

	<p align="center"><b>GOVERNMENT OF ANTIGUA AND BARBUDA</b></p> <p align="center"><b>DEPARTMENT OF MARINE SERVICES AND</b></p> <p align="center"><b>MERCHANT SHIPPING (ADOMS)</b></p> <p align="center"><b>Circular 02-011-05</b></p> <p align="center"><b>Guidance on the access of public authorities, emergency response services and pilots on board ships to which SOLAS XI-2 and the ISPS Code apply</b></p>	Document	Circ. 02-011-05
		Revision	00
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		Reference	<p>1. A&amp;B SOLAS Circular 02-002-05</p> <p>2. SOLAS XI-2 and ISPS-A and B</p>

**Circular letter to:**

**all companies having registered their ships under the flag of Antigua and Barbuda W.I.;**  
**all ships registered under the flag of Antigua and Barbuda W.I.**

This guidance should be read in conjunction with A&B Circ. 02-002-05 and SOLAS XI-2 and the ISPS Code (A/1.3.3) to which it relates. The purpose is to provide recommended practice in relation to the access of public authorities in order to facilitate the activities and responsibilities of ships, port facilities and of the authorities of SOLAS Contracting Governments.

**1. General**

Under certain circumstances the strict application of access control measures by a ship might not be conducive to the safety of the ship or of persons on board and might be even construed as preventing officials from exercising their statutory functions.

In addition to routine and normal access there are a variety of situations where law enforcement or emergency response personnel need to conduct law enforcement functions to address specific security problems or to respond to emergency situations such as fire. In such situations it may not be possible or reasonable for the ship's security personnel to implement the normal access control provisions required by the SSP. Such situation requires that practices be established to expedite access control.

The observance of such practices should not be construed as a failure of the ship.

**2. Definitions**

.1 For the purpose of this guidance:

- *public authorities* means the agencies or officials in a State responsible for the application and enforcement of the laws, regulations, orders and decrees of the State.
- *emergency response force* means the medical, paramedical and ambulance personnel, fire and rescue personnel, and at sea search and rescue (SAR) units responding to or participating in SAR operations

.2 Public authorities include but are not limited to:

- immigration
- customs and health officials
- police, military, coast guard
- surveyors, inspectors, marine accident investigators, auditors
- security services

These personnel may be uniformed officials or persons in civilian clothing.

### 3. Access to the ship

- .1 The measures to enhance maritime security contained in SOLAS XI-2 and the ISPS Code should not be used to unnecessary or unjustified delay or inhibit the access on board of public authorities.
- .2 An approved SSP does not create a right for either the ship or for those on board to invoke its provisions, that they have authority to prevent any public authority from boarding the ship when that ship is within the territory of another SOLAS Contracting Government or of another State.
- .3 SOLAS XI-2/8 should be noted where it provide on Master's discretion for ship safety and security.
- .4 It may lead to situations where the safety of the ship may be jeopardized when the arrival of the pilot on the bridge is unnecessarily delayed
- .5 Public authorities, wishing to come on board, should inform the master of the ship of the laws, regulations, decrees or orders which gives the public authority the legal right to access the ship in accordance with international or national law.  
The public authority should present an identity document when seeking to board a ship and the ship may seek to verify its authenticity.

### 4. Identification

- .1 Governments officials entitled to board a ship should present their identification documents, which should include a photograph of the holder, when requested to do so at access control points to ships and if challenged when on board.  
When presenting identity documents the person concerned should be ready to provide contact details which allow the validity of the identification document to be verified in addition to the measures in paragraph 4.2
- .2 Methods of verifying the authenticity of such identification documents should be available to ships directly through information provided by the port State or the coastal State.
- .3 There is no international standard to the form, format and language of identity documents.
- .4 Section A/17.2.13 of the ISPS Code requires the port facility security officer (PFSO) to assist the ship security officer (SSO) in confirming the identity of those seeking to board the ship.
- .5 Emergency response services need to show only the identity document of the person-in-charge which should be able to inform the ship of the number of personnel who are boarding. They should not be required to surrender their official identification documents when boarding a ship.

### 5. Searches

- .1 Public authorities properly identified and acting in the course of their duties should not be subject to searches by the shipboard personnel when boarding the ship.

