including 24 hour contact details;
- (k) measures to ensure the security of the information contained in the plan;
- (l) measures designed to ensure effective security of cargo and the cargo handling equipment at the facility;
- (m) procedures for auditing the port facility security plan;



- (n) procedures for responding in case the ship security alert system at the port facility has been activated; and
- (o) procedures for facilitating shore leave for ship's personnel or personnel changes, as well as access of visitors to the ship, including representatives of seafarers' welfare and labour organisations.

Submission of port facility security plan for approval.

57. A port facility operator or a recognised security organisation may after preparation of a port facility plan or amendment to an approved plan in accordance with sections 55 submit to the Minister for security approval -

- (a) the port facility security plan; or
- (b) the amendment of that approved port facility plan accompanied with such fee and document as the Minister may determine.

Approval by Minister of port facility security plan.

58. (1) The Minister shall not approve a port facility security plan or an amendment to an approved plan submitted under section 58 unless he is satisfied that the plan or amendment to the plan.

- (a) conforms to Part A of the Code; and
- (b) corresponds with the security assessment for that port facility.

(2) The Minister shall within 21 days of receipt of a port facility security plan or amendment, submitted under section 54 inform in writing the port facility operator or recognised security organisation of his or her decision

(3) Where a written approval of the Minister is obtained under subsection (2) the port facility operator or recognised security organisation shall keep in the form specified in Schedule VIII, that approval of the port facility for presentation on request to the Administration.

(4) Where a written approval is given by the Minister for a temporary amendment to an approved port facility security plan or for a temporary change to any security equipment specified in an approved plan, the retention of the written approval for the temporary amendment or temporary change shall not be required provided the original approved measures or equipment are effectively implemented.

59. (1) Where the Minister decides not to approve a port facility security plan or an amendment to a previously approved port facility security plan, the port facility operator, or recognised security organisation, may within 10 working days request in writing the Minister to review his or her decision.

Review of decision not to approve port facility security plan.

(2) The Minister shall within 21 working days of the receipt of a request under subsection (1) carry out the review and report in writing the results of the review to the port facility operator or recognised security organisation

(3) A port facility operator or recognised security organisation, dissatisfied with the decision of the Minister under subsection (2) may appeal to the High Court

60. (1) Subject to subsection (2), a port facility operator shall security designate a port facility security officer for a port facility.

Port facility officer.

(2) A port facility operator may designate a port facility officer for one or more port facilities.

(3) The duties of a port facility security officer include -

- (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 any relevant changes to the port facility;
- (f) enhancing security awareness and vigilance of the port facility personnel;
- (g) ensuring 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) co-ordinating the implementation of the port facility security plan with the appropriate company and any ship security officer concerned;

- (j) co-ordinating with other national security services, 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; and
- (m) assisting the ship security officers in confirming the identity of those seeking to board the ship when requested.

(4) A port facility operator shall ensure that the port facility security officer is given the necessary support to fulfill his duties and responsibilities specified in Chapter XI-2 of the Convention and in this Act.

61. (1) For the purposes of additional security requirements, the Administration may by notice in the Gazette designate -

Designation of port security zones.

- (a) a port facility;
- (b) an area in a port facility; or
- (c) any other area within a port, as a port security zone.

(2) A Gazette notice under subsection (1) shall specify the area that shows the boundaries of the port security zone and the effective date of the designation.

(3) A designation made under subsection (1) may be revoked in whole or in part or amended by the Administration by notice published in the Gazette.

Matters to be considered in establishing port security zone.

62. In designating a port security zone, the Administration shall have regard to the purposes for the zone, and take into account, -

- (a) the existing physical features of the port;
- (b) the existing operational features of the port;  
and
- (c) the opinion of the port facility operator.

Restrictions with respect to port security zones.

63. (1) A person shall not enter or remain in a port security zone unless, that person is -

- (a) in the course of official duties; or
- (b) authorised by the Administration or port facility operator to do so.

