
Carriage of Armed Personnel for Vessel Protection

Notice to ship owners, managers, Masters, Approved Nautical Inspectors, Recognised Organisations and surveyors

This Notice supersedes BMA Information Bulletin No.128

1. Purpose

- 1.1. This Marine Notice (MN) provides instructions and guidance on the use of Privately Contracted Armed Security Personnel (PCASP) on Bahamian ships.

2. Application

- 2.1. This MN applies to all Bahamian ships.

3. Background

- 3.1. While pirate activity off the Horn of Africa, the Arabian Sea and into the wider Indian Ocean has decreased, it is acknowledged that a threat remains. Throughout the period of pirate activity there has been, and continues to be, widespread use of Privately Contracted Armed Security Personnel (PCASP) on board ships transiting or trading in this region.
- 3.2. The Bahamas remains concerned that the uncontrolled use of firearms for deterrence and defence could have serious consequences. This Marine Notice is intended to support MSC.1/Circ.1406/Rev.3 and MSC. 1 Circ. 1408/Rev.1 and provide additional guidance to operators of Bahamas ships.
- 3.3. In noting the continuing threat posed by piracy, and whilst not endorsing the use of PCASP, The Bahamas recognises the right and duty of a ship owner to protect the crew and the fact that armed response may be utilised on board Bahamian ships. Any decision to engage PCASP should follow due consideration of all of the risks and consultation with insurers.

4. Selection of Private Maritime Security Companies (PMSC)

- 4.1. The Company¹ shall be able to demonstrate that due diligence has been carried out when selecting a PMSC. Selection should be based on the guidance provided in MSC.1/Circ.1406/Rev.3 and take into account any national certification to ISO 28007-1:2015 "*Ships and marine technology – Guidelines for Private Maritime Security Companies (PMSC) providing privately contracted armed security personnel (PCASP) on board ships (and pro forma contract)*", as may be revised.
- 4.2. PMSCs should be licenced by the relevant Authority in their country of registration, where such licencing exists, and should also hold licences from the relevant coastal State Authorities to embark and disembark firearms.
- 4.3. Any PMSC selected should observe the [International Code of Conduct for Private Security Service Providers](#)².

5. Obligations of the Company

- 5.1. In all cases, the industry [Best Management Practices \(BMP\)](#)³ should be implemented to the greatest extent possible when entering the High Risk Area, as defined within the BMP. Attention is also drawn to [BMA Marine Notice 71](#).
- 5.2. The responsibility for safety and security on board remains directly with the Company at all times. The Master's overriding authority must be established in any contract with PMSC.
- 5.3. Procedures shall be in place and properly implemented on board concerning the carriage, control and use of firearms. The Company's policy on carriage of firearms is the prevailing authority and there shall 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.
- 5.4. The Ship Security Plan (SSP) shall include a clear decision tree to determine appropriate measures when responding to a threat.

¹ The Company is the entity responsible for the management of the ship in accordance with the ISM Code. For ships to which the ISM Code does not apply, the Company is the Managing Owner in accordance with Section 52 of the Merchant Shipping Act.

² https://www.icoca.ch/en/the_icoc

³ <https://www.ics-shipping.org/wp-content/uploads/2020/08/bmp5-lo-res-min.pdf>

- 5.5. The Master shall be familiar with the agreed conditions for the use of force and able to give authority to the PCASP for specific measures to be taken.
- 5.6. PCASP should be afforded the same protection under the Company's health and safety policy as the ship's crew.
- 5.7. Sufficient lifesaving appliances (LSA) shall be provided for all persons on board. In case of any shortfall in lifeboat capacity owing to the presence of PCASP, the carriage of additional liferaft(s) in lieu is acceptable for the short duration of the transit with excess persons on board. Applications for acceptance of any temporary LSA arrangements must be made via the Recognised Organisation in accordance with [BMA Marine Notice 8](#), before the PCASP board the ship.
- 5.8. Special consideration shall be given to the use of firearms on vessels with dangerous cargoes and appropriate mitigating measures put in place. Other vessel specific issues shall be taken into account.
- 5.9. Where action has been taken which results in obvious injury to aggressors or incapacitation of their craft, assistance should be rendered in accordance with Regulation 33 of SOLAS Chapter V. The Master's professional judgement should be exercised in ascertaining the necessary extent and type of assistance rendered, according to the circumstances prevailing, and must not put the crew's own safety at risk.

