

## **QUESTIONNAIRE ON INFORMATION ON PORT AND COASTAL STATE REQUIREMENTS RELATED TO PRIVATELY CONTRACTED ARMED SECURITY PERSONNEL ON BOARD SHIPS**

(The present questionnaire should be read in conjunction with MSC.1/Circ.1408 on the Interim Recommendations for port and coastal States regarding the use of privately contracted armed security personnel on board ships in the High Risk Area<sup>1</sup>)

### **1 Requirements regarding ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals when carrying firearms and/or security-related equipment and/or PCASP<sup>1</sup>.**

1.1 Do you require specific notification from ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?

- .1 If yes,
- What information do you require?
  - When do you require it?
  - To whom is it required to be sent?

*Note: FAL Standard 2.2, establishes the principle that the "General Declaration" (IMO FAL Form 1) shall be the document providing data required by public authorities relating to the ship.*

#### **Answer:**

The requirement for ships arriving in UK ports to immediately report inwards is already formally established in accordance with the Customs & Excise Management Act 1979, Community Code and FAL protocols.

General information in respect of the vessel, flag, cargo, ports of call/arriving from, crew-list etc are covered by the C95/IMO FAL Form1/3/5.

Details of firearms and ammunition carried as ships stores / ships equipment are currently similarly required to be declared as part of the same existing procedures (FAL Form 3).

This declaration is required to be sent to the HMRC National Clearance Hub, Manchester immediately upon arrival.

1.2 Do you require information regarding flag State authorization for use of PCASP and/or the firearms and/or the security-related equipment for use by the PCASP from ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?

---

<sup>1</sup> All references to firearms include the associated ammunition, consumables, spare parts and maintenance equipment for use by PCASP, and all references to security-related equipment includes protective and communication equipment for use by PCASP

- .1 If yes,  
- What information do you require?  
- When do you require it?  
- To whom is it required to be sent?

*Note: MSC.1/Circ.1406/Rev.1 establishes the principle that "Flag States should have in place a policy on whether or not the use of PCASP will be authorized and, if so, under which conditions." This policy "may include a process for authorizing the use of PCASP which have been found to meet minimum requirements for ships flying its flag."*

**Answer:**

It would be desirable to be able to establish Flag State authority regarding the use of private security firearms, ammunition and associated security equipment. This would support the requirements of the relevant UK Open General Transshipment / Export Licenses which require such goods to have been lawfully exported from the originating state.

This information should be held by the Master and be available upon request made by appropriate UK administrative and enforcement agencies.

- 1.3 Do you require specific notification regarding firearms for use by the PCASP carried on board ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?

- .1 If yes,  
- What information do you require?  
- When do you require it?  
- To whom is it required to be sent?

*Note: FAL Standard 2.4 establishes the principle that the "Ship's Stores Declaration" (IMO FAL Form 3) shall be the document providing data required by public authorities.*

**Answer:**

The "Ships Stores" declaration (FAL3) currently performs this function however, in light of the increase in commercial vessels having firearms onboard it may be desirable to have the following information available to allow a more complete picture of the firearms relevant to port state authorities:

Quantity, Type, Calibre, Serial Number of all firearms held on the vessel

Quantity, Nature, Calibre of ammunition held on the vessel

Details of Embarkation of all firearms and ammunition. (Include Port / Location of embarkation)

Details of Ownership of all firearms and ammunition held on the vessel.

Details of Responsible Individuals and their status (eg. private security operative) organisation or Company carrying and operating firearms whilst aboard.

Details of Responsible Individual for firearms and ammunition whilst in port.

Details of security and storage provisions applying to firearms and ammunition whilst in port (details to be available for appropriate authorities upon request).

From a law enforcement perspective, it would be desirable to have an additional record or log of all firearms, ammunition and related materials embarked or disembarked from any given vessel thus providing an audit trail for the significant movement of firearms within the counter-piracy activity. This may assist in the assurance of security providers under the terms of the licenses issued by the originating firearms exporting states. It would additionally assist in the tracing of any firearms found to have been diverted to criminality or to an unauthorised end user.

