



Friday 18<sup>th</sup> March 2011

## Bulletin 750 - 03/11 - Armaments on Merchant vessels UPDATE - South Africa

**With reference to earlier advice on the position of the South African authorities with regard to merchant vessels carrying arms into South African ports; the Club advised that in terms of the REPUBLIC OF SOUTH AFRICA, FIREARMS CONTROL ACT (No.60 /2000), a master of a merchant vessel whose vessel will be arriving at a South African port and which has guns and arms on board is required to apply for a permit from the South African Police 21 days prior to his arrival in South Africa.**

The Clubs' correspondent has been trying to meet with the Police, Transnet (the operators of all of South Africa's ports) and Customs in order to try and introduce a procedure which is fair and reasonable since many ship owners are not aware of their sailing orders because the vessel may be in the tramp market. 21 days is a very long period when one considers that ISPS clearance is 96 hours.

The following has been suggested to the authorities;

1. 96 hours before a vessel arrives at a South African port (this is in line with ISPS - and security clearance for ships), the Captain of the vessel through his local agent will make an application to the South African Police requesting permission to berth at a South African port with guns and ammunition on board the vessel. The person who will deal with the application is Col Newton [newtonmg@saps.org.za](mailto:newtonmg@saps.org.za). *(Please note that so long as the information is correct and submitted in its entirety 96 hours prior to the vessels arrival, the 21 day notification rule is waived)*
2. The Captain of the vessel will set out his personal details as well as details of the ownership of his vessel and details of the managers of the vessel.
3. He will advise on his last port of call and provide details of his next port of call.
4. He will provide the necessary documentation relating to the guns on board the vessel setting out when they were put on board the vessel and who authorised this.
5. He will also provide full details of the guns and ammunition on board (firearm description) serial numbers etc
6. He will confirm where the guns and ammunition are being stored and how they are being stored

On receipt of the above, the South Africa Police will then grant the permit and will then attend on board the vessel after she berths to verify that the information is correct.

A further point that needs to be resolved with the authorities is the issue of what is to happen to the guns and ammunition on board the vessel whilst the vessel is in a South Africa port. It has been reported from some ships agents that the guns and ammunition are often removed by the police and returned to the vessel on departure however, two weeks ago, a ships agent was not given this service. In fact, that agent had to attend the police station to collect the guns and ammunition himself. These were then put into his vehicle and he duly carried them back to the vessel. This breaches the Firearms Control Act as the agent is not a licensed transporter of firearms nor did the agent have a licence to carry a firearm. Further this was also contrary to the port regulations as one is not allowed to carry a firearm into the port.

It is therefore imperative that if the police are going to remove guns and ammunition from a vessel that the police must then return them. Alternatively, if the guns are to remain on board the vessel then the vessel needs to arrange proper security, throughout the vessels port stay by a recognised security company.

A Second worrying case where a master of a vessel was arrested in Richards Bay for not having a permit even though the guns were not being transhipped or imported into South Africa.

Until we have further clarity we recommend the following:

1. No guns to be loaded on board vessels in South Africa ports unless the company delivering the weapons can produce a permit to the master before the guns are taken on board the vessel.
2. If there are guns and ammunition currently on board the vessel then the master, should immediately upon getting instructions to proceed to South Africa, make an application to the police at **least 96 hours prior to arrival**. This application will be made seeking the permission of the South African Police for the vessel to berth at a South African port with guns and ammunition on board the vessel. The application should be sent to Col. Newton at email address; [newtonmg@saps.org.za](mailto:newtonmg@saps.org.za)
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If the Master seeks to berth his vessel without a permit and without giving at least 96 hours notice, then master runs the serious and real risk of being arrested and prosecuted under the Fire Arms Control Act. This could result in a monetary fine or a custodial sentence.

The above points are only a guide at the moment but ships are berthing and are not being fined should they make the necessary request and get the permit as suggested above prior to arrival.

If Owners have any doubts then they should kindly contact us so that we can render assistance and guidance.

Source of Information:

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