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Carriage of Weapons and Munitions of War

This Safety Notice contains recommendations regarding operational safety.

Recipients are asked to ensure that this Safety Notice is copied to all members of their staff who may have an interest in the information (including any 'in-house' or contracted maintenance organisations and relevant outside contractors).

Applicability: All Part CAT, Part NCC and Part NCO Operators

1. Introduction

- 1.2 The primary legal requirements for the carriage of weapons and munitions of war can be found in CAT.GEN.MPA.155.
- 1.3 The purpose of this Safety Notice is to address and provide more clarity the issue, in particular, the intent of the requirement and processes to be implemented by the operator. The major emphasis of this Safety Notice is to highlight the fact that not all weapons and firearms are munitions of war and the fact that from a regulatory stance some firearms are permitted to be carried outside the context of munitions of war.
- 1.5 This Safety Notice only addresses the transport of such items on-board Seychelles registered aircraft. It is additional to any other related national security regulations and policies which may need to be followed. For information on national arrangements, contact may be made with the Head of Security (Regulatory and Policy) of the Authority.

2 Weapons and Munitions of war

2.1 Definition

- 2.1.1 Munitions of war shall be defined as any such weapon and ammunition as are designed for use in warfare including parts for such weapons and ammunitions

2.2 Intention

2.2.1 It is intended that it includes the following:

- a) weapons and ammunition carried for personal protection from attack by other persons, except where the calibre of the weapon is such that it is only effective at close range e.g. .22 hand gun;
- b) weapons and ammunition carried by someone giving official protection from attack to another person;
- c) weapons and ammunition used by police forces, para-military, military or armed forces.

2.2.2 "Weapons and ammunition" includes component parts and accessories.

2.3 Interpretation

2.3.1 Without an internationally agreed definition of munitions of war, the Authority has defined them for its own purposes, but problems can still arise in interpreting this definition. What can be of help is knowing:

- the intent;
- who are the shipper and consignee; and
- what is the calibre of the weapon or ammunition.

2.3.2 For instance, the calibres shown below are usually restricted to small arms military weapons:

.30	.357	7.92 mm
.32	.455	9 mm
.38	5.56 mm	10 mm
.45	7.62 mm	
.303	7.65 mm	

2.3.3 Large calibre weapons and ammunition (anything over 20 mm) are usually munitions of war.

3 Application

3.1 Practical examples

3.1.1 The Authority would like to draw on previous experience it has had in the form of applications and/or queries to re-enforce the above concepts.

Case 1

The operator receives a request to carry as cargo a shipment of weapons and/or munitions (including any parts or accessories thereof) requested by national or international police

forces, para-military, military or armed forces either directly as a shipper or indirectly as a consignee/importer.

→ By default any such application by such persons is deemed to be munitions of war irrespective of calibre and requires the approval of the Authority.

Case 2

An operator receives a request by a person to carry a firearm of calibre less than 0.22 for his/her own personal protection as cargo.

→ This is not considered as munitions of war and may be carried as per CAT.GEN.MPA.155.

Case 3

An operator receives a request to carry a firearm of calibre less than 0.22 for his/her own personal protection on the person in the cabin.

→ This is not considered as munitions of war but requires approval from the Authority.

Case 4

An operator receives a request to carry a firearm of calibre greater than 0.22 for his/her own personal protection either as cargo or on the person in the cabin.

→ This is considered as munitions of war and requires approval from the Authority.

Case 5

An operator receives a request for one or more persons to carry firearms in the cabin or as cargo for the purpose of personal protection of another person in an official capacity (eg. security forces and body guards).

→ This is considered as munitions of war and requires approval from the Authority.

Case 6

An operator receives a request any person for any purpose to carry firearms of calibre greater than 20 mm.

→ This is considered as munitions of war and requires approval from the Authority.

4. Approval to Transport

Weapons and munitions of war can only be carried on aircraft with the approval of the Authority and all the States concerned.

4.1 Approval by the Authority

- 4.1.1 In the Seychelles, the Dangerous Goods Office as part of the Safety Regulation Division and Flight Operations and Flight Crew Licensing Inspectorate is responsible for considering applications for the grant of an approval. Close collaboration and liaison is also maintained with the Aviation Security (Policy and Regulatory) branch of the Authority on such matters.
- 4.1.2 A suitable application form requesting the grant of an approval is available on the Authority's web site. Application should be made to the Dangerous Goods Office, at least 10 working days before the intended flight and include all the required information.

4.2 Approval by "all States concerned"

- 4.2.1 Approval of "all States concerned" is also required for the transport of weapons and munitions of war. These may be the States of origin, transit, overflight and destination of the consignment and that of the operator.

NOTE: In view of Article 35 of the ICAO Convention (discussed below), the approval of the Authority only conveys approval in the first instance for the Transport of weapons and munitions of war on Seychelles registered aircraft and secondly in the Seychelles territory only.

- 4.2.2 This requirement is derived from the ICAO Convention Article 35 which states:

"Cargo restrictions

a) No munitions of war or implements of war may be carried in or above the territory of a State in aircraft engaged in international navigation, except by permission of such State. Each State shall determine by regulations what constitutes munitions of war or implements of war for the purposes of this Article, giving due consideration, for the purposes of uniformity, to such recommendations as the International Civil Aviation Organization may from time to time make.

b) Each contracting State reserves the right, for reasons of public order and safety, to regulate or prohibit the carriage in or above its territory of articles other than those enumerated in paragraph a): provided that no distinction is made in this respect between its national aircraft engaged in international navigation and the aircraft of the other States so engaged; and provided further that no restriction shall be imposed which may interfere with the carriage and use on aircraft of apparatus necessary for the operation or navigation of the aircraft or the safety of the personnel or passengers."

- 4.2.3 Any State that has specific requirements (approvals, different definitions and/or arrangements thereto) in regards to transport of weapons and munitions of war in their territory or airspace are required to notify ICAO. State notifications of variations on this and other related issues are published in ICAO Doc 9284 (Technical Instructions) and subsequently promulgated by IATA in the Dangerous Goods Regulations as State Variations.
- 4.2.4 In the majority of cases national point of contact details for such approvals and permissions is provided.

NOTE: Where States have not indicated such particular Variations then it is commonly accepted that there are no special provisions and approvals necessary.

5. Conditions for Transport

- 5.1.1 Once an approval has been granted, munitions of war may only be carried on an aircraft when they are stowed in a place which is inaccessible to passengers during flight and, in the case of firearms, when they are unloaded. In exceptional circumstances (see 3.1.1 Case 3, 4 or 5- carriage in the cabin) they may be carried under different conditions providing an appropriate approval has been granted.
- 5.1.2 No matter how it is intended that munitions of war be carried on an aircraft, the Commander must be informed before a flight of what are to be carried and where they are located.

6. Munitions of War which are also Dangerous Goods

- 6.1.1 Some munitions of war are also dangerous goods by definition e.g. ammunition, bombs, torpedoes etc. In such circumstances the requirements for the transport of dangerous goods (ICAO Technical Instructions or IATA Dangerous Goods Regulations) will also apply and where these indicate that an exemption or specific approval is needed, this is separate to that applicable to them as munitions of war.

7. Queries

- 7.1 Any queries as a result of this Safety Notice should be addressed to Head of Flight Operations and Flight Crew Licensing Inspectorate at the following e-mail address: hfo@scaa.sc

8. Cancellation

This Safety Notice OPS SN 2014/20

Head Flight Operations and Flight Crew Licensing Inspectorate