



MARINE SECURITY OPERATIONS BULLETIN

No: 2025-001

ACCESS BY GOVERNMENT OFFICIALS TO VESSELS, MARINE FACILITIES AND PORTS

PURPOSE

This bulletin provides additional guidance to government officials when accessing vessels, marine facilities, and ports in the course of their duties in accordance with the *Marine Transportation Security Regulations* (MTSR) – Sections 236 and 325 related to security procedures for access control.

*This bulletin replaces MSOB 2005-002

BACKGROUND

Canada's transportation system is amongst the safest and most secure in the world. Access control measures required by vessel, marine facility, or port security plans are not intended to and shall not be used in any way to impede the access of government officials on government business or prevent them from carrying out their duties. Rather, access control measures are intended to enhance marine security by preventing unauthorized access to vessels, marine facilities, as well as ports and their restricted areas.

Under the MTSR, which came into force on July 1, 2004, vessels, marine facilities, and ports are required to have security plans. These plans set out, among other things, how access to the vessel, facility or port will be controlled and monitored. Access control measures are intended to enhance marine security by preventing unauthorized access to vessels, marine facilities and ports and their restricted areas.

While each security plan will be unique to the vessel, marine facility, or port it is designed to protect, certain elements of the plan are mandatory. Vessel, marine facility, or port staff are required to verify the identity of all persons seeking access. Some examples include government inspectors presenting themselves for an inspection, an assessment, or other non-urgent situations, as well as non-government service providers, such as marine pilots, entering a facility to access a vessel for which their services are required or prior to boarding a vessel for routine work.

Although a variety of access control measures may be used in the normal course of government business, they generally include presentation of Government of Canada photo identification; recording the name and / or badge number of the government official; and / or signing a visitor's logbook. Vessels, marine facilities, and ports must be able to view the Government of Canada photo identification and to record information, in the form of either a name or a badge number.



These measures are for routine procedures only and are not intended to hamper government officials who are required to take urgent action, especially under various law enforcement provisions.

GUIDANCE

In an urgent situation, different approaches may be used so as not delay or to inhibit the access of government officials or emergency response services to vessels, ports and marine facilities. One acceptable approach would be where one member of a group of government officials, provides a list of officials' names or badge numbers on behalf of the group. In the event of a group sign in, only those officials present may enter the facility. Should a second group arrive afterwards, that secondary team must follow the same sign in procedures as the first group. This will allow for proper documentation procedures while ensuring accurate head counts. Government officials must ensure that this provision is not used to circumvent normal or regular operations and is only used in an urgent situation.

The MTSR section 267 (1) for vessels and 380 (1) for marine facilities specifies to whom the exceptions could apply in an urgent situation.

- **MTSR 267 (1)** No person shall enter or remain in a restricted area on a SOLAS ship or a non-SOLAS ship unless the person is
 - (a) a member of the crew authorized to do so in accordance with the security procedures established in the vessel security plan;
 - (b) a person other than a member of the crew who is escorted by an individual authorized to do so in accordance with the security procedures established in the vessel security plan;
 - (c) an inspector designated under subsection 22(1) of the Act who is on duty;
 - (d) a member of any of the following groups who is on duty on board the ship or at a marine facility during an interface with the ship:
 - (i) any police force in Canada,
 - (ii) the Canadian Security Intelligence Service,
 - (iii) the Canadian Forces within the meaning of Part II of the *National Defence Act*, or
 - (iv) the Canada Border Services Agency;
 - (e) a provider of emergency services who requires access to the restricted area for the protection and preservation of life or property.

- **MTSR 380 (1)** No person shall enter or remain in a restricted area unless they are:
 - (a) the holder of a restricted area pass issued under section 384 for that restricted area;
 - (b) a person who does not ordinarily work at the marine facility or port and who is being escorted by a holder of a restricted area pass;
 - (c) an inspector designated under subsection 22(1) of the Act who is on duty;
 - (d) a member of one of the following groups who is on duty at a marine facility or on a vessel at a marine facility:
 - (i) any police force in Canada,
 - (ii) the Canadian Security Intelligence Service,
 - (iii) the Canadian Forces within the meaning of those words in Part II of the *National Defence Act*, or
 - (iv) the Canada Border Services Agency;



- (e) a provider of emergency services who requires access to the area for the protection and preservation of life or property; or
- (f) a member of the complement of the vessel in the performance of their duties and in compliance with the vessel security plan and the marine facility security plan.

The marine facility, port or vessel have the right to refuse access to anyone on routine business for the failure to comply with the access requirements outlined within their security plan. Failure to comply with the requirements could result in an enforcement action up to and including the issuance of an Administrative Monetary Penalty or penal proceedings.

In accordance to Schedule 3 of the MTSR: *Provisions of the Marine Transportation Security Regulations Whose Contravention Is Designated a Violation* failure to comply with MTSR 380(1) or MTSR 267(1) carries an Administrative Monetary Penalty of \$600 to \$2400 for individuals and \$3000 to \$12,000 for Corporations.

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

Kristina Lilius

Aiden Ryan
Director, Marine Security Operations
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