ST. VINCENT AND THE GRENADINES

MARITIME ADMINISTRATION

CIRCULAR N° APIR 006 Rev. 2

GUIDANCE TO SHIP OWNERS ON CARRIAGE OF ARMED PERSONNEL FOR SHIP PROTECTION

TO: **SHIPOWNERS, SHIPS' OPERATORS AND MANAGERS, MASTERS AND CREW, RECOGNIZED ORGANIZATIONS AND APPROVED INSPECTORS**
APPLICABLE TO: All vessels
EFFECTIVE AS FROM: Date of this Circular

24th October 2016

This Circular should be read in conjunction with this Administration's Anti-piracy Circulars: Nº APIR 001, APIR 002, APIR 003, APIR 004 – Rev 4 and APIR 005.

1 Introduction

1.1 Currently there is no internationally recognised standard for training and competence of persons carrying arms on board merchant ships. As a consequence, the carriage and use of arms on board merchant ships could result in the escalation of violence with adverse consequences for seafarers, ships and their cargoes and the marine environment. It is for these reasons, among others, that this Administration has to this point not permitted the carriage and use of Armed Security Providers aboard St. Vincent and The Grenadines ships.

1.2 In the face of escalating piratical acts, the Government of St. Vincent and The Grenadines has made arrangements with other Governments for naval escort and protection of ships flying its Flag. However, a substantial number of ship owners/operators feel compelled to employ Armed Security Providers in order to protect their crews, ships and cargoes, when operating in areas prone to such attacks. Accordingly, this Administration has received numerous requests from ship owners/operators to grant authorization for the carriage of Armed Security Providers.

1.3 After long and careful consideration, this Administration has decided to permit ship owners to carry and use Armed Security Providers on board St. Vincent and The Grenadines ships under specific conditions. This Administration does not encourage the carriage and use of Armed Security Providers but rather suggests this as a last resort.

1.4 The following guidance has been prepared in an effort to ensure that any decision to carry armed personnel is taken by the ship operator after due consideration of all of the risks and that the carriage of armed personnel on board is carried out responsibly, with minimal effect on the well-being of the crew and efficient operation of the ship. The guidance should be taken into account by ship owners and Armed Security Providers, to ensure that appropriate measures are properly implemented for complete control over processes on board, in full compliance with national and international requirements and the requirements of insurers.

2 Selection of Security Service Providers

2.1 The Company should be able to demonstrate that due diligence has been carried out when selecting the Security Service Provider. Security Service Providers should be selected against strict criteria, to ensure that the risks associated with the carriage and use of firearms on board are properly mitigated.

2.2 Security Companies should be licensed by their National Authorities and also have licences from local Port Authorities to bring arms onboard.

2.3 The professional standing of a company should be ascertained. Security service providers may belong to a relevant industry organization. (For example, the British Association of Private Security Companies (BAPSC), Security Association for the Maritime Industry (SAMI), International Association of Maritime Security Professionals (IAMSP). These organizations support the *International Code of Conduct for Private Security Service Providers*, signed in Geneva on 9th November 2010.)

2.4 Other evidence of professional standing may be verified, for example, by verification of documented transparent guidelines and procedures in accordance with an approved quality standard system. The security service provider should have clear guidelines and procedures which may include such items as control of actions in defending a ship, rules of engagement, firearms handling, maintenance in accordance with manufacturers' instructions, licensing of firearms and calibration records.

2.5 Fitness of the security operatives should be verified. Operatives should be certified as being medically fit and assessed to be psychologically fit to carry out their duties, having been subject to stringent security vetting.

2.6 Competence of security operatives should be verified. Operatives should be from a professional background involving disciplined use of firearms and have a relevant certificate of competence or similar attestation. Training for individuals in rules of engagement should be documented.

3 Obligations of the ship owner

3.1 In all cases, the industry Best Management Practices should be implemented to the greatest extent possible when entering the extended piracy zone off the Horn of Africa, as set out in MCS.1/Circ.1337, as amended or superseded. (Attention is drawn to this Administration's Circular *Nº APIR 004 – Rev 4*.)

3.2 The ship owner's obligations to safety and security on board remains directly with the ship owner at all times. The Master's overriding authority should be established in any contract with Security Service Providers.

