

# Chapter 30: Authorisation of armed guards on UK registered ships

## Policy

- The policy to allow the use of armed guards applies only in exceptional circumstances:
  - to ships transiting the area at risk of attack by pirates within the High Risk Area (HRA) which is bounded: in the Red Sea: northern limit: Latitude 15°N; in the Gulf of Oman: Northern limit: Latitude 22°N; Eastern limit: Longitude 065°E; Southern limit: Latitude 5°S;
  - when 'Best Management Practices' to deter piracy is being followed fully but, on its own, is not deemed by the shipping company and the ship's master as sufficient to protect against acts of piracy; AND
  - the use of armed guards is assessed to reduce the risk to the lives and wellbeing of those on board the ship.
- The policy applies to internationally trading passenger ships and cargo ships of 500 gross tonnage and above. The policy only applies in relation to the protection of UK registered ships.
- The assurance process for the authorisation of private maritime security companies is to ensure that as far as possible public safety is not endangered by the use of armed guards.
- **Private Maritime Security Companies (PMSCs)** wishing to employ armed guards on board UK registered ships in these exceptional circumstances must be authorised to possess a range of firearms (which may include section 1 and section 2 weapons), including those requiring an authority from the Secretary of State for the Home Department under section 5 of the Firearms Act 1968 (as amended), and be able to deploy them as necessary. All PMSCs wishing to employ armed guards on UK registered ships must receive clearance via the Home Office section 5 authorisation process.
- It is an offence for a person to have in his possession, purchase, acquire, manufacture, sell or transfer, or possess, purchase or acquire for sale or transfer, a weapon prohibited under section 5 of the Firearms Act 1968 without the authority of the Secretary of State. It is also an offence not to comply with any condition of the authority.

## Section 5 application: evidence

- 30.1 PMSCs should apply to the Home Office for section 5 authorisation to enable their armed guards to possess firearms on UK registered ships. In support of their application they must produce a provisional contract or letter of intent with a shipping company intending to use their services. The PMSC may also provide evidence in support of the application such as information about transits over the previous 12 months. In selecting a PMSC the shipping company must have conducted a piracy risk assessment and satisfied itself that the PMSC and its personnel are reputable and suitably qualified, based on the Guidance issued by the Department for Transport: [www.dft.gov.uk/publications/use-of-armed-guards-to-defend-against-piracy](http://www.dft.gov.uk/publications/use-of-armed-guards-to-defend-against-piracy). The PMSC must also ensure it is satisfied that the guards it employs are suitable and properly trained, in accordance with the Department for Transport guidance.

30.2 The shipping company is also required to submit its counter-piracy plan, which should follow the structure of Annex 1 in the DfT guidance, to the Department for Transport, including a signed statement that the Guidance has been followed.

## Armed guards: suitability

30.3 As a general rule, having regard to the provisions of the Firearms Act 1968 and to the potential risks of harm that exist in the armed counter-piracy maritime environment, individuals who have any previous convictions or cautions for violence, disorder or other serious criminality will not be considered as suitable to receive Home Office clearance. There may also be circumstances where other police information or locally held police records on individuals may call into doubt the applicant's suitability to undertake armed maritime security work. Each case will be considered on its merits.

## Armed guards: numbers

30.4 The number of armed guards included in the application to be approved must be consistent with the evidence provided in support of the application and in any event should not exceed 30 guards in the initial application. Applications that have been submitted without sufficient justification for the number of guards included in the application are likely to be delayed and may be refused. Only those guards who will be employed on a UK registered ship will be considered<sup>1</sup>.

30.5 A PMSC may submit an application for clearance for additional guards at any time, but the number of guards requested to be cleared on each occasion must not exceed 30. If a PMSC wishes to request clearance for additional guards following issue of a section 5 authority, evidence must be provided to show that the guards will be employed on a UK registered ship and that the additional guards are necessary. The number of guards to be checked must be kept to the minimum necessary to service the PMSC's contract in order to prevent delay in processing of the section 5 application.

## Armed guards: duration of clearance

30.6 Following the grant of a section 5 authority, when a PMSC wishes to submit further guards for clearance they should be aware of the following: guards are servants of the PMSC and their clearances are linked to the expiry date of the company's section 5 authority. Therefore, when the PMSC's section 5 authority expires, most guards will also need to have their clearances renewed at that time. However, guards whose clearances were carried out four months or less before the PMSC's authority is due to expire do not need to have their clearance renewed. In cases where a PMSC has been given a three year authority, guards will need to have their clearances undertaken every 12 months, and the PMSC should submit an application to the Home Office on this basis.