- .2 At the discretion of the master or of the SSO, properly identified emergency response personnel who are responding to an emergency, for example a fire onboard, should not be subject to search by shipboard personnel when boarding the ship.
- .3 The engagement of pilots in various locations is compulsory and pilotage is subject in certain countries to local regulations and practices. Pilots boarding at sea and at the dock are subject to access control measures at the discretion of the master or the SSO in accordance with the provisions of SSP. The master or the SSO should communicate with the pilots to ensure that access control measures for pilots boarding at sea are conducted in such a way that the pilot is not precluded from reaching the bridge in time to conduct the master-pilot information exchange and begin providing piloting services necessary for the safety of the ship and for the safety of navigation. If necessary to ensure that the pilot has timely access to the bridge, verifications of employment and other access control measures, such as searches, in accordance with the provisions of the SSP may be waived once the identity of the pilot has been verified to the satisfaction of the master or SSO. Pilot organizations are encouraged to develop pre-authorization and pre-clearance procedures with ships to facilitate the boarding of pilots.

*Related reference: Paragraphs B/9.14, B/9.15 and B/9.16.5 of the ISPS Code.*

## **6. Escorting**

- .1 It is a customary practice to escort the pilot from the deck to the navigation bridge on arrival and from the navigation bridge to the deck during the departure of the pilot.
- .2 It is reasonable to expect that public authorities and emergency response service may not be familiar with the layout of the ship and thus escorting them whilst on board might be the prudent course of action. However, it is recognized that in certain cases, either due to the number of the shipboard personnel or due to the prevailing circumstances at the time, it might not be possible or practicable to escort public authorities through the duration of their stay on board. In such a case, the master and/or the SSO should have a general understanding as to the movements of public authorities and emergency response services on board. The fact that public authorities and emergency response services might conduct their duties unescorted should not be construed as a failure of the ship to implement appropriate security measures, neither a case to prevent public authorities and emergency response services to perform their duties.
- .3 When the arrangements to be made for the escort of public authorities and of emergency response services and of the pilots are provided, they should be such as not to unnecessarily delay, in any way, the performance of their duties.

*Related reference: Paragraph B/9.16.6 of the ISPS Code.*

## **7. Access to Restricted Areas on Board**

- .1 In the course of routine, emergency, or law enforcement duties, public authorities and emergency response services may require access to restricted areas identified by the SSP according to the paragraph B/9.1 of the ISPS Code, it is expected, once the reasons for seeking access to a restricted area have been established or if they indicate that such establishment would amount to the obstruction of the performance of their duties, that the ship would immediately make arrangements for the access to such areas.

- .2 Although the navigation bridge is likely designated as a restricted area, pilots require access to the bridge to perform their essential safety activities. Pilots should be granted access to the bridge without the need to establish any other reason once the identity of the pilot has been established to the satisfaction of the master and/or SSO.

*Related reference: Paragraph B/9.20 of the ISPS Code.*

## **8. Firearms**

- .1 The national legislation of each State provides which public authorities and under what circumstances are to carry firearms during the performance of their duties. The master and the SSO should expect that various public authorities will be armed when on board.
  - .1.1 These officials should not be asked to surrender their firearms when boarding a ship.
- .2 Paragraph B/16.7 of the ISPS Code recommends that the use of firearms on or near ships and in port facilities may pose particular and significant safety risks, in particular in connection with certain dangerous or hazardous substances and should be considered very carefully. Armed public authority officials should seek, when boarding a ship, to be advised whether the ship is carrying any dangerous goods or hazardous substance and if unfamiliar with the hazards associated with such materials, should seek specific advice on safety precautions to be observed. SOLAS Contracting Governments should ensure that public authorities that are authorized to carry weapons are aware of the specific risks to safety that are present in respect to the carriage of dangerous goods or hazardous substances on board ships and port facilities.
- .3 The presence of any firearms on board belonging to public authorities, whether such arms were declared or not when boarding the ship, should not be construed as a failure of the ship to implement or to maintain appropriate security measures.

## **9. Recommended Practice**

- .1 The shipboard personnel responsible for controlling the access to the ship should:
  - .1.1 unless other arrangements have been previously made by, or through, the agent of the ship, seek from the public authorities, the emergency response services and the pilots when boarding the ship, the presentation of their identification document and from the public authorities and the emergency response services the purpose of their intended visit;
  - .1.2 record the details of the identification document presented, if such a recording would not amount to obstruction of the person in question in the performance of his or her duties;
  - .1.3 escort, when necessary and without unnecessary delay, the public authorities or emergency response services to their intended destination on board;
  - .1.4 advise, if appropriate, without delay, the master and the SSO as to the arrival of the public authorities, the emergency response services or of the pilot; and
  - .1.5 verify the authenticity of the identity, or identification document if the ship has serious reasons for doubting the authenticity of the identification document presented, without obstructing any public authority or the emergency response services from the performance of their duties.