



## MARINE SECURITY OPERATIONS BULLETIN

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### CLARIFICATION OF THE MEANING OF LAIID-UP UNDER THE PROVISION OF THE *MARINE TRANSPORTATION SECURITY REGULATIONS* (MTSRs)

#### **PURPOSE**

Transport Canada's marine security regime is designed to ensure that Canada's transportation system remains one of the safest and most secure system in the world.

This bulletin applies to stakeholders subject to the MTSRs when interpreting the term *laid-up* as referred to in paragraph 201(2) (a) of the MTSRs, which came into force on July 1, 2004, and were last amended on June 19, 2014. Transport Canada considers a vessel to be laid up when all the conditions listed in the guidance below are met.

#### **BACKGROUND**

Subsection 201 (2) of the MTSRs states that Part 2 of the Regulations does not apply to certain vessels, including vessels in laid-up status.

#### **GUIDANCE**

Transport Canada considers a vessel to be laid-up as referred under the MTSRs, when **all** of the following conditions are met:

- I. The vessel has been taken out of operation;
- II. The vessel is properly secured at a suitable location (including anchorage or place of refuge);
- III. The vessel has no cargo on-board that is destined for another facility, with the exception of storing cargo during seasonal shut-down;
- IV. The vessel has no passengers on board;
- V. The vessel is without crew other than persons attending for maintenance, safety or security;
- VI. The vessel's equipment and machinery are not operational (emergency systems and temporary generators / shore power excepted).

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Pursuant to Section 23(1) of the *Marine Transportation Security Act*, for the purposes of ensuring compliance with the Act, its regulations, security measures and security rules, a marine security inspector may at any reasonable time board and inspect any vessel or enter and inspect any marine facility. Should a stakeholder indicate a vessel has entered **laid-up** status, a security inspector may conduct an inspection to ensure the above conditions are met.

Stakeholders are reminded that pursuant to S. 201(1) (a) of the MTSRs, Part 2 of the MTSRs does not apply to certain vessels, including vessels without a crew and that are in dry dock.

Stakeholders are encouraged to prevent and deter unauthorized boarding of vessels during lay -up.

Any comments, suggestions or concerns can be addressed to the Director, Marine Security Operations by e-mail at [dirops.marsec-sumar@tc.gc.ca](mailto:dirops.marsec-sumar@tc.gc.ca).

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