(2) A person in a port security zone shall on the request of an authorised person provide -

- (a) his name and address;
- (b) the purpose of his or her visit to the port security zone;

- (c) his authority to enter the port security zone, and
  - (d) verification of the correctness of his stated name and address.
- (3) Where a person is requested by an authorised person,
- (a) fails or refuses to provide that authorised person with satisfactory evidence of his or her name or address; or
  - (b) fails to satisfy that authorised person that he is authorised to be there, the authorised person may order that person to leave the port security zone.

(4) An authorised person and a person whom an authorised person calls to his assistance, may use reasonable force necessary to remove from the port security zone, a person who fails or refuses to leave the port security zone after having been ordered by the authorised person to do so under sub-section (3).

(5) A person who refuses to comply with a request under subsection (2) after being cautioned of the consequences of his or her failure to comply, may be detained by the authorised person, or a port facility security officer.

(6) A person detained under subsection (5) shall as soon as practicable after arrest, be handed over to a police officer.

(7) A passenger or crew member who embarks or disembarks directly through gateways or thoroughfares in a port facility approved for that purpose by the port facility operator shall be considered to be authorised by the Administration to pass through any port security zone that forms part of those gateways or thoroughfares.

(8) A person who by reason of his official duties is required to enter a port facility security zone, shall, on request by an authorised person, present his employment identity.

(9) A person who willfully fails to provide satisfactory evidence of his name and address or authorisation to be in port security zone in contravention of this section, commits an offence and is liable on conviction to a fine not exceeding 5 million Leones or to a term of imprisonment not exceeding 2 year or to both.

Taking  
weapon into  
ship or port  
security zone.

64. (1) A person shall not, without reasonable excuse or without the written permission of the ship security officer or the port facility security officer, take or attempt to take on board a ship or into a port security zone -

- (a) firearm;
- (b) dangerous or offensive weapon or instrument;
- (c) ammunition;
- (d) explosive, incendiary, biological or chemical substance or device; or

(e) other injurious substance or device that may be used to endanger the safety of, a ship, a person on board the ship, the port security zone or a person within the port security zone.

(2) A person who has obtained a written permission of a ship security officer or a port facility security officer shall, on the request of an authorised person, present the written permission to that authorised person.

65. (1) An authorised person may use a detector dog, a mechanical or electronic device or similar mechanism to screen - Screening and searching powers.

- (a) a person boarding a ship;
- (b) anything to be carried by ship;
- (c) anything in the port security zone;
- (d) a person including that person's personal effects or vehicle within or entering the port security zone.

(2) Where a screening device or mechanism under subsection (1) ceases to function or produces indeterminate results or results that provide reason to believe that a person has committed an offence or is likely to commit an offence under this Act, the authorised person may search -

- (a) a person boarding the ship;
- (b) anything to be carried by the ship;



- (c) anything in the port security zone;
- (d) a person including that person's personal effects; or
- (e) vehicle within or entering the port security zone,

without the use of the screening device or other mechanism provided undersubsection (1).

Power to  
seize and  
detain item.

66. (1) Where an authorised person has reason to believe that it is not lawful to take an item on board a ship or into a port security zone, he may seize the item for the purpose of determining whether the item may lawfully be taken on board that ship or into that port security zone.

(2) Where an item is seized under subsection (1), the authorised person shall -

- (a) take an inventory of the item; and
- (b) give a copy of the inventory to the owner or person from whom the item was seized.

(3) Where an authorised person determines that the item may lawfully be taken on board the ship, or into the port security zone, he shall as soon as practicable, return the item to the person from whom the item was seized.

(4) Where an authorised person determines that an item may not lawfully be taken on board the ship or into the port security zone, he shall permit the person from whom the item was seized to arrange for the item to be taken -

- (a) off the ship; or
- (b) out of the port security zone.

(5) Notwithstanding subsection (4) where an authorised person has reason to believe that a seized item poses an imminent risk to safety or may not be lawfully possessed, he may -

- (a) destroy or otherwise dispose of the item; or
- (b) deliver the item to the police.