6. Obligations of the company and the PMSC

- 6.1. The Bahamas Government will not accept liability for any matter arising from the use of PCASP on board. Any liability resulting from the carriage of armed security personnel on board is the sole responsibility of the Company or agents contracting such services. Further guidance on insurance and liability matters is contained in MSC.1/Circ.1406/Rev.3.
- 6.2. If force is used it shall be the minimum necessary for self-defence and shall be in accordance with international law. Indemnity cannot be provided by The Bahamas Government against prosecution as a result of action taken which is not in accordance with international law.
- 6.3. Where any response to a security threat involves use of force, such force shall be proportionate and graduated according to the threat. Any action taken must be as a defensive measure only, in response to a direct threat and must not be disproportionate to the threat.

- 6.4. When in port, national requirements regarding firearms in host and destination countries must be complied with. Due account shall be taken regarding applicable laws concerning carriage and use of firearms when in territorial waters.
- 6.5. The presence of PCASP on board Bahamas ships must be reported to Maritime Security Centre Horn of Africa (MSCHOA) during registration, prior to entry into the High Risk Area.

7. Applying for a Firearms Licence

- 7.1. It must be borne in mind that a ship is considered an extension territory of the flag State. Accordingly, the Merchant Shipping Act, Part VIII – Legal Procedures, gives Bahamian courts jurisdiction over any act done on a Bahamian ship.
- 7.2. Under Bahamian Law, it is possible for firearms to be carried on board. To ensure that such carriage is regulated, a firearms licence, issued by the Royal Bahamas Police Force (RBPF), is required. Firearms licences, when issued, are issued under limited circumstances and for specific purposes.
- 7.3. Vetting of all applicants is a part of the RBPF firearms licence application process to assure that an applicant is fit to be issued with a firearms licence.
- 7.4. Applications for firearms licences shall be made directly to the RBPF by the PMSC for its own staff, using the application form attached as Appendix 1 of this MN. It should be noted that the application form is primarily designed for domestic applications and individual attendance for interview is not normally required for applications for vessel protection purposes.
- 7.5. A fee may be payable to the RBPF for each application. This is to be paid directly to the RBPF.
- 7.6. Each application must be accompanied by the Declaration attached as Appendix 2 of this Marine Notice, with the relevant fields completed.
- 7.7. Anticipated turn round time for a first-time application for a firearms licence is up to 10 working days. Subsequent applications for the same person and weapon may be processed within 5 working days.
- 7.8. A block application may be made on the same application form for all individuals and firearms belonging to the same security team.

- 7.9. Applications shall be sent to the RBPF as follows:
Firearms Licence applications
Superintendent Sabrina Porter
Tel: +1 242 327 8824
e-mail: bma.liaison@rbpf.bs
- 7.10. Applications may be copied, for information only, to the Bahamas Maritime Authority:
tech@bahamasmaritime.com .
- 7.11. Even where a firearms licence is issued to a named individual, the right for the named individual to carry that firearm on-board a Bahamian ship remains with the Company and the Master.
- 7.12. Possession of firearms on a Bahamian ship without a firearms licence is a criminal offence which may result in prosecution and possible imprisonment for up to five years.

8. Military/Police Armed Guards of coastal States

- 8.1. The Bahamas has previously agreed to boarding of Bahamian ships by foreign troops in specific circumstances for escort duties, when in piracy prone areas.
- 8.2. In general, where police and/or military armed guards of a coastal State are carried on a Bahamian ship outside the territorial waters of the State concerned, prior permission must be obtained from The Bahamas government. Such permission may need to be agreed at a diplomatic level, which can take some time. It is therefore imperative that the BMA is advised at the earliest opportunity, prior to the intended voyage(s).
- 8.3. In general, where police and/or military armed guards of a coastal State board a Bahamian ship and the ship remains inside the territorial waters of the State concerned, formal diplomatic clearance is not required. The BMA should, however, be notified of all such cases.
- 8.4. Procedures relating to the carriage of military/police armed guards of a coastal State should be included in the SSP.

9. Reporting to the BMA

- 9.1. Attention is drawn to [BMA Marine Notice 4](#) and [BMA Marine Notice 71](#)
- 9.2. Any incident involving firearms on board a Bahamian ship shall be reported to the BMA at the earliest opportunity.

10. Carriage of firearms for wildlife protection

- 10.1. Passenger ships operating expedition cruises in remote areas of the Polar regions may carry firearms for the purpose of protecting persons from wildlife in cases where this is necessary.
- 10.2. In such cases, the Company shall apply for a firearms licence as described in this Notice.
- 10.3. Where a firearms contractor (i.e., an individual who brings registered firearms onboard) is used, the firearms contractor shall possess local (per their individual countries of origin/residence) firearms training licences.
- 10.4. Before each season, training shall be undertaken in a shooting range for expedition staff that may require to use firearms.
- 10.5. The Company shall register/apply for the import of the firearms onboard the vessel and their bringing ashore in remote locations as per the local jurisdiction requirements.

