

ARMS AND EXPLOSIVES ACT

(CHAPTER 13)

(Original Enactment: Ordinance 9 of 1913)

REVISED EDITION 2003

(31st July 2003)

An Act to regulate the manufacture, use, sale, storage, transport, importation, exportation and possession of arms and explosives, to give effect to the Convention on the Marking of Plastic Explosives for the Purpose of Detection concluded in Montreal on 1st March 1991 and for purposes connected therewith.

[12th December 1913]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Arms and Explosives Act.

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —

“arms” includes firearms, air-guns, air-pistols, automatic guns, automatic pistols, and guns or any other kind of gun from which any shot, bullet or other missile can be discharged or noxious fumes or noxious substance can be emitted and any component part of any such arms, and bayonets, swords, daggers, spears and spearheads;

“authorised military device” means any explosive manufactured solely for lawful military or police purposes, including but not limited to a shell, bomb, projectile, mine, missile, rocket, shaped charge, grenade or perforator;

“authorised military or police personnel” means —

- (a) any member of the Singapore Armed Forces;
- (b) any member of the Singapore Police Force; or
- (c) any person who performs military functions for the Ministry of Defence or the Singapore Armed Forces;

“authorised person” means —

- (b) any other auxiliary police force established under the Police Force Act 2004 and which is authorised by the Licensing Officer to accept the deposit of guns, arms or explosives under section 19(1);

“carriage” includes any carriage, wagon, cart, truck or other vehicle used for the conveyance of goods or passengers by land, in whatever manner the same is propelled or moved;

“deal in” includes repair, sell, keep or expose for sale;

“detection agent” means any of the substances set out in the Schedule and which —

- (a) is intended to be used to enhance the detectability of explosives by vapour detection means;
- (b) is introduced into a plastic explosive during its manufacture in such a manner as to achieve homogeneous distribution in the finished product; and
- (c) is present in the plastic explosive in such concentration no less than that specified in the fourth column of the Schedule;

“explosive” —

- (a) means gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powder, fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those abovementioned or not, used or manufactured with a view to producing a practical effect by explosion or a pyrotechnic effect;
- (b) includes fog signals, fireworks, fuses, rockets, percussion-caps, detonators, cartridges and ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined; and
- (c) includes sand crackers, and any substance declared to be deemed an explosive by notification under section 10(1)(a);

“gun” includes howitzers, mortars, quick-firing and machine-guns, and other guns of a similar nature;

“high explosives” includes, but is not limited to, cyclotetramethylenetetranitramine (HMX), pentaerythritol tetranitrate (PETN) and cyclotrimethylenetrinitramine (RDX);

“licensed dealer” means a person licensed under this Act to manufacture or deal in guns or arms;

“Licensing Officer” means the person appointed by the Minister under section 4 and includes an Assistant Licensing Officer;

“manufacture” includes the preparation of any component parts of an explosive, the admixture or other treatment of the same, the breaking up or unmaking of any explosive, and the process of remaking or making fit for use any damaged explosive, and the process of remaking, altering or repairing any explosive;

“master” includes every person having command or charge of a vessel other than a pilot of a vessel;

“pilot-in-command” means the pilot designated by the operator or the owner of an aircraft as being in command and charged with the safe conduct of a flight;

“plastic explosive” means any explosive which —

- (a) is formulated with one or more high explosives which in their pure form have vapour pressure of less than 10⁻⁴ Pa at a temperature of 25°C;
- (b) is formulated with a binder material; and
- (c) is, when mixed, malleable or flexible at normal room temperature;

“Port Master” has the same meaning as in the Maritime and Port Authority of Singapore Act (Cap. 170A);

“railway administration” means any person or body of persons responsible for the regulation of traffic on any railway;

“unmarked plastic explosive” means any plastic explosive that does not contain a detection agent;

“vessel” includes any steam or sailing ship, junk, boat, sampan or any kind of craft used for the conveyance of persons or things by water.

[7/96; 22/2000; 30/2002]

(2) A person shall be deemed to export an article from Singapore to a particular country, territory or place if he takes or sends the article out of Singapore with the intention that it shall ultimately reach that country, territory or place, either directly or indirectly.

(3) A person shall be deemed to have imported an article into Singapore who, whether as owner, consignee, agent or broker, is in possession of or in any way entitled

to the custody or control of the article.

Exemptions from operation of this Act

3.—(1) Subject to subsection (3), nothing in this Act shall apply to —

- (a) the manufacture, possession, use, storage, sale, transport, importation or exportation, in accordance with the provisions of any rules made under this Act, of any explosive by order of the Government;
- (b) the manufacture, dealing in, possession, importation or exportation, in accordance with the provisions of any rules made under this Act, of any article by order of the Government;
- (c) any of the following persons or their equipment while in the course of their duty or employment:
 - (i) members of the Singapore Armed Forces and of any visiting forces lawfully present in Singapore;
 - (ii) members of any naval, military or air volunteer forces established under any written law;
 - (iii) members of any additional forces established under any written law providing for compulsory service in the defence of Singapore;
 - (iv) members of the Singapore Police Force or any other police force on duty in Singapore;
 - (v) members of the Special Constabulary or any Auxiliary Police Force created under the Police Force Act 2004, and any additional constables and peace officers;
 - (vi) dog-shooters employed by the Government;
- (d) any vessel belonging to or in the service of the Government or of any foreign government;
- (e) any hulk or magazine for the storage or deposit of explosives of the Government or the government of any Commonwealth country;
- (f) such articles as form part of the ordinary armament of any vessel or as are required for the service of any vessel or the personal use of the crew or the passengers thereof;

- (g) the importation, exportation and possession, in accordance with such conditions as may be prescribed in rules made under this Act, of such arms and ammunition, forming part of the equipment of aircraft or carried therein for the personal use of passengers or crew, as may be permitted by such rules; or
- (h) the possession in the course of his duty of arms and explosives by any person employed by the Government, such possession being specially authorised by the head of his department.

