



Government of the Isle of Man.
Department of Trade and Industry

Notice to Surveyors, Ship Owners, Managers and Classification Societies

Piracy Counter Measures

This Circular is to be read in conjunction with IMO Assembly Resolution A.1026(26); IMO Circulars MSC/Circ.1332; 1334; 1335, 1337, 1390 and SN/Circ.281 and any subsequent amendments;

1 Introduction

- 1.1 Piracy continues to be a significant threat to maritime transport in the Gulf of Aden, the Arabian Sea, and the Somali Basin area of the Indian Ocean. In addition the threat of pirate activity should be taken into account as pirates use previously hijacked larger vessels as mother ships to extend their areas of operation eastwards into the Indian Ocean.
- 1.2 Ship operators will be aware that the situation in this region may change rapidly and the methods of the pirates continue to develop and become more sophisticated. Consequently any sources of information used should be regularly consulted and emergency plans updated accordingly.
- 1.3 Internationally agreed measures, as drawn up by a number of Industry bodies, have been published as the "Best Management Practices". These will be updated in light of experience gained and links to the latest version can be found on the websites linked below:

<http://www.mschoa.org/bmp3/Pages/BestManagementPractises.aspx>

2 General Security Advice

- 2.1 An international joint naval presence in this area provides a level of protection and support to ships of all nationalities in these waters. However, this protection and assistance is only practicable if the co-ordinators of these

forces are fully aware of the identity, location and intended course of ships. The Ship Registry requests that all Manx vessels register with the naval coordinators at Maritime Security Centre Horn of Africa (MSCHOA) prior to entry into the risk area as it is defined by them.

- 2.2 The registration form for vessels is found on the secure portion of the website of the MSCHOA at www.mschoa.org or alternatively the UK Maritime Trade Operations Office (UKMTO) can be contacted at for advice.

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- 2.3 Ship operators are reminded that the correct procedure for vessels is to register with the MSCHOA and provide an initial report to UKMTO, followed by daily position reports and intended movements to UKMTO only. Routine position reports should not be sent to MSCHOA.
- 2.4 The current advice from the IMO and military forces is that all vessels transiting the risk area should implement the anti-piracy measures as identified within the 'Best Management Practices'. The Ship Registry recommends the use of these practices when in the risk area.
- 2.5 LRIT equipment should not be turned off either before entry into the risk area or during transit of the area. This system is used by the military forces in the area in order to monitor compliance with the reporting scheme and verification of ships' positions.
- 2.6 In the event that a Master of an Isle of Man registered vessel feels a threat of piracy is developing or if the vessel comes under attack the primary 24 hour point of contact is the United Kingdom Maritime Trade Operations (UKMTO) in Dubai. As the Ship Registry is required to make a report of any piracy incident, notification of incidents to UKMTO or MSCHOA should be copied to the Ship Registry.

3 Armed Security Personnel

- 3.1 The use of armed security personnel onboard vessels is not recommended by IMO in their 'Best Management Practices', however the right of owners to protect their crews and their assets is acknowledged.
- 3.2 The Isle of Man Ship Registry neither recommends or prohibits the use of armed guards,. The Ship Registry is cognisant of the deteriorating situation and the changes to advice being given by industry bodies towards the use of armed security personnel. The Ship Registry therefore acknowledges that the decision to engage armed guards, whether military or private is a decision to be made by the ship operator after due consideration of all the risks.
- 3.3 Should a Company seek to use armed guards, this decision should not be made without first conducting a thorough risk analysis in co-operation with the vessel's insurance underwriters, charterers and legal counsel. This risk

assessment should take into account all international and national legislative requirements being cognisant of the need to reduce, rather than increase, the risk to the lives of their crew. This risk assessment does not need to be submitted for approval by the Isle of Man Ship Registry.

- 3.4 Should a Ship Operator choose to place armed guards onboard their vessels, they should ensure that any notifications given to the MSCHOA should include advice that armed personnel have been engaged and they have been placed onboard the vessel.

4 Private Security Providers

- 4.1 The Isle of Man Ship Registry is not in a position to 'Approve' Private Security Providers, whether employing armed personnel or not. There is no internationally recognised Standard or Code of Practice for Private Security Providers operating in a Marine Environment.

- 4.2 There is in existence 'The International Code of Conduct for Private Security Providers', unofficial link below:-

<http://www.eisf.eu/resources/library/International%20Code%20of%20Conduct%20for%20Private%20Security%20Service%20Providers-November%202010.pdf>

This relates to land-based operations only. There are moves to establish a marine version, but it is understood that this will take several years to be completed.

- 4.3 Vetting and selection of a Private Security Provider, therefore remains the responsibility of the ship owner.
- 4.4 The ship owner's obligations to safety and security on board remains directly with the ship owner at all times. The Master's overriding authority should be established with Private Security Provider.

5 Liability

- 5.1 Should an injury or death be caused through the use of force, on or from a Manx Ship, then the liabilities for the individual, the master and the owner need to be considered.
- 5.2 Jurisdictional issues over Manx ships and the application of Manx Criminal Law or English Criminal Law are complex and cannot be simplified for the purposes of this notice.

6 Safety

- 6.1 Security operatives should be afforded the same protection under the ship owner's health and safety policy as the crew.
- 6.2 Sufficient LSA is to be provided for all persons on board at all times. In case of any shortfall in lifeboat capacity, the granting of exemptions will be

considered on a case-by-case basis. Additional liferaft capacity may be considered where lifeboat capacity is insufficient. Applications for such temporary LSA arrangements should be made through marine.survey@gov.im

- 6.3 Special consideration should be given to the use of firearms on vessels with dangerous cargoes, and mitigating measures put in place. Other vessel specific issues should be taken into account.
- 6.4 Suitable procedures and facilities should be put in place for the stowage and control for firearms and ammunition on board.

7 Firearms License

- 7.1 A Manx Firearms licence is not required for the carriage of firearms on board a Manx Ship, unless in Manx territorial waters.
- 7.2 When in a port, local and national requirements regarding firearms in host and destination countries must be complied with. Due account should be taken regarding laws concerning carriage and use of firearms when in territorial waters.

Isle of Man Ship Registry

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Please note - The Isle of Man Ship Registry cannot give Legal Advice. Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances - for example, from vessel to vessel. You should consider seeking independent legal advice if you are unsure of your own legal position.