3.3 Procedures should be in place and properly implemented on board concerning the carriage, control and use of firearms. The ship owner's policy on carriage of firearms is the prevailing authority and there should be documented procedures that, *inter alia*, cover:

- Master's notification of firearms being on board;
- Safety briefing to the person(s) carrying the firearms;
- Measures for the secure stowage of the firearms.

3.4 The Shipboard Security Plan or other relevant emergency response plan should include a clear decision tree to determine appropriate measures, when responding to a threat.

3.5 The Master should be familiar with the agreed rules of engagement and able to give authority to the security operatives for specific measures to be taken.

3.6 It is the ship owner's responsibility to ensure that carriage of firearms is acceptable to their own insurers.

3.7 Security operatives should be afforded the same protection under the ship owner's health and safety policy as for the crew. Sufficient life saving appliance (LSA) is to be provided for all persons on board. In case of any shortfall in lifeboat capacity, the carriage of a life raft in lieu is acceptable for the short duration of transit, with excess persons on board. Applications for such temporary LSA arrangements must be made via the Recognized Organization in the usual way.

3.8 It is appropriate to provide personal protective equipment for crew, particularly those remaining in exposed areas such as on the bridge.

3.9 Special consideration should be given to the use of firearms on vessels with dangerous cargoes, and mitigating measures put in place. Other vessel specific issues should be taken into account.

3.10 Where action has been taken which results in obvious injury of aggressors or incapacitation of their craft, assistance should be rendered, in accordance with SOLAS V/33. The Master's professional judgement should be exercised in ascertaining the necessary extent and type of assistance rendered, according to the prevailing circumstances, and must not put the crew's own safety at risk.

4 Obligations of ship owner and Security Service Provider

4.1 The Government of St. Vincent and The Grenadines will not accept liability for any matter arising from the use of private armed security personnel on board. Any liability resulting from the carriage of armed security personnel on board is the sole responsibility of the ship owner or agents contracting such services.

4.2 Where such liability is not accepted by the ship owner, the Security Service Provider and its operatives must be insured for the carriage and use of weapons on board ship, for accident, injury and damage arising from the use of firearms, and the legal liability for such claims.

4.3 Force may be used only when strictly necessary and the extent required for the performance of the duty. If force is used it should be the minimum necessary in the circumstances and should be in accordance with international law and the laws of St. Vincent and The Grenadines which give effect to the *United Nations Code of Conduct for Law Enforcement Officials*. Indemnity cannot be provided by the Government of St. Vincent and The Grenadines against prosecution, as a result of action taken which is not in accordance with international law and the UN Code of Conduct for Law Enforcement Officials.

4.4 Where any response to a security threat involves use of force, such force shall be proportionate and escalating only according to the threat. Any action must be taken as a defensive measure only, in response to a direct threat and must not be disproportionate to the threat.

4.5 When in port, national requirements regarding firearms in host and destination countries must be complied with. Due account should be taken regarding laws concerning carriage and use of firearms when in territorial seas.

5 Applying for a Firearms User's Licence

5.1 It must be borne in mind that a ship is considered an "extension of the territory" of the Flag State. Accordingly, the Firearms Act, 1995, as amended, is the governing law concerning the carriage of firearms aboard St. Vincent and The Grenadines ships. Possession of firearms without a licence may result in criminal prosecution and possible imprisonment for up to twenty years. A person who makes a false statement for the purpose of obtaining a firearms users licence is liable on conviction to a fine of five thousand dollars or to a term of imprisonment of two years or to both the fine and imprisonment.

5.2 Under St. Vincent and The Grenadines Law, it is possible for firearms to be carried on board a St. Vincent and The Grenadines ship. In order to ensure that such carriage is regulated, a Firearms User's Licence is required to be issued by the Firearms Licensing Board. Firearms User's Licences are usually issued under limited circumstances and for specific purposes.

5.3 Vetting of all applicants is part of the process for the issuance of a Firearms User's Licence. Vetting is necessary for the assurance of all parties that the applicant has not been shown to be unfit to be issued with a firearms user's licence.

5.4 Applications for firearms user's licences may be made directly by the Security Service Provider for their own staff. A block application may be made on the same Application Form for numerous individuals and firearms belonging to the same security team.

5.4 Anticipated turn round time for first time applications is ten (10) working days. Subsequent applications for the same person and weapon can be processed within 48 hours.