67. Where an authorised person has seized an item under section 66, the Administration may recover from either the owner of the item or the person who was in possession of the item, all reasonable costs of the seizure or incidental to the seizure. Costs of seizure.

68. (1) Where a person refuses to have -

- (a) his person screened or searched; or
- (b) his baggage screened or searched, by an authorised person, the authorised person may require that person to leave the ship or port security zone.

Person who refuse to be screened or searched.

(2) Where a person refuses to leave a ship or port security zone as required under subsection (1), an authorised person and any other person on the directives of the authorised person may use reasonable force to remove that person from the ship or port security zone or as soon as practicable deliver him to a police officer.

(3) Where the person who refuses to be screened or searched is a passenger, or a crew member, the master of the ship shall refuse to allow that passenger or crew member to board the ship.

(4) The master of a ship who refuses to allow a passenger or crew member to board the ship under subsection (3), shall not be subject to civil liability for such refusal.

Search of  
person who  
refuse to be  
searched.

69. (1) A police officer may, without a warrant -

- (a) search a person;
- (b) search a person's baggage
- (c) detain a person for purposes of a search; or
- (d) take possession of an article referred to under subsection (1) of section 66.

(2) A police officer may exercise his powers of search under subsection (1) where -

- (a) the master refuses to carry a person who has refused a search of his person or baggage; and

(b) the police officer has reason to suspect that

(i) an offence under this Act has been, is being or is likely to be committed, by that person or any other person

(ii) a search of the person who has refused to be searched is likely to disclose evidence that an offence under this Act has been, is being or is likely to be committed, by that person or any other person.

(3) A police officer who exercised the power of search under subsection (1) shall, prior to the search and upon a subsequent request, -

(a) provide evidence of his or her identity to the person to be searched;

(b) inform the person required to be searched that the search is authorised.

(4) Where a police officer exercises the power of search under subsection (1) he shall, within 3 days after the day on which he exercises the power, provide a written report on the search conducted and reasons for the search.

70. (1) The Administration may appoint such maritime security officers as it may determine for the purpose of giving full effect to this Act.

Maritime security officer's right of access to port security zones and ships.

(2) A maritime security officer appointed under subsection (1), may in the course of duty enter -

- (a) a port security zone;
- (b) a building, vehicle or place within a port security zone, or
- (c) a ship,

for the purpose of exercising his powers, and carrying out functions and duties under this Act.

(3) Unless a maritime security officer is accompanied by a police officer, the power of entry conferred under subsection (1) shall be limited to a peaceful and non-forcible entry.

(4) Where the police has taken command of any situation at a port security zone, the right of an authorised person to enter any part of the port facility or any ship, building or place with the port facility, shall be subject to the limitations imposed by the most senior police officer present at the port facility.

(5) Where a ship, building, vehicle or place is not being used for commercial purposes, subsection (1) shall not apply, unless the maritime security officer has reason to believe that a person or thing is likely to endanger -

- (a) a port security zone;
- (b) facilities within a port; or
- (c) a person within a ship, building, vehicle or place.

(6) A police officer or an authorised person may not enter a dwelling house, crew accommodation or a passenger cabin without

- (a) search warrant; or
- (b) the consent of the occupier of a dwelling house, crew accommodation or passenger cabin.

(7) A maritime security officer who exercises power of entry under this section, shall prior to and on a subsequent request

- (a) provide evidence of his identity to the occupier; and
- (b) inform the occupier that the entry is authorised.

71. (1) The Administration may declare an exclusion zone around a ship where -

Administration may declare exclusion zones for ships.

- (a) the Administration considers it necessary for the maintenance of effective security for that ship; and
- (b) that ship is -
  - (i) berthed in port or is at an anchorage;
  - (ii) moored at a buoy; or
  - (iii) in the approaches to a port.

(2) Where the Administration makes a declaration under subsection (1), it shall notify -

- (a) the master of the ship;
- (b) the port facility security officer;
- (c) the port facility operator; and
- (d) the harbour master,

through such means of communication as the Administration may consider appropriate.