[30/2002]

(2) In any proceedings under this Act, proof of these facts shall rest with the person alleging them.

(3) Sections 5 to 8 and any rules made under section 8 shall also apply to —

- (a) the Government;
- (b) any other person referred to in subsection (1);
- (c) the articles referred to in subsection (1)(f); and
- (d) the arms and ammunition referred to in subsection (1)(g).

[30/2002]

Appointment of Licensing Officer

4.—(1) The Minister may, by notification in the *Gazette*, appoint a Licensing Officer and such number of Assistant Licensing Officers as he considers necessary for the purposes of this Act.

[30/2002]

(2) The Licensing Officer may issue licences under this Act to any approved person on payment of the prescribed fee and any other prescribed charges.

[30/2002]

PART II

MANUFACTURE, POSSESSION, TRANSFER, IMPORTATION AND EXPORTATION OF UNMARKED PLASTIC EXPLOSIVES, POISONOUS OR NOXIOUS GAS OR NOXIOUS SUBSTANCE, ETC.

Prohibition on manufacture of unmarked plastic explosives

5.—(1) No person shall manufacture any unmarked plastic explosive unless such unmarked plastic explosive is manufactured in a quantity no greater than that necessary for the purpose of and is solely for use in —

- (a) any research, development or testing of new or modified explosives;
- (b) any training in explosives detection, or in any development or testing of explosives detection equipment; or
- (c) any forensic science activity,

carried out under a licence issued by the Licensing Officer.

[30/2002]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and to imprisonment for a term not exceeding 3 years.

[30/2002]

Prohibition on possession and transfer of possession of unmarked plastic explosives

6.—(1) Subject to subsection (2), no person shall possess or transfer possession of any unmarked plastic explosive unless such unmarked plastic explosive —

- (a) is possessed or transferred to another person in a quantity no greater than that necessary for the purpose of and is solely for use in —
 - (i) any research, development or testing of new or modified explosives;
 - (ii) any training in explosives detection, or in any development or testing of explosives detection equipment; or
 - (iii) any forensic science activity,carried out under a licence issued by the Licensing Officer; or

- (b) has been incorporated as an integral part of an authorised military device and is possessed or transferred in the course of his duty by an authorised military or police personnel or a member of a visiting force lawfully present in Singapore.

[30/2002]

(2) Subsection (1) shall not, for the relevant period, apply to any unmarked plastic explosive which is manufactured in or imported into Singapore before 21st March 2003* and which is possessed or transferred during the relevant period by —

* [Date of commencement of the Arms and Explosives \(Amendment\) Act 2002 \(Act 30 of 2002\).](#)

- (a) an authorised military or police personnel in the course of his duty; or
- (b) any other person authorised by the Minister and in accordance with this

Act.

[30/2002]

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and to imprisonment for a term not exceeding 3 years.

[30/2002]

(4) In this section and section 7, “relevant period” means —

- (a) a period of 15 years from 21st March 2003 in the case of an authorised military or police personnel; or
- (b) a period of 3 years from 21st March 2003 in the case of any other person authorised under subsection (2)(b).

[30/2002]

Prohibition on importation and exportation of unmarked plastic explosives

7.—(1) Subject to subsection (2), no person shall import or export any unmarked plastic explosive unless such unmarked plastic explosive —

- (a) is imported or exported in a quantity no greater than that necessary for the purpose of and is solely for use in —
 - (i) any research, development or testing of new or modified explosives;
 - (ii) any training in explosives detection, or in any development or testing of explosives detection equipment; or
 - (iii) any forensic science activity,
carried out under a licence issued by the Licensing Officer; or
- (b) has been incorporated as an integral part of an authorised military device and is imported or exported in the course of his duty by an authorised military or police personnel or a member of a visiting force lawfully present in Singapore.

[30/2002]

(2) Subsection (1) shall not, for the relevant period, apply to the import or export by an authorised military or police personnel in the course of his duty of any unmarked plastic explosive which has been manufactured in or imported into Singapore before 21st March 2003*.

* Date of commencement of the Arms and Explosives (Amendment) Act 2002 (Act 30 of 2002).

[30/2002]

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and to imprisonment for a term not exceeding 3 years.

[30/2002]

Rules for purposes of sections 5, 6 and 7

8.—(1) The Minister may make rules for carrying out the purposes of sections 5, 6 and 7.

[30/2002]

(2) Without prejudice to the generality of subsection (1), such rules may provide for the application of any rules made under section 46(1) to any unmarked plastic explosives, subject to such modifications as may be specified in the rules made under subsection (1).

[30/2002]

Minister may prohibit exportation by notification

9.—(1) The Minister may, by notification published in the *Gazette*, prohibit for a period in the notification to be mentioned the exportation from Singapore, either absolutely, or to any country, territory or place outside Singapore, or may permit exportation or removal subject to such conditions, limitations or restrictions as he considers necessary in the notification to be specified, or the removal from place to place in Singapore, of all or any of the following articles:

- (a) guns, arms, explosives or any specified class of explosives, aircraft, armoured cars, tanks, naval, military or air force stores or any war material including any poisonous or noxious gas or noxious substance;
- (b) articles which, in the opinion of the Minister, are capable of being converted into or of being made useful for manufacturing any of the said articles;
- (c) provisions or any sort of victuals which may be used as food for man.

