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Guns, Explosives and Weapons Control Bill

Bill No. 44/2020.

Read the first time on 3 November 2020.

GUNS, EXPLOSIVES AND WEAPONS CONTROL ACT 2021

(No. of 2021)

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A BILL

intituled

An Act to control the handling of guns, gun accessories, explosives, explosive precursors, weapons and noxious substances, to repeal the Arms and Explosives Act (Chapter 13 of the 2003 Revised Edition), the Dangerous Fireworks Act (Chapter 72 of the 2014 Revised Edition) and the Explosive Substances Act (Chapter 100 of the 2014 Revised Edition), to make related amendments to the Arms Offences Act (Chapter 14 of the 2008 Revised Edition) and the Corrosive and Explosive Substances and Offensive Weapons Act (Chapter 65 of the 2013 Revised Edition) regarding offences and penalties, and to make consequential amendments to certain other Acts.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART 1
PRELIMINARY

Short title and commencement

5 **1.** This Act is the Guns, Explosives and Weapons Control Act 2021 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

General interpretation

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

“applicant” means an applicant for or to renew a licence;

10 “authorised officer”, in relation to any provision of this Act, means an individual who is appointed as an authorised officer under section 79(1) for the purposes of that provision;

“business” includes any business, whether or not carried on for profit;

15 “chief executive officer”, in relation to a licensee, means an individual (by whatever name described) who —

 (a) is in the direct employment of, or acting for or by arrangement with, the licensee; and

20 (b) is principally responsible for the management and conduct of the business of the licensee insofar as it relates to carrying on a regulated activity,

and includes an individual for the time being performing all or any of the functions or duties of a chief executive officer;

25 “class licence” means a class licence determined under an order made under section 56(1), and includes a class licence as from time to time varied under section 57;

“class licensee” means a person to which a class licence applies;

“compliance officer” means an individual appointed under section 80;

- “container” means any thing in or by which a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance, is wholly or partly cased, covered, enclosed, contained or packed, and includes any covering or wrapping, but excludes a conveyance; 5
- “convey” means carriage on any conveyance (whether or not in the course of a business) and includes any operation incidental to the whole course of carriage, such as loading, unloading and storage in transit; 10
- “conveyance” includes any aircraft, train, vehicle, vessel or other mode of transport of passengers or goods;
- “corporation” means any body corporate formed or incorporated or existing in or outside Singapore and includes any foreign company within the meaning of the Companies Act (Cap. 50); 15
- “director” has the meaning given by section 4(1) of the Companies Act;
- “dispose” means destroy or handle with a view to destroying, and includes rendering harmless, but excludes discharging or firing an explosive in the course of mining, quarrying or an industrial application or as a display or provision of entertainment; 20
- “explosive”, “explosive device” and “explosive substance” have the meanings given by section 4; 25
- “granted” or “grant”, for a licence, includes granted or grant on renewal and required to be treated as granted under section 6(5) or 7(5) or the Third Schedule;
- “gun” and “gun accessory” have the meanings given by section 3; 30
- “handle” includes to store, manufacture, repair, dispose of, convey, import, export or supply;
- “law enforcement agency” means —
- (a) the Singapore Police Force; or

(b) any public sector agency which is charged with the duty of investigating offences or charging offenders under any written law and prescribed in Regulations for the purposes of this definition;

5 “licence” means a licence granted under Part 4 that —

(a) authorises the licensee granted the licence to carry on a regulated activity specified in the licence; and

(b) is in force;

10 “licensee” means a person to whom a licence is granted under this Act but does not include a class licensee;

“Licensing Officer”, in relation to any provision of this Act, means an individual appointed under section 78(1) as a Licensing Officer for the purposes of that provision;

15 “limited liability partnership” has the meaning given by the Limited Liability Partnerships Act (Cap. 163A);

“MARPLEX Convention” means —

(a) the Convention on the Marking of Plastic Explosives for the Purpose of Detection concluded in Montreal on 1st March 1991; or

20 (b) if the Convention in paragraph (a) is amended and the amendment binds Singapore, that Convention as so amended;

25 “MARPLEX Convention excepted use”, in relation to a plastic explosive, means use of the plastic explosive exclusively for one or more of the following:

(a) research, development or testing of new or modified explosives;

(b) development or testing of explosives detection equipment;

30 (c) training in explosives detection;

(d) forensic science;

“modification” or “modify”, in relation to the conditions of a licence, includes deleting, or varying and substituting a condition, and adding a condition;

“noxious substance” means any nauseating or lachrymatory substance, and includes any of the following: 5

(a) a container specially constructed to directly hold any noxious substance, such as a cartridge, cylinder, pressurised can or round containing a noxious substance;

(b) an object or a thing that, if used in the way for which it is or was designed or adapted, is or was capable of being aimed at a target and causing hurt or injury by discharging any noxious substance directly onto the target, such as a pepper spray gun or cannister; 10

“occupier”, in relation to any place or premises, includes an individual present at the place or premises who is in apparent control of the place or premises; 15

“offence under this Act” includes an offence under any Regulations;

“officer”, in relation to an applicant or a class licensee or licensee, means — 20

(a) where the applicant, class licensee or licensee is a body corporate (including a limited liability partnership) —

(i) an individual for the time being holding the office of chairperson, director, partner, chief executive officer, manager or company secretary (as the case may be) of the body or any position analogous to any of those offices; or 25

(ii) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation; 30

(b) where the applicant, class licensee or licensee is a partnership (including a limited partnership), a partner of the partnership; or

(c) where the applicant, class licensee or licensee is an unincorporated association (other than a partnership), an individual for the time being holding the office of president, secretary or member (as the case may be) of the committee of the unincorporated association, or any position analogous to any of those offices,

and includes any person carrying out the duties of any such office referred to in paragraph (a), (b) or (c) if the office is vacant;

“paintball” means a projectile that primarily consists of a dye, paint or similar substance designed to mark an individual or an object;

“paintball marker” means a gun designed to discharge a paintball;

“paintball range operator” means a person who carries on the business of providing or arranging for the provision of grounds for the use by participants in an organised activity involving the use of paintball markers (but not involving the use of any other gun);

“partner”, in relation to a limited partnership, includes a limited partner in the limited partnership;

“place” includes any conveyance;

“premises” means —

(a) a building or structure, whether permanent, temporary or portable;

(b) any area or space, whether or not enclosed, and whether underground or underwater;

(c) any land, whether built on or not; or

(d) any body of water;

“prohibited weapon” means a weapon that —

- (a) is particularly dangerous by reason of its design, construction or any other factor; or
- (b) by reason of its size or any other factor, could be more readily concealed and would be particularly suited to unlawful use,

5

such that, in the opinion of the Minister, it is expedient for the public safety to prescribe the weapon to be a prohibited weapon;

“provision of this Act” includes a provision of any Regulations or other subsidiary legislation made under this Act;

10

“public authority” means —

- (a) any Ministry, department of the Government or Organ of State; or
- (b) any body established or constituted by or under any public Act to perform a public function;

15

“regulated activity” means any of the following activities involving a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance:

20

- (a) import or export;
- (b) store (but not storage incidental to conveyance);
- (c) manufacture;
- (d) repair;
- (e) supply;
- (f) convey;
- (g) use or otherwise possess;
- (h) dispose;
- (i) operate a shooting range or paintball range;

25

“Regulations” means any regulations made under section 90;

30

“regulatory action” means any action that may be taken by the Licensing Officer —

(a) under section 66(1) or (2) against a licensee or class licensee; or

5 (b) under section 67(2) against a former licensee or former class licensee;

“repeat offender”, in relation to any offence under this Act, means a person who —

10 (a) is convicted, or found guilty, of such an offence (called the current offence); and

(b) has been convicted or found guilty, on at least one other earlier occasion within the period of 5 years immediately before the date on which the person is convicted or found guilty of the current offence, of —

15 (i) the same offence; or

(ii) another offence prescribed in this Act as a countable offence in respect of the current offence;

20 “representative staff”, for a licensee, means an individual (whether or not an employee or officer of the licensee) who —

(a) is directly involved in the day-to-day management of a regulated activity carried on by the licensee;

25 (b) has access to and is authorised to provide any information relating to the regulated activity that is required by or under any provision of this Act; and

(c) is authorised to represent for the purposes of this Act the licensee;

30 “responsible executive”, in relation to an applicant or a class licensee or licensee, means an officer thereof who is —

(a) in the case of a corporation, a director, chief executive officer, general manager or a person in a position analogous to any of those offices;

- (b) in the case of a corporation whose affairs are managed by its members, a member designated by those members to be the responsible executive of the corporation;
- (c) in the case of a partnership (including a limited partnership), a partner of the partnership; or 5
- (d) in the case of a society or an unincorporated association (other than a partnership), a president, secretary or treasurer or a person in a position analogous to that of a president, secretary or treasurer, 10

and includes any person carrying out the duties of any such office referred to in paragraph (a), (c) or (d) if the office is vacant;

“security clearance” means a security clearance granted under Division 2 of Part 3; 15

“security sensitive information” means information held by a law enforcement agency that relates to actual or suspected criminal activity (whether in Singapore or elsewhere) the disclosure of which could reasonably be expected to — 20

- (a) prejudice a criminal investigation;
- (b) enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement;
- (c) endanger a person’s life or physical safety; or 25
- (d) disclose the existence or content of a security intelligence report or information;

“shooting gallery” means an indoor or outdoor gallery at which members of the public can use an airgun that is attached to a shooting bench to shoot at stationary or moving targets; 30

“shooting range” includes a shooting gallery;

“shooting range operator” means a person who carries on the business of providing a shooting range (but not a paintball range) for use by members of the public and guns (other than paintball markers) for use by members of the public at the range;

“special worker” means an individual who is or is to be employed or required to work with or for a licensee —

(a) in a managerial or directorial capacity involving the exercise of his or her discretion, that regulates the licensee’s operations in the regulated activity authorised by the licensee’s licence but is not a responsible executive; or

(b) in any capacity relating to any of the following activities:

(i) the security and surveillance of the premises where the licensee is authorised to conduct the regulated activity authorised by the licensee’s licence;

(ii) the assembling, cleaning, repair, packing, transport or delivery of any gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance, in the course of the licensee’s operations authorised by the licensee’s licence;

(iii) such other activity authorised by the licensee’s licence that is prescribed for the purposes of this definition;

(iv) the supervision of any activity in sub-paragraph (i), (ii) or (iii);

“standard” means a standard issued or approved by the Licensing Officer under section 62, and includes any such standard as amended from time to time under that section;

“store”, in relation to any gun, major part of a gun, explosive or explosive precursor, means —

(a) to store or offer to store for another person in any place or premises the gun, major part of a gun, explosive or explosive precursor (regardless of number or quantity), being a place or premises that the person storing or offering to store is an occupier of; or 5

(b) to have possession of the gun, major part of a gun, explosive or explosive precursor in any place or premises, whether or not of the same model or kind and regardless of number or quantity — 10

(i) for the purpose of manufacture, repair, disposal, supply, import or export; or

(ii) in connection with carrying on business as a shooting range operator or a paintball range operator, 15

being a place or premises that the person storing or having possession is an occupier of,

and includes — 20

(c) in the case of any explosive or explosive precursor, possession thereof —

(i) for or in connection with any other purpose; and

(ii) for more than 24 continuous hours in any place or premises that the person in possession is an occupier of; and 25

(d) in the case of any gun or major part of a gun, to have the control or management of for any purpose, or to collect or keep a collection of (for display or otherwise), on any place or premises — 30

(i) 12 or more guns, whether or not of the same model or kind;

(ii) 12 or more major parts of a gun, whether or not of the same model or kind; or

(iii) a combination of guns or major parts of a gun which number in total 12 or more,

5 being a place or premises that the person with the control or management or collecting or keeping the collection is an occupier of;

“substance” means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour;

10 “thing” includes a substance;

“unincorporated association” means a society or body unincorporate which, under any written law, may sue or be sued, or hold property, in the name of an officer of the society or body duly appointed for that purpose;

15 “use” —

(a) in relation to a gun, means —

(i) to fire the gun; or

(ii) to hold the gun so as to cause a reasonable belief that it will be fired, whether or not it is capable of being fired; and

20

(b) in relation to an explosive, includes —

(i) to prepare, assemble, charge or discharge, or fire the explosive; or

(ii) to initiate or discharge a firework,

25

but excludes use for the purpose of manufacture, disposal, repair, import, export, conveyance or supply;

“weapon” means an object or a thing specified in the First Schedule;

30

“wrapping”, in relation to a plastic explosive, means a wrapper the inner surface of which is in contact with the plastic explosive.

(2) Regulations may be made to reduce any period and number mentioned in paragraphs (c) and (d), respectively, of the definition of “store”.

(3) However, for the purposes of this Act, a person is not taken to store any object or thing by reason only that it is storage in transit or other like operation incidental to the whole course of carriage of that object or thing.

(4) For the purposes of this Act —

(a) a licensee is not regarded as being granted a licence to carry on any regulated activity involving a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance, or a shooting range or paintball range, during the period the licence for that regulated activity is suspended under section 66; and

(b) a class licensee is not regarded as authorised under a class licence to carry on any regulated activity involving a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance, or a shooting range or paintball range, during the period the application of the class licence to that class licensee for that regulated activity is suspended under section 66.

Meaning of “gun” and associated terms

3.—(1) In this Act, unless the context otherwise requires, “gun” means an object or a thing that, if used in the way for which it is or was designed or adapted, is or was capable of being aimed at a target and causing hurt or injury by —

(a) propelling a bullet, shot or other projectile (which may or may not contain any noxious substance); or

(b) discharging any corrosive substance or poison,

by means of a burning propellant, compressed air or other compressed gas, or an explosive force (however caused), and includes any of the following:

(c) an object or a thing mentioned in subsection (2)(a);

(d) a collection of major parts of a gun mentioned in subsection (2)(b).

Examples

An electronic dart gun.

5 A ballistic knife.

A handgun or revolver.

An automatic gun or pistol.

A spear gun.

A stun gun or taser.

10 A firearm designed to fire projectiles containing tear gas or poison.

A firearm designed to tranquillise, immobilise or administer vaccines or other medicines to animals.

A howitzer, mortar, bazooka and similar military firearms designed to fire explosive projectiles.

15 A machine gun or sub-machine gun.

A self-loading rifle or shotgun.

A paint-pellet gun or paintball marker.

An airgun.