(3) A declaration under subsection (1) shall -

- (a) take effect on the date that it is communicated to the master; and
- (b) expire 5 days after the date on which it takes effect unless the Administration extends the expiry date for a further specified period not exceeding 5 days.

(4) Notwithstanding subsection (3) the Administration may revoke a declaration at any time.

Entering or leaving exclusion zones without authorisation.

72. (1) A person, craft or vessel shall not enter or leave an exclusion zone unless authorised to do so by the Administration.

(2) Where it is necessary to protect an exclusion zone, an authorised person may with reasonable force -

- (a) remove a person who has entered the exclusion zone without authority;
- (b) prevent a person who has entered the zone without authority from leaving the zone;
- (c) prevent a person who attempts to leave the zone without authority;
- (d) prevent a craft, or vessel which has entered the exclusion zone without authority, from leaving the zone;
- (e) prevent a craft, or vessel which attempts to leave the zone.

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding 10 million Leones or to a term of imprisonment not exceeding 2 years.

(4) The master of a craft or vessel who contravenes subsection (1) commits an offence is liable on conviction to a fine not exceeding 12 million Leones and the craft or vessel shall be detained until the fine is paid.

#### PART VI - OFFENCES AGAINST SHIPS AND FIXED PLATFORMS

73. (1) A person who does -

Piracy.

- (a) an illegal act of violence or detention, or an act of depredation, for private ends by the crew or the passengers of a private ship or a private aircraft, directed -



- (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft:  
or
  - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any state;
- (b) a voluntary act of participation in the operation of a ship or an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) an act of inciting or of intentionally facilitating an act described in sub paragraph (a) or (b), commits an offence of piracy.

(2) Subsection (1) shall apply to -

- (a) a private ship or aircraft in dominant control of persons who -
  - (i) intend to use the ship or aircraft for piracy; or
  - (ii) have used the ship or aircraft for piracy, so long as it remains under the control of those persons; and

- (b) a warship or Government ship or Government aircraft whose crew has mutinied and taken control of the ship or aircraft.

(3) Subsection (1) shall not apply to an aircraft which is not on those parts of the sea that are not included in the exclusive economic zone, the territorial sea or in the internal waters of Sierra Leone.

74. (1) A person shall not unlawfully, by use of force or by threat of any kind, seize a ship or exercise control of a ship. Hijacking of ship.

(2) A person who contravenes subsection (1) commits an offence of hijacking a ship and is liable on conviction to a fine not exceeding 12 million Leones.

75. (1) A person shall not unlawfully and intentionally - Destruction of ship.

- (a) destroy a ship or a port facility;
- (b) damage a ship or its cargo so as to endanger, or likely to endanger the safe navigation of the ship;
- (c) commits on board a ship an act of violence which is likely to endanger the safe navigation of the ship; or

- (d) place or cause to be placed on a ship or port facility a device or substance which is likely to destroy the ship or is likely so to damage it or its cargo, as to endanger its safe navigation.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to imprisonment for life.

Endangering  
safe  
navigation of  
ships, threats  
and ancillary  
offences.

76. (1) A person shall not unlawfully and intentionally -

- (a) destroy or damage property, including land, building, ship, other apparatus or equipment so used for the provision of maritime navigation facilities, whether it is on board a ship or elsewhere; or
- (b) seriously to interfere with the operation of property, referred to under paragraph (a), where the destruction, damage or interference is likely to endanger the safe navigation of a ship.
- (c) communicate information which he knows to be false in a material respect, particularly where the communication of the information endangers the safe navigation of a ship.
- (d) in order to compel another person to do or abstain from doing an act, threaten that he or some other person will endanger the safe navigation of the ship.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to imprisonment for life.

77. (1) Where the master of a ship, wherever that ship may be, and whatever the State (if any) in which it may be registered, has reasonable grounds to believe that any person on board the ship has

Master to hand over suspect to appropriate officer.