## Armed guards: information to be provided

30.7 The following information should be provided in respect of each armed guard:

- full name (including any previous names)
- date and place of birth

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<sup>1</sup> This only applies to guards on UK ships because the Firearms Act 1968 as a whole (and accordingly the section 5 requirement for an authority) applies to UK registered vessels rather than foreign registered vessels.

- residential addresses covering the previous five years
- copy of the guard's passport
- and a declaration of consent to checks being carried out.

30.8 A copy of the guard's passport must be provided so that their identity can be verified. To speed up the application process PMSCs may wish to submit an enhanced Disclosure and Barring Service (DBS) certificate for each of the armed guards. PMSCs should not put forward people who, through their own due diligence checks, are not suitable.

## Disclosure and Barring Service (DBS)

30.9 The Disclosure and Barring Service – [www.homeoffice.gov.uk/agencies-public-bodies/dbs/](http://www.homeoffice.gov.uk/agencies-public-bodies/dbs/) – will, on payment of the appropriate fee, provide an Enhanced Disclosure for armed guards who are proposed to be deployed as part of a section 5 application. There will be an additional charge for the use of a Registered Body who will check and countersign applications and submit them to the DBS. Supply of DBS certificates is not mandatory, but if the PMSC does not provide DBS certificates then the cost of the checks will fall to the public purse. Although some police checks must still be carried out for each application, supply of a DBS certificate is likely to reduce the time taken to process the application.

30.10 The DBS will issue each applicant with a certificate based on the individual's criminal record, including any relevant local police information. This certificate can be submitted by the PMSC with the application. For the purposes of granting a section 5 authority, the DBS Disclosure should be no more than four months old at the time of application. The DBS has introduced an update service, which allows people (if they choose to subscribe to it and pay a small fee) to apply for a criminal record check to refresh their existing certificate, with employers checking online to see if it is still up to date. This avoids having to go through the full clearance process again.

## Armed guards who cease to be employed by the PMSC

30.11 If an armed guard ceases to be employed (including as a sub contractor) by the PMSC once the section 5 authority is in place the Home Office must be informed **immediately**. Failure to do so will be a breach of the conditions of the section 5 authority and such a breach may result in revocation of the authority. If the PMSC wishes to employ new guards during this period they must provide the Home Office with each guard's full details, and this may include a DBS certificate, so that the relevant checks can be carried out. The guard cannot be in possession of firearms until the PMSC is notified by the Home Office that the company's section 5 conditions have been amended accordingly.

## Armed guards employed by a second PMSC

30.12 A process has been introduced whereby one PMSC can utilise the services of another PMSC's guards. This has been agreed on the basis that the Home Office is notified by the requesting PMSC, and provided that the guard is authorised by the Home Office and the parent PMSC still retains their services and provides confirmation by e-mail or letter of this fact. Before proceeding, the requesting PMSC must receive confirmation from the Home Office that the arrangement is acceptable. If the requesting PMSC has obtained registered firearms dealer status there is no requirement for each guard to hold a firearm certificate in their own right.

## Non-UK PMSCs or armed guards

30.13 PMSCs from other countries, or those wishing to use non-UK guards, may apply for section 5 authorisation only if the guards will be protecting UK vessels. The application process is similar to that for UK nationals. However, for a non-UK PMSC details will be required to show that the company is an accredited company and is registered with, or is a member of, the maritime and defence industry associations in the country of origin. Details will also be required for the company's proposed named authority holder, who will be held accountable for any breaches and for the non-UK guards. A form will be provided, to be completed and returned to the Home Office for forwarding on to the UK Central Authority for the Exchange of Criminal Records checks (UKCA-ECR). If these checks cannot be completed, or the evidence is insufficient to make a decision based on ensuring public safety, then the application is likely to be refused.

## Types of firearms: section 1, section 2 and section 5

- 30.14 The PMSC must provide details of the number and type of section 5 prohibited firearms they wish to possess on board the UK registered ship, and why this number and type of weapon is necessary. All PMSCs must be authorised to possess section 5 firearms.
- 30.15 Whether they will be in possession of section 1, section 2 or section 5 firearms, all guards must receive Home Office approval before they can be utilised by the PMSC on a UK registered ship. The requirement for each guard to be approved as part of the Home Office section 5 process not only enables a wide range of firearms to be used by the guard, it also forms an important part of the assurance process. The section 5 authorisation process is designed to encompass the appropriate checks for the possession of the most dangerous weapons and is subject to ministerial oversight. This level of authorisation is deemed necessary for armed guards in view of the circumstances in which the firearms are held, which involves greater risk than for those possessing guns for sport or wildlife management in the UK.