20 A starting pistol the purpose of which is for use in the starting of racing events in sporting competitions.

(2) For the purposes of this Act —

(a) an object or a thing that would be a gun —

(i) if it did not have something missing from it, or a defect or obstruction in it; or

25 (ii) if it were not for the fact that something has been added to it,

must be taken to be a gun;

(b) a collection of the major parts of a gun that if assembled would be a gun (or would be a gun if it were assembled and in working order) is taken to be a gun; and

30 (c) a reference to a gun of a particular category or kind includes a reference to an object or a thing that would be a

gun of that category or kind if not for paragraph (a)(i) or (ii).

- (3) In this Act, “major part of a gun” means any component —
- (a) that, of itself, is essential to the discharge of any shot, bullet, missile, or other projectile from the gun; 5
 - (b) that is exclusively designed to be, or is intended to be, an integral part of the gun, without which the gun would be considered inoperable or incomplete; or
 - (c) that feeds or contributes to feeding ammunition to the gun.

Examples

A gas piston, friction ring, action bar, breech bolt or breech block. 10

A firearm barrel.

A trigger or firing mechanism.

A frame or receiver.

A slide. 15

An upper or a lower receiver.

A revolving cylinder.

A bolt carrier.

An adjustable, detachable or folding stock.

- (4) However, “gun” does not include the following: 20
- (a) a longbow, crossbow, slingshot or shanghai;
 - (b) an object or a thing that, if used in the way for which it is or was designed or adapted, is or was capable of being aimed at a target and causing hurt or injury by discharging any noxious substance directly onto the target, such as a pepper spray gun or cannister; 25
 - (c) an imitation gun, which is an object that, regardless of its colour, weight or composition or the presence or absence of any moveable part, substantially duplicates in appearance a gun but that is not a gun; 30
 - (d) any other object or thing prescribed not to be a gun.

(5) In this Act, unless the context otherwise requires —

“airgun” means a gun that —

- 5 (a) can propel, or is designed to propel, a projectile by means of any gas or mixture of gases, including air but not including a gas or mixture of gases generated by an explosive; and
- (b) is operated or designed for operation by means of a trigger or similar device;

10 “automatic gun” means a gun that is designed to fire a round when the trigger is brought to the firing position and to continue to fire one or more rounds automatically while the trigger is held in that position;

15 “ballistic knife” means a device or an instrument designed to fire or discharge a knife, dagger or similar instrument by mechanical, percussive or explosive means;

“electronic dart gun” means a portable device that —

- 20 (a) is powered by electricity and, when switched on, is capable of expelling or projecting a projectile; and
- (b) upon coming in contact with a person or an animal, is capable of inflicting injury or an electric shock by a high voltage, low amperage charge to such person or animal;

25 “firing mechanism”, for a gun, means the mechanism of the gun that is designed for the purpose of firing the gun, and includes a trigger mechanism or firing pin;

“gun accessory” means any object or thing that —

- 30 (a) is not a major part of a gun;
- (b) is not a weapon;
- (c) is designed to be fitted to, or adapted to fit, a gun; and
- (d) whether or not complete, damaged, temporarily or permanently inoperable, or unfinished, can be fitted to, or adapted to fit, is —

- (i) a magazine adapter;
- (ii) a flash suppressor;
- (iii) a silencer, sound moderator, sound suppressor or any other device designed to reduce, or capable of reducing, the noise of discharge of the gun; 5
- (iv) a mechanism or other device designed to modify, or capable of converting, a gun to give it any of the following capabilities:
 - (A) burst fire; 10
 - (B) semi-automatic operation;
 - (C) fully automatic operation; or
- (v) any other mechanism or device that is prescribed (by description, model or otherwise) for the purposes of this definition; 15

“loading mechanism”, for a gun, means all the parts of the gun (except the barrel) that are designed to place or hold or to place and hold a round in position for firing, and includes the magazine of the gun, if any;

“prohibited gun” means a gun that — 20

- (a) is particularly dangerous by reason of its design, construction or any other factor; or
- (b) by reason of its size or any other factor, could be more readily concealed than other guns of the same category or would be particularly suited to unlawful use, 25

such that, in the opinion of the Minister, it is expedient for the public safety to prescribe the gun to be a prohibited gun;

“prohibited gun accessory” means any gun accessory that could easily convert a gun to become — 30

- (a) a more dangerous gun (whether or not a prohibited gun);

(b) a more easily concealed gun; or

(c) a gun which would be particularly suited to unlawful use,

such that, in the opinion of the Minister, it is expedient for the public safety to prescribe the gun accessory to be a prohibited gun accessory;

“receiver”, for a gun, means the body or frame of the gun that is designed to hold the firing mechanism or the loading mechanism or both in place, but does not include the stock or barrel of the gun;

“sound moderator” means a device designed or adapted to be attached to, or comprising part of, a gun to muffle the report when the gun is fired, and includes baffles, tubes or other parts that when fitted together would comprise a sound moderator;

“stun gun” means a portable device which is powered by electricity and from which any electric current, discharge, impulse, wave or beam can be emitted and if directed at an individual or animal, can incapacitate temporarily, injure or kill the individual or animal.

Meaning of “explosive” and associated terms

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

“ammunition” means —

(a) an article consisting of a cartridge case fitted with a live primer and a projectile;

(b) an article consisting of a cartridge case fitted with a live primer and containing a propelling charge and a projectile;

Example

A nail gun cartridge.

(c) a live primer, propellant or blank cartridge; or

(d) an object or a thing suitable for use as ammunition in a gun and prescribed for the purposes of this definition, whether or not containing an explosive substance but not containing a noxious substance,

but excludes an inert blank cartridge or inert drill round, a snap cap or other item designed to fit in the breech or chamber of a gun for the purpose of preventing damage to a firing pin, and a paintball; 5

“detection agent” means a substance that —

(a) is intended to be used to enhance the detectability of explosives by vapour detection means; and 10

(b) is prescribed for the purposes of this definition;

“distress signal” means a pyrotechnic device intended for signalling or warning or similar purposes, and includes a marine flare or signal, landing flare, highway flare, highway fusee, line-carrying rocket, cloud seeding rocket, railway fog signal or smoke generator; 15

“explosive” means —

(a) an explosive substance;

(b) ammunition; 20

(c) a firework or rocket firework;

(d) a sand cracker; or

(e) an explosive device;

“explosive device” means any of the following that contains an explosive substance: 25

(a) a bomb;

(b) a grenade;

(c) a mine;

(d) a fog signal, distress signal or fuse;

(e) a detonator, blasting cap or percussion cap; 30

(f) an object or a thing prescribed to be an explosive device,

and includes a collection of parts mentioned in subsection (2), but excludes an imitation explosive device;

5 “explosive precursor” means any substance specified in the Second Schedule;

“explosive substance” means —

10 (a) gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powder, fulminate of mercury or of other metals or coloured fires, and any adaptation or preparation of anything in this paragraph;

(b) a solid or liquid substance that is manufactured or used with a view to produce a practical effect by explosion or a pyrotechnic effect;

15 (c) a solid or liquid substance which, if not for it being wetted or otherwise phlegmatised to suppress its explosive properties, produces a practical effect by explosion or a pyrotechnic effect; or

20 (d) any other substance that is prescribed to be an explosive substance for the purposes of this definition;

“firework” means —

25 (a) an article or a substance, containing one or more explosive substances (with or without other substances) that is designed to entertain people by producing light, sound, gas, smoke, or a combination of them, by means of an exothermic chemical reaction that does not rely on oxygen from external sources to sustain the reaction; or

30 (b) any other article or a thing prescribed to be a firework;

“high explosive” includes —

(a) cyclotetramethylenetetranitramine (HMX);

(b) pentaerythritol tetranitrate (PETN); and

(c) cyclotrimethylenetrinitramine (RDX);

“imitation explosive device” means an object that, regardless of its colour, weight or composition or the presence or absence of any moveable part, substantially duplicates in appearance an explosive device but is not an explosive device, and includes any such object that is produced and identified as a toy or replica; 5

“mine” means a munition (other than a command-detonated munition) designed, intended or altered so as — 10

(a) to be placed under, on or near the ground or other surface area; and

(b) to be exploded by the presence, proximity or contact of a person or a vehicle;

“plastic explosive” means any explosive which — 15

(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; 20

“prohibited explosive” means an explosive of a character that, in the opinion of the Minister, is so specially dangerous to life or property that it is expedient for the public safety to prescribe the explosive to be a prohibited explosive; 25

“rocket firework” includes any firework which will travel over a distance when activated before it produces a practical effect by explosion or a pyrotechnic effect;

“round” means an undischarged complete live cartridge;

“sand cracker” means a pellet containing an explosive which will be activated when set on fire or rubbed on any abrasive surface or by any other means; 30

“unmarked plastic explosive” means a plastic explosive that, at the time of its manufacture —

- (a) does not contain a detection agent;
- (b) contains a detection agent the concentration of which is less than the minimum concentration prescribed in the Regulations for that detection agent; or
- (c) contains a detection agent that is not homogeneously distributed throughout the plastic explosive.

(2) For the purposes of this Act, any collection of the parts of an explosive device that if assembled would be an explosive device (or would be an explosive device if it were assembled and in working order) is taken to be an explosive device.

Meaning of “possession” and associated terms

5.—(1) For the purposes of this Act, a person has “possession” of a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance if —

- (a) the person, being an individual, carries or has an object or a thing on his or her person, including something carried or worn by the person (called in this section physical possession), and the individual knows or has reason to believe that the object or thing is a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance;
- (b) the person has the care, control or management of the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance;
- (c) the person has the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance in the care, control or management of another person, including storing it with that other person;
- (d) the person drives, flies or otherwise operates (even by remote control) any vehicle, vessel, aircraft or other device conveying or otherwise carrying the gun, major part of a

gun, gun accessory, explosive, explosive precursor, weapon or noxious substance;

- (e) the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance is in or on any place or premises, owned, leased or occupied by, or in the care, control or management of, the person; or 5
- (f) the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance is within any container owned or in the care, control or management of, the person. 10

Illustration

A buys a pistol illegally. *A* hands it to *B* to look after it for him while *A* appears in court. *A* still has the care, control or management of the pistol and so has possession of the gun. *B* holds the pistol and also has possession of the gun.

A is a member of a gun club which provides an armoury for their members to store their handguns. The gun club and *A* each have possession of *A*'s handgun deposited at that armoury. *A* is subsequently elected as armourer of the gun club. The gun club and *A* each have possession of all handguns held in the armoury of the gun club for the members of the gun club. 15

(2) Without limiting subsection (1), for the purposes of this Act, a person has possession of a gun, an explosive device or a weapon if — 20

- (a) any major part of the gun, or any part of an explosive device or weapon (as the case may be) is in the person's possession;
- (b) other major parts of the gun, or any other parts of an explosive device or weapon (as the case may be) are in the possession of another person or persons; 25
- (c) at least one of the other persons is in possession of —
 - (i) the other major part or major parts of the gun; or
 - (ii) the other part or parts of the explosive device or weapon, as the case may be, 30

for an agreed purpose with the person; and

(d) those parts would make up the gun, explosive device or weapon (as the case may be) if fitted together,

and each of the persons is taken to be possessing the gun, explosive device or weapon, as the case may be.

5 (3) However, for the purposes of any proceedings for an offence under this Act, a person is not taken to have possession of a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance just because the gun, major part of a gun, gun accessory, explosive or explosive precursor,
10 weapon or noxious substance (as the case may be) is at a place or premises owned, leased or occupied by the person if the court is satisfied, on a balance of probabilities, that —

15 (a) the person did not know and could not reasonably be expected to have known that the gun, major part of a gun, gun accessory, explosive or explosive precursor, weapon or noxious substance (as the case may be) is at the place or premises;

Illustration

20 *C* buys an apartment from *D*. The apartment has newly installed false ceiling boards, which *D* represents to *C* is paid for by the apartment owner above as part of the settlement for damage from water leakage from the apartment above. *C* obtains confirmation from the apartment owner above of that settlement. *D* owns a gun but, before moving out, *D* hides it in a cavity in the false ceiling. *C* does not know that *D* hid the gun
25 among the ceiling boards. *C* does not have possession of the gun because *C* does not know that the gun is among the ceiling boards.

(b) someone else who is authorised to possess the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance —

30 (i) is also at the place or premises; or

Illustration

35 *E* is giving *F* a lift in her car to a sports complex that has an archery range. *F* is licensed and has his archery set comprising a long bow with him. *E* is not in possession of the long bow because *F* is authorised to possess the weapon and *F* is in the car.

- (ii) has the care, control or management of the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance;

Illustration

G and *H* share a house. *H* is licensed and stores his spear gun in the house in a cabinet to which only *H* has a key to. *G* does not have access to the spear gun or cabinet key and has nothing to do with the spear gun. *G* is not in possession of the spear gun even when *H*, the person authorised to possess the spear gun, is not at the house, because *H* is the person who has the care, control or management of the spear gun.

- (c) someone else who is not authorised to possess the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance (as the case may be) has the care, control or management of the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance; or

- (d) on the evidence, the person was otherwise not in possession of the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance, as the case may be.

(4) In addition to subsection (3), for the purposes of any proceedings for an offence under this Act, a person is not taken to have possession of a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance just because the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance (as the case may be) is in a container owned by the person if the court is satisfied, on a balance of probabilities, that —

- (a) the person did not know and could not reasonably be expected to have known that the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance (as the case may be) is in the container;

- (b) someone else has the care, control or management of the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance; or

(c) on the evidence, the person was otherwise not in possession of the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance, as the case may be.

5 (5) In addition to subsections (3) and (4), for the purposes of any proceedings for an offence under this Act, a person is not taken to have possession of a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance just because the gun, major part of a gun, gun accessory, explosive or
10 explosive precursor, weapon or noxious substance (as the case may be) is in, on or fitted to a vehicle, vessel, an aircraft or other device driven, flown or otherwise operated (even by remote control) by the person if the court is satisfied, on a balance of probabilities, that —

15 (a) the person did not know and could not reasonably be expected to have known that the gun, major part of a gun, gun accessory, explosive or explosive precursor, weapon or noxious substance (as the case may be) is in, on or fitted to the vehicle, vessel, aircraft or other device;

20 (b) someone else has the care, control or management of the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance; or

25 (c) on the evidence, the person was otherwise not in possession of the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance, as the case may be.