- (a) committed an offence under section 76;
- (b) attempted to commit an offence under section 76; or
- (c) aided, abetted, counselled, procured or incited the commission of an offence under section 76,

in relation to a ship other than a warship or other ship used as a naval auxiliary or in customs or police service, he may hand over that person to an appropriate officer in Sierra Leone or any other Convention country.

(2) Where the master of a ship intends to hand over a person in Sierra Leone or other Convention country in accordance with sub-section (1), he shall notify an appropriate officer in that country -

- (a) of his intention to deliver that person to an appropriate officer in that country; and
- (b) of his reasons for intending to do so.

(3) A notification under sub-section (2) shall be given -

- (a) before the ship in question has entered the territorial sea of the country concerned; or
- (b) if in the circumstances, it is not reasonably practicable to comply with paragraph (a) as soon as reasonably practicable after the ship has entered that territorial sea.

(4) Where the master of a ship hands over a person to an appropriate officer in a country under subsection (1), he shall-

- (a) make to an appropriate officer in that country such oral or written statements relating to the alleged offence as that officer may reasonably require; and
- (b) hand over to an appropriate officer in that country such other evidence relating to the alleged offence as in the master's possession.

(5) The master of a ship who without reasonable excuse fails to comply with sub-section (2) or (4) is guilty of an offence and liable on conviction to a fine not exceeding 15 million Leones.

Application  
to fixed  
platforms.

78. Sections 76 and 77 shall, with the necessary modifications apply to a fixed platform, if any, located on the continental shelf of Sierra Leone.

PART VII - MISCELLANEOUS PROVISIONS

79. (1) The Minister may by statutory instrument make Regulations.  
Regulations for the effective implementation of this Act

(2) Without prejudice to the generality of subsection  
(1), the Minister may make Regulations relating to -

- (a) port facility security assessment;
- (b) port facility security plans;
- (c) ship security assessment;
- (d) ship security plans;
- (e) Declaration of Security;
- (f) verification processes for issuance of certificates under this Act;
- (g) recognised security organisation; and
- (h) control and compliance measures.

SCHEDULES  
SCHEDULE I

Form of a Declaration of Security between a ship and a port facility (Section 12 (4), (5))

DECLARATION OF SECURITY

Name of ship:	<input type="text"/>
Port of registry:	<input type="text"/>
IMO Number:	<input type="text"/>
Name of port facility:	<input type="text"/>

This Declaration of Security is valid from .....until..... for the following activities:

.....  
(list of activities with relevant details)

under the following security levels

Security level(s) for the ship:	<input type="text"/>
Security level(s) for the port facility:	<input type="text"/>

The port facility and ship agree to the following security measures and responsibilities to ensure compliance with the requirements of Part A of the International Code for the Security of Ships and of Port Facilities.

	The affixing of the initials of the SSO or PFSO under these columns indicates that the activity will be done, in accordance with the relevant approved plan, by	
Activity	The port facility:	The ship:
Ensuring the performance of all security duties		
Monitoring restricted areas to ensure that only authorised personnel have access		
Controlling access to the port facility		
Controlling access to the ship		
Monitoring of the port facility, including berthing areas and areas surrounding the ship		
Monitoring of the ship, including berthing areas and areas surrounding the ship		
Handling of cargo		
Delivery of ship's stores		
Handling unaccompanied baggage		
Controlling the embarkation of persons and their effects		
Ensuring that security communication is readily available between the ship and the port facility		



The signatories to this agreement certify that security measures and arrangements for both the port facility and the ship during the specified activities meet the provisions of Chapter XI-2 and Part A of Code that will be implemented in accordance with the provisions already stipulated in their approved plan or the specific arrangements agreed to and set out in the attached annex.

Dated at.....on the.....