[30/2002]

(2) Any person who exports or removes, or attempts to export or remove, any article in contravention of any notification issued under this section or in breach of the restrictions and conditions subject to or upon which any licence is issued shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Extension of definition of explosive and prohibition as to explosives by notification

10.—(1) The Minister may, by notification in the *Gazette* —

- (a) declare that any substance which appears to the Minister to be specially dangerous to life or property, by reason either of its explosive properties or of any process in the manufacture thereof rendering it liable to explosion, shall be deemed to be an explosive within the meaning of this Act, subject to such exceptions, limitations and restrictions as are specified in the notification;
- (b) prohibit, either absolutely or subject to conditions, the manufacture, possession or importation of any explosive which is of so dangerous a character that, in the opinion of the Minister, it is expedient for the public safety to issue such notification; and
- (c) prohibit, either absolutely or subject to conditions, the importation, manufacture or possession of sand crackers or any squib or cracker which contains an explosive ingredient or mixture other than black gunpowder (that is to say, sulphur, charcoal and saltpetre) and any squib or cracker containing more than one-fifth of an ounce by weight of such black gunpowder.

(2) Any person who manufactures, possesses or imports an explosive in contravention of a notification issued under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$4,000.

Power to prohibit poisonous or noxious gas or noxious substance

11.—(1) The Minister may, by notification in the *Gazette*, prohibit either absolutely or subject to conditions the manufacture, possession or importation of any poisonous or noxious gas or noxious substance.

[30/2002]

(2) Any person who commits any act in contravention of a notification issued under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[30/2002]

Penalty for unauthorised exportation or removal

12.—(1) If any vessel or aircraft is used for —

- (a) the exportation or removal of any article in contravention of any notification issued under section 9; or
- (b) the importation of any explosive or poisonous or noxious gas or noxious substance in contravention of any notification issued under section 10 or

11,

the master or pilot-in-command and the owner thereof shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000, unless it is proved to the satisfaction of the court that —

- (i) the master or pilot-in-command or owner was not implicated in the placing or keeping of the article or explosive or poisonous or noxious gas or noxious substance on board the vessel or aircraft; and
- (ii) the offence in question was committed without the knowledge, consent or connivance of the master or pilot-in-command or owner.

[30/2002]

(2) On conviction the vessel or aircraft referred to in subsection (1) may be detained by order of the court until security has been given for such sum as the court orders not exceeding \$20,000.

[30/2002]

(3) Except as provided by section 3(1)(f), the finding on board any vessel or aircraft of —

- (a) any article the exportation or removal of which is in contravention of any notification issued under section 9; or
- (b) any explosive or poisonous or noxious gas or noxious substance the importation of which is in contravention of any notification issued under section 10 or 11,

shall be prima facie evidence that the vessel or aircraft has been used for the exportation, removal or importation of the same contrary to this Act.

[30/2002]

PART III

LICENSING OF GUNS, ARMS AND EXPLOSIVES

Licences required in respect of guns, arms, explosives, etc.

13.—(1) No person shall, unless authorised thereto by licence, and in accordance with the conditions of the licence and such other conditions as may be prescribed —

- (a) have in his possession or under his control any gun, arms, explosives, poisonous or noxious gas or noxious substance;
- (b) import any gun, arms, explosives, poisonous or noxious gas or noxious substance;

- (c) export any gun, arms, explosives, naval or military stores, poisonous or noxious gas or noxious substance; or
- (d) manufacture or deal in guns, arms, explosives, poisonous or noxious gas or noxious substance.

[30/2002]

(2) Any person who, in contravention of this section —

- (a) imports any gun, arms, explosives, poisonous or noxious gas or noxious substance;
- (b) exports any gun, arms, explosives, naval or military stores, poisonous or noxious gas or noxious substance; or
- (c) manufactures or deals in guns, arms, explosives, poisonous or noxious gas or noxious substance,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and to imprisonment for a term not exceeding 3 years.

[30/2002]

(3) Any person who, in contravention of this section, has in his possession or under his control any gun shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 for every such gun and to imprisonment for a term which may extend to 3 years.

[30/2002]

(4) Any person who, in contravention of this section, has in his possession or under his control any arms, explosives, poisonous or noxious gas or noxious substance shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and to imprisonment for a term which may extend to 3 years.

[30/2002]

(5) Upon the conviction of any person of an offence under subsection (4), if it is proved to the satisfaction of the court before which the conviction is had that the offender had possession or control of the arms, explosives, poisonous or noxious gas or noxious substance for the purpose of committing an offence punishable under the Penal Code (Cap. 224), the offender shall, in addition to the imprisonment prescribed by that subsection, be liable to caning.

[30/2002]

(6) Subsection (1)(a) shall not apply to any bayonet, sword, dagger, spear or spearhead in any dwelling-house kept therein as a curio or for ornamental purposes.

[8

[30/2002]

Conditions of licences

14. Every licence issued under this Act shall be deemed to be issued and held subject, in addition to any others which are prescribed, to the following conditions:

- (a) the licence shall expire after such period as is prescribed;
- (b) the licence shall be liable to suspension or cancellation, without any reason being given therefor, at any time by the Licensing Officer; and
- (c) the licence shall not be transferable except as provided in this Act.

[10
[30/2002]

Appeal

15. Any person dissatisfied with any refusal, suspension or cancellation of a licence may within 14 days appeal in writing to the Minister whose decision shall be final and conclusive.

[11
[30/2002]

No purchase of guns or arms from licensed dealer without licence

16.—(1) No person shall take delivery of any guns or arms from a licensed dealer without a licence authorising the purchase thereof, nor beyond the extent permitted thereby.

(2) No licensed dealer shall deliver to any person any guns or arms except upon delivery to him of the licence nor beyond the extent permitted thereby.

(3) Any person who commits any act in contravention of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[30/2002]

(4) This section shall not apply to any bayonet, sword, dagger, spear and spearhead bona fide intended to be kept as a curio or for ornamental purposes.