11. Queries

- 11.1. Any queries on this Notice should be addressed to the Royal Bahamas Police Force or any BMA office.

APPLICATION# _____

Rule 12 Form xi



ROYAL BAHAMAS POLICE FORCE
APPLICATION FOR A GUN LICENCE
UNDER
THE FIREARMS ACT (213)



PERSONAL INFORMATION

SURNAME	FIRST NAME	
MIDDLE NAME	MAIDEN NAME:	
ADDRESS		
P.O. BOX	PHONE (HM)	PHONE(WK)
D.O.B. (mm/dd/yyyy):	AGE (at last birthday)	
PLACE OF BIRTH	NATIONALITY	
PASSPORT#	DRIVER'S LICENCE#	NATIONAL INSURANCE#

OCCUPATION/EMPL0YMENT INFORMATION

OCCUPATION:	EMPLOYER
EMPLOYER ADDRESS	EMPLOYER PHONE

PARTICULARS OF FIREARM

MAKE:	MODEL	
SERIAL #	CALIBER/BORE	LENGTH OF BARREL
DESCRIPTION		
WHERE OBTAINED/ PURCHASED	DATE OBTAINED	

SPOUSAL INFORMATION

SURNAME	FIRST NAME
MIDDLE NAME	MAIDEN NAME:
ADDRESS	

P.O. BOX	PHONE (HM)	PHONE(WK)
D.O.B.(mm/dd/yyyy):	AGE (at last birthday)	
OCCUPATION:	EMPLOYER	
EMPLOYER ADDRESS	EMPLOYER PHONE	

NEXT OF KIN

SURNAME	FIRST NAME	
MIDDLE NAME	RELATIONSHIP	
ADDRESS		
P.O. BOX	PHONE (HM)	PHONE(WK)
OCCUPATION:	EMPLOYER	
EMPLOYER ADDRESS	EMPLOYER PHONE	
MOTHER'S NAME	FATHER'S NAME	

PARTICULARS OF APPLICANT

HAVE YOU EVER APPLIED FOR A GUN LICENCE BEFORE? YES NO

IF YES, WHEN _____

ARE YOU THE HOLDER OF A FIREARM LICENCE? YES NO

IF YES, GIVE DETAILS OF SAME: _____

REASON FOR REQUESTING FIREARM: _____

HOW MANY FIREARMS DO YOU OWN _____

GIVE INFORMATION ON THEM: _____

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:

NON-BAHAMIANS

ARE YOU A RESIDENT OF THE BAHAMAS?:

IF YES, HOW LONG?:

FOR OFFICIAL USE ONLY

INSPECTION
RESULTS:

INSPECTED BY:

DATE:

TIME:

DATE (mm/dd/yyyy)

APPLICANT
SIGNATURE

**PROCEDURES FOR APPLYING FOR FIREARMS
LICENCE IN THE BAHAMAS**

How to submit an application for a Shotgun/Rifle Licence:

- Applicant must be eighteen (18) years or older.
- Application forms must be completed in detail and signed.
- Applicants must present the completed forms in person to Firearms Licensing Office, along with two (2) colour passport size photographs, bill of sale for the firearm and gun safe, driver's license and identifying documents.
- Applicant will be interviewed and the information on the application form verified with the document produced.
- Non-Bahamian applicant in addition to the above procedures, are required to produce their legal status in the Bahamas, a copy of the first four (4) pages of their passport and driver's license.

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.

DECLARATION OF AGREEMENT

To accompany applications for firearms licence(s) in association with protection of a Bahamas registered ship.

Security Service Provider making the application(s) for firearms licence(s)	
Owner/Manager with whom the agreement is made	
Vessel Name	
IMO Number	
Details of Voyage, including dates	

I declare that:

1. The Security Service Provider named above has signed an agreement with the Owner or Manager of the named vessel for the purposes of vessel protection.
2. I have read and understood the contents of BMA Marine Notice 072.
3. I acknowledge the carriage of firearms on a Bahamian ship without a valid firearms licence is a criminal offence.
4. I understand that if it is determined that this Declaration has been deliberately and fraudulently filed, it may result in prosecution.

Signature	
Name (Print)	
Position	
Date	