

GHANA MARITIME SECURITY ACT, 2004 (ACT 675)

As amended by

References in the Ghana Maritime Security Act, 2004 (Act 675) (a) to "port facility or group of port facilities within the territorial limits of Ghana" shall be read as the "port facility or group of port facilities within Ghana's maritime jurisdiction". (b) to "the country" shall be read as "the country and within Ghana's maritime jurisdiction". [As substituted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s.11(a)(b) and (c)]

GHANA MARITIME SECURITY (AMENDMENT) ACT, 2011 (ACT 824)1

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**THE SIX HUNDRED AND SEVENTY-FIFTH
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED
GHANA MARITIME SECURITY ACT, 2004**

AN ACT to give effect to Chapter XI-2 of the International Convention for the Safety of Life at Sea, 1974 (SOLAS) as amended; to enhance maritime safety and security; to create a legal framework for the effect compliance with the International Ship and Port Facility Code (ISPS) in this country; and to provide for related matters.

DATE OF ASSENT: 1st November, 2004

BE IT ENACTED by Parliament as follows:

WHEREAS a Conference of Contracting Governments to the International Convention for the Safety of Life at Sea 1974 known as the Diplomatic Conference on Maritime Security in December

2002 adopted new provisions in the International Convention for the Safety of Life at Sea, 1974 and the International Ship and Port Facility Code;

WHEREAS the adoption of the new provisions in the International Convention for the Safety of Life at Sea, 1974 and the International Ship and Port Facility Code is intended to provide the international framework through which ship and port facilities can co-operate to detect and deter acts which threaten security in maritime transport;

AND WHEREAS it is necessary for Ghana to comply fully with Chapter X1-2 of the Convention and the ISPS Code; to enable the Ghana Maritime Authority ensure the safety and security of Ghanaian ships and ports, and to provide for and enforce sanctions to deter security threats to the maritime industry in Ghana:

NOW THEREFORE BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

Section 1—Scope of Application

(1) This Act applies to

(a) the following types of ships on international voyages

(i) passenger ships, including high speed craft; and

(ii) cargo ships, including high speed craft of 500 gross tonnage or more;

(b) mobile offshore drilling units that are located within Ghana's maritime jurisdiction;[As substituted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s.1(a)]

(c) pleasure craft; and

(d) port facilities within Ghana's maritime jurisdiction that serve a ship specified under paragraphs (a) and (b);[As substituted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s.1(d)]

(e) other offshore marine installations designated by the Minister by publication in the Gazette.[As inserted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s.1(c)]

(2) The Minister may

(a) after due consideration of a port facility security assessment, conducted in accordance with this Act; and

(b) having regard to the level of security required to be achieved under this Act;

extend by notice published in the Gazette the application of this Act to specified port facilities within the country which although used primarily by ships not engaged on international voyages, are required occasionally, to serve ships that arrive from or depart on an international voyage.

(3) This Act shall not apply to

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

(i) a warship, or

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

(b) part of or the whole of a port that is

(i) protected with security, and

(ii) under the exclusive control of the Ghana Armed Forces.

(4) The provisions of 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—PROVISIONS RELATING TO GHANA MARITIME AUTHORITY AND RECOGNISED SECURITY ORGANISATIONS

Section 2—Ghana Maritime Authority

For purposes of this Act, the Ghana Maritime Authority established under section 1 of the Ghana Maritime Authority Act, 2002 (Act 630), shall perform the additional functions specified under this Part.

Section 3—Functions of the Authority

(1) The Authority shall for the purposes of this Act give effect to Chapter XI-2 of the Convention and ensure the effective implementation of the provisions of the Code to enhance maritime security.

(2) For the purposes of subsection (1), the Authority shall

(a) ensure that with respect to each port facility within Ghana,

(i) each port facility security assessment is conducted, approved and reviewed in accordance with subsection (5) of section 49;

(ii) each port facility security plan is developed, implemented and maintained in accordance with section 52;

(iii) each port facility security plan is approved in accordance with section 55;

(b) ensure that with respect to Ghanaian ships

(i) each ship security assessment is conducted, reviewed and approved in accordance with sections 24 and 25;

(ii) each ship security plan is developed, implemented and maintained in accordance with sections 15 (1) and 18;

(iii) each ship security plan is approved in accordance with section 19;

- (c) ensure that the appropriate security levels for
 - (i) port facilities within Ghana;
 - (ii) a Ghanaian ship or any other ship that uses port facilities within Ghana; and
 - (iii) ships that conduct ship-to-ship activities within Ghana's maritime jurisdiction; [As substituted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s. 2]
- (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 9 and the requirements for it
- (f) conduct the necessary verification process for the issuance of certificates under Sub-Part III of Part IV,
- (g) issue continuous synopsis records; and
- (h) provide and approve training courses, for purposes of implementation of the Convention or the Code.

Section 4—Delegation of functions of Authority

(1) The Authority may, after consultation with the appropriate Ministry, Government department or agency and with the approval of the Minister, delegate any of its security related functions under this Act by directives in writing to a recognised security organisation with the exception of the following functions:

- (a) the setting of applicable security levels;
- (b) ensuring the conduct and approval of a port facility security assessment and subsequent amendments to an approved assessment subject to paragraph (c) of section 6;
- (c) determining which port facilities within the country shall be required to
 - (i) designate a port facility security officer, and
 - (ii) prepare a port facility security plan;
- (d) ensuring the approval of a port facility security plan or any subsequent amendments to an approved plan;
- (e) exercising control and compliance measures; and
- (f) establishing the requirements for a Declaration of Security.

(2) A delegation under subsection (1), shall

- (a) be in writing,
- (b) indicate the specified period for the delegation of the functions, and

- (c) require the prior written consent of the Minister.
- (3) Where the Authority delegates its security related function under subsection (1),
 - (a) the delegation shall not affect or prevent the exercise of the function by the Authority;
 - (b) the Authority may after written notice to the recognised security Organisation withdraw the delegation;
 - (c) the Authority shall not be relieved from ultimate responsibility, for the discharge of the delegated function; and
 - (d) the delegation subject to paragraph (a), is to be exercised only by the recognised security Organisation responsible for that delegated function.

Section 5—Appointment of recognised security organisations

- (1) The Authority may for purposes of this Act, appoint recognised security organisations.
- (2) Where the Authority appoints a recognised security organisation under subsection (1), it shall publish the appointment of the Organisation by notice in the Gazette.
- (3) Where a recognised security organisation ceases to operate as such, the Authority may by notice published in the Gazette amend the respective previous publication accordingly.
- (4) The Authority shall in appointing a recognised security organisation under subsection (1), consider the recognised security organisation's
 - (a) expertise of relevant aspects of security;
 - (b) required knowledge in respect of ship and port operations, and ship design and construction where applicable;
 - (c) capability to assess the likely security risks that could occur during ship and port facility operations or ship-port interface and how to minimize such risks;
 - (d) ability to maintain and improve the expertise of their personnel;
 - (e) ability to monitor the loyalty of its personnel;
 - (f) ability to maintain appropriate measures to avoid unauthorised disclosure of, or access to, security material;
 - (g) knowledge of the requirements of Chapter XI-2 of the Convention, Part A of the Code, and Ghana's legislation in respect of maritime security;
 - (h) knowledge of current security threats and patterns;
 - (i) knowledge in respect of the identification and detection of weapons; dangerous substances and devices;
 - (j) knowledge of behavioural patterns of persons likely to threaten security;

- (k) knowledge of techniques used to circumvent security measures; and
- (l) knowledge of security and surveillance equipment systems and their operational limits.