5.5 Applications must be sent to:

The Permanent Secretary

Ministry of National Security
4th Floor, Government Administrative Centre
Bay Street
Kingstown
St. Vincent and The Grenadines.
Tel: +1 784 457-1426
Fax: +1 784 457-2152
Email: nationalsecurity.svg@gmail.com

5.6 Applications must be copied to:

Commissioner of Police
Royal St. Vincent and The Grenadines Police Force
Police Headquarters
P.O. Box 835
Bay Street
Kingstown
St. Vincent and The Grenadines.
Tel: +1 784 456-2103
Fax: +1 784 456-2816
Email: svgpolice@gmail.com

5.7 In addition, applications must be copied for information only to:

Security and Technical Division
St. Vincent and The Grenadines Maritime Administration
8 avenue de Frontenex
CH - 1207 Geneva
Phone: (+41) 22 707 63 00
Fax: (+41) 22 707 63 50
E-mail: security@svg-marad.com
Emergency: (+41) 79 447 96 76

5.8 It should be noted that where a Firearms User's Licence is issued to a named individual, the right for the named individual to carry that firearm on-board a ship remains with the ship owner and Master.

5.9 For ease of reference, an Application Form for a firearms user's licence is provided at Annex 1. The form is primarily designed for domestic applications and individual attendance for interview is not normally required for applications for protection of a St. Vincent and The Grenadines ship.

5.10 Each application must be accompanied by a Declaration of Agreement, (see Annex 2), with the relevant fields appropriately completed.

6 Naval Escort and vessel protection detachments for ships carrying Food Aid to Somalia

6.1 St. Vincent and The Grenadines has made a permanent declaration permitting "Vessel Protection Detachments" (VPD) from European Naval Force (EU NAVOR) to embark on merchant ships flying its Flag which are carrying food aid to Somalia under the auspices of the United Nation World Food Program. The escort procedure is outlined at Annex 3. The utilization of these services is encouraged.

7 Reporting to this Administration

7.1 Ship owners' attention is drawn to this Administration Anti-piracy Circular ***N° APIR 001 (Incident Reporting)***. Any incident on board should be reported to this Administration at the earliest opportunity.

BANKS: BANK OF AMERICA
SWIFT CODE: BOFAUS3M; ABA NO: 066007681

OR:

LLOYDS BANK TSB PLC
SWITF CODE: LOYDGB2L; SORT CODE: 309634

BENEFICIARY: NATIONAL COMMERCIAL BANK, BOX 880, ST. VINCENT SWIFT CODE: NCBVVC22
ACCOUNTANT GENERAL (20-202-18099)

ACCOUNT NO: 300001

ANNEX 1

SAINT VINCENT AND THE GRENADINES

FIREARMS ACT 1995
(SECTION 3)

APPLICATION FORM

Part 1

APPLICATION #

To the Firearms Licensing Board

1. I HERE APPLY FOR A –
☐ Licence to keep firearms and ammunition. ☐ Licence to deal in firearms and ammunition.

PLACE PHOTO ABOVE

2. FULL NAME OF APPLICANT		
SURNAME	FIRST NAME	MIDDLE NAME

3. DATE AND PLACE OF BIRTH			
D.O.B *(dd/mm/yyyy)*:		AGE *(at last birthday)*	
PLACE OF BIRTH		NATIONALITY	

4. ADDRESS			
STREET ADDRESS		APARTMENT/ BUILDING	
P.O. BOX	CITY	STATE/PROVINCE/REGION	
ZIP		COUNTRY	
CELL/MOBILE NUMBER	HOME NUMBER	WORK NUMBER	FAX NUMBER

5. OCCUPATION

CURRENT EMPLOYER				POSITION	
STREET ADDRESS				APARTMENT/BUILDING	
P.O. BOX		CITY		STATE/PROVINCE/REGION	
ZIP				COUNTRY	
CELL/MOBILE NUMBER		OFFICE NUMBER(S)			FAX NUMBER
PREVIOUS EMPLOYER				POSITION	
STREET ADDRESS				APARTMENT/BUILDING	
P.O. BOX		CITY		STATE/PROVINCE/REGION	
ZIP				COUNTRY	
CELL/MOBILE NUMBER		OFFICE NUMBER(S)			FAX NUMBER

