

Armaments on merchant vessels – South African requirements

Background

Due to the upsurge in piracy activity in the Indian Ocean, there has been a large increase in the number of merchant vessels carrying security guards, guns and ammunition. Often, the security guards disembark the vessel after the vessel has transited the “hotspot” area off East Africa but the guns remain on board, only to be removed at final destination.

The issue of guns and ammunition remaining on board vessels is creating problems for Owners and recently two masters were arrested in South Africa and charged under the South African Firearm Control Act. The situation is not new and has already been addressed by Gard both in the form of a Gard alert¹ and a Gard News article².

Gard’s correspondent in Durban SA, P&I Associates, has prepared this overview of requirements related to armaments on merchant vessels.

Extract of requirements

The South African Police requires that 21 days before a vessel arrives at a South African port an application for a permit must be made to the relevant authority. This application must be accompanied by a number of documents.

The application must be made on the South African Police (SAP 520) form

- Copy of the applicants passport containing both the photo and passports details
- Copy of the legal licence, permit, authorisation or any other documentary proof confirming lawful possession of the firearm
- Documentary proof of knowledge of safe use and handling of a firearm, i.e training certificate
- Written authorisation, which permits the export of the firearm from the country of origin
- Equipment list, firearm description and serial numbers and amount of ammunition
- Documentation providing proof of last port of call and destination.

Once the permit has been granted and the vessel berths in South Africa, the master can make arrangements for the guns and ammunition to be removed from the vessel and taken to a police locker for safekeeping. The guns and ammunition will then be returned to the vessel one hour before departure.

The South African Police will arrest the master and charge him with an offence and non conformance under section 120 and section 73 of Firearm Control Act, Act 6 of 2000 should the vessel be carrying armaments of any kind without the necessary permit.

¹ [Gard Alert 2010: Vessels arriving at South African ports with weapons onboard.](#)

² Gard News 198 May/July 2010: Illegal material onboard ships in South Africa

Challenges

South African ports are often used as bunkering ports for vessels transiting the South African coast and the 21 day period appears to be excessive when one considers that the sailing time from Mombasa, Kenya to Durban, is less than 7 days. Owners may also not always be aware that their vessel will be stopping in South Africa and therefore, should guns be present onboard, will now have to wait 21 days in order to make the application, before arrival.

If there are guns and ammunition onboard, but the vessel is not in possession of a permit, the master will be arrested and charged resulting in delays to the vessel. The master will be charged and fined and may be imprisoned depending on the severity of the offence. The fines vary between USD 8,000 to in excess of USD 16,000 and the master will be prosecuted and be given a criminal record.

Recommendations

In order for a vessel to enter a South African port with guns and ammunition on board, the vessel has to have a permit from the South African police.

Until further notice, Gard suggest that members and clients comply with the above requirements and if there are any doubts or concerns please contact your local agent or correspondent directly.

We are grateful for P&I Associates in Durban for providing our members and clients with the information above.