Section 6—Duties of recognised security organisations

The duties of a recognised security Organisation include

- (a) the approval on behalf of the Authority of a ship security plan or amendment to it;
- (b) the verification and certification on behalf of the Authority of compliance of ships with the requirements of Chapter X1-2 of the Convention and Part A of the Code; and
- (c) conducting a port facility security assessment as required by the Authority.

PART III—GENERAL PROVISIONS RELATING TO SECURITY

Section 7—Security levels for ship and port facilities

- (1) The Authority shall in accordance with Part B of the Code set three separate ascendant levels of security namely, security levels 1, 2 and 3 for every Ghanaian ship and every port or port facility within the country.
- (2) Where it is necessary to reduce the risk of a security incident, the Authority may vary the levels of security set under subsection (1).
- (3) The Authority shall periodically review and update when necessary any security level it may determine.
- (4) The Authority shall, in setting the appropriate security levels, take into account the following factors:
 - (a) the degree at which threat information should be taken as credible;
 - (b) the degree at which threat information requires to be 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.

Section 8—Provision of security level information

- (1) Where the Authority sets any of the security levels, it shall duly provide information related to the set security level to
 - (a) every Ghanaian ship;
 - (b) every port facility within the country; and
 - (c) any other ship or port facility that may be affected by the setting of the security level.

(2) Where the Authority updates information related to a set security level under section 7, it shall relay any security related information to the ships and port facilities specified under paragraphs (a) to (c) of subsection (1).

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

Section 9—Declaration of security

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

(2) The Minister shall publish in the Gazette a notice of Declaration of Security in respect of a specified port or place.

(3) A port to which a Declaration of Security under subsection (2) applies, shall be a security regulated port.

(4) Despite subsection (3), any area that is under the exclusive control of the Ghana Armed Forces shall not be considered as part of a security regulated port.

Section 10—Content of notice of Declaration of Security

The Gazette notice of a Declaration of Security under subsection (2) of section 9 shall,

(a) contain a map of the port that indicates the boundaries of the security regulated port;

(b) specify the security requirements to be shared between

(i) a port facility and a ship; or

(ii) ships;

and indicate the respective responsibilities; 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) a Ghanaian ship.

Section 11—Request for Declaration of Security

(1) A request for the completion or modification of a Declaration of Security may be lodged in writing by

(a) the master of a ship,

(b) the ship security officer designated under section 44;

(c) the port facility security officer designated under section 57; or

(d) any other person the Minister determines

with the master or ship security officer of any other ship as the case may be.

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

(3) A request for the completion of 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 a Declaration of Security between the Republic and a flag state covering certain international voyages or specific ships on those voyages;

(c) there has been a security threat or a security incident involving the 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.

Section 12—Alternative security agreement

(1) Where Ghana enters into an alternative security agreement with a flag state in accordance with the Convention, the Director-General of the Authority shall supervise security arrangements for the respective ship or port facility covered by that agreement.

(2) The master of a ship covered by an alternative security agreement may not conduct any 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 Director-General shall review each alternative security agreement

(a) periodically

(i) at an interval specified in writing by the Authority; or

(ii) at an interval specified by the alternative security agreement, under review, in the absence of a specified interval under paragraph (i); or

(b) every 5 years.

(4) The Director-General shall in reviewing an alternative agreement under subsection (3) consider the following:

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

Section 13—Equivalent security arrangements

(1) The Minister may authorise a Ghanaian ship or a group of Ghanaian ships to implement other security measures equivalent to security measures prescribed under

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

provided that the security measures under paragraphs (a) and (b) are as effective as security measures required for a ship under this Act.

(2) Subject to subsection (4), the Minister may authorise the port facility security officer of a port facility or group of port facilities within the Ghana's maritime jurisdiction to implement other security measures equivalent to security measures prescribed under [As substituted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s. 3]

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

provided that the security measures specified under paragraphs (a) and (b) are as effective as security measures required for a port facility under this Act.

(3) Where the Minister authorises equivalent security arrangements under subsections (1) and (2), the Director-General shall as soon as practicable report details of those arrangements to the International Maritime Organisation.

(4) Subsection (2) does not apply to a port facility covered by an alternative agreement under this Act.

Section 14—Testing of security plans

(1) The Director-General shall in accordance with standards that the Authority considers appropriate, test the efficacy of

- (a) each approved port facility security plan for a Ghanaian port facility or any subsequent amendments to the plan; and

(b) each approved ship security plan for a Ghanaian ship and any subsequent amendments to the plan.

(2) Where the Director-General has tested the plans specified under paragraphs (a) and (b) of subsection (1), and the Director-General is of the opinion that a plan or an amendment to it, is not in accordance with the standards set by the Authority, the Director-General may require that an amendment be made to the respective plan and submitted to

(a) the Director-General for consideration and approval in the case of a ship security plan; or

(b) the Minister for consideration and approval in the case of a port facility security plan.

(3) The Director-General shall report in writing to the Minister the out-come of the Director-General's consideration and approval of any amendment made to a port facility security plan or ship security plan.

PART IV—SHIP SECURITY

Sub-Part I-Ship Security Plan

Section 15—Ship Security Plan

(1) The company of a Ghanaian ship shall

(a) based on the ship security assessment of that ship, develop, implement and maintain a ship security plan for the ship; and

(b) update a ship security plan, as required by a review of that plan.

(2) An approved recognised security Organisation may prepare a ship security plan for a Ghanaian ship.

(3) Where a recognised security Organisation 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 Authority may engage that recognised security organisation to review and approve a ship security plan.

Section 16—Non-disclosure of ship security plan

(1) The master and company of a Ghanaian ship shall ensure that a written approval of a ship security plan is kept on board the ship and protected from unauthorised access or disclosure.

(2) Where the 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) Any 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 summary conviction to a fine of not less than 500 penalty units and not exceeding 5,000 penalty units or to a term of imprisonment not exceeding 5 years or to both.

Section 17—Application for approval of a ship security plan

(1) An application for the approval of

- (a) a ship security plan; or
- (b) an amended ship security plan

shall be made in writing to the Director-General in such form as may be determined by the Authority.

(2) An application under subsection (1), shall be accompanied with,

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

Section 18—Content of a ship security plan

(1) A ship security plan shall provide for

- (a) the three 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) the 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 the ship;
- (c) the measures for the prevention of unauthorised access to the ship;
- (d) the procedures for responding to security threats or breaches of security, including provisions for maintaining critical operations for the ship-to-ship or ship-port interface;
- (e) the procedures for responding to any security directives issued by the Director-General in respect of security level 3;
- (f) the procedures for evacuation in case of security threats or breaches of security;

- (g) the duties of shipboard personnel assigned security responsibilities and of other shipboard personnel on 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 company security officer designated under section 43 including 24 hour contact details;
 - (n) identification of the ship security officer designated under section 44;
 - (o) the procedures to ensure the inspection, testing, calibration and, maintenance of any security equipment provided on board;
 - (p) the frequency for testing or calibration of any security equipment provided on board;
 - (q) identification of the locations where the ship security alert system activation points are provided; and
 - (r) the procedures, instructions and guidance on the use of the ship security alert system, including the testing, activation, deactivation and resetting to limit false alerts.
- (3) For purposes of ensuring confidentiality of the ship security plan,
- (a) the Authority may give its approval for information under paragraphs (l), (q) and (r) of subsection (2) to be kept 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 other senior shipboard personnel determined by the company of the ship.

Section 19—Approval of ship security plan

- (1) A ship security plan shall not be put into effect without the requisite written approval of the Director-General.
- (2) The Director-General shall give the company of a ship, written notice of approval if the Director-General is satisfied that a ship security plan addresses the relevant requirements under section 18.
- (3) Where the Director-General is not satisfied that the plan addresses the relevant requirements under section 18, the Director-General may
 - (a) refuse to approve the plan; and

(b) give the company of a ship, written notice of the refusal with reasons for the refusal.