Delivery by persons other than licensed dealers

17.—(1) Any person, not being a licensed dealer, in possession of any guns, arms or ammunition under a licence, may deliver the guns, arms or ammunition to any other person who has produced to him a licence for the possession thereof.

(2) The person delivering the guns, arms or ammunition referred to in subsection (1) shall immediately return his licence to the Licensing Officer or other proper officer, endorsed with a note containing the date of delivery and the name, address and

description of the person to whom he has delivered the guns, arms or ammunition, or such other information as is prescribed.

[30/2002]

(3) Any person who commits any act in contravention of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[30/2002]

Provision upon death or bankruptcy, etc., of licensee

18.—(1) If a person licensed to import any guns, arms or explosives dies or becomes bankrupt or becomes mentally incapable or otherwise disabled, the person carrying on the business of that licensee shall not be liable to any penalty or forfeiture for acting under the licence during such reasonable time as is necessary to allow him to make an application to the Licensing Officer for a new licence.

[30/2002]

(2) The person carrying on the business of the licensee referred to in subsection (1) shall be deemed to be the holder of the licence for all purposes under this Act, and to be liable in the same way as if he were the original holder of the licence until a new licence is issued.

Guns, arms or explosives of which possession has become unlawful to be deposited with authorised person

19.—(1) Any person whose possession of guns, arms or explosives has become unlawful in consequence of the expiry, suspension or cancellation of a licence shall, without unnecessary delay, deposit them with such authorised person and at such place as may be specified in the licence or by notice in writing by the Licensing Officer.

[30/2002]

(2) If the owner of any guns, arms or explosives so deposited does not, within 6 months from the date of deposit, produce a licence authorising him to possess them and apply for the delivery of them, the guns, arms or explosives deposited with an authorised person shall be forfeited to the Government.

[30/2002]

(3) Every person licensed to possess guns or arms under this Act and intending to leave Singapore for any period exceeding one month shall, unless he intends to export such guns or arms, before so leaving transfer them to some person authorised under section 17 to take delivery of them or deposit them for safe keeping at a police station.

(4) The Licensing Officer may authorise in writing any police officer to search any house for any guns or arms which he has reason to believe have not been transferred or deposited as required by subsection (3).

[21/73; 30/2002]

Forfeiture of arms or explosives deposited with authorised person or Licensing Officer

20. Any arms or explosives deposited with an authorised person or the Licensing Officer in accordance with the provisions of this Act or any other written law for the time being in force shall, if not claimed by its owner or owners within 6 months from the date of the deposit, be forfeited to the Government.

[2/73; 30/2002]

Minister may authorise erection of magazines or establishment of hulks

21. The Minister may, by writing under his hand, authorise —

- (a) the erection of such magazines or the establishment of such hulks as he considers necessary for the storage of Government explosives, or for the storage or safe custody of explosives belonging to other persons; and
- (b) the use of Government magazines or any portion thereof for the storage or safe custody of explosives belonging to other persons.

PART IV

OFFENCES

Knowingly concealing arms, etc., imported without licence

22. Any person who knowingly conceals any guns, arms, explosives or poisonous or noxious gas or noxious substance imported unlawfully or without a licence, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term which may extend to 3 years and to a fine not exceeding \$5,000.

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[30/2002]

Knowingly purchasing guns or arms from person not licensed

23. Any person who knowingly purchases guns or arms from any person not licensed shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[30/2002]

Failure to keep prescribed book or make prescribed entry or making false entry

24. Any person who, being required under any rules made under this Act to keep any book or to make any entry in any book —

- (a) omits or fails duly to keep that book or make an entry;

- (b) obstructs or prevents the inspection of that book or entry; or
- (c) makes a false entry,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 in addition to double the value of any articles sold of which he has failed to make an entry or respecting which he has made a false entry.

[30/2002]

Resisting person in execution of power

25. Any person who assaults or obstructs or resists any person in the execution of any power vested in him by this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term which may extend to 6 months or to both.

[30/2002]

Obstructing inspection of stock-in-trade

26. Any person who —

- (a) intentionally conceals from any officer duly authorised to inspect the stock-in-trade of any licensed dealer that stock-in-trade; or
- (b) wilfully refuses to point out where the stock-in-trade is kept,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term which may extend to 2 years or to both.

[23

[30/2002]

PART V

SEARCH, SEIZURE AND ARREST

Search of premises and seizure

27.—(1) Where any District Court or Magistrate's Court has reason to believe that any person —

- (a) has in his possession any guns, arms or explosives without a licence, or in contravention of the conditions upon which any licence is issued, or for any unlawful purpose; or
- (b) cannot, in the judgment of the court, be left in possession of any guns, arms or explosives without danger to the public peace,

the court may, by warrant directed to any police officer, authorise the police officer, by day or by night —

- (i) to enter and search the house or premises occupied by the person, or any house or premises where the court has reason to believe the guns, arms or explosives are to be found;
- (ii) to seize and detain the guns, arms or explosives ; and
- (iii) to arrest any person found in the house or on the premises whom the police officer has reason to suspect to have committed any offence under this Act.

(2) Any person who, upon a search being made under this section, having in his possession or under his control any guns, arms or explosives, or knowing where the guns, arms or explosives are concealed —

- (a) refuses to produce or point them out to the person making the search; or
- (b) intentionally conceals those guns, arms or explosives,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term which may extend to 2 years and to a fine not exceeding \$1,000.

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Search for arms, etc.

28.—(1) The Licensing Officer may authorise, by writing —

- (a) any police officer to search any house for any guns, arms, explosives or poisonous or noxious gas or noxious substance; and
- (b) the police officer to require any person to produce his licence for the possession of guns, arms, explosives or poisonous or noxious gas or noxious substance, and to produce or account for the things covered thereby.