(6) A defendant to a prosecution for an offence under this Act who wishes to rely on a matter mentioned in subsection (3), (4) or (5) has the evidential burden in relation to the matter.

30 (7) For the purposes of this Act, a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance owned by the Government and for which a head of a department or division in a Ministry or an Organ of State is responsible, is taken to be owned by the Government.

(8) To determine whether a person has the care, control or management of a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance, for the purposes of this Act, each of the following must be considered:

- (a) whether the person knows about the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance; 5
- (b) whether the person can use or transfer the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance; 10
- (c) whether the person can control or prevent someone else from using or having physical possession of the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance. 15

Meaning of “manufacture” and associated terms

6.—(1) In this Act, unless the context otherwise requires, “manufacture” —

- (a) in relation to a gun, includes any of the following:
 - (i) the assembling of a gun from parts of a gun (but excludes repair); 20
 - (ii) the testing of the assembled object or thing as a gun;
- (b) in relation to a major part of a gun, or a gun accessory, includes any of the following:
 - (i) the assembling of a major part of a gun or a gun accessory from parts of that major part of a gun or that gun accessory (but excludes repair); 25
 - (ii) the testing of the assembled object or thing as a major part of a gun or as a gun accessory, as the case may be;
- (c) in relation to any explosive, includes any of the following: 30
 - (i) the blending together of any substances to make the explosive;

(ii) the altering of the chemical or physical nature of any substance or any object or thing to make the explosive;

5 (iii) the breaking up, sorting out or unmaking of the explosive;

(iv) the remaking, reconditioning or altering of the explosive to produce an explosive effect other than that for which the particular explosive was designed;

10 (v) the filling of cartridge cases with projectiles or fitting of primers to cartridge cases;

(d) in relation to an explosive precursor or a noxious substance, includes any of the following:

15 (i) the blending together of any substances to make the explosive precursor or noxious substance, as the case may be;

(ii) the altering of the chemical or physical nature of any substance to make the explosive precursor or noxious substance, as the case may be;

20 (iii) the remaking or reconditioning of the explosive precursor or noxious substance, as the case may be;

(iv) the possessing of any object or thing for any purpose in sub-paragraph (i), (ii) or (iii).

(2) In this Act, unless the context otherwise requires, “repair” of a gun or gun accessory, an explosive device or a weapon includes —

25 (a) the altering or modifying of the gun, gun accessory, explosive device or weapon, whether or not to rectify any damage to it or to return the gun, gun accessory, explosive device or weapon (as the case may be) to its original operable condition;

30 (b) the testing of the gun, gun accessory, explosive device or weapon (as the case may be) with a view to assessing the operability of that gun, gun accessory, explosive device or weapon as repaired, being repaired or to be repaired; and

- (c) the possessing of any part of a gun, gun accessory, explosive device or weapon (as the case may be) for the purpose of any activity in paragraph (a) or testing in paragraph (b).

(3) For the purposes of this Act, a person takes part in the manufacture of a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor or a weapon or noxious substance, or the repair of a gun, gun accessory, an explosive or a weapon, if the person — 5

- (a) takes, or takes part in, a step, or causes a step to be taken, in the process of — 10

(i) the manufacture of the gun, major part of a gun or gun accessory, explosive or explosive precursor or weapon or noxious substance; or

- (ii) the repair of a gun or gun accessory, an explosive or a weapon, 15

as the case may be; or

- (b) exercises control or direction over any step mentioned in paragraph (a)(i) or (ii), whichever is applicable.

(4) However, despite subsection (3), a person is not treated as taking part in — 20

- (a) the manufacture of a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance; or

- (b) the repair of a gun or gun accessory, an explosive or a weapon, 25

by reason only that the person provided financing for any step taken in the process of the manufacture or repair of the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance, as the case may be. 30

(5) Unless otherwise expressly provided, where a person —

(a) is granted a licence —

(i) to manufacture a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance; or

(ii) to repair a gun or gun accessory, an explosive or a weapon; or

(b) is a class licensee authorised under a class licence —

(i) to manufacture a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance; or

(ii) to repair a gun or gun accessory, an explosive or a weapon,

the person must be treated as also granted a licence, or also a class licensee authorised under a class licence, as the case may be, to use or possess that gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance (as the case may be) for the purpose of manufacture or repair.

Meaning of “supply” and associated terms

7.—(1) In this Act, “supply” includes carrying on any of the following activities, or a combination of those activities, in relation to any object or thing in Singapore, and whether or not the object or thing is to remain in Singapore:

(a) selling or agreeing to sell, including for the purpose of resale;

(b) bartering or exchanging;

(c) offering for sale, barter or exchange or attempting to sell, barter or exchange;

(d) displaying or exhibiting for sale, barter or exchange;

(e) inviting the making of offers to acquire the object or thing, or otherwise advertising for sale, barter or exchange;

(f) having in possession for sale, barter or exchange;

- (g) transferring possession to an agent for sale on consignment;
- (h) offering as a prize or reward;
- (i) offering or giving away for the purpose of advertisement or in furtherance of any trade or business; 5
- (j) conducting negotiations for sale, barter or exchange of the object or thing;
- (k) selling, bartering or exchanging anything of which the object or thing forms a part;
- (l) doing any of the above as an agent or a broker, or by an agent or a broker. 10

(2) For the purposes of this Act, a person takes part in the supply of any object or thing if the person takes, or participates in, any step, or causes any step to be taken, in the process of that supply.

(3) However, despite subsection (2), a person is not treated as taking part in the supply of any object or thing by reason only that the person provided financing for any step taken in the process of the supply of the object or thing. 15

(4) In this section, “sale” means sale by wholesale or retail, and whether by tender, auction or otherwise. 20

(5) Unless otherwise expressly provided, where a person —

- (a) is granted a licence to supply a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance; or
- (b) is a class licensee authorised under a class licence to supply a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor or a weapon or noxious substance, 25

the person must be treated as also granted a licence, or also a class licensee authorised under a class licence, as the case may be, to possess that gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance (as the case may be) for the purpose of supply. 30

Meanings of “acquire”, “transfer” and associated terms

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

“acquire”, in relation to an object or a thing, means —

(a) to buy (by wholesale or retail) the object or thing; or

(b) to accept or receive a supply or transfer of the object or thing;

“transfer” means to transfer ownership or possession, by gift, lending or supply.

(2) For the purposes of this Act, a person takes part in the acquisition or transfer of an object or a thing if the person takes, or participates in, any step, or causes any step to be taken, in the process of that acquisition or transfer, as the case may be.

(3) For the purposes of this Act, a person who takes possession of an object or a thing under a hire-purchase agreement is taken to have acquired the object or thing, and the person who possessed the object or thing immediately before parting with possession is taken to have supplied it.

(4) Despite subsection (2) but subject to subsection (3), a person is not treated as taking part in the acquisition or transfer of any object or thing by reason only that the person provided financing for any step taken in the process of acquiring or transferring the object or thing.

Meanings of “convey”, “import” and “export” and associated terms

9. In this Act, unless the context otherwise requires —

“carrier” means any person who conveys objects or things, whether on the person’s own behalf or on behalf of another person, and excludes the driver of a vehicle, the master or pilot of a vessel or an aircraft or other individual operating or in control of a conveyance carrying the object or thing unless no other person is a carrier of that object or thing;

“convey” means carriage as a carrier on any conveyance (whether or not in the course of a business) for a journey wholly within Singapore and includes any operation

incidental to the whole course of carriage, such as loading, unloading and storage in transit;

“conveyance” includes any aircraft, train, vehicle, vessel or other mode of transport of passengers or goods;

“export”, in relation to any object or thing, means to take or cause to be taken out of Singapore by any means and includes to place goods in any form of conveyance for the purpose of taking the goods out of Singapore to any place outside Singapore; 5

“import”, in relation to any object or thing, means to bring or cause to be brought into Singapore by any means from any place outside Singapore. 10

Purposes of Act

10. The purposes of this Act are —

- (a) to prohibit the possession, handling and use of guns, major parts of a gun, gun accessories, explosives, explosive precursors, weapons and noxious substances except in special circumstances because any possession, handling and use of any of these objects or things is a privilege that is conditional on the overriding need to ensure public safety; 15 20
- (b) to ensure public safety —
 - (i) by imposing strict controls on the possession, handling and use of guns, major parts of a gun, gun accessories, explosives, explosive precursors, weapons and noxious substances; and 25
 - (ii) by promoting the safe, secure and responsible carrying on of regulated activities involving guns, major parts of a gun, gun accessories, explosives, explosive precursors, weapons and noxious substances; 30
- (c) to confirm that persons authorised to carry on any regulated activity have a responsibility to act in the interests of personal and public safety; and

- (d) to implement Singapore's obligations under the MARPLEX Convention and any other international convention, agreement, or understanding relating to handling of guns and explosives to which Singapore is a party.

PART 2

OFFENCES

Division 1 — Guns and gun accessories

Unauthorised possession or use of guns, etc.

11.—(1) A person commits an offence if —

(a) the person stores or otherwise possesses a gun, a major part of a gun, or a gun accessory at any place; and

(b) the person is not one of the following:

(i) a person granted a licence to store or possess that gun, major part of a gun or gun accessory at that place;

(ii) a class licensee authorised under a class licence to store or possess that gun, major part of a gun or gun accessory at that place;

(iii) a person exempt from this subsection under section 87, 88 or 89 in relation to the storage or possession of that gun, major part of a gun or gun accessory at that place.

(2) An individual commits an offence if the individual uses a gun when he or she is not one of the following:

(a) a person granted a licence to use that gun;

(b) a class licensee authorised under a class licence to use that gun;

(c) a person exempt from this subsection under section 87, 88 or 89 in relation to the use of that gun.

(3) To avoid doubt, subsection (1)(a) or (2) applies to a person regardless that the gun, major part of a gun or gun accessory concerned was stored or used other than in the course of carrying on a business.

Unauthorised manufacture, etc., of guns, etc.

5

12.—(1) A person commits an offence if —

(a) the person manufactures or takes part in the manufacture of, or disposes of, any object or thing;

(b) the object or thing is a gun, a major part of a gun, or a gun accessory;

10

(c) the person knows that or is reckless as to whether the object or thing is a gun, a major part of a gun, or a gun accessory; and

(d) the person is not one of the following:

(i) a person granted a licence to manufacture or dispose (as the case may be) the gun, major part of a gun or gun accessory;

15

(ii) a class licensee authorised under a class licence to manufacture or dispose (as the case may be) the gun, major part of a gun or gun accessory;

20

(iii) a person exempt from this section under section 87, 88 or 89 in relation to the manufacture or disposal of (as the case may be) the gun, major part of a gun or gun accessory.

(2) A person commits an offence if —

25

(a) the person repairs or takes part in the repair of any object or thing;

(b) the object or thing is a gun or a gun accessory;

(c) the person knows that or is reckless as to whether the object or thing is a gun or a gun accessory; and

30

(d) the person is not one of the following:

- (i) a person granted a licence to repair the gun or gun accessory;
- (ii) a class licensee authorised under a class licence to repair the gun or gun accessory;
- (iii) a person exempt from this section under section 87, 88 or 89 in relation to the repair of the gun or gun accessory.

(3) To avoid doubt, subsections (1) and (2) apply to a person regardless that the gun, major part of a gun or gun accessory concerned was manufactured, disposed of or repaired other than in the course of carrying on a business.

Unauthorised possession of digital blueprints for manufacture of guns, etc.

13.—(1) A person commits an offence if —

- (a) the person possesses a digital blueprint for the manufacture of a gun or a major part of a gun on a 3D printer or on an electronic milling machine; and
- (b) the person is not one of the following:

- (i) a person granted a licence to manufacture the gun or major part of a gun using a 3D printer or on an electronic milling machine;
- (ii) a person exempt from this section under section 87, 88 or 89 in relation to that manufacture of the gun or major part of a gun.

(2) In any proceedings for an offence under subsection (1), it is a defence for the accused to prove, on a balance of probabilities, that —

- (a) the accused did not know, and could not reasonably be expected to have known, that the accused possessed the digital blueprint concerned;

(b) the digital blueprint concerned came into the accused's possession unsolicited and the accused, as soon as the accused became aware of its nature, took reasonable steps to destroy or otherwise surrender it to a police officer or a person designated by a Licensing Officer for the purpose of this paragraph; or 5

(c) the conduct engaged in by the accused —

(i) was necessary for or of assistance in conducting scientific, medical, educational, military or law enforcement research that has been specially approved by the Minister in writing for the purposes of this section; and 10

(ii) did not breach the conditions of that approval.

(3) In this section —

“digital blueprint” means any type of digital (or electronic) reproduction of a technical drawing of the design of an object; 15

“possession”, of a digital blueprint, includes the following:

(a) possession of a computer or data storage device holding or containing the blueprint or of a document in which the blueprint is recorded; 20

(b) control of the blueprint held in a computer that is in the possession of another person in Singapore (whether the computer is in or outside Singapore).

Unauthorised trade in guns, etc. 25

14. A person commits an offence if —

(a) the person —

(i) imports or exports an object or a thing; or

(ii) takes part in any activity in sub-paragraph (i) in relation to an object or a thing; 30

(b) the object or thing is a gun, a major part of a gun, or a gun accessory;

- (c) the person knows that, or is reckless as to whether, the object or thing is a gun, a major part of a gun, or a gun accessory; and
- (d) the person is not one of the following:
 - 5 (i) a person granted a licence to import or export that gun, major part of a gun or gun accessory;
 - (ii) a class licensee authorised under a class licence to import or export that gun, major part of a gun or gun accessory;
 - 10 (iii) a person exempt from this section under section 87, 88 or 89 in relation to the import or export of that gun, major part of a gun or gun accessory.

Unauthorised supply or conveyance of guns, etc.

15.—(1) A person commits an offence if —

- 15 (a) the person supplies or conveys any object or thing, or takes part in the supply of any object or thing;
- (b) the object or thing is a gun, a major part of a gun, or a gun accessory;
- 20 (c) the person knows that, or is reckless as to whether, the object or thing is a gun, a major part of a gun, or a gun accessory; and
- (d) the person is not one of the following:
 - 25 (i) a person granted a licence to supply or convey the gun, major part of a gun or gun accessory;
 - (ii) a class licensee authorised under a class licence to supply or convey the gun, major part of a gun or gun accessory;
 - 30 (iii) a person exempt from this section under section 87, 88 or 89 in relation to supplying or conveying the gun, major part of a gun or gun accessory.