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

Section 20—Appeals

(1) Where the Director-General does not approve a ship security plan within 90 days from the date of receipt of an application, under section 17, a person who is aggrieved by the Director-General'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 a decision.

(3) Where the grievance is not determined within the 30 day period by the Minister, or if the person is dissatisfied with the decision of the Minister, he or she may appeal to the High Court.

Section 21—Amendment to ship security plan

(1) An amendment to a ship security plan that has been approved of under subsection (2) of section 19, shall

(a) be as effective as the measures prescribed under Chapter XI-2 of the Annex to the Convention and Part A of the Code; and

(b) not be implemented without the written approval of the Director-General.

(2) Subject to subsection (3), the master or company of a Ghanaian ship, shall ensure that written approval of an amended ship security plan is

(a) documented in a manner that indicates the 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 any 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) Any 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 summary conviction to a fine of not less than 500 penalty units and not exceeding 5,000 penalty units or to a term of imprisonment not exceeding 5 years or to both.

Section 22—Enforcement of ship security plan

(1) The master of a Ghanaian ship shall not put out the ship for an international voyage unless

(a) there is a ship security plan in force for the ship; and

(b) the ship is operated in accordance with the ship security plan in force for the ship.

(2) The company of a Ghanaian ship which falls to comply with subsection (1), commits an offence and is liable on summary conviction to a fine not exceeding 5,000 penalty units and the ship shall be detained until the fine is paid.

(3) The master of a Ghanaian ship who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding 2,500 penalty units or to a term of imprisonment not exceeding 2 years or to both.

Sub-Part II—Ship Security Levels, Assessment and Systems

Section 23—Compliance with ship security levels

(1) The company and master of a Ghanaian ship shall comply with the security levels set by this Act 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, the master of a Ghanaian ship and a company of that 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 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, the company and the master of a Ghanaian ship shall ensure that, additional protective measures specified in the ship security plan are implemented for each activity specified in sub-section (2).

(4) At security level 3, the company and the master of a Ghanaian ship shall ensure that further specific protective measures, specified in the ship security plan are implemented for each activity specified in sub-section (2).

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

(6) Prior to entry of a port or whilst within a port facility within the territory of another Contracting Government that has set

(a) security level 2, the master of a Ghanaian 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 Ghanaian ship, shall in addition to the requirement under subsection (1), carry out instructions issued by that Contracting Government which has set security level 3.

(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 the Contracting Government under subsection (6),

the master of the ship shall report to the competent authority of the Contracting Government 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 Ghanaian ship

(a) is required by the Authority to operate at a higher security level; or

(b) is 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 Contracting Government 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 57, and may if necessary, co-ordinate appropriate actions.

(10) Where the Authority has set security levels,

(a) the Authority shall ensure the provision of information to the masters of ships that operate in or intend to enter Ghana's maritime jurisdiction in respect of [As substituted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s. 4(a)]

(i) applicable security levels; and

(ii) applicable security measures that need to be taken by the ship; and

(b) the master of a ship that intends to enter Ghana's maritime jurisdiction shall maintain vigilance and report to the Authority immediately, of any information likely to affect maritime security in the respective area. [As substituted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s. 4(b)]

Section 24—Ship security assessment

(1) For purposes of evaluating the security of a Ghanaian ship, a company of that ship shall ensure that a security assessment of the ship is carried out by a person with appropriate skills.

(2) The company of a Ghanaian ship may engage a recognised security Organisation to carry out the security assessment of that Ghanaian ship.

(3) A ship security assessment shall conform to any requirements prescribed by this Act and shall contain an on-scene security survey that includes the following details:

(a) identification of existing security measures, procedures, and operations

(b) identification and evaluation of key shipboard operations that are important to protect;

(c) identification of possible threats to the key shipboard operations and the likelihood of their occurrence; and

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

(4) The company shall ensure that each 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;

(c) retained by the company; and

(d) approved of in writing by the Director-General.

Section 25—Ship security systems

(1) A Ghanaian ship shall have in place and in conformity with standards set by the Director-General,

(a) a ship security alert system;

(b) an automatic identification system;

(c) a continuous synopsis record and

(d) a permanently and conspicuously marked ship identification number.

(2) The company or master of a Ghanaian ship shall prior to the master taking responsibility of that ship, ensure that the ship has the required security alert system.

(3) Where a ship is being used for an international voyage or is operated without the necessary requirements specified under subsection (1),

(a) the company of that ship commits an offence and is liable on summary conviction to a fine not exceeding 5,000 penalty units,

(b) the master of that ship commits an offence and is liable on summary conviction to a fine not exceeding 2,500 penalty units,

and the ship shall be detained until the fine is paid.

Section 26—Notification of ship security alert

(1) Where the Director-General receives notification of a ship security alert, the Director-General shall immediately notify the States in the vicinity of which the ship is operating.

(2) Where the Director-General receives notification of a ship security alert from a ship that is not a Ghanaian ship, the Director-General shall immediately notify,

- (a) the ship's administration; and
- (b) if necessary the States in the vicinity where the ship is operating.

Sub-Part III—International Ship Security Certificate

Section 27— International Ship Security Certificate

(1) The company of a Ghanaian 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 for that ship.

(2) A company which contravenes or permits a person under that company's control to contravene subsection (1), commits an offence and is liable on summary conviction to a fine of not less 2,500 penalty units and not exceeding 7,500 penalty units.

Section 28—Application for an International Ship Security Certificate

An application for an International Ship Security Certificate for a ship may be made in writing by the company to the Director-General in such form as the Authority shall determine.

Section 29—Verification of ship for International Ship Security Certificate

(1) A Ghanaian ship to which the provisions of this Part apply shall

(a) prior to the ship being put in service, or the issuance of an International Ship Security Certificate in respect of that ship, be subject to an initial verification which shall include;

- (i) a complete verification of the ship's security system and any associated security equipment, and
- (ii) verification of the approved ship 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 determined by the Director-General 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 Authority.

(2) A verification under subsection (1) shall include inspection of the security system and any associated security equipment of the ship, to ensure compliance with the applicable requirements of chapter X1-2 of the Convention, Part A of the Code and the approved ship security plan.

(3) A verification under this section shall be carried out by an authorised person

(a) in accordance with directives writing by the Director-General; and

(b) before the due expiry date for inspection of the ship.

(4) After any verification under subsection (2) has been completed, and endorsed in the forms specified in Schedules 11, III and IV, a person shall not make any change to

(a) the security system,

(b) any associated security equipment, or

(c) the approved ship security plan

without authorisation of the Authority.

(5) A person who contravenes the provisions of subsection (4), commits an offence and is liable on summary conviction to a fine not exceeding 2,500 penalty units or to a term of imprisonment not exceeding 2 years or to both.

Section 30—Issuance of International Ship Security Certificate

(1) The Director-General may issue an International Ship Security Certificate for a period not exceeding 5 years where

(a) a substantive application for an International Ship Security Certificate for a Ghanaian ship has been made under section 28,

(b) a ship security plan for the ship is in force, and

(c) the initial or renewal verification in respect of the ship has been completed in accordance with sub-section (1) of section 29.

(2) The endorsement of the verification for the Certificate shall be as in the form specified in Schedule V.

Section 31—Period of validity of International Ship Security Certificate

Where the Director-General issues an International Ship Security Certificate to the company of a Ghanaian ship, the International Ship Security Certificate comes into force from the date of issuance of that certificate until

(a) the Director-General cancels the certificate; or

(b) the expiration of 5 years from the date of issuance.

