

THE STATUTES OF THE REPUBLIC OF SINGAPORE

ARMS AND EXPLOSIVES ACT

(CHAPTER 13)

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9 of 1913

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Arms and Explosives Act

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An Act to regulate the manufacture, use, sale, storage, transport, importation, exportation and possession of arms and explosives.

[12th December 1913]

Short title.

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

Interpre-
tation.

- 2.—(1) In this Act —

“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 can be emitted and any component part of any such arms, and bayonets, swords, daggers, spears and spearheads;

“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”, with its grammatical variations and cognate expressions, includes repair, sell, keep or expose for sale;

“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 5 (1) (a);

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

“licensed auctioneer” means any person licensed under the Auctioneers’ Licences Act as an auctioneer;

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

“licensing authority” means such person or authority as may be appointed by the Minister under section 9;

“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 or aircraft other than a pilot of a vessel;

“Port Master” has the same meaning as in the Port of Singapore Authority Act;

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

“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.

(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) 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, 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.

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

4.—(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:

Minister may prohibit exportation by notification.

- (a) arms, guns, explosives or any specified class of explosives, aircraft, armoured cars, tanks, naval, military or air force stores or any war material whatsoever including any poisonous or noxious gas;
- (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.

(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.

5.—(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.

6.—(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.

(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 \$1,000.

7.—(1) If any vessel or aircraft is used for the exportation or removal of any article in contravention of any notification issued under section 4, or for the importation of any explosive or poisonous or noxious gas in contravention of any notification issued under section 5 or 6, the master 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 the master or owner was not implicated in the placing or keeping of the article or explosive or poisonous or noxious gas on board the vessel or aircraft and that the offence in question was committed without his knowledge, consent or connivance, and the vessel or aircraft may be detained by order of the court until security has been given for such sum as the court orders not exceeding \$5,000.

Penalty for unauthorised exportation or removal.

(2) Except as provided by section 3 (1) (f), the finding on board any vessel or aircraft of any article the exportation or removal of which is in contravention of any notification issued under section 4 or of any explosive or poisonous or noxious gas the importation of which is in contravention of any notification issued under section 5 or 6 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.

Licences

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

Licences required in respect of guns, arms and explosives.

- (a) have in his possession or under his control any guns or arms or poisonous or noxious gas:

Provided that this sub-paragraph shall not apply to bayonets, swords, daggers, spears and spearheads in any dwelling-house kept therein as curios or for ornamental purposes;

- (b) import any guns, arms or explosives or poisonous or noxious gas;
- (c) export any guns, arms or naval or military stores or poisonous or noxious gas; or

(d) manufacture or deal in guns or arms or poisonous or noxious gas.

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

(a) imports any guns, arms or explosives or poisonous or noxious gas;

(b) exports any guns, arms or poisonous or noxious gas or naval or military stores; or

(c) manufactures or deals in guns or arms or poisonous or noxious gas,

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

(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 \$1,000 for every such gun and to imprisonment for a term which may extend to 3 years.

(4) Any person who, in contravention of this section, has in his possession or under his control any arms or poisonous or noxious gas shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 and to imprisonment for a term which may extend to 3 years, and if, upon the conviction of any person of an offence under this subsection, 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 or poisonous or noxious gas for the purpose of committing an offence punishable under the Penal Code, the offender shall, in addition to the imprisonment prescribed by this subsection, be liable to caning.

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Appointment
of licensing
authority.

9.—(1) The Minister may, by rules made under section 40 or by notification in the *Gazette*, appoint any person or authority to be the licensing authority for the purpose of carrying into effect all or any of the provisions of this Act or of any rules made thereunder.

(2) The licensing authority may issue licences under this Act to approved persons on payment of the prescribed fee and any other prescribed charges.

Conditions
of licences.

10. Every licence issued under this Act or any rules made thereunder shall be deemed to be issued and held

subject, in addition to any others which are prescribed, to the following conditions:

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

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

12.—(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. No purchase of guns or arms from licensed dealer without licence.

(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 \$200:

Provided that this section shall not apply to bayonets, swords, daggers, spears and spearheads bona fide intended to be kept as curios or for ornamental purposes.