Signed for and on behalf of	
the port facility:	the ship:

(Signature of port facility security officer) (Signature of master ship security officer)  
or

Name and title of person who signed	
Name:	Name:
Title:	Title:

Contact Details (to be completed as appropriate) (indicate the telephone numbers or the radio channels or frequencies to be used)	
for the port facility:	for the ship:

Port facility

Master

Port facility security officer

Ship security officer

Company

Company Security Officer

SCHEDULE II

(Section 30 (4))

ENDORSEMENT WHERE THE RENEWAL VERIFICATION HAS BEEN COMPLETED AND SECTION A/ 19.3.4 OF THE ISPS CODE APPLIES

The ship complies with the relevant provisions of Part A of the ISPS Code, and the Certificate shall, in accordance with section 19.3.4 of Part A of the ISPS Code, be accepted as valid until.....

Signed.....  
(Signature of authorised official)

Place.....

Date.....

(Seal or stamp of Administration, as appropriate)

## SCHEDULE III

(Section 30 (4))

## ENDORSEMENT FOR INTERMEDIATE VERIFICATION

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

Intermediate verification

Signed.....  
(Signature of authorised official)

Place.....

Date.....

Administration, as appropriate)

(Seal or stamp of the

SCHEDULE IV

(Section 30 (4))

(Form A)

**ADDITIONAL VERIFICATION IN ACCORDANCE WITH SECTION A/19.3.7.2 OF  
THE ISPS CODE**

THIS IS TO CERTIFY that an additional verification required by section 19.3.7.2 of Part A of the ISPS Code the ship was found to comply with the relevant provisions of chapter XI-2 of the Convention and Part A of the ISPS Code.

Signed.....  
(Signature of authorised official)

Place.....

Date.....

(Seal or stamp of the Administration as appropriate)

## SCHEDULE IV (Section 30 (4))

(Form B)

Additional verification

Signed.....

(Signature of authorised official)

Place.....

Date.....

(Seal or stamp of the Administration, as appropriate)

Additional verification

Signed.....

(Signature of authorised official)

Place.....

Date.....

(Seal or stamp of the authority, as appropriate)

Additional verification

Signed.....

(Signature of authorised official)

Place.....

Date.....

(Seal or stamp of the Administration, as appropriate)

\*This part of the certificate shall be adapted by the Authority to indicate whether it has established additional verifications as provided for in section 19.1.1.4

**SCHEDULE II** (Section 31(2))  
**Form of the International Ship Security Certificate**  
**INTERNATIONAL SHIP SECURITY CERTIFICATE**

(Official Seal)

Certificate Number

Issued under the provisions of the

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

Under the authority of the Government of Sierra Leone

by ..... (persons or organisation authorised)

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

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

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

Issued at .....

(place of issue of the Certificate)

Date of issue.....

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

Seal of issuing Authority, as appropriate

## SCHEDULE V

(Section 31(2))

## Form of the International Ship Security Certificate

## INTERNATIONAL SHIP SECURITY CERTIFICATE

(Official Seal)

Certificate Number

Issued under the provisions of the

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

(ISPS CODE)

Under the authority of the Government of \_\_\_\_\_

by \_\_\_\_\_

(persons or organisation authorised)

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

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

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

Issued at .....

(place of issue of the Certificate)

Date of issue.....

(Signature of the duly authorised  
official issuing the Certificate)

Seal of issuing Authority, as appropriate.

**SCHEDULE VI**

**Form A**

**(Section 36(8))**

**ENDORSEMENT TO EXTEND THE CERTIFICATE IF VALID  
FOR LESS THAN 5 YEARS WHERE SECTION A/19.3.3  
OF THE ISPS CODE APPLIES**

The ship complies with the relevant provisions of Part A of the ISPS Code and the Certificate shall, in accordance with section 19.3.3. of Part A of the ISPS Code, be accepted as valid until.....

Signed.....  
(Signature of authorised official)

Place.....

Date.....