(2) To avoid doubt, subsection (1) applies to a person regardless that the gun, major part of a gun, or gun accessory concerned was supplied or conveyed other than in the course of carrying on a business.

Unauthorised acquisition of guns, etc.

5

16.—(1) A person commits an offence if the person acquires, or takes part in the acquisition of, a gun, a major part of a gun, or a gun accessory from another and the person acquiring —

(a) is not one of the following:

- (i) a person granted a licence to use, store or possess that gun, major part of a gun or gun accessory; 10
- (ii) a class licensee authorised under a class licence to use, store or possess that gun, major part of a gun or gun accessory;
- (iii) a person exempt from this section under section 87, 88 or 89 in relation to the use, storage or possession of that gun, major part of a gun or gun accessory; or 15

(b) is doing so in contravention of any condition of the person's licence or class licence to use, store or possess that gun, major part of a gun or gun accessory. 20

(2) Strict liability applies to subsection (1)(b).

(3) A person commits an offence if the person acquires, or takes part in the acquisition of, a gun, a major part of a gun, or a gun accessory from another (called in this section the supplier) and —

(a) the supplier — 25

(i) is not one of the following:

- (A) a person granted a licence to supply that gun, major part of a gun or gun accessory;
- (B) a class licensee authorised under a class licence to supply that gun, major part of a gun or gun accessory; 30

(C) a person exempt from this section under section 87, 88 or 89 in relation to the supply of that gun, major part of a gun or gun accessory; or

5 (ii) is supplying the gun, major part of a gun or gun accessory (as the case may be) in contravention of any condition of the supplier's licence or class licence to supply that gun, major part of a gun or gun accessory; and

10 (b) the person knows that, or is reckless as to whether, the supplier —

(i) is not any of the persons in paragraph (a)(i); or

15 (ii) is supplying the gun, major part of a gun or gun accessory in contravention of any condition of the supplier's licence or class licence to supply that gun, major part of a gun or gun accessory.

Penalties for offences for unlicensed regulated activities involving guns, etc.

20 **17.—**(1) A person who is guilty of an offence under section 11(1) or (2), 12(1) or (2), 14, 15(1) or 16(1) or (3) shall be punished on conviction with —

(a) if a prohibited gun is involved —

25 (i) where the person is an individual — imprisonment for a term not exceeding 5 years and a fine as follows, whichever is applicable:

(A) not exceeding \$10,000 for each fully assembled prohibited gun involved or \$100,000 in total, whichever is the lower;

(B) not exceeding \$100,000; or

30 (ii) where the person is not an individual — a fine as follows, whichever is applicable:

- (A) not exceeding \$10,000 for each fully assembled prohibited gun involved or \$200,000 in total, whichever is the lower;
 - (B) not exceeding \$200,000;
- (b) if a gun other than a prohibited gun is involved — 5
 - (i) where the person is an individual — imprisonment for a term not exceeding 36 months and a fine as follows, whichever is applicable:
 - (A) not exceeding \$5,000 for each fully assembled gun involved or \$50,000 in total, whichever is the lower; 10
 - (B) not exceeding \$50,000; or
 - (ii) where the person is not an individual — a fine as follows, whichever is applicable:
 - (A) not exceeding \$5,000 for each fully assembled gun involved or \$100,000 in total, whichever is the lower; 15
 - (B) not exceeding \$100,000;
- (c) if a major part of a prohibited gun is involved —
 - (i) where the person is an individual — imprisonment for a term not exceeding 5 years and a fine not exceeding \$100,000; or 20
 - (ii) where the person is not an individual — a fine not exceeding \$200,000;
- (d) if a major part of a gun other than a prohibited gun is involved — 25
 - (i) where the person is an individual — imprisonment for a term not exceeding 36 months and a fine not exceeding \$50,000; or
 - (ii) where the person is not an individual — a fine not exceeding \$100,000; 30

(e) if a prohibited gun accessory is involved —

(i) where the person is an individual — imprisonment for a term not exceeding 36 months and a fine not exceeding \$40,000; or

5 (ii) where the person is not an individual — a fine not exceeding \$80,000; or

(f) if any other gun accessory is involved —

10 (i) where the person is an individual — imprisonment for a term not exceeding 24 months and a fine not exceeding \$20,000; or

(ii) where the person is not an individual — a fine not exceeding \$40,000.

(2) A person who is guilty of an offence under section 13(1) shall be liable on conviction —

15 (a) where the person is an individual —

(i) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; but

20 (ii) where the individual is a repeat offender — to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 18 months or to both; or

(b) where the person is not an individual —

(i) to a fine not exceeding \$25,000; but

(ii) where the person is a repeat offender — to a fine not exceeding \$50,000.

25 **Breach of gun, etc., licence conditions**

18.—(1) A person commits an offence if —

(a) the person —

30 (i) is granted a licence to carry out a regulated activity involving a gun, a major part of a gun, or a gun accessory; or

- (ii) is a class licensee authorised under a class licence to carry out a regulated activity involving a gun, a major part of a gun or a gun accessory; and
- (b) the person carries on, when the licence or class licence (as the case may be) is in force, the regulated activity involving a gun, a major part of a gun or a gun accessory in contravention of any condition of the person's licence or class licence. 5
- (2) Strict liability applies to subsection (1)(b).
- (3) A person who is guilty of an offence under subsection (1) shall be liable on conviction — 10
 - (a) where the person is an individual and the offence involves any gun or major part of a gun —
 - (i) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; but 15
 - (ii) where the individual is a repeat offender — to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 18 months or to both;
 - (b) where the person is not an individual and the offence involves any gun or major part of a gun — 20
 - (i) to a fine not exceeding \$25,000; but
 - (ii) where the person is a repeat offender — to a fine not exceeding \$50,000;
 - (c) where the person is an individual and the offence involves any gun accessory — 25
 - (i) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; but
 - (ii) where the individual is a repeat offender — to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; or 30
 - (d) where the person is not an individual and the offence involves any gun accessory —

- (i) to a fine not exceeding \$10,000; but
- (ii) where the person is a repeat offender — to a fine not exceeding \$20,000.

(4) For the purpose of the reference in subsection (3) to “repeat offender” in relation to an offence under subsection (1), an offence under section 13(3) or (4) of the Arms and Explosives Act (Cap. 13) repealed by this Act, and involving any gun or major part of a gun or any arms that is not a weapon, is a countable offence in respect of an offence under subsection (1).

Unauthorised shooting range or paintball range operations

19.—(1) A person commits an offence if —

- (a) the person carries on business as a shooting range operator or paintball range operator; and
- (b) the person is not one of the following:

- (i) a person granted a licence to carry on business as a shooting range operator or paintball range operator;
- (ii) a class licensee authorised under a class licence to carry on business as a shooting range operator or paintball range operator;
- (iii) a person exempt from this section under section 87, 88 or 89 in relation to carrying on business as a shooting range operator or paintball range operator.

(2) A person who is granted a licence or is a class licensee authorised under a class licence, to carry on business as a shooting range operator or paintball range operator commits an offence if —

- (a) the person carries on the business at any place or premises that —
 - (i) is not an approved shooting range or approved paintball range; or
 - (ii) is not specified in its licence or class licence; and
- (b) the person knows that, or is reckless as to whether, the place or premises is not an approved shooting range or

approved paintball range and is not specified in its licence or class licence.

(3) A person who is granted a licence or is a class licensee authorised under a class licence, to carry on business as a shooting range operator or paintball range operator commits an offence if the person carries on the business in contravention of any condition of the person's licence or class licence, as the case may be.

(4) Strict liability applies to subsections (1) and (3).

(5) In this section, “approved shooting range” and “approved paintball range” mean a shooting range and a paintball range, respectively, that is approved by a Licensing Officer as prescribed by Regulations.

Penalties for offences for unauthorised shooting ranges, etc.

20.—(1) A person who is guilty of an offence under section 19(1) or (2) shall be punished on conviction with —

(a) where the person is an individual — imprisonment for a term not exceeding 36 months and a fine not exceeding \$50,000; or

(b) where the person is not an individual — a fine not exceeding \$100,000.

(2) A person who is guilty of an offence under section 19(3) shall be liable on conviction —

(a) where the person is an individual —

(i) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; but

(ii) where the individual is a repeat offender — to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 18 months or to both; or

(b) where the person is not an individual —

(i) to a fine not exceeding \$25,000; but

(ii) where the person is a repeat offender — to a fine not exceeding \$50,000.

*Division 2 — Explosives and explosive precursors***Unauthorised use of explosive or explosive precursor**

21.—(1) A person commits an offence if —

(a) the person uses an explosive or explosive precursor; and

(b) the person is not one of the following:

(i) a person granted a licence to use that explosive or explosive precursor;

(ii) a class licensee authorised under a class licence to use that explosive or explosive precursor;

(iii) a person exempt from this section under section 87, 88 or 89 in relation to the use of that explosive or explosive precursor.

(2) To avoid doubt, subsection (1)(a) applies to a person regardless that the explosive or explosive precursor concerned was used other than in the course of carrying on a business.

Unauthorised possession of explosive or explosive precursor

22.—(1) A person commits an offence if —

(a) the person stores or otherwise has possession of an object or a thing;

(b) the object or thing is an explosive or explosive precursor; and

(c) the storage or possession of that object or thing is not authorised under subsection (2).

(2) The storage or possession by a person of an explosive or explosive precursor is authorised if —

(a) for an unmarked plastic explosive —

(i) the storage or possession —

(A) is under a licence granted to the person to store or possess the unmarked plastic explosive; and

- (B) is in a quantity no greater than that necessary for the purpose of, and is solely for, any MARPLEX Convention excepted use; or
- (ii) the unmarked plastic explosive is an integral part of an explosive device that was manufactured exclusively for defence purposes of an authorised military or police personnel or a member of a visiting force lawfully present in Singapore, and the explosive device is for use exclusively for the defence purposes of that authorised military or police personnel or member of a visiting force lawfully present in Singapore; or
- (b) for any other explosive or explosive precursor, the person —
- (i) is granted a licence, or is a class licensee authorised under a class licence, to store or possess that explosive or explosive precursor; or
- (ii) is exempt from this section under section 87, 88 or 89 in relation to the person if the explosive is not an unmarked plastic explosive.
- (3) A person who is granted a licence to store an explosive or explosive precursor commits an offence if —
- (a) the person stores the explosive or explosive precursor at any place that is not a place or premises approved by a Licensing Officer for the storage of that explosive or explosive precursor; and
- (b) the person knows that, or is reckless as to whether, the place or premises is not so approved under paragraph (a).
- (4) To avoid doubt, subsection (1)(a) applies to a person regardless that the explosive or explosive precursor concerned was stored other than in the course of carrying on a business.

Unauthorised manufacture, etc., of explosives or explosive precursors

23.—(1) A person commits an offence if —

- (a) the person manufactures, or takes part in the manufacture of, or disposes of, an object or a thing;
- (b) the object or thing is an explosive or explosive precursor;
- (c) the person knows that or is reckless as to whether the object or thing is an explosive or explosive precursor; and
- (d) the manufacture or disposal of that object or thing is not authorised under subsection (2) or (3).

(2) The manufacture by a person of an explosive or explosive precursor is authorised if —

(a) for an unmarked plastic explosive —

(i) the manufacture —

(A) is under a licence granted to the person to manufacture the unmarked plastic explosive; and

(B) is in a quantity no greater than that necessary for the purpose of, and is solely for, any MARPLEX Convention excepted use; or

(b) for any other explosive or explosive precursor, the person —

(i) is granted a licence, or is a class licensee authorised under a class licence, to manufacture that explosive or explosive precursor; or

(ii) is exempt from this section under section 87, 88 or 89 in relation to the person if the explosive is not an unmarked plastic explosive.

(3) The disposal by a person of an explosive or explosive precursor is authorised if the disposal —

- (a) is under a licence granted to the person, or a class licence applying to the person, to dispose of that explosive or explosive precursor; or
 - (b) is exempt from this section under section 87, 88 or 89 in relation to the person. 5
- (4) A person commits an offence if —
- (a) the person repairs or takes part in the repair of any object or thing;
 - (b) the object or thing is an explosive device;
 - (c) the person knows that or is reckless as to whether that object or thing is an explosive device; and 10
 - (d) the person is not one of the following:
 - (i) a person granted a licence to repair the explosive device;
 - (ii) a class licensee authorised under a class licence to repair the explosive device; 15
 - (iii) a person exempt from this section under section 87, 88 or 89 in relation to the repair of the explosive device.
- (5) To avoid doubt, subsection (1) applies to a person regardless that the explosive or explosive precursor concerned was manufactured or disposed of other than in the course of carrying on a business. 20

Unauthorised trade in explosives or explosive precursors

- 24.—**(1) A person commits an offence if — 25
- (a) the person —
 - (i) imports or exports an object or a thing; or
 - (ii) takes part in any activity in sub-paragraph (i) in relation to an object or a thing;
 - (b) the object or thing is an explosive or explosive precursor; 30

- (c) the person knows that, or is reckless as to whether, the object or thing is an explosive or explosive precursor; and
- (d) the import or export of that object or thing is not authorised under subsection (2).

5 (2) The import or export by a person of an explosive or explosive precursor is authorised if —

(a) for an unmarked plastic explosive —

(i) the import or export —

10 (A) is under a licence granted to the person to import or export the unmarked plastic explosive; and

(B) is in a quantity no greater than that necessary for the purpose of, and is solely for, any MARPLEX Convention excepted use; or

15 (ii) the unmarked plastic explosive is an integral part of an explosive device that was manufactured exclusively for defence purposes of an authorised military or police personnel or a member of a visiting force lawfully present in Singapore, and the explosive device is for use exclusively for the defence purposes of that authorised military or police personnel or member of a visiting force lawfully present in Singapore; or

20 (b) for any other explosive or explosive precursor, the person —

25 (i) is granted a licence, or is a class licensee authorised under a class licence, to import or export that explosive or explosive precursor; or

30 (ii) is exempt from this section under section 87, 88 or 89 in relation to the person if the explosive is not an unmarked plastic explosive.

