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Merchant Shipping (Amendment) Act 2007

Chapter II - Amendment of the Merchant Shipping Act, 1958

In the Merchant Shipping Act, 1958(44 of 1958) (hereinafter referred to as the principal Act), in 44 of 195 the long title, for the word "registration", the words "registration, certification, safety and security" shall be substituted.

Section 3 - Amendment of section 3

1n section 3 of the principal Act, after clause (44), the following clause shall be inserted, namely:

(44A) "security" means maritime security and includes any measure to protect ports or ships or any person or thing relating directly or indirectly to maritime navigation,

(i) against terrorism, sabotage, stowaways, illegal migrants, asylum seekers, piracy, armed robbery, seizure or pilferage; and

(ii) against any other hostile act or influence which threatens the security in the maritime transport sector,

employed by the owners or operators or persons in charge of the vessels or management of port facilities, offshore installations and other marine organisations or establishments;'.

Section 4 - Amendment of section 31

In section 31 of the principal Act, after clause (a), the following clause shall be inserted, namely:

"(aa) the ship identification number;".

Section 5 - Insertion of new section 99A

After section 99 of the principal Act, the following section shall be inserted, namely:

'99A. Prohibition of engagement of seafarer without seafarer's identity document-

(1) No person shall engage or carry to sea any seafarer in any ship, unless the seafarer is in possession of seafarer's identity document.

(2) The seafarer's identity document under sub-section (/) shall be issued in such form and manner and on payment of such fees as may be prescribed.

Explanation.For the purposes of this section, "seafarer" means any person who is employed or engaged or works in any capacity on board a sea going ship ordinarily engaged in maritime

navigation, other than a ship of war.'.

Section 6 - Insertion of new Part IXB

After Part IXA of the principal Act, the following Part shall be inserted, namely:

PART IXB

Security of ships and port facilities

344J. Application-(1) Subject to sub-section (2), this Part shall apply to

(a) the following types of ships engaged on international voyages, namely:

(i) passenger ships including high speed passenger craft;

(ii) cargo ships including high speed craft of five hundred gross tonnage and above;

(iii) mobile offshore drilling units:

Provided that the Central Government may extend the application of this Part to those ships which are exclusively engaged on coastal voyages;

(b) the port facilities serving ships referred to in clause (a):

Provided that the Central Government may, after taking decision, on the basis of port facility security assessment having carried out under this Part, extend the application of this Part to those port facilities which, although used primarily

by ships not engaged on international voyages, are occasionally required, to serve ships arriving or departing on international voyages.

(2) This Part shall not apply to war ships, naval auxiliaries, or other ships owned or operated by the Central Government and used only for non-commercial service by that Government.

344K. Definitions-In this Part, unless the context otherwise requires,

(a) "company" means the owner of the ship who, or any organisation which has assumed the responsibility of operation of the ship from the owner of such ship and who or which has agreed to take over all the duties and responsibilities imposed by the International Safety Management Code;

(b) "declaration of security" means an agreement between ships or a ship and a port facility specifying therein the security measures to be complied with;

(c) "designated authority" means such authority as the Central Government may, by notification in the Official Gazette, specify;

(d) "International Ship and Port Facility Security Code" means the code for the security of ships and port facilities provided in the Safety Convention;

(e) "port facility" means any location or area including anchorages or waiting berths or approaches from seaward and determined by the Central Government or the designated authority, as the case may be, where interface between ships or a ship and a port takes place;

(f) "recognised security organisation" means any organisation, company, firm or body of individuals having expertise in matters relating to security and knowledge of ship, and port operations, which or who are authorised by the Central Government by notification in the Official Gazette, to carry out assessment or verification or approval or certification required by this Part or by the International Ship arid Port Facility Code;

(g) "security level" means the qualification of the degree of risk associated with the threat or an unlawful act against a ship, or against a port facility or any other area connected therewith;

(h) words and expressions used in this Part but not defined in this Part shall have the respective meanings as assigned to them in the Safety Convention.

344L. Ship identification number-(1) The Central Government or the designated authority, as the case may be, shall provide every Indian ship of one hundred gross tonnage and above and every Indian cargo ship of three hundred gross tonnage and above, a ship identification number, which conforms to the relevant scheme formulated by the International Maritime Organisation.

(2) All the certificates issued under this Act and all certified copies thereof shall bear the ship identification number.

344M. Security measures-(1) The Central Government or the designated authority, as the case may be, shall set security levels taking into consideration human element such as shore leave and provide information thereof to all the Indian ships, as may be prescribed.

(2) The Central Government or the designated authority, as the case may be, shall set security levels and provide information thereof to port facilities within India and to every ship prior to entering an Indian port or while in a port within India, as may be prescribed:

Provided that the Central Government may authorise any recognised security organisation to carry out any of the security measures under this section, on behalf of it, with such conditions as may be prescribed.

344N. Port facility assessment-The Central Government shall carry out port facility assessment in the manner as may be prescribed.

344-O. Obligations of companies, etc.-Every company, ship or port facility shall comply with the relevant requirements under the Safety Convention and the International Code for the Security of Ships and Port Facility.

344P. Obligations of port facility-Every port facility in India shall comply with the requirement of this Part or the rules made thereunder.

344Q. International Ship Security Certificate-The Central Government or the designated authority or the authorised person, as the case may be, shall issue every Indian ship to which this Part applies, an

International Ship Security Certificate or an Interim International Ship Security Certificate, as the case may be, in the form and manner as may be prescribed.

344R. Ship Security Alert System-Every Indian ship shall be provided with such Ship Security Alert System, as may be prescribed.

344S. Control measures-Every ship to which this Part applies shall be subject to such control measures as may be prescribed.

344T. Power to make rules-(1) The Central Government may, having regard to the provisions of the Safety Convention, make rules to carry out the purposes of this Part.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), such rules may provide

(a) for alternative or equivalent security levels;

(b) fee to be levied for any service rendered;

(c) any other matter which by this Part is to be, or may be, prescribed.'.

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