Section 32—Validity of an International Ship Security Certificate

(1) An International Ship Security Certificate issued under subsection (2) of section 30, shall cease to be valid where

(a) after inspection of the respective ship, the authorised person responsible for the inspection finds that within a period prescribed the ship does not yet meet the required standards;

(b) the certificate endorsed is not in compliance with subsection (2) of section 29;

(c) the company which assumes responsibility for the operation of the ship was not previously operated by that company; and

(d) the ship is transferred to any other flag State.

(2) Where a renewal verification is completed

(a) within three months before the expiry date of the existing certificate; or

(b) after the expiry date of the existing certificate,

the new certificate shall be valid from the date of completion of the renewal verification to a date not exceeding five years from the date of expiry of the existing certificate.

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

Section 33—Extension of validity of International Ship Security Certificate

(1) Subject to where an International Ship Security Certificate is issued for a period of less than 5 years, the Authority may after compliance with the applicable provisions of section 29, extend the validity of the certificate beyond the expiry date to the maximum period specified under subsection (1) of section 30.

(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 Authority or a recognised security Organisation 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 respective ship is not in the port in which it is to be verified, the authority 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) The ship to which an extension under subsection (3) applies, shall not on arrival at the port in which it is to be verified, leave that port without the new certificate in respect of the extended validity.

(5) The 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 before the grant of the extension.

(6) Where a certificate issued to a ship engaged on a short voyage has not been extended under subsections (1) to (3), the Authority may extend the validity of that certificate,

(a) for a period of up to one month; and

(b) to run for a period not exceeding 5 years from the date of expiry of the existing certificate before the granted extension.

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

(a) on the certificate 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 any additional verification is carried out and the duration between verifications 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 forms in Schedule VI.

Section 34—Cancellation of an International Ship Security Certificate

The Director-General shall in writing notify the company of a Ghanaian ship of the cancellation of its International Ship Security Certificate for its ship in the following circumstances:

(a) where there is no longer a ship security plan in force for the ship; or

(b) the ship is no longer subjected to the required verification for issuance of an International Ship Security Certificate.

Section 35—Interim International Ship Security Certificate

(1) Subject to subsections (2) and (3), if after the 1st of July, 2004 an International Ship Security Certificate has not been issued by the Director-General or endorsed for a ship as required under section 30, the Director-General may issue an Interim International Ship Security Certificate,

(a) for a period not exceeding six months; or

(b) until the Certificate required is issued.

(2) A Certificate issued under subsection (1) shall be endorsed as in the form specified in Schedule VII.

(3) The Director-General may only issue an Interim International Ship Security Certificate to a Ghanaian company where

- (a) the company of the Ghanaian ship has applied for the certificate,
- (b) there is a ship security plan in force, provided on board the ship for purposes of implementation,
- (c) the ship has not yet been duly verified in accordance with section 29,
- (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,
- (f) the security officer of the company designated under section 43 (1) has made the necessary arrangements for drills, exercises and internal audits,
- (g) the ship security officer and other ship's personnel meet the requirements of Part A of the Code; and
- (h) the Authority reasonably believes that the ship is likely to qualify for a certificate when it is subjected to inspection for purposes of the required verification under section 29.

(4) The Director-General shall not issue an Interim International Ship Security Certificate where he or she reasonably believes that the company of the ship intends to avoid full compliance with this Act beyond the six month period specified under subsection (1) (a).

(5) Where a company assumes responsibility for the operation of a ship that the company did not previously operate, the Director-General may issue that company with an Interim International Ship Security Certificate for that ship.

Section 36—International Ship Security Certificate to be kept on board

(1) The master and company of a ship shall ensure that the International Ship Security Certificate for that ship is kept on board the ship.

(2) Where a ship is in a port within the country, the Director-General may verify whether the certificate is on board that ship.

(3) The master of a ship in a port within the country, shall

- (a) at the request of the Authority, produce its certificate, and
- (b) co-operate with the Authority.

(4) Where the provisions of subsection (1) are contravened,

- (a) the master of the ship commits an offence and is liable on summary conviction to a fine not exceeding 2,500 penalty units or to a term of imprisonment not exceeding 2 years or to both;

(b) the company of the ship commits an offence and is liable on summary conviction to a fine of not less than 5,000 penalty units and not exceeding 7,500 penalty units and the ship shall be detained until the fine is paid.

Sub Part IV—Control and regulation of ships in Ghanaian ports

Section 37—Information required of all ships intending to enter Ghanaian Ports

(1) The master of a ship that intends to enter a port within the country shall prior to entry into that port, provide the Director-General with the following details:

- (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 port 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 ship security plan, but including
 - (i) any information contained in the continuous synopsis record;
 - (ii) the location of the ship at the time the report is made;
 - (iii) the expected time of arrival of the ship in port;
 - (iv) the crew list;
 - (v) a general description of cargo aboard the ship;
 - (vi) the passenger list; and
 - (vii) information required under regulation X1-2/5 of the Convention.

(2) The master shall keep a record of the information specified in sub-section (1) for the last 10 calls at port facilities.

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

Section 38—Acceptance of Convention documents

(1) The Director-General shall accept the validity of any maritime Security document related to a ship or the company of a ship issued in pursuance of this Act.

(2) Despite subsection (1), where the Director-General has reason to believe that

- (a) the relevant ship or company
 - (i) is not in compliance with the content of the maritime security document;
 - (ii) is no longer in compliance with the provisions of any requirements leading to the issuance of the maritime security document, or imposed by the maritime security document;
 - (b) the relevant ship has been materially altered without the approval of the flag State that issued or approved the maritime security document; or
 - (c) 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 Director-General may refuse to accept the maritime security document or may suspend his or her acceptance of the document.
- (3) This section applies to
- (a) every ship, registered in a State that is a party to the Convention other than a Ghanaian ship; and
 - (b) the company and the crew of every ship to which this Act applies excluding the crew of a Ghanaian ship.

Section 39—Control of ships in ports

- (1) Where an International Ship Security Certificate required under section 27 is not produced with a reasonable excuse, or the Director-General has reason to believe that a ship is not in compliance with the requirements of this Act, the Director-General shall impose one or more of the following control measures:
- (a) inspection of that ship for the purpose of ascertaining compliance with the certification requirements of this Act including
 - (i) the provision by the master, of information that the Director-General considers relevant to the inspection;
 - (ii) a demonstration to the Director-General that the master or the relevant crew are familiar with essential ship-board security procedures; and
 - (iii) any shipboard security procedure that is capable of being carried out in a competent manner;
 - (b) the delay of that ship;
 - (c) the detention of that ship;
 - (d) a restriction of the operations of that ship, including its movement within the port;
 - (e) expulsion of that ship from the port where
 - (i) the Director-General 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) Despite the provisions of any other enactment, a ship may be expelled under subsection (1).
- (3) A control measure that is imposed under subsection (1),
 - (a) shall correspond to the expected requirements of the circumstance; and
 - (b) may in addition or alternately include any other minimized administrative or corrective measures.
- (4) A control measure imposed under subsection (1), shall remain in force until the circumstance that gave rise to the imposition of the control measure is regularized to the satisfaction of the Director-General.
- (5) Where a ship is expelled from a port under paragraph (e) of sub-section (1),
 - (a) the Director-General may require the ship to proceed to a specified location within the territorial sea or Ghana's maritime jurisdiction;[As substituted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s. 5]
 - (b) the port facility operator shall on the directives of the Director-General, discontinue the provision 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.