1.4 Do you require specific notification regarding security-related equipment for use by the PCASP carried on board ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?

- .1 If yes,
- What information do you require?
  - When do you require it?
  - To whom is it required to be sent?

*Note: FAL Standard 2.4, establishes the principle that the "Ship's Stores Declaration" (IMO FAL Form 3) shall be the document providing data required by public authorities.*

**Answer:**

This would only potentially be relevant to items controlled on the "Military List" (body-armor, telescopic sights with more than 4X magnification etc) to establish suitability of the UK Open General Transshipment/Export licenses. Information in support of the legal initial export from the originating state would be of use in meeting the UK licensing criteria.

1.5 Do you require specific notification regarding PCASP carried on board ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?

- .1 If yes,
- What information do you require?
  - When do you require it?
  - To whom is it required to be sent?

*Note: FAL Standard 2.6 establishes the principle that the "Crew List" (FAL Form 5) shall be the document providing data required by public authorities.*

**Answer:**

This may be a matter for UK Border Agency immigration formalities. The FAL 5 crew-list has formed a reasonable basis for crew checks in the past.

1.6 What requirements, if any, do you have in place for ships carrying firearms and/or the security-related equipment for use by the PCASP or PCASP when transiting through your territorial seas and/or contiguous zones before arrival in or after departure from your ports, anchorages, roadstead or offshore terminals?

**Answer:**

It is considered that the UK is not within or neighbouring a Piracy High Threat Area. The presence of firearms on board shipping transiting UK waters should be considered a highly exceptional circumstance. In those exceptional circumstances whereby firearms cannot be removed from the vessel prior to arrival in UK waters, all firearms and ammunition should be secured and stowed in a safe condition under direct control of the Master. All such firearms and ammunition will be subject to declaration upon arrival in UK Port or, in the case of boarding by UK enforcement authorities in territorial waters, will be declared to those proper agencies. It should be noted that UK flag vessels are further subject to the full provisions of the UK Firearms Acts 1968-97.

**2 Requirements regarding ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals for the purpose of embarking or disembarking firearms and/or security-related equipment and/or PCASP.**

2.1 Do you allow the embarkation or disembarkation of firearms and/or the security-related equipment for use by the PCASP or of PCASP in your ports, anchorages, roadstead or offshore terminals or elsewhere in your territorial sea(s)?

- .1 If yes,  
- What information do you require?  
- When do you require it?  
- To whom is it required to be sent?

**Answer:**

Yes but only in circumstances where those handling, exporting or importing firearms and/or security related equipment are appropriately authorised by the UK Firearms Acts 1968-97 and where Department of Business Innovation and Skills import and export licenses are in place. All landed or embarked goods must be fully declared to HM Revenue & Customs together with the relevant licence details.

- 2.2 Do you require information regarding flag State authorization for use of PCASP and/or the firearms and/or the security-related equipment for use by the PCASP from ships intending to enter in or depart from your ports for the purpose of embarking or disembarking firearms and/or the security-related equipment for use by the PCASP or PCASP?

- .1 If yes,  
- What information do you require?  
- When do you require it?  
- To whom is it required to be sent?

*Note: MSC.1/Circ.1406/Rev.1 establishes the principle that "Flag States should have in place a policy on whether or not the use of PCASP will be authorized and, if so, under which conditions." This policy "may include a process for authorizing the use of PCASP which have been found to meet minimum requirements for ships flying its flag."*

**Answer:**

Only in terms set out in answer to Q1.2

- 2.3 What requirements, if any, do you have in place in connection with the import or arrival in and/or export or departure from your territory of firearms and/or security-related equipment for use by PCASP?