[21/73; 30/2002]

(2) Any person who fails to give a satisfactory account to the police officer for any guns, arms, explosives or poisonous or noxious gas or noxious substance in his possession or under his control during the existence or after the expiry, suspension or cancellation of a licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[32

[30/2002]

Search of vessels or aircraft

29.—(1) If any vessel or aircraft that is in or that is about to leave any port or airport of Singapore —

- (a) is suspected of having on board any article, the exportation or removal of which is absolutely prohibited by a notification issued under this Act, and which is not exempted by this Act or by any licence issued under this Act;
- (b) bound for any particular country, territory or place, is suspected of having on board any article the exportation of which to that country, territory or place is so prohibited, and which is not so exempted;
- (c) is suspected of having on board any article which is intended to be exported or removed contrary to this Act; or
- (d) is suspected of having on board any guns, arms, explosives or naval or military stores for the exportation of which no licence has been issued,

the Port Master, the Licensing Officer, the Commander, Airport Police or the Commander, Police Coast Guard may issue a search warrant directed to any boarding officer or any police officer named or referred to in the warrant.

[30/2002]

(2) In the execution of the warrant, any person to whom the warrant is directed may —

- (a) board any vessel or aircraft named or described in the warrant either with or without assistants;
- (b) forcibly enter every part of that vessel or aircraft; and
- (c) arrest any person reasonably suspected of being guilty of an offence under this Act.

(3) The Port Master, the Licensing Officer, the Commander, Airport Police or the Commander, Police Coast Guard may himself do what he may authorise a police officer to do under this section in either of the following cases:

- (a) if he has personal knowledge of such facts as satisfy him that there are sufficient grounds for a search;
- (b) if he receives information orally and either on oath or not on oath in such circumstances that the object of a search would in his opinion be defeated by the delay necessary for reducing the information to writing provided that the name and address of the person giving the information is known to or ascertained by him before he acts upon the information.

[30/2002]

(4) If, upon any search made under this section —

- (a) any article, the exportation or removal of which is absolutely prohibited by any notification issued under this Act, and which is not exempted by this Act or by any licence issued under this Act, is found on board any vessel or aircraft about to leave any port or airport of Singapore;
- (b) any article, the exportation of which to any particular country, territory or place is prohibited by any such notification, and which is not so exempted, is found on board any vessel or aircraft about to leave any port or airport of Singapore for that country, territory or place; or
- (c) any article, for the exportation of which a licence is required by this Act, is found on board any vessel or aircraft about to leave any port or airport of Singapore,

it shall be presumed, unless the contrary is proved, that the article was attempted to be exported or removed contrary to this Act, or that the article was attempted to be exported without a licence, as the case may be, and that vessel or aircraft may be detained for the purpose of removing that article therefrom, and the article may be removed.

[30/2002]

(5) In this section, “Commander, Airport Police” and “Commander, Police Coast Guard” mean the persons designated by the Commissioner of Police as such.

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[30/2002]

Persons conveying arms, etc., may be apprehended without warrant in suspicious circumstances

30.—(1) If any person is found carrying or conveying any guns, arms, naval or military stores or explosives in such a manner or under such circumstances as to afford reasonable grounds for suspicion that they may be used for any unlawful purpose dangerous to the public peace, any person may without warrant apprehend the person so found and detain him in custody.

(2) Any person who is apprehended by a person not being a police officer shall be immediately taken to the nearest or other police station or be handed over to a police officer.

[34

Power to arrest without warrant persons committing dangerous offences

31. Any person who is found committing any act, for which he is punishable under this Act, which tends to cause explosion or fire in or about any place where an explosive is manufactured or stored, or any railway, port or airport or any carriage, vessel or

aircraft, may be apprehended without a warrant by —

- (a) a police officer;
- (b) the occupier of or the agent or employee of or other person authorised by the occupier of that place; or
- (c) an agent or employee of or other person authorised by the railway administration or the Maritime and Port Authority of Singapore.

[35

[7/96; 30/2002]

Arrest by police officer without warrant

32. Any police officer may arrest without warrant any person found committing or attempting to commit or employing, aiding or assisting any person to commit an offence under section 10, 11, 13, 22, 24, 25, 26, 27(2) or 30.

[36

Persons arrested to be taken to police station

33. Any person arrested by virtue of any power given under this Act shall, together with any article as to which any offence may have been committed or attempted to have been committed, be taken to a police station, and conveyed, as soon as possible, before a District Court or a Magistrate's Court to be dealt with according to law.

Power to stop and search for armsor explosives in street

34. It shall be lawful for any police officer to stop, and to search for armsor explosives, any person whom he may find in any street or other public place, at any hour of the day or night, who acts in a suspicious manner, or whom he may suspect of having any armsor explosives in his possession.

[38

Presumption

35. Every person who is proved to have had in his possession or under his control anything whatever containing any guns, armsor explosives shall, until the contrary is proved, be deemed to have been in possession of those guns, armsor explosives.

[39

PART VI

MISCELLANEOUS PROVISIONS

Notice of accidents

36.—(1) Where there occurs, in or about or in connection with —

- (a) any place in which an explosive is manufactured, possessed or used; or
- (b) any carriage, vessel or aircraft either conveying an explosive or on or from which an explosive is being loaded or unloaded,

any accident by explosion or by fire attended with loss of human life, or serious injury to person or property, or of a description usually attended with such loss or injury, the occupier of the place, the master of the vessel, the pilot-in-command of the aircraft or the person in charge of the carriage shall immediately give notice thereof to the officer in charge of the nearest police station.

[30/2002]

(2) Any such occupier, master, pilot-in-command or person who fails to give notice as required by subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months or to both.