Section 40—Inspection of ship security plans

- (1) The Director-General may inspect the ship security plan of a ship for purposes of the imposition of control measures, if
 - (a) the Director-General has reason to believe that a ship is not in compliance with the requirements of Chapter X1-2 of the Annex to the Convention or Part A of the Code;
 - (b) the Director-General 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 ship's administration of a State that is party to the Convention.
- (2) If the ship is not a Ghanaian ship, the Director-General may only have access to information contained in the relevant sections of the ship security plan that relate to the suspected non compliance.

(3) If the ship registered in a State that is not a party to the Convention, the Director-General may authorise the full inspection of the ship.

Section 41—Procedure to follow where control measures are imposed

Where a control measure is imposed under subsection (1) of section 39, or action is taken under section 42, the Director-General shall,

(a) with respect to a ship which is not a Ghanaian 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 taking the action; and

(b) provide written notice, specifying when the control measure was imposed or the action taken, to

(i) the International Maritime Organisation;

(ii) the recognised security organisation that issued the certificate to the ship concerned where applicable; or

(iii) the ship's administration.

(2) Where a ship is expelled from a port under subsection 1(e) of section 39, or entry into a port is denied under subsection (3) of section 37, the Director-General shall communicate the information to the relevant authority of

(a) the State of the next known port of call, and

(b) any other coastal State.

(3) The communication under subsection (2) shall

(a) include the following information:

(i) particulars of the ship's name, flag, 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 Authority has had with the ship's administration;

(x) the contact point within the Authority for the purpose of obtaining further information;

(xi) the 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 a control measure imposed by the Director-General under subsection (1) of section 39, commits an offence and is liable on summary conviction

(a) in the case fail an individual, to fine not exceeding 2,500 penalty units or to a term of imprisonment not exceeding 2 years; and

(b) in the case of a body corporate, to a fine of not less than 2,500 penalty units and not exceeding 5,000 penalty units.

Section 42—Action to take where a ship is not in compliance with this Act

(1) Where the Director-General has reason to believe that a ship is not in compliance with this Act, the Director-General shall contact the master of the ship or the ship's administration to address the non compliance and carry out the necessary action for that ship.

(2) Where communication made under subsection (1) does not result in the required compliance, the Director-General 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 Ghana's maritime jurisdiction;[As substituted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s. 6]

(c) inspect the ship to ascertain compliance with the certification requirements of this Act where applicable;

(d) deny the ship entry, if the Director-General 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 Authority shall, prior to any action being taken under subsection (2) (b), notify the master of the ship, in such manner as the Director-General may determine, of the Director-General's intentions.

(4) Any action that is taken under subsection (2) (b) shall correspond to the expected requirements of the circumstance.

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

- (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 subsection (2) (d), the port facility operator shall on the directives of the Director-General discontinue the provision of services to that ship.
- (7) Any action taken under this section remains in force until the circumstance that gave rise to the action taken is regularized to the satisfaction of the Director-General.

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

Section 43—Company Security Officer

- (1) The company of a Ghanaian ship shall designate a company security officer for purposes of this Act.
- (2) A company security officer may act as the company 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 company shall ensure that each company security officer receives the appropriate training to enable him or her perform functions which shall include 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 ship security assessments are carried out;
 - (c) ensuring the development, the submission for approval, and the subsequent implementation and maintenance of the ship security plan;
 - (d) ensuring that the ship security plan is modified as appropriate to correct deficiencies and satisfy the security requirements of the individual ship;
 - (e) arranging for internal audits and reviews of security activities;
 - (f) arranging for the initial and subsequent verifications of the ship, by the Authority 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;
 - (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's 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 other function specified in the Code.

Section 44—Ship Security Officer

- (1) The company of a Ghanaian ship shall designate a ship security officer for each ship under its ownership or control for purposes of this Act.
- (2) The company shall ensure that each ship security officer receives the appropriate training to enable him or her perform functions which shall include the following:
 - (a) undertaking regular security inspections of the ship to ensure that appropriate security measures are maintained;
 - (b) maintaining and supervising the implementation of the ship security plan, including any amendments to the plan;
 - (c) co-ordinating the security aspects of the handling of cargo and ship's stores with other shipboard personnel and with the relevant port facility security officers;
 - (d) proposing modifications to the ship security plan;
 - (e) reporting to the company security officer any deficiencies and non-conformities identified during internal audits, periodic reviews, security inspections and verifications of compliance and implementing any corrective measures;
 - (f) enhancing security awareness and vigilance on board ship;
 - (g) ensuring that adequate training has been provided to shipboard personnel, including drills at appropriate intervals where applicable;
 - (h) reporting all security incidents;
 - (i) co-ordinating implementation of the ship security plan with the company security officer and the port facility security officer concerned;
 - (j) ensuring that security equipment is properly operated, tested, calibrated and maintained where applicable; and
 - (k) any other function specified in the Code.

Section 45—Shipboard personnel

Shipboard personnel shall comply with their duties and responsibilities as specified in the ship security plan.

Section 46— Master's responsibilities for ship safety and security

(1) A company, charterer, or any other person shall not interfere with a 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

(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 company of a Ghanaian ship 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 judgment 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 the prevailing security level;

(c) shall inform the Authority as soon as practicable; and

(d) shall in the case of a Ghanaian ship that enters a port outside the jurisdiction of the country, inform the government of the State in which the port is located.

(4) Where the Authority is informed under subsection (3)(c), the Director-General shall confer with the master of the ship on

(a) the nature and gravity of the conflict; and

(b) the appropriate resolution for the conflict.

(5) Where the conflict identified under subsection (4) involves a port facility, the master and the Director-General 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 or her functions or duties, and

(b) shall on request by the master of the ship or ship security officer, present to the master or officer his or her identity card issued by the Authority.

Section 47—Costs of detention

(1) Where a ship is detained under subsection (1) (c) of section 39, a company of the ship shall pay to the Authority

(a) costs for the detention of that 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 the detention.

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

(3) The Authority shall pay to the company of a ship, compensation for any loss resulting from the undue detention or undue delay of that ship.

(4) A complainant shall indemnify the Authority for all costs for which the Authority 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 the information was false, at the time the complainant provided it.

(5) In this section, "complainant" means a company that is aggrieved by the decision of the Authority in respect of the detention of the company's ship.

PART V—PORT SECURITY

Section 48—Duties of port facility operator

A port facility operator shall

(a) operate in conformity with the security level specified by the Authority;

(b) apply security measures and procedures in a manner that minimizes interference with, or delay to, passengers, ships, the personnel of ships, visitors, goods and services; and

(c) appoint port facility security officers for purposes of this Act.

Section 49—Port facility security assessment

(1) The Authority shall carry out a port facility security assessment of each port facility within the country.

(2) The Authority may authorise a recognised security organisation to carry out a port facility security assessment.

(3) Where a port facility security assessment is carried out by a recognised security Organisation, the Director-General shall review the assessment and ensure that it complies with subsection (1) of section 51.

(4) Where the Director-General is satisfied that the assessment complies with the requirements specified in subsection (1) of section 51, he or she may approve the assessment.

(5) The Authority shall ensure that each port facility security assessment is—

(a) periodically reviewed and updated, taking into account changing threats or minor changes in the port facility; and

(b) reviewed as soon as practicable 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 those port facilities are similar; and

(b) the Authority agrees to this arrangement.

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

Section 50—Report on port facility security assessment

(1) Upon completion of a port facility security assessment, the person who carried out the assessment shall prepare for the Authority a report that contains,

(a) a summary of how the assessment was conducted;

(b) a description of each vulnerability discovered during the assessment; and

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

(2) The report shall be protected from unauthorised access or disclosure.