(Seal or stamp of the Administration, as appropriate)



**SCHEDULE VI  
Form B**

(Section 36 (8))

**ENDORSEMENT TO EXTEND VALIDITY OF THE  
CERTIFICATE UNTIL REACHING THE PORT OF  
THE VERIFICATION WHERE SECTION A/19.3.5 OF THE ISPS CODE  
APPLIES FOR A PERIOD OF GRACE WHERE SECTION A/  
19.3.6 OF THE ISPS CODE APPLIES**

This Certificate shall, in accordance with section 19.3.5 / 19.3.6\* of Part A of the ISPS Code, be accepted as valid until.....

Signed.....  
(Signature of authorised official)

Place.....

Date.....

(Seal or stamp of the Administration, as appropriate)

SCHEDULE VI

(Section 36 (8))

Form C

**ENDORSEMENT FOR ADVANCEMENT OF EXPIRY DATE  
WHERE SECTION A/19.3.7.1 OF THE ISPS CODE APPLIES**

In accordance with section 19.3.7.1 or Part A of the ISPS Code, the new expiry date \*\* is

Signed.....  
(Signature of authorised official)

Place.....

Date.....

(Seal or stamp of the Administration, as appropriate)

\*Delete as appropriate

\*\*In case of completion of this part of the certificate the expiry date shown on the front of the certificate shall also be amended accordingly.

## SCHEDULE VII

(Section 38 (2) (c))

## Form of the Interim International Ship Security Certificate

(Official seal)

(State)

Certificate No

Issued under the provisions of the

**INTERNATIONAL SHIP AND PORT FACILITY SECURITY CODE  
(ISPS CODE)**

Under the authority of the Government of \_\_\_\_\_

(name of State)

By \_\_\_\_\_

(persons or organisation authorised)

Name of ship:

Distinctive number or letters: .....

Port of registry: .....

Type of ship.....

Gross tonnage.....

IMO Number: .....

Name and address of 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 issued pursuant to section A/19.4 of the ISPS Code.

This Certificate is valid until.....

Issued at.....

(Place of issue of the certificate)

Date of issue.....

(Signature of the duly authorised official issuing the Certificate)

(Seal or stamp of issuing Administration, as appropriate)

## SCHEDULE VIII

(Section 58 (3))

Form of a Statement of Compliance of a Port Facility  
STATEMENT OF COMPLIANCE OF A PORT FACILITY

(Official seal)

(State)

Statement Number

Issued under the provisions of Part B of the

**INTERNATIONALSHIP AND PORT FACILITY SECURITY CODE  
(ISPS CODE)**The Government of \_\_\_\_\_  
(name of the State)

Name of the Port Facility.....

Address of the Port Facility.....

THIS IS TO CERTIFY that the compliance of this port facility with the provisions of chapter XI-2 and Part A of the International Ship and Port Facility Security Code for the security of ships and of port facilities (ISPS Code) has been verified and that this 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 ship or activities or other relevant information) (delete as appropriate) -

- (a) Passenger ship
- (b) Passenger high speed craft
- (c) cargo high speed craft;
- (d) bulk carrier;
- (e) oil tanker;
- (f) chemical tanker;
- (g) gas carrier;

- (h) mobile offshore drilling units; and
  
- (i) cargo ships 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 issuing Authority, as appropriate).

## MEMORANDUM OF OBJECTS AND REASONS

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

The Bill is divided into 7 parts.

Part I - Provides for the interpretation of certain terms and expressions in the Bill, and the application of the Bill.

Part II - Defines the Sierra Leone Maritime Administration port security oversight function, makes provision for the delegation of those functions and the appointment and duties of recognised security organisations.

Part III - Makes general provisions relating to security of ships and ports.

Part IV - Deals with ship security including ship security plan and International Ship Security Certificates.

Part V - Deals with such aspects of the port security like duties of a port facility operator, port facility security assessment, its report, content, plan etc.

Part VI - Outlines the offences against ships and fixed platforms.

PART VII - Miscellaneous - vests the power to make Regulations on the Minister.

Made this    day of            2021

KABINEH M. KALLON  
*Minister of Transport and Aviation.*

FREETOWN  
SIERRA LEONE