[41

[30/2002]

Inquiry into accidents

37.—(1) Where the Public Prosecutor or a Deputy Public Prosecutor is of the opinion that an inquiry should be held into the nature and cause of any accident of which notice is required to be given under section 36, he may by written order direct any Magistrate or the Port Master to hold an inquiry into the nature and cause of the accident.

(2) A Magistrate or the Port Master holding an inquiry under subsection (1) shall have for the purposes of the inquiry all the powers of a Magistrate's Court conducting an inquiry under the Criminal Procedure Code 2010 (Act 15 of 2010).

(3) The Magistrate or the Port Master shall on the conclusion of the inquiry forward to the Public Prosecutor or to a Deputy Public Prosecutor a copy of the proceedings and a report in writing —

- (a) as to the nature and cause of the accident; and
- (b) stating whether in his opinion the accident was caused by design or was the result of accident or of negligence stating the full particulars of the case and the reasons for the conclusions he has arrived at.

Abetment and attempt

38. Any person who abets the commission of any offence punishable under this Act,

or attempts to commit any such offence, and in the attempt does any act towards the commission of the offence, shall be punished as if he had committed the offence.

Jurisdiction of court

39.—(1) All offences under this Act shall be triable by a District Court or a Magistrate's Court.

(2) No Magistrate's Court shall award a fine exceeding \$2,000 or imprisonment exceeding 6 months.

(3) Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court shall have power to impose the full penalty or punishment in respect of any offence under this Act.

[26
[30/2002]

Sanction

40.—(1) No prosecution shall be instituted for any offence made punishable by section 9, 10 or 11 except with the written sanction of the Public Prosecutor or a Deputy Public Prosecutor or on the complaint of the Licensing Officer or the Port Master.

[30/2002]

(2) Such sanction shall state under what section or sections the prosecution is instituted, but if, in the course of the trial, it appears necessary to the court to alter, add to or amend any charge, no further or other sanction shall be necessary.

(3) No conviction shall be set aside for the want of any sanction or complaint or for any omission or defect in any sanction or complaint, unless the accused has been prejudiced thereby.

(4) No such sanction shall remain in force unless acted upon within one month from the date upon which it was given.

[27]

Rewards to informers

41. In the case of a conviction under any provision of this Act involving a fine, the court inflicting the fine may —

(a) direct, on the application of the Licensing Officer or other person conducting the prosecution, that any part, not exceeding one-half thereof, shall be paid to any person who has given such information to the police as has led to the conviction of the offender or offenders; or

(b) if there is more than one such person, direct the fine to be divided amongst

them in such proportions as the court orders.

[30/2002]

Forfeitures

42.—(1) All articles —

- (a) with regard to which any offence has been committed under this Act or any permit granted thereunder; or
- (b) in respect of which a breach has been committed of any of the restrictions or conditions subject to or upon which any licence has been issued,

may be seized by any police officer and, together with the receptacles containing them, shall be forfeited to the Government on application made by the Licensing Officer.

[30/2002]

(2) All guns, arms, naval or military stores and war material of any kind which are found without an apparent owner may be seized by any police officer, and if, after such notice given as to a Magistrate's Court seems fit, no owner appears, they shall be forfeited to the Government.

Liability of employer

43.—(1) For the purposes of this Act, a person shall be liable for every act, omission, neglect or default of any agent or servant employed by him and acting within the scope of his employment, as fully and effectually as if that act, omission, neglect or default were done or committed by the person.

(2) Nothing in this section shall affect the liability of the agent or servant.

(3) The liability of the employer shall not extend to imprisonment other than imprisonment in default of payment of a fine unless he is privy to the offence.

General penalty

44. Any person guilty of an offence under this Act for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$1,000.

[30/2002]

Power to amend Schedule

45. The Minister may, by order published in the *Gazette*, amend the Schedule.

[40A
[30/2002]

Power to make rules

46.—(1) The Minister may make rules for any of the following purposes:

- (a) to regulate the possession of guns or arms;
- (b) to regulate the importation and transport of guns or arms;
- (c) to regulate the exportation of guns, arms or naval or military stores;
- (d) to regulate the manufacture and dealing in guns or arms, and the purchase of arms;
- (e) to regulate the landing and transshipping of guns or arms;
- (f) to provide for the marking of guns or arms for the possession of which a licence is issued;
- (g) to regulate or prohibit, except under or in accordance with the conditions of a licence, the manufacture, possession, use, sale, purchase, storage, transport, importation and exportation of explosives or any specified class of explosives;
- (h) to regulate or prohibit except under and in accordance with the conditions of a licence, the manufacture, possession, use, sale, purchase, storage, transport, importation and exportation of poisonous or noxious gases or noxious substances or any specified class of poisonous or noxious gases or noxious substances;
- (i) to regulate the tests to which various classes or any particular class of explosive may or shall be subjected before permission is granted to land the same in Singapore;
- (j) to regulate the duties of the Port Master under this Act or of the Licensing Officer or of any other officer vested with powers under this Act;
- (k) to declare what duties may be carried out by subordinate police officers under the direction and control of the Licensing Officer, and to regulate the conduct of such duties;
- (l) to regulate the manner in which applications for licences shall be made, and the matters to be specified in them;
- (m) to regulate the form in which, and the conditions on and subject to which, licences shall be issued, the matters to be specified in licences, and the issue of licences generally;
- (n) to regulate the period for which licences are to remain in force;
- (o) to fix the fees to be charged for any licence issuable under this Act and the other sums, if any, to be paid for expenses by applicants for licences;

- (p) to fix the fees to be paid for the use of Government magazines or any portion thereof;
- (q) to direct by whom and in what manner fees payable under this Act shall be collected and accounted for;
- (r) to authorise any officer, either by name or office —
 - (i) to enter, inspect and examine any place, carriage, vessel or aircraft in which an explosive is being manufactured, possessed, used, sold, transported or imported under a licence issued under this Act, or in which he has reason to believe that an explosive has been or is being manufactured, possessed, used, sold, transported or imported in contravention of this Act;
 - (ii) to search for explosives therein;
 - (iii) to take samples of any explosive found therein, on payment of their value;
 - (iv) to seize, detain, remove and, if necessary, destroy any explosive found therein; and
 - (v) to arrest without warrant and to search any person whom he reasonably believes to have committed an offence under any rules made under this Act;
- (s) to regulate the disposition, destruction or sale of all articles forfeited under this Act;
- (t) to regulate the possession and use of arms by schools and clubs for sporting activities and to exempt any school or club from the requirement for a licence under this Act, subject to such conditions as may be prescribed; and
- (u) generally to give effect to the provisions of this Act.