(3) Any person who without authorisation discloses a report or gives access to a report contrary to subsection (2), commits an offence and is liable on summary conviction to a fine of not less than 500 penalty units and not exceeding 5,000 penalty units or to a term of imprisonment not exceeding 5 years or to both.

Section 51—Content of port facility security assessment

(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 prioritize security measures;

(c) identification, selection and prioritization of counter measures and procedural changes and their level of effectiveness in reducing vulnerability; and

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

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

Section 52—Port facility security plan

(1) A port facility operator shall

- (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 three security levels specified under section 7, and
- (b) may cover more than 1 port facility where
 - (i) the operator, location, operation, equipment, and design of those port facilities are similar; and
 - (ii) the Authority 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) Any 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 summary conviction to a fine of not less than 500 penalty units and not exceeding 5,000 penalty units or to a term of imprisonment not exceeding 5 years or to both.

Section 53—Content of a port facility security plan

(1) A valid port facility security plan shall contain 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, 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) duties of port facility personnel assigned security responsibilities and of other port facility personnel on security aspects;
- (f) procedures for interfacing with ship security activities;
- (g) procedures for the periodic review of the plan and updating of the plan;

- (h) procedures for reporting security incidents;
- (i) identification of the port facility security officer including 24-hour contact details;
- (j) measures to ensure the security of the information contained in the plan;
- (k) measures designed to ensure effective security of cargo and the cargo handling equipment at the port facility;
- (l) procedures for auditing the port facility security plan;
- (m) procedures for facilitating shore leave for the ship's personnel or personnel changes, as well as access of visitors to the ship including representatives of seafarers welfare and labour organisations; and
- (n) procedures for responding where the ship security alert system of a ship at the port facility is activated.

Section 54—Submission of port facility security plan or amendment for approval

- (1) A port facility operator or a recognised security organisation, may after preparation of a port facility security plan or amendment to an approved plan in accordance with sections 52 and 53, submit to the Minister for approval
- (a) that port facility security plan, or
 - (b) the amendment of that approved port facility security plan, accompanied with such fee and documents as the Minister may determine.

Section 55—Approval by Minister of port facility security plan or amendment.

- (1) The Minister shall not approve a port facility security plan or any amendment to an approved plan submitted under section 54 unless he or she is satisfied that the plan or amendment to the plan,
- (a) conforms with Part A of the Code and sections 52 and 53; and
 - (b) corresponds with the security assessment for that port facility.
- (2) The Minister shall within 15 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 at the port facility for presentation on request by the Director-General.
- (4) Where 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.

Section 56—Review of decision not to approve port facility security plan

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

(2) The Minister shall within 15 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.

Section 57—Port Facility Security Officer

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

(2) A port facility operator may designate a port facility security 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, occurrences which threaten the security of the port facility and maintaining records of the occurrences;

(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 are 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; and
- (m) assisting when requested, the ship security officers in confirming the identity of those seeking to board the ship.

(4) A port facility operator shall ensure that the port facility security officer is given the necessary support to fulfill his or her duties and responsibilities specified in Chapter X1-2 of the Convention and in this Act.

Section 58—Designation of port security zones

(1) For the purposes of additional security requirements, the Authority may by notice published in the Gazette, designate

- (a) a port facility;
- (b) any area in a port facility; or
- (c) any other area within a port

as a port security zone.

(2) The Gazette notice under subsection (1) shall include a map of the port and 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

- (a) be revoked in whole or in part; or
- (b) be amended

by the Authority by notice published in the Gazette.

Section 59—Matters to be considered in establishing port security zone

In designating a port security zone, the Authority 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.

Section 60—Restrictions with respect to port security zones

(1) A person shall not enter or remain in a port security zone unless

- (a) that person is in the course of official duties; or

- (b) that person is authorised by the Director-General or port facility operator to do so.
- (2) Every person in a port security zone shall on the request of an authorised person provide,
 - (a) his or her name and address;
 - (b) the purpose of his or her visit to the port security zone;
 - (c) his or her authority to enter the port security zone; and
 - (d) verification of the correctness of his or her stated name and address.
- (3) Where a person who is requested by an authorised person,
 - (a) fails or refuses to provide that authorised person with satisfactory evidence of his or her name and address; or
 - (b) fails to satisfy that authorised person that he or she is authorised to be there,the authorised person may order that person to leave the port security zone.
- (4) The authorised person and any person whom the authorised person calls to his or her 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 subsection (3).
- (5) A person who refuses to comply with a request under subsection (2), and 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 delivered 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 Authority to pass through any port security zone that forms part of those gateways or thorough-fares.
- (8) A person who by reason of his or her official duties, is required to enter a port security zone, shall after entry and on request by an authorised person, present his or her employment identity.
- (9) A person who willfully fails to provide satisfactory evidence of his or her name and address or authorisation to be in a port security zone in contravention of this section, commits an offence and is liable on summary conviction to a fine not exceeding 500 penalty units or to a term of imprisonment not exceeding 2 years, or to both.

Section 61—Taking weapons onto ships or into port security zones

- (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) a firearm;
 - (b) a dangerous or offensive weapon or instrument;
 - (c) any ammunition; or
 - (d) an explosive, incendiary, biological or chemical substance or device or any other injurious substance or device that may be used to endanger the safety of
 - (i) the ship;
 - (ii) any person on board the ship;
 - (iii) the port security zone; or
 - (iv) any person within the port security zone.
- (2) A person who has obtained the 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.
- (3) For purposes of this section, "firearm" means any gun, rifle, or pistol, whether operated by force of explosives or not and includes any gun, rifle, or pistol that
- (a) is capable or incapable of discharging any shot, bullet, or other missile; or
 - (b) is dismantled.

Section 62—Screening and searching powers

- (1) An authorised person may use a detector dog, a mechanical or electronic device or similar mechanism to screen
- (a) any person boarding a ship;
 - (b) any thing to be carried by a ship;
 - (c) any thing in the port security zone; or
 - (d) any person including that person's personal effects or vehicle within or entering a port security zone.
- (2) Where the 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, an authorised person may search
- (a) any person boarding the ship,
 - (b) any thing to be carried by the ship,
 - (c) any thing in the port security zone, or

(d) any person including that person's personal effects or vehicle within or entering the port security zone, without the use of the screening device or other mechanism provided for under subsection (1).

Section 63—Power to seize and detain items

(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, that authorised person 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 the person from whom the item was seized.

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

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

(a) taken off the ship; or

(b) taken out of the port security zone.

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

(a) destroy or otherwise dispose of the item; or

(b) deliver the item to the police.

Section 64—Cost of seizures

(1) Where an authorised person has seized an item under section 63, the Authority 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 and costs incidental to that seizure.

(2) The Authority shall pay to the owner of the item, compensation for any loss resulting from

(a) the undue detention of the item; or

(b) any delay that prevented the normal use of the item.

(3) A complainant shall indemnify the Authority for all costs for which the Authority is liable under subsection (2), if

- (a) an authorised person has taken action under section 63, based on information provided by the complainant;
 - (b) the information provided by the complainant is subsequently found to be false; and
 - (c) the complainant knew that the information was false at the time he or she provided it.
- (4) For the purposes of this section, a "complainant" means a person who is aggrieved as a result of the seizure or detention by an authorised person of an item seized or detained under section 63.

Section 65—Person who refuses screening or searching

(1) Where a person refuses to have

- (a) his or her person screened or searched; or
- (b) his or her baggage screened or searched

by an authorised person, the authorised person may require that person to leave the ship or port security zone or both.

(2) Where a person refuses to leave as required under subsection (1), the authorised person and any other person on directives of the authorised person, may use reasonable force to remove that person.