13.—(1) Any person, not being a licensed dealer, in possession of any guns, arms or ammunition under a licence, may deliver the same to any other person who has produced to him a licence for the possession thereof or to a licensed auctioneer: Delivery by other than licensed dealers.

Provided that the person delivering the same forthwith returns his licence to the licensing authority 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.

(2) A licensed auctioneer may sell any guns, arms or ammunition sent to him for sale but shall be governed by the rules made under this Act relating to licensed dealers in

respect thereof, and shall within 24 hours of the receipt of any guns, arms or ammunition for sale report the receipt thereof with particulars of the guns, arms and ammunition and the name and address of the owner thereof to the licensing authority.

(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 \$200.

Provision upon death or bankruptcy, etc., of licensee.

14.—(1) If a person licensed to import an explosive or any guns or arms 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 authority for a new licence.

(2) The second-mentioned person 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 at police station.

15.—(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 at the nearest police station.

(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 shall be forfeited to the Government.

(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 13 to take delivery of them or deposit them for safe keeping at a police station.

21/73.

(4) The licensing authority 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).

16. Any arms or explosives deposited with the licensing authority in accordance with the provisions of this Act or any rules made thereunder 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. [15A

Forfeiture of arms or explosives deposited with the licensing authority. 2/73.

17.—(1) The licensing authority may, upon application by the master, owner or agent of any vessel or aircraft arriving or about to arrive at any port, grant a permit to that master, owner or agent authorising him to land any guns or arms consigned upon that vessel or aircraft to that port or for transshipment at that port. Permit to land may be granted.

(2) The licensing authority may, upon application by the master, owner or agent of any vessel or aircraft arriving or about to arrive at any port, and having on board the vessel any guns or arms for transshipment at that port, grant to that master, owner or agent a permit to tranship the guns or arms.

(3) That master, owner or agent shall thereupon cease to be liable to any prosecution for importing the guns or arms without a licence, but the granting of the permit shall not render any other person free from any prosecution for importing the guns or arms without a licence. [16

18. The Minister may, by writing under his hand, authorise 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 may, by writing under his hand, authorise the use of Government magazines or any portion thereof for the storage or safe custody of explosives belonging to other persons. [17

Minister may authorise erection of magazines or establishment of hulks.

Other offences and penalties

19. Any person who knowingly conceals any guns, arms, explosives or poisonous or noxious gas 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 \$1,000. [18

Knowingly concealing arms, etc., imported without a licence.

Knowingly purchasing arms from person not licensed.

20. 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 \$400. [19]

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

21. Any person who, being required under any rules made under this Act to keep any book or to make any entry in any book, omits or fails duly to keep that book or make an entry, or obstructs or prevents the inspection of that book or entry, or makes a false entry, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 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. [20]

Resisting person in execution of power.

22. Any person who assaults or obstructs or resists any person in the execution of any power vested in him by this Act or by any rules made thereunder shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200 or to imprisonment for a term which may extend to 6 months or to both. [21]

Obstructing inspection of stock-in-trade.

23. Any person who intentionally conceals from any officer duly authorised to inspect the stock-in-trade of any licensed dealer that stock-in-trade, or 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 \$500 or to imprisonment for a term which may extend to 2 years or to both. [22]

General penalty.

24. Any person who is guilty of any contravention of this Act or any rules made thereunder, for which no special provision is made, shall be liable on conviction to a fine not exceeding \$200. [23]

Abetment and attempt.

25. Any person who abets the commission of any offence punishable under this Act or the rules made thereunder, 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. [24]

Jurisdiction of Courts.

26. All offences under this Act shall be triable by a District Court or a Magistrate's Court:

Provided that no Magistrate's Court shall award a fine exceeding \$500 or imprisonment exceeding 6 months.

District Courts may, notwithstanding anything contained in the Criminal Procedure Code, award the full penalties prescribed by this Act. Cap. 68.
[25]

27.—(1) No prosecution shall be instituted for any offence made punishable by section 4, 5 or 6 except with the written sanction of the Public Prosecutor or a Deputy Public Prosecutor or on the complaint of the licensing authority or the Port Master. Sanction.

