

L.N. 19 of 2013

**ARMS ACT
(CAP. 480)
General Authorisation (Protective Security Measures
on board Ships) Regulations, 2013**

IN exercise of the powers conferred upon him by articles 40 and 65 of the Arms Act, the Prime Minister and Minister for Home Affairs has made the following regulations:-

Part I

Preliminary

1. (1) The title of these regulations is the General Authorisation (Protective Security Measures on board Ships) Regulations, 2013. Title and commencement.

(2) These regulations shall be deemed to have come into force on the 1st June 2011.

2. (1) In these regulations, unless the context otherwise requires: Interpretation.

"company" means a company as defined in regulation IX/I of the International Convention for the Safety of Life at Sea, 1974, as amended;

"High Risk Area" means an area as the Registrar General may from time to time determine, lay down, prescribe, set or specify through the issue of Merchant Shipping Notices and in so doing, and without prejudice to the generality of the foregoing, the Registrar General shall be guided by the circulars, clarifications, codes, decisions, directives, guidelines, instruments, interpretations, manuals, notices, publications, recommendations, regulations, resolutions, rules or any other similar medium of the United Nations or any other body or organisation with an appropriate knowledge or competence on the subject;

"firearm" and "ammunition" have the same meaning as assigned to them in article 2 of the Arms Act; Cap. 480.

"Maltese ship" has the same meaning as assigned to it in article 3(1) of the Merchant Shipping Act; Cap. 234.

"the Minister" means the Minister responsible for the Police;

"Private Maritime Security Company" or "PMSC" means private contractors legitimately licensed to provide security personnel, both armed and unarmed, on board ships for protection against piracy or armed robbery;

"Privately Contracted Armed Security Personnel" or "PCASP" means armed employees of PMSC placed on board a ship for the sole purpose of providing additional protection against piracy or armed robbery;

Cap. 234. "Registrar General" means the Registrar General of Shipping and Seamen as provided under the Merchant Shipping Act, and includes any person acting under his authority;

Cap. 226. "territorial waters" means all parts of the open sea within twelve nautical miles of the coast of Malta, or such other distance as may be established under article 3 of the Territorial Waters and Contiguous Zone Act, measured as in that Act provided, and includes any waters enclosed between the base lines therein mentioned and the coast;

"testing and zeroing" means any activity involving the firing of shots to test a firearm, as well as any activity whereby the firearm's sight-setting is adjusted.

(2) In these regulations the term "license" shall include a reference to a license issued in a jurisdiction other than Malta.

Part II

General Provisions

Establishment
of general
authorization for
firearms and
ammunition.

3. (1) The Schedule to these regulations establishes the general authorization for the carriage and use of firearms and ammunition on board Maltese ships, by a PCASP authorized to have in his possession, or under his control, firearms and ammunition licensed to a PMSC:

Provided that any person to whom these regulations apply shall in all instances comply with any requirements stated in these regulations and as may apply from time to time to the firearms and ammunition covered by the general authorization.

(2) Any PCASP availing himself of a general authorization in respect of any firearm or ammunition to which these regulations

apply, shall comply at all times with any decision, howsoever described, made by the Minister in relation to the possession or carriage or use on board a Maltese ship of such firearm or ammunition.

(3) The general authorisation, applied under this regulation to PCASP placed on board a Maltese ship, is for the carriage or use of a firearm listed in Schedules II and III of the Arms Act, for purposes considered necessary in the public interest or for the protection of life and security of persons. Cap. 480.

(4) The application of a general authorisation to any person in respect of any firearm to which these regulations apply shall not be construed as authorizing the misuse of such firearm and the Government of Malta, including its ministers, officials, employees and government entities shall not be held responsible for any misuse or alleged misuse of such firearm;

4. (1) Nothing in these regulations shall exempt any person from any requirement to obtain any other permit, authorisation or licence, howsoever described whether in Malta or outside Malta, as may be necessary under any other law regulating the acquisition or carriage of firearms or ammunition to which these regulations apply. Requirement to abide with any requirements under any other laws or regulations.

(2) Nothing in these regulations shall be construed as exempting or absolving any person from complying with any other laws or any decisions, howsoever described, that the Minister may from time to time issue.