(3) Where a person refuses to leave as required under subsection (1), and after being cautioned by the authorised person of the consequences of his or her refusal, persists in refusing to leave, that person

- (a) may be forcibly detained by the authorised person; and
- (b) shall where detained, be delivered as soon as practicable to a police officer.

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

(5) The company or master of the ship which refuses to carry a passenger, under subsection (4), shall not be subject to civil liability other than a proceeding in respect of any lawful claim that the passenger may have for the recovery of the fare or part of the fare.

Section 66—Search of persons who refuse to be searched

(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 any article referred to under subsection (1) of section 61.

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

(a) the company of a ship or master of that ship, refuses to carry a person who has refused a search of his or her 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 by any other person; or

(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 exercises the power of search under subsection (1), shall prior to the search and upon any subsequent request,

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

(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 or she shall within 3 days after the day on which he or she exercises the power, furnish the regional commander of Police with a written report on the search conducted and reasons for the search.

Section 67—Right of access to port security zones and ships

(1) A maritime security officer appointed under section 71 (1), may in the course of duty enter

(a) a port security zone;

(b) any building, vehicle or place within a port security zone; or

(c) any ship

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

(2) 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.

(3) Where the police have 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 within the port facility, shall be subject to the limitations imposed by the most senior police officer present at the port facility.

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

(a) the port security zone;

- (b) facilities within the port; or
 - (c) any person within that ship, building, vehicle or place.
- (5) A police officer or an authorised person may not enter a dwelling house, crew quarters or a passenger cabin without
- (a) a search warrant; or
 - (b) the consent of the occupier of that dwelling house, crew quarters, or passenger cabin.
- (6) A maritime security officer who exercises the power of entry under this section, shall prior to and on any subsequent request
- (a) provide evidence of his or her identity to the occupier and
 - (b) inform the occupier that the entry is authorised.

Section 68—Authority may declare exclusion zones for ships

- (1) The Authority may declare an exclusion zone around a ship where
- (a) the Authority 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 Authority makes a declaration under subsection (1), the Director-General 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 any means of communication that the Director-General considers appropriate.

- (3) A declaration made under subsection (1) shall take effect on the date that it is communicated to the master.
- (4) The declaration shall expire 5 days after the date on which it takes effect unless, before the expiry, the Authority extends the period for a further specified period not exceeding 5 days.
- (5) Despite subsection (4), the Authority may revoke a declaration at any time.

Section 69—Entering or leaving exclusion zones without authorisation

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

(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 500 penalty units 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 and is liable on summary conviction to a fine not exceeding 2,500 penalty units and the craft or vessel shall be detained until the fine is paid.

Section 69A—Inspection and audits

For the purposes of an inspection or audit carried out in respect of any person under this Act, the Authority may, in writing

(a) require from that person the information that the Authority considers relevant for the inspection or audit, and

(b) require that person to demonstrate to the Authority

(i) the familiarity of the master or crew with essential shipboard procedures for the security of the ship, and

(ii) that any operational, maintenance, or servicing procedure in respect of the security of the ship is capable of being carried out in a competent and timely manner.[As inserted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s. 7]

PART VI—MISCELLANEOUS PROVISIONS

Section 70—Ministerial responsibility and directives

The Minister shall have ministerial responsibility for this Act and may give to the Authority such directives of a general nature on the maritime security policy to be followed by the Authority in the performance of its functions.

Section 71—Maritime security officers

(1) For the purposes of this Act, a person may be appointed by the Authority as a maritime security officer.

(2) A maritime security officer appointed under subsection (1) shall carry out such functions the Authority may determine for the purpose of giving full effect to this Act.

Section 71A—Automatic identification system

(1) The owner of a Ghanaian ship shall ensure that an automatic identification system is fitted on board the ship in accordance with the requirements of regulation 19 of Chapter V of the Convention.

(2) The master of a Ghanaian ship shall ensure that an automatic identification system is in operation at all times.

(3) Despite subsection (2), the master of a Ghanaian ship is not in contravention of subsection (2) if the failure to comply is due to reasons beyond the master's control.

(4) A person that fails to comply with this section commits an offence and is liable on summary conviction

(a) in the case of an individual, to a fine of not less than five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment not exceeding five years or to both; or.

(b) in the case of a body corporate to a fine of five thousand penalty units.[As inserted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s. 8]

Section 71B—Ship identification number

(1) The owner of a Ghanaian ship shall ensure that the ship is permanently marked with the ship's identification number in accordance with regulation 3 of Chapter XI-I of the Convention.

(2) A person that fails to comply with this section commits an offence and is liable on summary conviction

(a) in the case of an individual, to a fine of not less than five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment of not more than five years or to both; or

(b) in the case of a body corporate, to a fine of five thousand penalty units.[As inserted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s. 8]

Section 71C—Continuous synopsis record

(1) The owner of a Ghanaian ship shall ensure that the ship carries a continuous synopsis record in accordance with regulation 5 of Chapter XI-I of the Convention.

(2) The master of a Ghanaian ship shall ensure that the continuous synopsis record is maintained in accordance with regulation 5 of Chapter XI-I of the Convention.

(3) A person that fails to comply with this section commits an offence and is liable on summary conviction

(a) in the case of an individual, to a fine of not less than five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment of not more than five years or to both; or

(b) in the case of a body corporate, to a fine of five thousand penalty units.[As inserted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s. 8]

Section 71D—Ship security alert system

(1) The owner of a Ghanaian ship shall ensure that the ship is fitted with a ship security alert system in accordance with regulation 6 of Chapter XI-2 of the Convention.

(2) A person that fails to comply with this section commits an offence and is liable on summary conviction

(a) in the case of an individual, to a fine of not less than five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment of not more than five years or to both; or

(b) in the case of a body corporate, to a fine of five thousand penalty units.[As inserted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s. 8]

Section 72—Regulations

(1) The Minister may by legislative instrument in consultation with the board of the Authority make Regulations for the effective implementation of this Act.

(2) Without prejudice to subsection (1), Regulations may be made prescribing matters relating to

(a) port facility security assessments;

(b) port facility security plans;

(c) ship security assessments;

(d) ship security plans;

(e) security levels;

(f) Declaration of Security;

(g) verification processes for issuance of certificates under this Act;

(h) recognised security organisations; and

(i) control and compliance measures.

(j) the security of fixed and mobile offshore drilling units and other marine installations within Ghana's maritime jurisdiction.[As inserted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s. 9(a)]

(3) A person who commits an offence under the Regulations is liable on summary conviction to

(a) a fine of not more than five thousand penalty units or a term of imprisonment of not more than five years or to both in respect of an individual; or

(b) a fine of not less than ten thousand penalty units and not more than fifteen-thousand penalty units in the case of a body corporate.[As inserted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s. 9(b)]

Section 73—Consequential amendment

The Ghana Shipping Act, 2003 (Act 645), is amended as follows

(a) by the substitution for the headnote of section 289 of the following new headnote

"Ship not to proceed to sea without appropriate certificates and documents"; and

(b) in subsection (1) of section 289 by the insertion immediately after the word 'ship' appearing on line 3 of the following:

"a ship security plan and an International Ship Security Certificate and;"

Section 74—Interpretation

In this Act, unless the context otherwise requires,

"authorised person" includes a maritime security officer appointed under section 71 (1) of this Act, a customs officer, and any other person required to perform any official duties for purposes of giving effect to this Act;

"Authority" means the Ghana Maritime Authority established under section 1 of the Ghana Maritime Authority Act 2002, (Act 630);