Unauthorised supply or conveyance of explosives or explosive precursors

25.—(1) A person commits an offence if —

- (a) the person supplies or conveys any object or thing or takes part in the supply of any object or thing; 5
- (b) the object or thing is an explosive or explosive precursor;
- (c) the person knows that, or is reckless as to whether, the object or thing is an explosive or explosive precursor; and
- (d) the supply or conveyance of that object or thing is not authorised under subsection (2). 10

(2) The supply or conveyance by a person of an explosive or explosive precursor is authorised if —

(a) for an unmarked plastic explosive —

(i) the supply or conveyance —

(A) is under a licence granted to the person to supply or convey the unmarked plastic explosive; 15

(B) is in a quantity no greater than that necessary for the purpose of, and is solely for, any MARPLEX Convention excepted use; and 20

(C) is to an acquirer who is authorised (within the meaning of section 26) to possess the unmarked plastic explosive; or

(ii) the unmarked plastic explosive is an integral part of an explosive device that was manufactured exclusively for defence purposes of an authorised military or police personnel or a member of a visiting force lawfully present in Singapore, and the explosive device is for use exclusively for the defence purposes of that authorised military or police personnel or member of a visiting force lawfully present in Singapore; or 25
30

(b) for any other explosive or explosive precursor, the person —

- (i) is granted a licence, or is a class licensee authorised under a class licence, to supply or convey that explosive or explosive precursor; or
- (ii) is exempt from this section under section 87, 88 or 89 in relation to the person if the explosive is not an unmarked plastic explosive.

Unauthorised acquisition of explosives or explosive precursors

26.—(1) A person commits an offence if the person acquires, or takes part in the acquisition of, an explosive or explosive precursor from another and the person acquiring —

(a) is not any of the following:

- (i) a person granted a licence to possess that explosive or explosive precursor;
- (ii) a class licensee authorised under a class licence to possess that explosive or explosive precursor;
- (iii) a person exempt from this section under section 87, 88 or 89 in relation to possession, import or export of that explosive or explosive precursor; or

(b) is doing so in contravention of any condition of the person's licence or class licence to possess that explosive or explosive precursor.

(2) A person commits an offence if the person acquires, or takes part in the acquisition of, an explosive or explosive precursor from another (called in this section the supplier) and —

(a) the supplier —

(i) is not any of the following:

- (A) a person granted a licence to supply that explosive or explosive precursor;
- (B) a class licensee authorised under a class licence to supply that explosive or explosive precursor;

- (C) a person exempt from this section under section 87, 88 or 89 in relation to the supply of that explosive or explosive precursor; or
- (ii) is supplying the explosive or explosive precursor in contravention of any condition of the supplier's licence or class licence to supply that explosive or explosive precursor; and 5
- (b) the person knows that, or is reckless as to whether, the supplier —
 - (i) is not any of the persons in paragraph (a)(i)(A), (B) or (C); or 10
 - (ii) is supplying the explosive or explosive precursor in contravention of any condition of the supplier's licence or class licence to supply that explosive or explosive precursor. 15
- (3) Strict liability applies to subsection (1)(b).

Penalties for offences for unlicensed regulated activities involving explosives, etc.

- 27.** A person who is guilty of an offence under section 21(1), 22(1) or (3), 23(1) or (4), 24(1), 25(1) or 26(1) or (2) shall — 20
- (a) if a prohibited explosive is involved, be punished on conviction with —
 - (i) where the person is an individual — imprisonment for a term not exceeding 5 years and a fine not exceeding \$100,000; or 25
 - (ii) in any other case — a fine not exceeding \$200,000;
 - (b) if an explosive other than a prohibited explosive is involved, be punished on conviction with —
 - (i) where the person is an individual — imprisonment for a term not exceeding 36 months and a fine not exceeding \$50,000; or 30

(ii) in any other case — a fine not exceeding \$100,000;
or

(c) where an explosive precursor is involved, be liable on conviction —

(i) where the person is an individual — to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 24 months or to both; or

(ii) in any other case — to a fine not exceeding \$100,000.

Breach of explosive, etc., licence conditions

28.—(1) A person commits an offence if —

(a) the person —

(i) is granted a licence to carry on a regulated activity involving an explosive or explosive precursor; or

(ii) is a class licensee authorised under a class licence to carry on a regulated activity involving an explosive or explosive precursor; and

(b) the person carries on, when the licence or class licence (as the case may be) is in force, the regulated activity involving an explosive or explosive precursor in contravention of any condition of the person's licence or class licence.

(2) Strict liability applies to subsection (1)(b).

(3) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) where the person is an individual —

(i) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; but

(ii) where the individual is a repeat offender — to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 18 months or to both; or

- (b) where the person is not an individual —
 - (i) to a fine not exceeding \$25,000; but
 - (ii) where the person is a repeat offender — to a fine not exceeding \$50,000.

(4) For the purpose of the reference in subsection (3) to “repeat offender” in relation to an offence under subsection (1), an offence under section 5(2), 6(3), 13(4), 21A(2) or 21D(2) of the Arms and Explosives Act repealed by this Act and involving an unmarked plastic explosive, explosive or explosive precursor, is a countable offence in respect of an offence under subsection (1). 5
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Division 3 — Weapons and noxious substances

Unauthorised possession of weapons and noxious substances

29.—(1) A person commits an offence if —

- (a) the person possesses a weapon or noxious substance at any place or premises; and 15
- (b) the person is not one of the following:
 - (i) a person granted a licence to possess that weapon or noxious substance at that place or premises;
 - (ii) a class licensee authorised under a class licence to possess that weapon or noxious substance at that place or premises; 20
 - (iii) a person exempt from this section under section 87, 88 or 89 in relation to the possession of that weapon or noxious substance at that place or premises.

(2) To avoid doubt, subsection (1)(a) applies to a person regardless that the weapon or noxious substance concerned was in the person’s possession other than in the course of carrying on a business. 25

Unauthorised manufacture, etc., of weapons

30.—(1) A person commits an offence if —

- (a) the person manufactures or takes part in the manufacture, or disposes of, any object or thing; 30

- (b) the object or thing is a weapon or noxious substance;
- (c) the person knows that or is reckless as to whether the object or thing is a weapon or noxious substance; and

(d) the person is not one of the following:

- 5 (i) a person granted a licence to manufacture or dispose of the weapon or noxious substance;
- (ii) a class licensee authorised under a class licence to manufacture or dispose of the weapon or noxious substance;
- 10 (iii) a person exempt from this section under section 87, 88 or 89 in relation to the manufacture or disposal of the weapon or noxious substance.

(2) A person commits an offence if —

- 15 (a) the person repairs or takes part in the repair of any object or thing;
- (b) the object or thing is a weapon;
- (c) the person knows that or is reckless as to whether the object or thing is a weapon; and

(d) the person is not one of the following:

- 20 (i) a person granted a licence to repair the weapon;
- (ii) a class licensee authorised under a class licence to repair the weapon;
- (iii) a person exempt from this section under section 87, 88 or 89 in relation to the repair of the weapon.

25 (3) To avoid doubt, subsections (1) and (2) apply to a person regardless that the weapon or noxious substance concerned was manufactured, disposed of or repaired other than in the course of carrying on a business.

Unauthorised trade in weapons or noxious substances

31. A person commits an offence if —

- (a) the person —
 - (i) imports or exports an object or a thing; or
 - (ii) takes part in any activity in sub-paragraph (i) in relation to an object or a thing; 5
- (b) the object or thing is a weapon or noxious substance;
- (c) the person knows that, or is reckless as to whether, the object or thing is a weapon or noxious substance; and
- (d) the person is not one of the following: 10
 - (i) a person granted a licence to import or export that weapon or noxious substance;
 - (ii) a class licensee authorised under a class licence to import or export that weapon or noxious substance;
 - (iii) a person exempt from this section under section 87, 88 or 89 in relation to the import or export of that weapon or noxious substance. 15

Unauthorised supply or conveyance of weapons or noxious substances

32.—(1) A person commits an offence if — 20

- (a) the person supplies or conveys a weapon or noxious substance; and
- (b) the person is not one of the following:
 - (i) a person granted a licence to supply or convey the weapon or noxious substance; 25
 - (ii) a class licensee authorised under a class licence to supply or convey the weapon or noxious substance;
 - (iii) a person exempt from this section under section 87, 88 or 89 in relation to supplying or conveying the weapon or noxious substance. 30

(2) To avoid doubt, subsection (1) applies to a person regardless that the weapon or noxious substance concerned was supplied or conveyed other than in the course of carrying on a business.

Unauthorised acquisition of weapon or noxious substance

5 **33.**—(1) A person commits an offence if the person acquires, or takes part in the acquisition of, a weapon or noxious substance from another and the person acquiring —

(a) is not any of the following:

10 (i) a person granted a licence to possess that weapon or noxious substance;

(ii) a class licensee authorised under a class licence to possess that weapon or noxious substance;

15 (iii) a person exempt from this section under section 87, 88 or 89 in relation to possession of that weapon or noxious substance; or

(b) is doing so in contravention of any condition of the person's licence or class licence to possess that weapon or noxious substance.

(2) Strict liability applies to subsection (1)(b).

20 (3) A person commits an offence if the person acquires, or takes part in the acquisition of, a weapon or noxious substance from another (called in this section the supplier) and —

(a) the supplier —

(i) is not any of the following:

25 (A) a person granted a licence to supply that weapon or noxious substance;

(B) a class licensee authorised under a class licence to supply that weapon or noxious substance;

30 (C) a person exempt from this section under section 87, 88 or 89 in relation to the supply of that weapon or noxious substance; or

- (ii) is supplying the weapon or noxious substance (as the case may be) in contravention of any condition of the supplier's licence or class licence to supply that weapon or noxious substance; and
- (b) the person knows that, or is reckless as to whether, the supplier — 5
 - (i) is not any of the persons in paragraph (a)(i)(A), (B) or (C); or
 - (ii) is supplying the weapon or noxious substance in contravention of any condition of the supplier's licence or class licence to supply that weapon or noxious substance. 10

Penalties for offences for unlicensed regulated activities involving weapons or noxious substances

- 34.** A person who is guilty of an offence under section 29(1), 30(1) or (2), 31, 32(1) or 33(1) or (3) shall on conviction be punished with — 15
- (a) if a prohibited weapon is involved —
 - (i) where the person is an individual — imprisonment for a term not exceeding 36 months and a fine not exceeding \$40,000; or 20
 - (ii) in any other case — a fine not exceeding \$80,000; or
 - (b) if a noxious substance or a weapon other than a prohibited weapon is involved —
 - (i) where the person is an individual — imprisonment for a term not exceeding 24 months and a fine not exceeding \$20,000; or 25
 - (ii) in any other case — a fine not exceeding \$40,000.

Breach of weapon or noxious substance licence condition

35.—(1) A person commits an offence if —

(a) the person —

(i) is granted a licence to carry on a regulated activity involving a weapon or noxious substance; or

(ii) is a class licensee authorised under a class licence to carry on a regulated activity involving a weapon or noxious substance; and

(b) the person carries on, when the licence or class licence (as the case may be) is in force, the regulated activity in contravention of any condition of the person’s licence or class licence.

(2) Strict liability applies to subsection (1)(b).

(3) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) where the person is an individual —

(i) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; but

(ii) where the individual is a repeat offender — to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; or

(b) where the person is not an individual —

(i) to a fine not exceeding \$10,000; but

(ii) where the person is a repeat offender — to a fine not exceeding \$20,000.

(4) For the purpose of the reference in subsection (3) to “repeat offender” in relation to an offence under subsection (1), an offence under section 13(3) or (4) of the Arms and Explosives Act repealed by this Act not involving a gun or an unmarked plastic explosive, explosive or explosive precursor, is a countable offence in respect of an offence under subsection (1).

*Division 4 — Other offences***Loss of guns and explosives, etc.**

36.—(1) A person commits an offence if the person —

- (a) possesses or stores a gun, a major part of a gun, or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance; and 5
- (b) fails to take all reasonable steps to ensure each of the following:
 - (i) the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance (as the case may be) is kept or stored safely in the prescribed manner; 10
 - (ii) the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance (as the case may be) is not lost or stolen; 15
 - (iii) the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance (as the case may be) does not come into the possession of someone who is not authorised to possess the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance. 20

(2) A person commits an offence if —

- (a) the person possesses or stores a gun, a major part of a gun, or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance; 25
- (b) the gun, major part of a gun or gun accessory, explosive, explosive precursor, weapon or noxious substance (as the case may be) is lost, stolen or destroyed;
- (c) the person knows about the loss, theft or destruction; and 30
- (d) the person fails, without delay after the day the person becomes aware of the loss, theft or destruction, to —

- (i) tell the Licensing Officer about the loss, theft or destruction; and
- (ii) give the Licensing Officer particulars of the loss, theft or destruction (if any) prescribed by the Regulations.

(3) A person who is guilty of an offence under subsection (1) or (2) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(4) A police officer may, without warrant, seize any gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance that the police officer has reasonable grounds to believe is not being kept or stored in accordance with subsection (1).

Misuse of licence

37.—(1) A person commits an offence if the person —

(a) with intent to deceive —

- (i) adds to a licence any words or figures extraneous to the licence as granted;
- (ii) alters on or erases from any licence any words or figures; or

(iii) uses or retains any licence —

- (A) to which have been added any words or figures extraneous to the licence as granted;
- (B) from which any words or figures have been erased from the licence as granted; or
- (C) on which any words or figures on the licence as granted have been altered;

(b) being the person to whom a licence is granted, wilfully parts with possession of that licence in order that it may be used by another person; or

- (c) uses or attempts to use a licence granted to another person with the intention of procuring the possession of any gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance.

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 36 months or to both. 5

Unauthorised transfer of guns, explosives, etc.