5. The Minister may require any person to provide him with any information regarding any PCASP who is in possession of or uses firearms or ammunition, in relation to the placement of the PCASP on board a ship. Provision of information.

SCHEDULE

General Authorisation for Firearms and Ammunition on board Maltese Ships

1. This Schedule shall apply to Maltese ships when navigating or operating or planning to navigate or operate in a High Risk Area: Applicability.

Provided that paragraph 2 shall not apply when a Maltese ship calls within Maltese territorial waters.

Exemption in terms of the Act. Cap. 480.

2. In terms of article 40 of the Arms Act, PCASP are exempt from the prohibitions contained therein subject to the limitations laid down in these regulations.

Placement of PCASP on board.

3. (1) To protect a Maltese ship against acts of armed robbery and piracy, the company, in consultation with the master, may request the Registrar General to consider its decision for the placement of PCASP on board.

(2) The request for the said authorization shall be accompanied by such information as may be prescribed by the Registrar General from time to time through the issue of Merchant Shipping Notices.

(3) Before PCASP are employed on board a Maltese ship pursuant to sub-paragraph (1), the company shall obtain an authorization from the Registrar General.

Procedures for the placement of PCASP on board.

4. (1) The company shall establish procedures for the placement of PCASP on board, and for the storage of firearms and ammunition and related equipment in accordance with the requirements laid down in these regulations.

(2) The development of these procedures shall always have regard to the effect that PCASP may have on the ship's personnel. Particular consideration shall be given to the safety of the ship's personnel and to their ability to maintain their effectiveness.

(3) The company shall ensure the effective coordination and implementation of the procedures referred to in sub-paragraph (1).

(4) The company shall ensure that shipboard personnel having specific security duties and responsibilities shall understand their responsibilities described in the procedures and shall have sufficient knowledge and ability to perform their assigned duties.

(5) The PCASP on board shall be at all times under the command of the master.

(6) The PCASP shall, upon embarkation, complete crew familiarization and be trained to be familiar with the arrangements of the ship including the ship procedures for their placement on board.

(7) The company shall ensure at all times that the placement of PCASP on board is in accordance with the terms and conditions prescribed on the authorization issued by the Registrar General and is in compliance with all statutory requirements prescribed in the Merchant Shipping (Safety Convention) Rules.

5. (1) All firearms and equipment are to be accompanied by all required documentation necessary for their legitimate use by the PCASP. Documentary evidence shall be made available as and when required.

Firearms,
ammunition and
related
equipment.

(2) Firearms shall be stored, at all times, in a safe manner in accordance with procedures established by the company.

(3) Firearms and ammunition are not to be handled by the ship's crew or anybody else other than the PCASP.

(4) The company shall ensure that a register is kept of the firearms indicating make, type and serial number and also indicating ammunition loaded onto or unloaded from the ship. Any discrepancies in firearms and, or ammunition shall be accounted for in the register.

(5) The testing and zeroing of firearms may only be carried out in international waters and with the permission of the master.

6. (1) When necessary to prevent or protect the ship and its crew against acts of piracy and armed robbery, the master shall be permitted to decide to employ force subject to the limitations laid down in international law. Any person on board shall be obliged to comply with instructions given by the master.

Use of force and
firearms.

(2) The arming of firearms and the implementation of procedures for the use of force shall be approved by the master in each individual case. Each PCASP shall be responsible for ensuring that use of force and firearms complies with these regulations.

(3) The use of force and firearms shall only be permitted against a threat which is direct, immediate, significant and otherwise unavoidable and shall be avoided wherever possible.

(4) In the event of use of force and firearms, such use shall be reasonably proportionate in view of the scope of the threat and the conditions at the time of the threat.

(5) Aimed shots with the objective of rendering a person harmless may only be fired when other less forceful means, such as verbal warning and the firing of warning shots, have failed to render the threat harmless, or in situations where recourse to less forceful means is not warranted in view of the imminent and immediate threat being faced by the ship and the persons on board.

B 394

Reporting.

7. It shall be the duty of the company and the master to report to the Registrar General any attack sustained by a Maltese ship. The report shall describe the incident and detail the persons involved and the use of force, including firearms, if any.

Duty to ensure compliance.

8. It shall be the duty of the company which has assumed the operation of the ship and of the master to ensure compliance with the provisions of these regulations.