"certificate" means a valid International Ship Security Certificate under section 30 or a valid Interim International Ship Security Certificate issued under section 35;

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

"company" means a body corporate registered under the Companies Code, 1963 (Act 179), or a partnership registered under the incorporated Partnership Act, 1962 (Act 152) which has assumed the responsibility for the operation of a ship from the owner of the ship and which has agreed to take over all the duties and responsibilities imposed by the International Safety Management Code;

"continental shelf" means the sea bed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of its land territory to a distance of two hundred

nautical miles from the baselines from which the breadth of the territorial sea is measured;[As inserted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s. 10(a)]

"Convention" means the International Convention for the Safety of life at Sea, done at London on 1 November 1974, and includes—

- (a) the Annex and Appendix to the Convention,
- (b) amendments of the Convention, and
- (c) protocols to the Convention;

"customs officer" means any person employed in the Customs, Excise and Preventive Service, as well as any person acting in the aid of any such person; and any person acting in aid of an officer acting in the execution of his or her duty, shall be considered to be an officer acting in the execution of his or her duty;

"Declaration of Security" means a Declaration of Security determined by the Minister under subsections (1) and (2) of section 9;

"Director-General" means the Director-General appointed under section 11 of the Ghana Maritime Authority Act 2002 (Act 630);

"exclusive economic zone" means the area beyond and adjacent to the territorial sea which does not extend beyond two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured;[As inserted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s. 10(b)]

"Ghanaian ship" means a ship registered or licensed under the Ghana Shipping Act, 2003 (Act 645) or a ship owned by Ghanaians but exempted from being registered or licensed under Act 645 and includes

- (a) a passenger ship that is used for international voyage or a voyage within Ghana, and
- (b) a cargo ship of 500 or more gross tonnage that is used for international voyage or a voyage within Ghana;

"high-speed craft" means a craft capable of a maximum speed in metres per second equal to or exceeding—

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where V is the displacement corresponding to the design waterline (m);

"Ghana's maritime jurisdiction" means the jurisdiction exercisable by Ghana as a coastal state under international law and in accordance with the jurisdiction specified in the Maritime Zones

(Delimitation) Act, 1986 (P.N.D.C.L. 159) in the various maritime zones;[As inserted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s. 10(c)]

"International Safety Management Code" means the International Management Code for the Safe Operation of Ships and for Pollution Prevention adopted on 4 November 1993 by the International Maritime Organisation by Resolution A741(18);

"marine installation" means any artificial structure that is not a ship used or intended to be used in or on or anchored or attached to the seabed for the purpose of the exploration for petroleum or the exploitation or associated processing of petroleum;[As inserted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s. 10(d)]

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

"maritime security officer" means a person who is appointed under section 71(1) to carry out maritime security functions;

"master" includes every person who lawfully has, for the time being, command or charge of a ship;

"Minister" means the Minister responsible for Maritime transportation;

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

"oil tanker" means an oil tanker as defined in regulation 1 of Annex 1 of the Protocol of 1978 relating to the International Convention for the Prevention of pollution from Ships 1973;

"Organisation" means the International Maritime Organisation;

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

"pleasure craft" means a ship, however propelled, that is used exclusively for pleasure and does not carry passengers or cargo for hire or reward;

"port" means an area of water, or land and water including any buildings, 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 water, between the land of the port and the open waters 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 Director-General, where the ship-port interface takes place, including areas such as anchorages, waiting berths, and approaches from seaward; and includes fixed and floating platforms;

"port facility operator" means

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

"port facility security officer" means the person designated under subsection (1) section 57 by the port facility operator;

"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;

"port facility within Ghana's maritime jurisdiction" includes, an installation and maritime terminal located in an area within Ghana's maritime jurisdiction;[As inserted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s. 10(e)]

"port within the country" includes a port facility, installation, maritime terminal located in an area within Ghana's maritime jurisdiction;[As inserted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s. 10(e)]

"recognised security Organisation" means an organisation appointed under subsection (1) of section 5 and includes a security organisation affiliated to the IMO or designated by the Minister as competent for appointment by the Authority in accordance with subsection (4) of section 5;

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

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

"security level" means the quantification 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 for a period of time as a result of heightened risk of a security incident;

"security level 2" means the level for which appropriate additional Protective security measures must be maintained at all times;

"security level 3" means the level for which further specific protective security measures must 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 or port facility subject to a Declaration of security under subsection (3) of Section 9;

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

"ship" includes a mobile offshore drilling unit and each description of a vessel used in navigation however propelled and other water craft propelled by oars, other than a canoe";[As inserted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s. 10(f)]

"ship security officer" means a person designated under subsection (1) of section 44;

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

"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 government of the State in which the ship is registered;

[As deleted by the Ghana Maritime Security (Amendment) Act, 2011 (Act 824), s. 10(g)]

SCHEDULES

SCHEDULE I

(Section 11(4) and 11(5))

Form of a Declaration of Security between a ship and a port facility

DECLARATION OF SECURITY

Name of Ship

Port of Registry

IMO Number

Name of Port Facility

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

(list the activities with relevant details)

under the following security levels

Security level(s) for the ship

Security level(s) for the port facility

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 and PFSO done, in accordance with relevant approval 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

This form of Declaration of Security is for use between a ship and a port facility. If the Declaration of Security is to cover two ships, this model should be appropriately modified.

Handling unaccompanied baggage

Controlling the embarkation of persons and their effects

Ensuring that security communication is readily available between the ship and 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 X1-2 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 Ship Security Officer) (Signature of Port Facility Security Officer)

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 Security Officer

Ship Security Officer

Company

Port Facility Operator

Company Security Officer

SCHEDULE II

(Section 29(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 Authority, as appropriate)

SCHEDULE III

(SECTION 29(4))

ENDORSEMENT FOR INTERMEDIATE VERIFICATION

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

Intermediate verification

Signed

(Signature of authorised official)

Place

Date

(Seal or stamp of the Authority, as appropriate)

SCHEDULE IV

(Form A)

(Section 29(4))

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

THIS IS TO CERTIFY that at 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 X1-2 of the Convention and Part A of the ISPS Code.

Signed.....

(Signature of authorised official)

Place.....

Date.....

(Seal or stamp of the Authority as appropriate)

SCHEDULE IV

(Form B)

(Section 29(4))

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 Authority, 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 19.1.4.

SCHEDULE V

(Section 30(2))

Form of the International Ship Security Certificate

INTERNATIONAL SHIP SECURITY CERTIFICATE

(Official Seal)

Certificate Number

Issued under the provision of

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

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

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

Issued at

(place of issue of the Certificate)

Date of issue

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

Seal of issuing Authority, as appropriate

SCHEDULE VI

Form A

(Section 33(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 authority, as appropriate)

SCHEDULE VI

Form B

(Section 33(8))

ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE UNTIL REACHING THE PORT OF VERIFICATION WHERE SECTION A/19.3. OF THE ISPS CODE APPLIES OR 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 Authority, as appropriate)

SCHEDULE VI

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

Form C

(Section 33 (8))

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 Authority, 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 35 (2))

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 Authority, as appropriate)

SCHEDULE VIII

(Section 55(3))

Form of a Statement of Compliance of a Port Facility

(Official seal)

(State)

Statement Number

Issued under the provisions of Part B of the

INTERNATIONAL SHIP 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 X1-2 and Part A of the International Ship and Port Facility Security Code (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 specific types of operations, types of ship or activities or other relevant information (delete as appropriate):

Passenger ship

Passenger high speed craft

Cargo high speed craft

Bulk carrier

Oil tanker

Chemical tanker

Gas carrier

Mobile offshore drilling units

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)

Date of Gazette Notification: 12th November, 2004.