38.—(1) A person commits an offence if the person —

- (a) transfers, or takes part in the transfer of, a gun, a major part of a gun, or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance, to another (called in this section the acquirer); and 10
- (b) intentionally or negligently does not do any of the following before transferring the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance: 15
 - (i) request the acquirer to show to the person the acquirer’s licence to possess or use the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance (as the case may be) and inspect the licence; 20
 - (ii) request the acquirer to show that the acquirer is a class licensee authorised under a class licence to possess or use that gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance. 25

(2) A person who is guilty of an offence under subsection (1) shall —

- (a) if a gun is involved, be punished with — 30
 - (i) where the person is an individual — imprisonment for a term not exceeding 36 months and a fine as follows, whichever is applicable:

(A) not exceeding \$5,000 for each fully assembled gun involved or \$50,000 in total, whichever is the lower;

(B) not exceeding \$50,000; or

5 (ii) where the person is not an individual — a fine as follows, whichever is applicable:

(A) not exceeding \$5,000 for each fully assembled gun involved or \$100,000 in total, whichever is the lower;

10 (B) not exceeding \$100,000;

(b) if a major part of a gun is involved, be punished with —

(i) where the person is an individual — imprisonment for a term not exceeding 36 months and a fine not exceeding \$50,000; or

15 (ii) where the person is not an individual — a fine not exceeding \$100,000;

(c) if a gun accessory is involved, be punished with —

(i) where the person is an individual — imprisonment for a term not exceeding 24 months and a fine not exceeding \$20,000; or

20 (ii) where the person is not an individual — a fine not exceeding \$40,000;

(d) if an explosive is involved, be punished with —

25 (i) where the person is an individual — imprisonment for a term not exceeding 36 months and a fine not exceeding \$50,000; or

(ii) in any other case — a fine not exceeding \$100,000;

(e) if an explosive precursor is involved, be liable on conviction —

30 (i) where the person is an individual — to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 24 months or to both; or

- (ii) in any other case — to a fine not exceeding \$100,000; or
- (f) if a noxious substance or a weapon is involved, be punished with —
 - (i) where the person is an individual — imprisonment for a term not exceeding 24 months and a fine not exceeding \$20,000; or
 - (ii) in any other case — a fine not exceeding \$40,000.

(3) Subsection (1) does not apply in relation to the surrender of a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance, to a police officer or in compliance with section 39.

Surrender of guns, etc., by unauthorised persons

39.—(1) A person commits an offence if —

- (a) the person —
 - (i) comes into possession of a gun, a major part of a gun, or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance but is not authorised by or under this Act to use, store or possess the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance, as the case may be; or

Illustration

A person who has possession of the gun because of the death of the individual licensed to possess it, by inheritance or as estate administrator.

A person who discovers in the course of excavating his land for building works unearths an undetonated bomb from the time of the Japanese Occupation of Singapore.

- (ii) continues in possession of a gun, a major part of a gun, or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance when the person stops being authorised under this Act to

use, store or possess the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance; and

5 (b) the person intentionally or negligently fails, without delay, to surrender the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance (as the case may be) to a police officer or a person designated by the Licensing Officer for the purpose of this section.

10 (2) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) where the person is an individual —

(i) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both; but

15 (ii) where the individual is a repeat offender — to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; or

(b) where the person is not an individual —

(i) to a fine not exceeding \$20,000; but

20 (ii) where the person is a repeat offender — to a fine not exceeding \$40,000.

(3) In this section, a person stops being authorised under this Act to possess or use a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance if
25 any of the following apply:

(a) the person's licence to possess the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance (as the case may be) expires or is revoked;

30 (b) the person's licence to possess the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance (as the case may be) is suspended for the time the licence is suspended;

(c) the person’s class licence stops applying to the person.

Offences arrestable

40. Every offence under this Part is arrestable for the purposes of the Criminal Procedure Code (Cap. 68).

PART 3

5

SECURITY CLEARANCE

Division 1 — Interpretive provisions

Meaning of “close associate” of licensee or applicant

41.—(1) For the purposes of this Act, a person is a “close associate” of an applicant or a licensee if —

10

(a) the person alone —

(i) holds 5% or more of the total equity interests in; or

(ii) is in a position to control 5% or more of the voting power in,

the applicant or licensee if it is an entity, a business trust or trust; or

15

(b) the person holds or will hold any relevant position in the business of the applicant or licensee relating to any regulated activity.

(2) A reference in this Division to the control of a percentage of the voting power in an entity, business trust or trust is a reference to the control, of that percentage of the total number of votes that might be cast in a general meeting of the entity, a general meeting of the unitholders of the business trust, or a general meeting of the beneficiaries of the trust, as the case may be.

20

25

(3) In ascertaining a person’s control of the percentage of the total number of votes that might be cast at a general meeting mentioned in subsection (2), the number of votes that the person is entitled to cast at the meeting by reason of having been appointed a proxy or representative to vote at the meeting is to be disregarded.

30

(4) In this Part —

- 5 (a) a reference to the business or undertaking of a business trust is a reference to the business or undertaking carried on by the trustee-manager of the business trust on behalf of the business trust; and
- (b) a reference to the business or undertaking of a trust is a reference to the business or undertaking carried on by the trustee of the trust on behalf of the trust.

(5) In this Division —

10 “arrangement” includes any formal or informal scheme, arrangement or understanding, and any trust whether express or implied;

 “business trust” has the meaning given by section 2 of the Business Trusts Act (Cap. 31A);

15 “control” includes control as a result of, or by means of, any trust, agreement, arrangement, understanding or practice, whether or not having legal or equitable force and whether or not based on legal or equitable rights;

20 “corporation” has the meaning given by section 4(1) of the Companies Act;

 “entity” means any sole proprietorship, partnership, corporation or other body of persons, whether corporate or unincorporate;

 “equity interest” means —

25 (a) in relation to a corporation — a voting share in that corporation;

 (b) in relation to an entity other than a corporation — any right or interest, whether legal or equitable, in that entity (by whatever name called) which gives the holder of that right or interest voting power in that entity;

30

 (c) in relation to a business trust — a unit in that business trust; and

(d) in relation to a trust other than a business trust — any right or interest, whether legal or equitable, in that trust (by whatever name called) which gives the holder of that right or interest voting power in that trust;

5

“hold a position” includes holding the position for someone else;

“relevant position”, in a business of an applicant or a licensee, means the position of a responsible executive and includes a position (however styled) whose holder participates in the management of the business;

10

“share”, in relation to a corporation, means a share in the share capital of the corporation and includes stock into which all or any of the share capital of the corporation has been converted;

“treasury share” has the meaning given by section 4(1) of the Companies Act;

15

“trustee-manager” and “unit” have the meanings given by section 2 of the Business Trusts Act;

“unitholder” means a person who holds units in a business trust;

“voting share” has the meaning given by section 4(1) of the Companies Act but does not include a treasury share.

20

Meaning of holding an equity interest

42.—(1) For the purpose of this Part, a person holds an equity interest if the person —

(a) has or is deemed to have an equity interest in accordance with subsections (2) to (6); or

25

(b) otherwise has a legal or an equitable interest in that equity interest,

except for any interest prescribed by the Regulations as an interest that is to be disregarded.

30

(2) Subject to subsection (3), a person has an equity interest if the person has authority (whether formal or informal, or express or implied) to dispose of, or to exercise control over the disposal of, that equity interest.

5 (3) It is immaterial that the authority of a person to dispose of, or to exercise control over the disposal of, the equity interest mentioned in subsection (2) is, or is capable of being made, subject to restraint or restriction.

10 (4) It is immaterial, for the purposes of determining whether a person has an equity interest, that the interest cannot be related to a particular share, an interest or a right that gives its holder voting power, or a unit of a business trust, as the case may be.

(5) A person is deemed to have an equity interest if —

15 (a) any property held in trust consists of or includes the equity interest; and

(b) that person knows, or has reasonable grounds for believing, that that person has an interest under that trust.

(6) A person is also deemed to have an equity interest if that person —

20 (a) has entered into a contract to purchase the equity interest;

(b) has a right, otherwise than by reason of having an interest under a trust, to have the equity interest transferred to (or to the order of) that person, whether the right is exercisable presently or in the future and whether on the fulfilment of a condition or not;

25 (c) has the right to acquire the equity interest under an option, whether the right is exercisable presently or in the future and whether on the fulfilment of a condition or not; or

- (d) is entitled (otherwise than by reason of having been appointed a proxy or representative to vote (as the case may be) at a general meeting of the entity, a general meeting of the unitholders of the business trust, or a general meeting of the beneficiaries of the trust in question) to exercise or control the exercise of a right attached to the equity interest, not being an equity interest in which that person has a legal or an equitable interest. 5

Division 2 — Security clearance

Security clearance a prerequisite for licence, etc. 10

43.—(1) An individual is not eligible for a licence, or to continue to hold a licence, unless the individual has a security clearance that is in force.

(2) A person that is not an individual is not eligible for a licence, or to continue to hold a licence, unless — 15

- (a) all of its responsible executives each has a security clearance that is in force; and
- (b) at least one close associate of the person has a security clearance that is in force.

(3) A security clearance may be granted or cancelled by a Licensing Officer in accordance with this Division. 20

Validity of security clearance

44.—(1) A security clearance for an individual remains in force (unless earlier cancelled) for the shortest of the following periods:

- (a) a period of 2 years after it is granted; 25
- (b) if the individual is or is to be a responsible executive of a licensee, or is or is to be employed or required to work with or for a licensee, the period the individual is a responsible executive of the licensee or is an employee or otherwise required to work with or for the licensee; 30

(c) if the individual is a licensee, the period the licence is in force.

(2) However, a security clearance is not treated as in force during any period it is suspended.

(3) A security clearance relating to an individual is not transferable.

Granting security clearance

5 **45.**—(1) For the purpose of determining whether or not to grant or cancel a security clearance for an individual, a Licensing Officer must have regard, and give such weight as the Licensing Officer considers appropriate, to all of the following matters:

- 10 (a) any available information with respect to the participation of the individual in any criminal activity, whether or not there is a conviction, including and not limited to —
- 15 (i) an offence under the Arms and Explosives Act before the date of commencement of section 98(a);
 - (ii) an offence under the Dangerous Fireworks Act (Cap. 72) or the Explosive Substances Act (Cap. 100) before the date of commencement of section 98(b) or (c);
 - (iii) an offence under this Act; or
 - 20 (iv) an offence under the Arms Offences Act (Cap. 14) or the Corrosive and Explosive Substances and Offensive Weapons Act (Cap. 65);
- 25 (b) whether the individual has a history of violence or threats of violence, including behaviour mentioned in section 3, 4, 5, 6 or 7 of the Protection from Harassment Act (Cap. 256A);
- 30 (c) whether, because of the individual's physical or mental health, the individual may not handle guns, major parts of guns, gun accessories, explosives, explosive precursors, weapons or noxious substances (as the case may be) responsibly;
- (d) any evidence of the exercise of any power under section 66 or 67 —

(i) in relation to the individual as a licensee or class licensee; or

(ii) in relation to a licensee holding, or a former licensee which held, a licence of which the individual is or was —

(A) a responsible executive or close associate of; or

(B) a special worker employed or required to work with or for,

that licensee or former licensee, when the power was exercised;

(e) any other relevant information as to whether it would be contrary to the public interest or national security of Singapore for the individual to handle or otherwise have access to a gun, a major part of a gun, a gun accessory, an explosive or explosive precursor, a weapon or noxious substance.

(2) Despite any other law, the Commissioner of Police or a law enforcement agency may, on the request of a Licensing Officer, provide a report in respect of any one or more of the matters in subsection (1) for the purposes of a security clearance under this Act.

(3) If a Licensing Officer refuses to grant (on renewal or otherwise) a security clearance for an individual, the Licensing Officer must, by written notice given to —

(a) the individual; and

(b) any licensee that the individual —

(i) is or is to be a responsible executive of, or a special worker who works for or with the licensee; or

(ii) is a close associate of,

notify the individual and licensee of the refusal within 28 days after the decision to refuse is made.

(4) If —

(a) a Licensing Officer refuses to grant (on renewal or otherwise) a security clearance for an individual on the ground that the Licensing Officer is satisfied that to grant the security clearance would be contrary to the public interest or national security of Singapore; and

(b) the Licensing Officer made the decision because of information that is classified by the Licensing Officer as security sensitive information,

the Licensing Officer is not required to provide any reasons for the Licensing Officer's refusal decision other than that the decision was made on public interest or national security grounds under this section.

Cancellation of security clearance

46.—(1) A Licensing Officer may by written notice given to an individual cancel a security clearance for the individual if the Licensing Officer —

(a) is satisfied that the individual is being investigated or proceeded against for participating in any criminal activity, such as but not limited to —

(i) an offence under the Arms and Explosives Act committed before the date of commencement of section 98(a);

(ii) an offence under this Act;

(iii) an offence under the Arms Offences Act or the Corrosive and Explosive Substances and Offensive Weapons Act;

(iv) an offence under the Dangerous Fireworks Act or the Explosive Substances Act committed before the date of commencement of section 98(b) or (c); or

(v) an offence under Chapter XVI of the Penal Code (Cap. 224);

- (b) becomes aware of a circumstance in section 45(1) that would have allowed the Licensing Officer to refuse to grant the individual the security clearance, had the Licensing Officer been aware of the circumstance immediately before granting the security clearance; 5
- (c) is satisfied that the security clearance had been obtained by the individual by fraud or misrepresentation; or
- (d) is satisfied that the public interest or national security of Singapore requires.

(2) A Licensing Officer may give a notice under subsection (1) only after providing the individual concerned a reasonable opportunity to be heard, except that such an opportunity need not be given if there are reasonable grounds for the Licensing Officer to believe that it is appropriate or requisite to avoid any actual or imminent occurrence that endangers or threatens to endanger the safety of the public. 10 15

(3) If a Licensing Officer cancels a security clearance for an individual, the Licensing Officer must, by written notice given to —

- (a) the individual; and
- (b) any licensee that the individual —
 - (i) is or is to be a responsible executive of, or a special worker who works for or with the licensee; or 20
 - (ii) is a close associate of,

notify the individual and licensee of the cancellation within 28 days after the decision to cancel is made.

- (4) If — 25
- (a) a Licensing Officer cancels a security clearance for an individual on the ground that the Licensing Officer is satisfied that the public interest or national security of Singapore requires the cancellation; and

(b) the Licensing Officer made the decision because of information that is classified by the Licensing Officer as security sensitive information,

5 the Licensing Officer is not required to provide any reasons for the Licensing Officer's decision other than that the decision was made on public interest or national security grounds under this section.

Division 3 — Offences

Special workers need security clearance

47.—(1) A licensee commits an offence if —

10 (a) the licensee causes or allows an individual to work with or for, or to continue to work with or for, the licensee as a special worker; and

15 (b) the licensee knows that, or is reckless as to whether, the individual's security clearance to be a special worker is not in force.

(2) An individual commits an offence if —

(a) he or she works with or for, or continues to work with or for, a licensee as a special worker; and

20 (b) he or she knows that, or is reckless as to whether, his or her security clearance to be a special worker is not in force.