6. TYPE, CALIBRE AND AMOUNT OF FIREARMS AND AMMUNITION REQUIRED

TYPE		MAKE		MODEL	
SERIAL #		CALIBRE/ BORE		LENGTH OF BARREL	
AMOUNT OF FIREARMS		AMOUNT OF AMMUNITION REQUIRED			
DESCRIPTION					
WHERE OBTAINED/ PURCHASED					
DATE OBTAINED					

7. REASONS FOR WISHING TO ACQUIRE AND KEEP THE FIREARMS AND AMMUNITION

8. OTHER PARTICULARS OF APPLICATION

PASSPORT#	IDENTIFICATION#	DRIVER'S LICENCE #
HAVE YOU EVER APPLIED FOR A FIREARM LICENCE BEFORE?		☐ YES ☐ NO
IF YES, WHEN		
ARE YOU THE HOLDER OF A FIREARM LICENCE?		☐ YES ☐ NO
IF YES, GIVE DETAILS OF SAME		
GIVE THE FOLLOWING INFORMATION OF TWO PERSONS NOT LIVING WITH YOU:		
NAME	ADDRESS	PHONE #
HAVE YOU BEEN TO COURT FOR ANY CRIMINAL OFFENCE?		☐ YES ☐ NO
IF YES, GIVE DETAILS OF SAME		

Signature of Applicant

Date

Instructions for Completion of Application for Firearms User's Licence

General Instructions

1. Applicant must be twenty one (21) years or older.
2. Application forms must be completed in detail and signed.
3. Applicants must present the completed forms to Firearms Licensing Office, along with two (2) colour passport size photographs, bill of sale for the firearm and gun safe, driver's licence and identifying documents.
4. The information on the application form will be verified with the document produced.
5. Non-Vincentian applicants in addition to the above procedures, are required to produce a copy of their driver's licence and the first four (4) pages of their passport.
6. In the case where proof of firearm purchase cannot be obtained, a letter must be written stating where the firearm was purchased and how long the firearm was in your possession.
7. Payment must be made on receipt of invoice.

Applications must be sent to:

The Permanent Secretary
Ministry of National Security
4th Floor, Government Administrative Centre
Bay Street
Kingstown
St. Vincent and The Grenadines.
Tel: +1 784 457-1426
Fax: +1 784 457-2152
Email: nationalsecurity.svg@gmail.com

Applications must be copied to:

Commissioner of Police
Royal St. Vincent and The Grenadines Police Force
Police Headquarters
P.O. Box 835
Bay Street
Kingstown
St. Vincent and The Grenadines.
Tel: +1 784 456-2103
Fax: +1 784 456-2816
Email: svgpolice@gmail.com

Security and Technical Division
St. Vincent and The Grenadines Maritime Administration
8 avenue de Frontenex
CH - 1207 Geneva
Phone: (+41) 22 707 63 00
Fax: (+41) 22 707 63 50
E-mail: security@svg-marad.com
Emergency: (+41) 79 447 96 76

ANNEX 2

ST. VINCENT AND THE GRENADINES

MARITIME ADMINISTRATION

DECLARATION OF AGREEMENT BETWEEN SHIPOWNER/MANAGER AND SECURITY SERVICE PROVIDER

(To be attached to the Application for Firearms Licence in association with protection of a St. Vincent and The Grenadines ship)

The Security Service Provider named below has signed an Agreement with the Owner or Manager of the following St. Vincent and The Grenadines ship for the purposes of vessel protection as follows:

Security Service Provider making Application for Firearms User's Licence:	
Owner / Manager with whom the Agreement is made:	
Name of ship:	
IMO Number:	
Official N°:	
Details of voyage, including dates:	

Signed	
Print Name	
Position:	
Date:	

ANNEX 3

PROCEDURE FOR PROVISION OF NAVAL ESCORT AND VESSEL PROTECTION DETACHMENT (VPD) FOR SHIPS CARRYING FOOD AID TO SOMALIA UNDER THE AUSPICES OF THE WORLD FOOD PROGRAM

The procedure below is followed by the World Food Program (WFP) and the European Naval Force (EU/VAVFOR) within Operation ATALANTA framework when arranging naval escort or vessel protection detachment (VPD) for Saint Vincent and the Grenadines (SVG) ships.