(2) Such a 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. [26]

28. In the case of a conviction under any section of this Act involving a fine, the court inflicting the fine may direct, on the application of the licensing authority 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, if there is more than one such person, may direct it to be divided amongst them in such proportions as the court orders. Rewards to
informers.
[27]

29.—(1) All articles with regard to which any offence has been committed under this Act or any rules made or permit granted thereunder, or 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 authority. Forfeitures.

(2) All guns, arms, naval or military stores and war material of any kind whatsoever 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. [28]

Liability of employer.

30. 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 first-mentioned person; but so that nothing in this section shall affect the liability of the agent or servant, and provided that 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. [29]

Search, seizure and arrest

Search of premises and seizure therein.

31.—(1) Whenever 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 or police officers, authorise the officer or officers, by day or by night —

- (i) to enter and search the house or premises occupied by the person, or any house or premises wherein 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 officer or officers has or have 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, refuses to produce or point them out to the person making the search, or 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. [30]

32.—(1) The licensing authority may authorise, by writing, any police officer to search any house or the houses in any district for any guns, arms, explosives or poisonous or noxious gas, and may in like manner authorise the police officer to require any person or the persons living in any district to produce his or their licence or licences for the possession of guns, arms, explosives or poisonous or noxious gas, and to produce or account for the things covered thereby. Search for arms, etc. 21/73.

(2) Any person who fails to give a satisfactory account to the police officer for any guns, arms, explosives or poisonous or noxious gas 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 \$100. [31]

33.—(1) If any vessel or aircraft, about to leave any port of Singapore — Search of vessels or aircraft. 21/73.

- (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 exempted as aforesaid;
- (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 or the licensing authority may issue a search warrant directed to any boarding officer or boarding officers or any police officer named or referred to in the warrant.

(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 or the licensing authority 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.

(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 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 exempted as aforesaid, is found on board any vessel or aircraft about to leave any port 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 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.

[32]

34.—(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.

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

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

[33]

35. 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 or port or any carriage or vessel, may be apprehended without a warrant by a police officer or by the occupier of or the agent or employee of or other person authorised by the occupier of that place, or by an agent or employee of or other person authorised by the railway administration or the Port of Singapore Authority.

Power to arrest without warrant persons committing dangerous offences.

[34]

36. 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 5, 6, 8, 19, 21, 22, 23, 31 (2) or 34.

Arrest by police without warrant.

[35]

37. 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.

Persons arrested to be taken to a police station.

[36]

Power to stop and search for arms or explosives in the street.

38. It shall be lawful for any police officer to stop, and to search for arms or 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 arms or explosives in his possession.

[37

Presumption.

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

[38

General

Power to make rules.

40.—(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 any specified class of poisonous or noxious gases;
- (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 authority or of any other officer vested with powers under this Act or any rules made under this Act;
- (k) to declare what duties may be carried out by subordinate police officers under the direction and control of the licensing authority, 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 or of the rules made thereunder;
 - (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) generally to give effect to the provisions of this Act.

(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 and if a resolution is passed pursuant to a motion notice whereof has been given for a sitting day not later than the first available sitting day of Parliament next after the expiry of 3 months from the date when rules are so presented annulling the rules or any part thereof as from a specified date, the rules or such part thereof, as the case may be, shall become void as from that date, but without prejudice to the validity of anything previously done thereunder or to the making of new rules.

(5) Any rule made by the Minister under this section shall have the same force and effect as if enacted in this Act.

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Notice of
accidents.

41.—(1) Whenever there occurs, in or about or in connection with any place in which an explosive is manufactured, possessed or used, or 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, or the master of the vessel, or the person in charge of the carriage shall forthwith give notice thereof to the officer in charge of the nearest police station.

(2) Any such occupier, master 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. [40

42.—(1) Whenever the Public Prosecutor or a Deputy Public Prosecutor is of 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 41 he may by written order direct any Magistrate or the Port Master to hold an inquiry into the nature and cause of the accident. Inquiry into accidents.

(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. Cap. 68.

(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 as to the nature and cause of the accident and shall state whether in his opinion it 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. [41