[30/2002]

(2) The Minister may in making any rules prescribe the penalty with which the contravention thereof shall be punishable, but so that no such penalty shall exceed imprisonment for a term of 2 years or a fine of \$5,000 or both and, in the case of a continuing contravention, a fine of \$2,000 for every day during which the offence continues.

(3) No such rules shall affect the dealing with explosives within any dockyard, arsenal, fort, military cantonment or other place for keeping ordnance or naval or

military or air force stores occupied, used, controlled or managed by the Government or the government of any other country for defence purposes in Singapore.

(4) All rules made under this section shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication.

[39

THE SCHEDULE

Section 2(1)

DETECTION AGENTS

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>
<i>Name of detection agent</i>	<i>Molecular formula</i>	<i>Molecular weight</i>	<i>Minimum concentration</i>
Ethylene glycol dinitrate (EGDN)	$C_2H_4(NO_3)_2$	152	0.2% by mass
2,3-Dimethyl-2,3-dinitrobutane (DMNB)	$C_6H_{12}(NO_2)_2$	176	0.1% by mass
para-Mononitrotoluene (p-MNT)	$C_7H_7NO_2$	137	0.5% by mass.

[30/2002]

LEGISLATIVE HISTORY

ARMS AND EXPLOSIVES ACT (CHAPTER 13)

This Legislative History is provided for the convenience of users of the Arms and Explosives Act. It is not part of this Act.

1. Ordinance 9 of 1913—Arms and Explosives Ordinance 1913

Date of First Reading	: Date not available
Date of Second and Third Readings	: 22 August 1913
Date of commencement	: 18 November 1913

2. Ordinance 26 of 1921—Statute Laws (Revised Edition) Operation Ordinance 1921

- | | | |
|-----------------------------------|---|------------------|
| Date of First Reading | : | 22 November 1921 |
| Date of Second and Third Readings | : | 22 November 1921 |
| Date of commencement | : | 28 November 1921 |
- 3. Ordinance 6 of 1923—Arms and Explosives (Amendment) Ordinance 1923**
- | | | |
|------------------------|---|------------------|
| Date of First Reading | : | 26 February 1923 |
| Date of Second Reading | : | 23 April 1923 |
| Date of Third Reading | : | 28 May 1923 |
| Date of commencement | : | 15 June 1923 |
- 4. Ordinance 25 of 1923—Criminal Law (Amendment) Ordinance 1923**
- | | | |
|-----------------------------------|---|--------------------|
| Date of First Reading | : | Date not available |
| Date of Second and Third Readings | : | Date not available |
| Date of commencement | : | 31 December 1923 |
- 5. Ordinance 21 of 1926—Arms and Explosives (Amendment) Ordinance 1926**
- | | | |
|------------------------|---|--------------------|
| Date of First Reading | : | Date not available |
| Date of Second Reading | : | 6 September 1926 |
| Date of Third Reading | : | 11 October 1926 |
| Date of commencement | : | 29 October 1926 |
- 6. Ordinance 9 of 1927—Arms and Explosives (Amendment) Ordinance 1927**
- | | | |
|-----------------------------------|---|---|
| Date of First Reading | : | 7 February 1927 (Published on 11 February 1927) |
| Date of Second and Third Readings | : | 16 May 1927 |
| Date of commencement | : | 10 June 1927 |
- 7. Ordinance 3 of 1928—Arms and Explosives (Amendment) Ordinance 1928**
- | | | |
|-----------------------------------|---|---------------|
| Date of First Reading | : | 26 March 1928 |
| Date of Second and Third Readings | : | 26 March 1928 |
| Date of commencement | : | 20 April 1928 |

8. Ordinance 42 of 1935—Arms and Explosives (Amendment) Ordinance 1935

Date of First Reading	:	26 August 1935
Date of Second and Third Readings	:	28 October 1935
Date of commencement	:	15 November 1935

9. 1936 Revised Edition—Arms and Explosives Ordinance (Chapter 196)

Date of operation	:	1 September 1936
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10. Ordinance 42 of 1937—Arms and Explosives (Amendment) Ordinance 1937

Date of First Reading	:	25 October 1937 (Published on 10 December 1937)
Date of Second and Third Readings	:	17 November 1937
Date of commencement	:	10 December 1937

11. Ordinance 25 of 1939—Arms and Explosives (Amendment) Ordinance 1939

Date of First Reading	:	12 June 1939 (Published on 16 June 1939)
Date of Second and Third Readings	:	28 August 1939
Date of commencement	:	15 September 1939

12. Ordinance 11 of 1941—Arms and Explosives (Amendment) Ordinance 1941

Date of First Reading	:	20 January 1941
Date of Second and Third Readings	:	28 April 1941
Date of commencement	:	23 May 1941

13. Ordinance 17 of 1947—Arms and Explosives (Amendment) Ordinance 1947

Date of First Reading	:	Date not available
Date of Second and Third Readings	:	24 April 1947
Date of commencement	:	9 May 1947