(3) Subject to subsection (5), a person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) where the offence involves any gun, major part of a gun or explosives —

25 (i) for a person who is an individual —

(A) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; but

30 (B) where the person is a repeat offender — to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 24 months or to both; or

- (ii) for a person who is not an individual —
 - (A) to a fine not exceeding \$25,000; but
 - (B) where the person is a repeat offender — to a fine not exceeding \$50,000; or
- (b) where the offence involves gun accessories, weapons or noxious substances — 5
 - (i) for a person who is an individual —
 - (A) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; but 10
 - (B) where the person is a repeat offender — to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; or
 - (ii) in any other case — 15
 - (A) to a fine not exceeding \$10,000; but
 - (B) where the person is a repeat offender — to a fine not exceeding \$20,000.
- (4) Subject to subsection (5), an individual who is guilty of an offence under subsection (2) shall be liable on conviction — 20
 - (a) where the offence involves guns, major parts of a gun, explosives or explosive precursors —
 - (i) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both; but
 - (ii) where the individual is a repeat offender — to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 24 months or to both; or 25
 - (b) where the offence involves gun accessories, weapons or noxious substances —
 - (i) to a fine not exceeding \$2,500 or to imprisonment for a term not exceeding 6 months or to both; but 30

- (ii) where the individual is a repeat offender — to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

(5) Where in proceedings for an offence under subsection (1) or (2), it is proved that an individual worked with or for, or continued to work with or for, a licensee despite the individual's security clearance to be a special worker being not in force, and the work involved a combination of —

(a) guns, major parts of a gun, explosives or explosive precursors; and

(b) gun accessories, weapons or noxious substances,

a person convicted or found guilty of committing the offence under subsection (1) shall be liable instead to the punishment in subsection (3)(a), and a person convicted or found guilty of committing the offence under subsection (2) shall be liable instead to the punishment in subsection (4)(a).

Notice about close associates

48.—(1) If a person becomes, on or after the appointed day, a close associate of a licensee, that licensee must, within 7 days after the person becomes a close associate, give written notice to a Licensing Officer of that fact.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) for an offender who is an individual —

(i) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; but

(ii) where the person is a repeat offender — to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 24 months or to both; or

(b) for an offender who is not an individual —

(i) to a fine not exceeding \$15,000; but

- (ii) where the person is a repeat offender — to a fine not exceeding \$30,000.

(3) In any proceedings for an offence in relation to a contravention of subsection (1), it is a defence for the accused to prove that the accused —

5

- (a) was not aware of the contravention when it occurred; and
- (b) notified a Licensing Officer of the contravention within a period of 14 days after becoming aware of the contravention.

(4) In any proceedings for an offence in relation to a contravention of subsection (1), it is also a defence for the accused to prove that even though the accused was aware of the contravention —

10

- (a) the contravention occurred as a result of an increase in the holding of equity interest, or in the voting power controlled, by any of the associates of the accused, in the entity, business trust or trust, as the case may be;

15

- (b) the accused has no agreement or arrangement (whether oral or in writing and whether express or implied) with that associate with respect to the acquisition, holding or disposal of equity interests or other interests, or under which they act together in exercising their voting power, in relation to the entity, business trust or trust, as the case may be; and

20

- (c) the accused notified a Licensing Officer of the contravention within a period of 7 days after the contravention.

25

(5) Except as provided in subsections (3) and (4), it is not a defence in any proceedings for an offence in relation to a contravention of subsection (1) to prove that the accused did not intend to or did not knowingly contravene subsection (1).

30

PART 4
LICENSING

Division 1 — Licences

Classes of licences

5 **49.** The Licensing Officer designated by the Minister may
subdivide licences to be granted under this Part into classes, such
as according to any of the following:

- 10 (a) the construction, or category or kind, of gun, major part of
a gun, gun accessory, explosive, explosive precursor,
weapon, noxious substance, shooting range or paintball
range, involved in the regulated activity authorised by the
licence;
- 15 (b) the nature of the regulated activity, including the kind of
handling of the gun, major part of a gun, gun accessory,
explosive, explosive precursor, weapon or noxious
substance and the circumstances of the handling of the
gun, major part of a gun, gun accessory, explosive,
explosive precursor, weapon or noxious substance;
- 20 (c) the number or other quantity of guns, major parts of a gun,
gun accessories, explosives, explosive precursors,
weapons or noxious substances involved in the regulated
activity authorised by the licence;
- (d) the place or premises where the regulated activity
authorised by the licence is being or is to be carried on.

25 **Application for or to renew licence**

50.—(1) An application for or to renew a licence must be made to a
Licensing Officer in accordance with this section.

(2) An application for or to renew a licence must —

- (a) be in the form and manner a Licensing Officer specifies;
- 30 (b) be accompanied by an application fee, if prescribed;

(c) contain —

(i) an address in Singapore at which notices and other documents under this Act for the applicant may be served; or

(ii) the name and address of one or more persons in Singapore authorised by the applicant to accept on the applicant's behalf service of notices and other documents under this Act; and 5

(d) be accompanied by the prescribed information and any other additional information that the Licensing Officer requires to decide on the application. 10

(3) In addition, an application to renew a licence must be made no later than a prescribed period before the date of expiry of the licence, unless otherwise allowed by the Licensing Officer in any particular case which must then be treated as a late renewal application. 15

(4) A Licensing Officer may refuse to consider an application for or to renew a licence —

(a) that is incomplete or not made in accordance with this section; or

(b) where an inspection mentioned in subsection (5) in relation to the application is refused. 20

(5) Upon receiving an application for or to renew a licence, a Licensing Officer may carry out, or arrange to be carried out by any authorised officer, such investigations and inquiries in relation to the application as the Licensing Officer considers necessary for a proper consideration of the application, which may include an inspection of either or both the following: 25

(a) the place or premises on or at which the applicant intends to carry on the regulated activity to be authorised by the licence; 30

(b) any vehicle, equipment or other thing which the applicant intends to use to carry on the regulated activity in the application.

(6) A person commits an offence if the person, being an applicant for the grant of a licence —

- (a) provides, or causes or permits to be provided, any document or information in connection with the application, which is false in a material particular; and
- (b) knows or ought reasonably to know that, or is reckless as to whether, it is false or misleading in a material particular.

(7) A person who is guilty of an offence under subsection (6) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

Grant of licences

51.—(1) After considering any application under section 50 for or to renew a licence, a Licensing Officer may —

(a) on payment of —

- (i) the applicable licence fee (if prescribed), grant the applicant a licence authorising the applicant to carry on the regulated activity to be authorised by the licence; or
- (ii) a renewal fee (if prescribed) or, in the case of a late renewal application a late renewal fee (if prescribed), renew the licence; or

(b) refuse to grant or renew the licence, as the case may be.

(2) In deciding whether an applicant should be granted a licence, or the applicant's licence should be renewed, and the conditions to impose or modify, a Licensing Officer must have regard, and give such weight as the Licensing Officer considers appropriate, to all of the following matters:

(a) whether the applicant is or is not —

- (i) intending to carry on any other regulated activity; or
- (ii) a holder of another licence or already a class licensee;

- (b) the design and safety of the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance to be involved in carrying on the regulated activity in the application;
- (c) the adequacy of places or premises proposed to be used in carrying on the regulated activity in the application; 5
- (d) whether the applicant and where necessary, whether every responsible executive of the applicant is a suitable person to be involved in carrying on the regulated activity in the application; 10
- (e) the security clearance that is required under Part 3 for —
 - (i) every responsible executive of the applicant;
 - (ii) every close associate of the applicant; and
 - (iii) every individual undertaking or intending to undertake work as a special worker for or with the applicant in connection with the regulated activity; 15
- (f) whether the applicant is a corporation, partnership, limited liability partnership or an unincorporated association;
- (g) whether the applicant has nominated or will nominate at least one individual who satisfies the prescribed qualifications as a representative staff if a licence is granted; 20
- (h) whether it is otherwise contrary to the public interest or national security of Singapore for the licence to be granted to the applicant. 25

(3) However, a licence must not be granted or renewed authorising the carrying on of any regulated activity where the regulated activity involves or is to involve a prohibited gun, prohibited gun accessory, prohibited explosive or prohibited weapon, unless that regulated activity is — 30

- (a) to destroy the prohibited gun, prohibited gun accessory, prohibited explosive or prohibited weapon; or

(b) to convey the prohibited gun, prohibited gun accessory, prohibited explosive or prohibited weapon (as the case may be) for the purpose of its destruction.

5 (4) For the purpose of determining whether or not a person or an individual mentioned in subsection (2)(d) is a suitable person to be involved in carrying on a regulated activity, a Licensing Officer must have regard, and give such weight as the Licensing Officer considers appropriate, to all of the following matters:

10 (a) the person's or individual's relevant knowledge, competency and experience in matters connected with the regulated activity in the application;

15 (b) whether, because of the individual's physical or mental health, the individual may not handle any gun, major part of a gun, gun accessory, explosive, weapon or noxious substance (as the case may be) responsibly;

(c) whether the applicant does or does not have (or is likely or unlikely to have) the financial capacity and ability to carry on the regulated activity in the application according to the provisions of this Act and the applicable standards;

20 (d) any available information with respect to the participation of the applicant in any criminal activity;

(e) any evidence of the exercise of any power under section 66 or 67 —

25 (i) in relation to the person or individual for committing an offence under this Act, or for contravening any direction given under this Act; or

(ii) in relation to a licensee holding, or a former licensee which held, a licence of which the individual is or was an officer when the power was exercised.

30 (5) To avoid doubt —

(a) a Licensing Officer is not confined to consideration of the matters specified in subsection (2), (3) or (4) and may take into account such other matters and evidence as may be relevant; and

(b) this Act applies to an application for the renewal of a licence as if it were an application for a new licence.

(6) Without affecting subsection (1), a Licensing Officer may grant a renewal of a licence (of any class) with or without modifying the conditions of the licence, but section 54(2), (3) and (4) does not apply to or in relation to granting a renewal of a licence with modifications to the conditions of the licence.

Licence validity

52.—(1) Every licence granted under this Part is in force for the period specified in the licence —

- (a) except when it is suspended under section 66; or
- (b) unless it is earlier revoked under section 66.

(2) Every licence must be in the form the Licensing Officer determines.

Conditions of licences

53.—(1) In granting a licence to any person, a Licensing Officer may impose such conditions as the Licensing Officer considers requisite or expedient having regard to the purposes of this Act.

(2) In particular, in granting a licence authorising a regulated activity, a Licensing Officer may impose conditions —

- (a) fixing the type of guns, major parts of a gun, gun accessories, explosives, explosive precursors, weapons, noxious substances, shooting ranges or paintball ranges involved in the regulated activity;
- (b) fixing the maximum or minimum number or quantity, or both, of the guns, major parts of a gun, gun accessories, explosives, explosive precursors, weapons, noxious substances, shooting ranges or paintball ranges involved in the regulated activity during the validity period of the licence or any part of that period;
- (c) fixing the place or premises in Singapore within which the licensee may carry on the regulated activity;

(d) requiring a serial number to be engraved on or affixed to every gun, major part of a gun, gun accessory, explosive, explosive precursor or weapon involved in the regulated activity;

5 (e) requiring the licensee —

(i) to appoint, and ensure that at all times there is appointed, one or more persons in Singapore authorised by the licensee to accept on the licensee's behalf service of notices and other documents under this Act; and

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(ii) to provide the name, address and contact details of the person or persons appointed as required by sub-paragraph (i);

(f) requiring the licensee —

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(i) to nominate, and ensure that at all times there is nominated, one or more representative staff each of whom satisfies the prescribed qualifications; and

(ii) to provide the name, address and contact details of the representative staff so nominated;

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(g) requiring the licensee to undergo (at its own cost) such audit as the Licensing Officer may require to ascertain the licensee's compliance with —

(i) the provisions of this Act or a standard applicable to the licensee;

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(ii) the conditions of the licence granted to that licensee;
or

(iii) a direction given under this Act.

(3) An audit referred to in subsection (2)(g) must be carried out by authorised officers or other officers of the Licensing Officer or such qualified individuals approved by the Licensing Officer for that purpose.

Modifying conditions of licence

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54.—(1) Subject to this section, it is lawful for a Licensing Officer to modify the conditions of a licence without compensating the licensee concerned.

(2) Before modifying any condition of a licence, a Licensing Officer must give notice to the licensee holding that licence —

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- (a) stating that the Licensing Officer proposes to make the modification in the manner as specified in the notice; and
- (b) specifying the time (being not less than 7 days from the date of service of notice on the licensee) within which the licensee may make written representations to the Licensing Officer with respect to the proposed modification.

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(3) Upon receiving any written representation referred to in subsection (2), the Licensing Officer must consider that representation and may —

- (a) reject the representation;
- (b) amend the proposed modification of any condition of a licence in such manner as the Licensing Officer thinks fit having regard to the representation; or
- (c) withdraw the proposed modification.

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(4) Where —

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- (a) the Licensing Officer rejects any written representation under subsection (3)(a);
- (b) the Licensing Officer amends any proposed modification to any condition of a licence under subsection (3)(b); or
- (c) no written representation is received by the Licensing Officer within the time specified in subsection (2)(b), or

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any written representation made under that subsection is subsequently withdrawn,

the Licensing Officer must issue a written direction to the licensee in question requiring the licensee, within the time specified by the Licensing Officer, to give effect to the modification as specified in the notice under subsection (2) or as amended by the Licensing Officer, as the case may be.

Restriction on transfer and surrender of licence

55.—(1) A licence, and any rights, benefits or privileges under the licence, are not transferable or assignable to any other person unless —

- (a) the licence contains a condition authorising the transfer or assignment; and
- (b) a Licensing Officer consents in writing to the transfer or assignment.

(2) Any consent under subsection (1) may be given subject to compliance with such conditions as the Licensing Officer thinks fit to impose, which may include conditions modifying, or requiring or otherwise providing for the making of modifications to, the conditions of the licence; but section 54(2), (3) and (4) does not apply to or in relation to these modifications to the conditions of the licence.

(3) A transfer or an assignment, or purported transfer or assignment, of a licence, or of any rights, benefits or privileges under the licence, is void and of no effect —

- (a) if the licence is not capable of transfer or assignment;
- (b) if the transfer or assignment, or purported transfer or assignment, is in breach of a condition of the licence; or
- (c) if there has, before the transfer or assignment or purported transfer or assignment, been a contravention of a condition subject to compliance with which the consent required by subsection (1) is given.

(4) Every licence is not capable of being surrendered without the written consent of a Licensing Officer, and any surrender or purported surrender of a licence is void if it is without such consent.