**Answer:**

Refer to response to Q1.6. Following full and proper declaration to HM Revenue & Customs and inspection by (UK) Border Force, an assessment will be made as to whether security provisions, duration of stay and onwards passage conditions allow firearms and ammunition to remain secured safely on board or whether they will be removed under Border Force control pending restoration to the vessel immediately prior to departure foreign. Failure to declare or an incorrect declaration will render firearms, ammunition and other

affected goods liable to seizure by Border Force and may render those responsible liable to further legal action. It should be noted that UK flag vessels are further subject to the full provisions of the UK Firearms Acts 1968-97.

2.4 What requirements, if any, do you have in place in connection with the storage, security or control of the firearms and/or security-related equipment for use by the PCASP prior to their embarkation or after their disembarkation?

**Answer:**

Firearms and ammunition prior to embarkation or following disembarkation are subject to the full controls of the UK Firearms Acts 1968-97. This establishes that only persons or entities authorised or exempt under the Firearms Acts are able to acquire or possess firearms subject to Firearms Act controls. Furthermore, the act of embarkation, bringing a licensable item to a place of export or importation would be subject to an HM Revenue & Customs declaration and appropriate UK import or export licensing provisions. It should be noted that UK flag vessels are further subject to the full provisions of the UK Firearms Acts 1968-97.

2.5 What requirements, if any, do you have in place in connection with the storage, security or control of the firearms and/or security-related equipment carried on board for use by the PCASP after their embarkation or prior to their disembarkation, when the ship is in your port, anchorage, roadstead or territorial waters?

**Answer:**

Border Force officers will assess whether appropriate conditions exist to allow firearms held as ships equipment on a vessel visiting a UK port to be stowed safely and securely on board following a Border Force inspection. Officers will consider a range of factors when deciding whether secure stowage onboard is permissible [and this only for firearms and ammunition which have been fully declared as ships stores (FAL3)]. In particular firearms are held under the personal responsibility of the vessel's Master, are proportionate to the vessel's perceived needs, they are held in a safe condition under secure stowage provisions controlled by the Master in an appropriate location on the vessel. Details of storage provisions should be specified in the vessel's counter-piracy plan. In the case of UK flag vessels with section 5 (UK Prohibited) firearms on board, specific conditions may be noted on the authority issued by the Secretary of State. The vessel should have a 24 hour security watch and all persons boarding or leaving the vessel should be challenged, credentials checked and a log be maintained of comings and goings. In general terms Border Force officers will be looking for an equivalent level of storage security to that required of a UK person or entity authorised to hold the nature of firearm in question (e.g. lockable metal

cabinet or secure room or cage fixed to the structure of the vessel with keys and access in the exclusive control of the Master). Further considerations will include duration of stay and future ports of call (i.e. departure coastwise or departure foreign).

2.6 What requirements, if any, do you have in place for ships carrying firearms and/or the security-related equipment for use by the PCASP or of PCASP (which they have embarked your anchorages, roadstead or offshore terminals) when transiting through your territorial seas and/or contiguous zones after departure from your ports, anchorages, roadstead or offshore terminals?

**Answer:**

UK Flag; full provisions of the UK Firearms Acts 1968-97.

Non- UK Flag; Stowed safely and securely under lock and key in Master's control, declare if boarded / challenged by appropriate UK authority.

Note; The UK not being within or neighbouring a piracy HRA considers the presence of firearms for maritime security purposes on board vessels visiting UK Ports and waters, to be an exceptional event. Operators should be therefore requested to disembark firearms where possible prior to arrival in UK waters.

**3 Reporting of security-related incidents in territorial seas.**

3.1 What do you consider to constitute a security incident in your territorial sea(s)?

3.2 Do you require information regarding security-related incidents occurring in your territorial sea(s)?

- .1 If yes,
  - What information do you require?
  - When do you require it?
  - To whom is it required to be sent?

In the context of the rest of the questionnaire this question would appear to be aimed at States littoral to the HRA. If the UK is required to respond we would be grateful for clarification.

---