14. Ordinance 17 of 1949—Arms and Explosives (Amendment) Ordinance 1949

Date of First Reading	:	12 April 1949 (Published on 14
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- | | |
|-----------------------------------|---------------|
| | April 1949) |
| Date of Second and Third Readings | : 17 May 1949 |
| Date of commencement | : 3 June 1949 |
- 15. Ordinance 37 of 1952—Law Revision (Penalties Amendment) Ordinance 1952**
- | | |
|-----------------------------------|---|
| Date of First Reading | : 16 September 1952 |
| | (Bill No. 32/52 published on 19 September 1952) |
| Date of Second and Third Readings | : 14 October 1952 |
| Date of commencement | : 30 April 1955 |
- 16. Ordinance 20 of 1954—Criminal Justice (Punishment — Amendment) Ordinance 1954**
- | | |
|-----------------------------------|--|
| Date of First Reading | : 17 August 1954 |
| | (Bill No. 28/54 published on 20 August 1954) |
| Date of Second and Third Readings | : 12 October 1954 |
| Date of commencement | : 18 December 1954 |
- 17. Ordinance 8 of 1955—Revised Edition of the Laws (Miscellaneous Amendments) Ordinance 1955**
- | | |
|-----------------------------------|--|
| Date of First Reading | : 14 December 1954 |
| | (Bill No. 45/54 published on 17 December 1954) |
| Date of Second and Third Readings | : 28 January 1955 |
| Date of commencement | : 11 February 1955 |
- 18. 1955 Revised Edition—Arms and Explosives Ordinance (Cap. 210)**
- | | |
|-------------------|--------------|
| Date of operation | : 1 May 1955 |
|-------------------|--------------|
- 19. Ordinance 28 of 1955—Arms and Explosives (Amendment) Ordinance 1955**
- | | |
|-----------------------|--|
| Date of First Reading | : 18 August 1955 |
| | (Bill No. 12/55 published on 31 August 1955) |

- Date of Second and Third Readings : 12 October 1955
- Date of commencement : 21 October 1955
- 20. Ordinance 31 of 1958—Legislative Assembly (Presentation of Subsidiary Legislation) Ordinance 1958**
- Date of First Reading : 16 July 1955
(Bill No. 158/55 published on 22 July 1955)
- Date of Second Reading : 13 August 1958
- Date of Third Reading : 10 September 1958
- Date of commencement : 25 September 1958
- 21. Ordinance 71 of 1959—Transfer of Powers Ordinance 1959**
- Date of First Reading : 22 September 1959
(Bill No. 30/59 published on 30 September 1959)
- Date of Second and Third Readings : 11 November 1959
- Date of commencement : 20 November 1959
- 22. G. N. No. S 7/1966—Port of Singapore Authority (Transfer of Functions) Order 1965**
- Date of commencement : 8 January 1966
- 23. G. N. No. S 109/1966—Modification of Laws (Arms and Explosives) Order 1966**
- Date of commencement : 17 June 1966
- 24. 1970 Revised Edition—Arms and Explosives Act (Cap. 238)**
- Date of operation : 31 July 1971
- 25. Act 2 of 1973—Arms and Explosives (Amendment) Act 1973**
- Date of First Reading : 22 November 1972
(Bill No. 45/72 published on 25 November 1972)
- Date of Second and Third Readings : 16 February 1973

- Date of commencement : 1 May 1973
- 26. Act 21 of 1973—Statutes of the Republic of Singapore (Miscellaneous Amendments) Act 1973**
- Date of First Reading : 7 March 1973
(Bill No. 16/73 published on 9 March 1973)
- Date of Second and Third Readings : 20 March 1973
- Date of commencement : 6 April 1973
- 27. 1985 Revised Edition—Arms and Explosives Act**
- Date of operation : 30 March 1987
- 28. Act 7 of 1996—Maritime and Port Authority of Singapore Act 1996**
(Consequential amendments made by)
- Date of First Reading : 5 December 1995
(Bill No. 46/95 published on 6 December 1995)
- Date of Second and Third Readings : 18 January 1996
- Date of commencement : 2 February 1996
- 29. Act 22 of 2000—Auctioneers’ Licences (Amendment) Act 2000**
(Consequential amendments made by)
- Date of First Reading : 22 May 2000
(Bill No. 17/2000 published on 23 May 2000)
- Date of Second and Third Readings : 3 July 2000
- Date of commencement : 1 August 2000
- 30. Act 30 of 2002—Arms and Explosives (Amendment) Act 2002**
- Date of First Reading : 1 October 2002
(Bill No. 32/2002 published on 2 October 2002)
- Date of Second and Third Readings : 31 October 2002

- Date of commencement : 21 March 2003
- 31. 2003 Revised Edition—Arms and Explosives Act**
- Date of operation : 31 July 2003
- 32. Act 24 of 2004—Police Force Act 2004**
(Consequential amendments made to Act by)
- Date of First Reading : 19 May 2004
(Bill No. 22/2004 published on 20 May 2004)
- Date of Second and Third Readings : 15 June 2004
- Date of commencement : 12 October 2004
- 33. Act 3 of 2005—CISCO (Dissolution) Act 2005**
(Consequential amendments made to Act by)
- Date of First Reading : 19 October 2004
(Bill No. 52/2004 published on 20 October 2005)
- Date of Second and Third Readings : 25 January 2005
- Dates of commencement : 10 June 2005 (Part IV)

COMPARATIVE TABLE

ARMS AND EXPLOSIVES ACT (CHAPTER 13)

The following provisions in the 1985 Revised Edition of the Arms and Explosives Act were renumbered by the Law Revision Commissioners in the 2003 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Arms and Explosives Act.

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