



REPUBLIC OF NAURU

MARITIME SECURITY REGULATIONS 2021

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The Cabinet makes the following Regulations under Section 36 of the *Maritime Security Act 2019*:

PART 1 - PRELIMINARY

1 Citation

These Regulations may be cited as the *Maritime Security Regulations 2021*.

2 Commencement

These Regulations commence on the day they are notified in the Gazette.

3 Interpretation

In these Regulations:

'Authority' means the Nauru Maritime and Port Authority established under the *Ports and Navigation Act 2019*;

'MSIC' means a Maritime Security Identification Card;

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

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

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

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

'ship 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; and

'SOLAS' 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 that Convention;
- (b) all amendments of that Convention; and
- (c) all protocols to that Convention.

PART 2 - DECLARATION OF SECURITY

4 Requirements and requests to be acknowledged

Every requirement or request for a declaration of security made under Section 8 of the Act shall be acknowledged:

- (a) if made to a ship, by the master or ship security officer; or
- (b) if made to a Nauru port, by the port security officer.

5 Making of declaration of security

A declaration of security shall be made:

- (a) if by a ship, by the master, ship security officer or other senior officer authorised by the Master; or
- (b) if by a Nauru port, by the port security officer or other person authorised by the port operator.

6 Specification of responsibility

A declaration of security shall specify:

- (a) the security requirements for which a ship and a port, or a ship and another ship, are separately responsible;
- (b) the security requirements for which a ship and a port, or a ship and another ship, are to share responsibility;
- (c) any specific responsibilities for which a ship and a port, or a ship and another ship, have in relation to security requirements that are to be shared; and
- (d) the duration of the declaration of security.

7 Retention of records

- (1) Every Nauruan ship that has made a declaration of security shall keep the same for the next ten port calls.
- (2) Every Nauru port that has made a declaration of security shall keep the same with that port's port security plan for twelve months after the date on which the declaration of security has ended.

PART 3 - SHIP SECURITY

8 Threats to ships

For the purposes of Section 7(4) of the Act, the Director shall advise the master and the flag state of at least:

- (a) the current security level;
- (b) any security measures that the ship may implement in response to the threat; and
- (c) any security measures to be implemented by the Authority in response to the threat.

Security levels

- (1) Unless a different security level is set under Section 7(1) of the Act, every Nauruan ship shall operate at security level 1.
- (2) When setting security levels under Section 7(1) of the Act, the Authority shall advise the master of a ship of:
 - (a) any security measures that should be taken by the ship; and
 - (b) if appropriate, any security measures that have been taken in respect of the ship.
- (3) At security level 1, a ship shall carry out, through appropriate measures, the following activities to identify and take preventive measures against security incidents:
 - (a) ensure the performance of all ship security duties;
 - (b) control access to the ship;
 - (c) control the embarkation of persons and their effects;
 - (d) monitor restricted areas to ensure that only authorised personnel have access;
 - (e) monitor deck areas and areas surrounding the ship;
 - (f) supervise the handling of cargo and stores; and
 - (g) ensure that security communication is readily available.
- (4) At security level 1, a ship shall implement the security measures and procedures for security level 1 as specified in its approved plan.
- (5) At security level 2, a ship shall implement the additional protective measures specified in its approved plan for each activity specified in subregulation (3).
- (6) At security level 3, a ship shall implement the additional protective measures specified in its approved plan for each activity specified in subregulation (3).
- (7) A ship whose security level is set as, or changed to, security level 2 or security level 3 shall:
 - (a) acknowledge that setting or change to the Authority; and
 - (b) promptly implement that security level.
- (8) Where the Authority sets security level 2 or security level 3 for a Nauruan ship while in a foreign port, it shall promptly advise the port state.
- (9) Before entering a Nauru port or while in a Nauru port, a ship whose security level is security level 2 or security level 3 shall:

- (a) start implementing appropriate measures and procedures specified in its approved plan;
- (b) in the case of security level 3, start implementing such further protective measures specified by the Authority; and
- (c) inform the port security officer that it has started to implement the measures under paragraphs (a) and (b).

10 Non-compliance

- (1) A ship that is unable to comply with the Act or these Regulations or to meet the requirements set for its security level shall notify the port security officer of a Nauru port before:
 - (a) conducting any ship-port interface at a Nauru port; or
 - (b) entering a Nauru port,whichever occurs first.
- (2) Where a ship has any difficulty implementing the security measures required by Regulation 0(9), the ship security officer shall, as soon as practicable, inform the port security officer of those difficulties, in which event the ship security officer and port security officer shall liaise about, and co-ordinate an appropriate response to, those difficulties.

11 Ships having higher security level than ports

- (1) A foreign ship whose security level is higher than the security level of the Nauru port it proposes to enter shall first advise the Authority.
- (2) A Nauru ship whose security level is higher than the security level of the foreign port it proposes to enter shall first advise the port state.
- (3) If a situation described in subregulation (1) or (2) occurs, the ship security officer and the port security officer shall promptly liaise about, and co-ordinate an appropriate response to, that situation.

12 Ship security plans

- (1) The review of ship security plans under Section 18(a) of the Act shall, if performed by the company or ship personnel, be performed by persons independent of the activities being reviewed or audited.
- (2) Subregulation (1) does not apply if, due to the size or nature of the company or ship, it would be impracticable.

PART 4 - PORT SECURITY

13 Security levels

- (1) Every Nauru port shall operate at security level 1 unless a different security level is set under Section 7(1) of the Act.