

Isle of Man Ship Registry

CONSULTATION:

Legislation Implementing the ISPS Code, SOLAS Chapter XI-1 Regulation 5, and SOLAS Chapter XI-2

Opening Date: 27 March 2018

Closing Date: 8 May 2018

Department for Enterprise

Isle of Man Ship Registry Consultation:

Proposed update to legislation implementing the ISPS Code, SOLAS Chapter XI-1 Regulation 5, and SOLAS Chapter XI-2

This consultation paper sets out the Isle of Man Government's proposals to make new, up to date Regulations to give effect to the latest versions of the following:

- International Convention for the Safety of Life at Sea 1974 (SOLAS), Chapter XI-1: Special Measures to Enhance Maritime Safety - Regulation 5
- International Convention for the Safety of Life at Sea 1974 (SOLAS), Chapter XI-2: Special Measures to Enhance Maritime Security
- International Code for the Security of Ships and of Port Facilities (ISPS Code)

We would be grateful for any comments on the proposed implementation of these Regulations as detailed in this consultation paper (preferably by email) to:

**Martyn Oates
Policy & Research Officer
Isle of Man Ship Registry
St George's Court
Upper Church Street
Douglas
Isle of Man
British Isles, IM1 1EX**

**Email: martyn.oates@gov.im
Tel: + 44 (0) 1624 688500**

This consultation will close at 1700hrs on 8th May 2018

When responding, please consider whether you are willing to have your response published and indicate your preference from the following options:

- Response can be published together with your name/organisation
- Response can be published anonymously
- Response cannot be published

This consultation contains the following parts:

Part 1 - Overview

Part 2 - Summary of Key Points

PART 1 – OVERVIEW

1) Introduction

SOLAS Chapter XI-2 and the International Ship and Port Facility Security Code (ISPS Code) form the basis of the mandatory security regime for international shipping. The ISPS Code is divided into two sections, Parts A and B. Part A outlines detailed maritime and port security related requirements which SOLAS contracting governments, port authorities and shipping companies must adhere to. Part B of the ISPS Code provides guidelines on how to meet the requirements of Part A; these are recommendatory according to the ISPS Code, however the proposed IOM Regulations will continue to adopt Parts 8-13 as mandatory.

The new Regulations will only give effect to those elements of SOLAS Chapter XI-2 and the ISPS Code which relate directly to ships and their companies. Those elements which relate to port facilities will continue be the responsibility of the Department of Infrastructure.

The proposed Regulations will replace the existing Merchant Shipping (ISPS Code) Regulations 2004, however the new Regulations will be broadly similar. We are proposing new Regulations primarily as a legislative drafting exercise to give effect to the latest version of the SOLAS Chapters XI-1 (Reg 5), XI-2 and the ISPS Code. The new Regulations will implement some minor changes which are summarised in Sections 1-5 of Part 2.

SOLAS Chapter XI-1 Regulation 5 provides that every SOLAS ship must have on board a Continuous Synopsis Record (CSR). The CSR is a document which provides a traceable history of the ship with regard to the information contained therein. It is not intended to include the remainder of SOLAS Chapter XI-1 within the proposed Regulations, as the remainder does not concern maritime security.

As these Regulations form part of an International Convention, there is limited scope for interpretation and the Regulations will require the ship operator and master to comply with SOLAS Chapter XI-1 (Reg 5), XI-2 and the ISPS Code as is applicable to the type of ship.

2) Application

The proposed Regulations will apply to the following Manx ships (and their Companies) engaged on international voyages, and foreign ships when they are in the territorial waters of the Island:

- Passenger ships, including high speed passenger craft
- Cargo ships, including high speed craft, of 500gt and upwards
- Commercial yachts of 500gt and upwards
- Mobile offshore drilling units

The proposed Regulations will not apply to Manx ships or foreign ships in the territorial waters of the Island which are:

- Warships, naval auxiliaries and other ships owned or operated by a Contracting Government and used only on Government non-commercial service
- Cargo ships of less than 500gt
- Ships not propelled by mechanical means
- Wooden ships of primitive build
- Pleasure yachts not engaged in trade
- Fishing vessels

3) Requirement to Comply

Ships and their companies, to which the Regulations apply, will be required to comply with the following:

- SOLAS Chapter XI-1 - Regulation 5 – Up to and including amendments made by **MSC.194(80)**
- SOLAS - Chapter XI-2 - Up to and including amendments made by **MSC.194(80)**
- ISPS Code – Up to and including amendments made by **MSC.196(80)**

PART 2 – SUMMARY OF KEY POINTS

1) Continuous Synopsis Record

Resolution MSC.194(80) required some amendments to the content of CSRs issued from 1 January 2009. The amendments added two new boxes to the CSR; Box 7 (registered owner identification number) and Box 10 (the Company identification number).

Although we have been issuing CSRs in accordance with MSC.194(80) in order to meet our obligations under SOLAS, it is necessary to update our Regulations to reflect this practice.

2) Ship Identification Numbers

The Department does not currently have Regulations to give effect to SOLAS Chapter XI-1 Regulation 3 - Ship Identification Number. This number is commonly referred to as an 'IMO Number' and is required by passenger ships over 100gt and cargo ships over 300gt. Once issued, the identification number must be marked on the ship in accordance with the Convention.

It is proposed that the Department prepare Regulations for these requirements, however this will likely require an amendment to our Registration regulations. It is likely that this will, therefore, form part of a separate legislative project.

3) Ship Security Alert System (SSAS)

3.1 Definition of Competent Authority

We are intending to update our Regulations on SSAS to specify our interpretation of 'Competent Authority' under SOLAS XI-2 regulation 6.2.1.

Our proposed definition of a Competent Authority is as follows:

A Competent Authority is any Company which has submitted a Competent Authority Form (CAF) to the Department and been issued with an approval letter in response.

In order to be approved, the Competent Authority must have:

- 24 hour monitoring for SASS alerts; and
- Procedures/systems in place to provide the coordinating roles in the 'Alert Procedure'.

3.2 Requirement to Transmit SSAS Alerts

Our new Regulations will also specify to whom SSAS Alerts should be transmitted. It is proposed that these will be required to be transmitted to all of the following parties:

- The Competent Authority (as defined in paragraph 3.1 above);

- The Isle of Man Ship Registry; and
- HM Coastguard's National Maritime Operations Centre (NMOC) in Fareham, Hampshire.

Note that the requirement to transmit to the UK Maritime Rescue Co-ordination Centre (MRCC) has been removed since it's function has transferred to NMOC.

4) Record Keeping Requirements

The ISPS Code regulations A/5.6 and A/10.1 give the Department authority to specify minimum retention periods for (a) Declarations of Security and (b) Other Security Records as stated in the ISPS Code A/10.1.1 to 10.

The Department's current Regulations specify that both the records referred to in (a) and (b) above should be retained for the following periods:

- On board the ship for a minimum period of 12 months or 10 port visits, whichever is greater; and
- At the Company's offices for a further 2 years or 10 port visits, whichever is greater

It is not proposed to change these requirements in the new Regulations.

5) Application of ISPS Code Part B

The ISPS Code is made up of Part A, which is mandatory under SOLAS XI-2 regulation 4, and Part B which is stated as being guidance. However Part B sections 8-13 are mandatory for Manx Ships under the existing Regulations; it is proposed that this will continue to be the case with the new Regulations.