## PMSCs who wish to register as a firearms dealer (RFD)

- 30.16 PMSCs may apply to the police to be registered as a firearms dealer, but this will not be approved until the PMSC has received section 5 authorisation from the Home Office. Once a section 5 authorisation has been issued, the police may approve registration as a firearms dealer for the applicant, and may specify that only those guards cleared by the Home Office can possess firearms. PMSCs who have already obtained RFD status and who wish to conduct maritime security operations on board UK registered vessels must proceed to submit their application for a section 5 authority to the Home Office.
- 30.17 Under section 8 of the Firearms Act 1968 a registered firearms dealer and their servants are exempt from having to hold a firearms certificate in order to possess, purchase or acquire firearms or ammunition. Therefore, once the Home Office has issued the section 5 authority, followed by issue of the RFD by the police, there is no requirement for each armed guard who has been cleared by the Home Office to hold a firearm certificate in their own right, provided that the PMSC they are employed by, or to whom they are acting as a sub-contractor, is a registered firearms dealer.

## PMSCs who are not registered firearms dealers (RFDs)

30.18 If a PMSC is not a registered firearms dealer then each of the armed guards will need to apply to their local police for a firearm certificate for the weapons specified in their own right, following issue of the section 5 authority to the PMSC. Given the additional administration involved, it is expected that most PMSCs will wish to become registered firearms dealers.

## Section 5 authorisation

30.19 Once the necessary checks have been completed, if the Home Office is satisfied, a section 5 authority will be issued to the PMSC with conditions attached to ensure that the firearms will not endanger the public safety or the peace. It is an offence under section 5(5) of the Firearms Act 1968 to fail to comply with these conditions.

30.20 A section 5 authority is issued initially for one year followed by three years at first renewal, unless there has been a breach of conditions or other public safety concerns.

30.21 PMSCs should submit renewal applications for section 5 authorities, or requests for clearance for guards, at least four months before expiry in order to allow police sufficient time to carry out the necessary checks.

## Other issues

30.22 Training: the maritime security industry is well-established with a number of PMSCs currently operating to protect shipping. The policy does not currently extend to authorisation of PMSCs to undertake maritime security training in the UK using live firearms, including training in the use of prohibited weapons. Work is underway to consider options for training standards and requirements in the future.

30.23 Maritime accreditation has been taken forward at an international level by the ISO (International Organisation for Standardisation). ISO/PAS 28007 'Guidelines for Private Maritime Security Companies Providing Privately Contracted Armed Security Personnel on Board Ships' was published in 2012. For the UK, the SCEG (Security in Complex Environments Group), was appointed by the UK Government as its industry partner for regulation and accreditation, and has been working to produce standards for the UK private security industry operating overseas in hazardous environments. [www.sceguk.org.uk](http://www.sceguk.org.uk). The United Kingdom Accreditation Service (UKAS) has accredited Certification Bodies to issue certificates to UK and other PMSCs.

## Further information

30.24 Further information on the issue of section 5 authorisations can be obtained from the Gov.UK website or from the Home Office at the following address: Firearms Team, Drugs and Firearms Licensing Unit, Home Office, Crime and Policing Group, 5th Floor, Fry Building, 2 Marsham Street, London, SW1P 4DF

e-mail: [firearms@homeoffice.gsi.gov.uk](mailto:firearms@homeoffice.gsi.gov.uk)

020 7035 0030

020 7035 0273

020 7035 5343

020 7035 1778

020 7035 3123

## Summary process for maritime security applications

- Shipping company selects the PMSC and draws up a draft contract/letter of intent
- Shipping company submits its counter-piracy plan (CPP) to the Department for Transport, including a signed statement that the Guidance has been followed.
- The Department for Transport will advise the Home Office when a satisfactory CPP is received from the shipping company. Please note that the Home Office will not proceed with the section 5 application until they receive this notification.
- PMSC applies to Home Office for section 5 authority enclosing:
  - provisional contract/letter of intent with shipping company;
  - details of number and type of firearms and why these are required;
  - details of armed guards: full name, date and place of birth, residential addresses for the past five years, copy of passport, DBS certificate and declaration of consent to any additional police checks;
  - if the PMSC has obtained alternative supporting information on the guards, this information can also be included.
- PMSC can apply to local police to register as a firearms dealer (RFD).