Division 2 — Class licences

Class licence

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56.—(1) The Minister may, by order in the *Gazette*, determine a class licence that authorises a person to which the order applies to carry on a regulated activity or a class or description of regulated activity without a licence granted under this Part —

- (a) for a specified period or indefinitely, or to an extent specified in that order; and 10
- (b) subject to such conditions as may be specified in that order.

(2) To avoid doubt, there may be more than one class licence determined, and according (but not limited) to any of the following:

- (a) the construction or type of gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon, noxious substance, shooting range or paintball range involved in the regulated activity; 15
- (b) the nature of the regulated activity;
- (c) the number or other quantity of guns, major parts of a gun, gun accessories, explosives, explosive precursors, weapons, noxious substances, shooting ranges or paintball ranges involved in the regulated activity; 20
- (d) the place or premises where the regulated activity authorised by the licence is being or is to be carried on. 25

(3) An order under subsection (1) continues in force, unless it is revoked, for such period as may be specified in the order.

(4) The carrying on of a regulated activity by a class licensee to which a class licence applies is deemed authorised by this Act if it is done in accordance with the conditions of the class licence. 30

Variation and revocation of class licence

57.—(1) Subject to this section, the Minister may, by order in the *Gazette*, vary a class licence by —

(a) varying or revoking any condition specified in the class licence; or

(b) specifying additional conditions of the class licence.

(2) Before varying a class licence or revoking an order under section 56 for a class licence, a Licensing Officer designated by the Minister must, unless it considers it impractical or undesirable in the circumstances of the case, cause to be published, in accordance with subsection (3), a written notice that —

(a) states that the Minister proposes to vary the class licence, or to end the class licence;

(b) describes the proposed variation or ending; and

(c) invites interested persons to make representations about the proposed variation or ending by a specified date that is at least 14 days after the date of publication of the notice.

(3) A notice under subsection (2) must be published on the prescribed website or in one or more other forms that are readily accessible by the public.

(4) The Minister must, before varying a class licence determined under an order under section 56 or revoking such an order, give due consideration to any representations made to a Licensing Officer pursuant to the notice given in accordance with subsection (2).

Conditions applicable to class licensee

58.—(1) Without limiting section 56(1) or 57, the conditions subject to which a class licensee may carry on a regulated activity under a class licence may include any of the following requirements:

(a) to do or not to do such things as are specified or are of a description specified, except insofar as the Licensing Officer specified in that class licence consents to the class licensee doing or not doing them;

- (b) to refer for determination by the Licensing Officer specified in that class licence such questions arising under the class licence or are of a description specified;
 - (c) to provide information and reports to the Licensing Officer specified in that class licence about the class licensee and the regulated activity carried on; 5
 - (d) to provide the Licensing Officer specified in that class licence —
 - (i) an address in Singapore at which notices and other documents under this Act for the class licensee may be served; or 10
 - (ii) the name and address of one or more persons in Singapore authorised by the class licensee to accept on the class licensee’s behalf service of notices and other documents under this Act; 15
 - (e) to nominate, and ensure that at all times there is nominated, one or more representative staff each of whom satisfies the prescribed qualifications, and to provide the Licensing Officer specified in that class licence the name, address and contact details of the representative staff so nominated. 20
- (2) In particular, a class licence may provide that the class licence applies to a person subject to a condition precedent that requires that person —
- (a) to notify the Licensing Officer about the person’s identity and other particulars about the regulated activity carried on by the person; and 25
 - (b) to pay a charge to the Licensing Officer for receiving the notification.

PART 5

BUSINESS OPERATION REQUIREMENTS

*Division 1 — Management controls and record-keeping***Change in management of licensee**

5 **59.**—(1) Where a licensee is a corporation, partnership, limited liability partnership or an unincorporated association, it is a condition of its licence that the licensee to whom the licence is granted must notify a Licensing Officer of —

10 (a) the resignation or removal of any responsible executive or any representative staff of the licensee, within the prescribed period after the date of resignation or removal, as the case may be; or

15 (b) the death of any responsible executive or any representative staff of the licensee, within the prescribed period after the date the licensee becomes aware of that death.

(2) This section applies even though a licence is suspended pursuant to section 66.

Accounts and statements

20 **60.**—(1) A licensee must —

25 (a) in respect of the whole or part (as the case may be) of every year, or other period prescribed in the Regulations if so prescribed, prepare such accounts and statements as are specified in, or ascertained in accordance with, the Regulations;

(b) retain the accounts and statements prepared in accordance with paragraph (a) for 5 years after the end of the period to which they relate;

30 (c) within such period allowed by a Licensing Officer, give the Licensing Officer those accounts and statements duly audited by an auditor approved by the Licensing Officer; and

(d) keep and retain records, where the records are relevant to the preparation of the accounts and statements of the licensee mentioned in paragraph (a), for such period and in such manner as prescribed in the Regulations.

(2) A licensee must not prepare any accounts or statements required by subsection (1) in such a way that they do not correctly record and explain the matters or things to which they relate. 5

(3) A licensee —

(a) who is subject to any requirement under subsection (1) or (2); and 10

(b) who intentionally or negligently contravenes the requirement,

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

(4) Regulations may be made to vary the period mentioned in subsection (1)(b). 15

Record-keeping and giving information

61.—(1) A licensee must —

(a) keep and retain, for such period as may be prescribed, records, where the records are relevant to monitoring or evaluating, under this Act, an aspect of the regulated activity as prescribed in the Regulations; and 20

(b) give to the Licensing Officer, within the period and in the manner specified in the licence, information that is relevant to monitoring or evaluating, under this Act, an aspect of the regulated activity mentioned in paragraph (a). 25

(2) A class licensee must —

(a) keep and retain, for such period as may be prescribed in the class licence applicable to the class licensee, records where the records are relevant to monitoring or evaluating, under this Act, an aspect of the regulated activity as specified in the class licence; and 30

(b) give to the Licensing Officer, within the period and in the manner prescribed in the class licence applicable to the class licensee, information that is relevant to monitoring or evaluating, under this Act, an aspect of the regulated activity as specified in the class licence.

(3) A person who is subject to a requirement under subsection (1) or (2) to keep and retain or give any record or information commits an offence if the person —

(a) intentionally or negligently contravenes the requirement under subsection (1) or (2) to keep, retain or give;

(b) intentionally alters, suppresses or destroys any record or information which the person is required under subsection (1) or (2) to keep, retain or give; or

(c) who, in keeping, retaining or giving the record or information required under subsection (1) or (2), makes any statement which the person knows to be false in a material particular, or recklessly makes such a statement.

(4) A person who is guilty of an offence under subsection (3) shall be liable on conviction to a fine not exceeding \$10,000.

Division 2 — Standards and directions

Standards for licensees and class licensees

62.—(1) A Licensing Officer may —

(a) issue one or more standards applicable to licensees or class licensees, or specified types of licensees or class licensees;

(b) approve as a standard applicable to licensees or class licensees, or specified types of licensees or class licensees, any document prepared by a person other than the Licensing Officer if the Licensing Officer considers the document as suitable for this purpose; or

- (c) amend or revoke any standard issued under paragraph (a) or approved under paragraph (b),

with respect to all or any of the matters in subsection (2) or (3), as the case may be.

(2) The matters for the purposes of subsection (1) include any of the following: 5

- (a) the design, construction, use and deployment of guns, major parts of a gun, gun accessories, explosives, explosive precursors, weapons, noxious substances, shooting ranges or paintball ranges involved in carrying on a regulated activity by a licensee or class licensee; 10

- (b) measures directed towards ensuring the maintenance of and keeping secure the carrying on of a regulated activity by a licensee or class licensee;

- (c) the safe and secure storage of guns, gun accessories, explosives, explosive precursors, weapons and noxious substances; 15

- (d) making guns inoperable or deactivating explosives;

- (e) other security or safety measures relating to regulated activities. 20

(3) A standard may, in particular, specify the duties and obligations of any licensee or class licensee in relation to its business operation insofar as it relates to the carrying on of regulated activities authorised by its licence or class licence.

(4) If any provision in any standard is inconsistent with any provision of this Act, that provision, to the extent of the inconsistency — 25

- (a) is to have effect subject to this Act; or

- (b) having regard to this Act, is not to have effect.

(5) Where a standard is issued, approved, amended or revoked by a Licensing Officer under subsection (1), the Licensing Officer must — 30

- (a) give notice of the issue, approval, amendment or revocation (as the case may be) of the standard to every licensee or class licensee to whom the standard applies;
- 5 (b) specify in the notice mentioned in paragraph (a) the date of issue, approval, amendment or revocation, as the case may be; and
- (c) ensure that, so long as the standard remains in force, copies of that standard, and of all amendments to that standard, are available for inspection, free of charge, by the licensees or class licensees to whom the standard applies.
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(6) No standard, no amendment to an approved standard, and no revocation of any approved standard, has any force or effect as an approved standard until the notice relating thereto is given in accordance with subsection (5).

15 (7) A standard issued or approved under this section does not have legislative effect.

(8) Subject to subsection (9), every licensee and class licensee must comply with the standards applicable to the licensee or class licensee.

20 (9) A Licensing Officer may, for such time as the Licensing Officer may specify, waive the application of any standard or part of a standard, issued or approved under this section to any particular licensee or class licensee.

(10) In subsection (2)(b) and (c), “secure” means secure from loss, theft, sabotage or unauthorised access.

25 **Directions affecting licensees and class licensees**

63.—(1) A Licensing Officer may give a direction to a licensee or class licensee for or in respect of —

- (a) the safety or security of guns, major parts of a gun, gun accessories, explosives, explosive precursors, weapons, noxious substances, shooting ranges or paintball ranges involved in the undertaking of a regulated activity carried on by a licensee or class licensee; or
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(b) any matter affecting the interests of the public in connection with the regulated activity carried on by the licensee or class licensee.

(2) A direction given under subsection (1) —

(a) may require the licensee or class licensee concerned (according to the circumstances of the case) to do, or to refrain from doing, for a specified period, the things specified in the direction or the things that are of a description specified in the direction; 5

(b) takes effect at such time, being the earliest practicable time, as is determined by or under that direction; and 10

(c) may be revoked at any time by the Licensing Officer who gave it.

(3) A direction under this section continues in force until the earlier of the following occurs: 15

(a) the expiry date (if any) stated in the direction is reached;

(b) the Licensing Officer revokes the direction.

(4) Before exercising any powers under subsection (1), a Licensing Officer must give written notice to the licensee or class licensee concerned — 20

(a) stating that the Licensing Officer intends to give a direction to the licensee or class licensee under this section and the nature of the direction; and

(b) specifying the time (being not less than 14 days after the date of service of the notice on the licensee or class licensee) within which written representations may be made to the Licensing Officer with respect to the proposed direction. 25

(5) The Licensing Officer may, after considering any written representation made pursuant to subsection (4)(b), decide to give or not to give the direction as the Licensing Officer considers appropriate. 30

(6) The Licensing Officer must serve on the licensee or class licensee concerned a notice of the Licensing Officer's decision under subsection (5).

5 (7) Every licensee or class licensee must comply with every direction given under this section to the licensee or class licensee as soon as it takes effect.

10 (8) No civil or criminal liability is incurred by the licensee or class licensee, or an officer, employee or agent of the licensee or class licensee, for doing or omitting to do any act, if the act is done or omitted to be done with reasonable care and in good faith and for the purpose of complying with or giving effect to a direction given under this section.

Security directions

15 **64.**—(1) Subject to subsection (2), the Minister may, and in accordance with subsections (3), (4), (5) and (6), give such security directions as may be necessary or desirable to address any issue or perceived issue of public safety, or to mitigate adverse consequences arising from any issue or perceived issue of public safety, in connection with any regulated activity.

20 (2) The Minister must not make any security direction unless it is impracticable in the circumstances of the particular case for the Minister to make or amend any Regulations to effectively address any issue or perceived issue of public safety or to mitigate adverse consequences arising from any issue or perceived issue of public safety in connection with any regulated activity; and so far as any security direction is inconsistent with the Regulations, the security direction prevails.

(3) The Minister may give a security direction made under this section to all or any of the following, individually or as a class:

- 30 (a) a licensee;
- (b) a class licensee;
- (c) a person who is exempt from any provision of this Act by an order under section 87, 88 or 89.

(4) In making a security direction under this section, it is not necessary for the Minister to give any person who may be affected by the direction a chance to be heard before the direction is given.

(5) A security direction may be in force for a period not exceeding 6 months unless earlier revoked under subsection (6), and may be renewed by the Minister once only for a further period not exceeding 6 months.

(6) The Minister may, at any time when any security direction is in force, revoke the security direction by giving notice of that revocation in the same manner as the direction was given.

(7) A security direction given under subsection (1) —

(a) may require the person to whom it is given (according to the circumstances of the case) to do, or to refrain from doing, for a specified period, things specified in the direction or things that are of a description specified in the direction, including any of the following:

- (i) a requirement that the person provide information, or produce for inspection material in the person's possession, relating to the regulated activity or the premises where the regulated activity is carried on, or to activities carried on at those premises;
- (ii) a requirement that the person ensure that the premises where the regulated activity is carried on be closed and remain closed for a specified period;
- (iii) a requirement that the person ensure that specified activities or operations at those premises be discontinued or not commenced for a specified period;
- (iv) a requirement that the person ensure that specified activities or operations not be carried on at the premises except at specified times or subject to specified conditions;
- (v) a requirement that the person take action in relation to those premises as specified in the notice;

(b) takes effect in accordance with section 65(6), or at such time as is determined by or under that direction if provided in the direction; and

(c) may be revoked at any time by the Minister.

5 (8) Every person in subsection (3) must comply with every direction given under this section to the person as soon as it takes effect.

(9) A person to whom a direction is given under this section commits an offence if the person intentionally or negligently fails to
10 comply with the security direction, and shall be liable on conviction —

(a) where the person is an individual — to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; or

15 (b) where the person is not an individual — to a fine not exceeding \$20,000.

(10) No civil or criminal liability is incurred by the person, or an officer, employee or agent of the person, for doing or omitting to do any act, if the act is done or omitted to be done with reasonable care
20 and in good faith and for the purpose of complying with or giving effect to a direction given under this section.

How security direction is given

65.—(1) A security direction is binding on the person or class of persons to whom it is addressed and given.

25 (2) A security direction that is addressed to a person is sufficiently given if it is served in the manner prescribed in section 84.

(3) A security direction that is addressed to a class of persons is sufficiently given if it is —

30 (a) served on each of the persons in the class in the manner prescribed in section 84; or

(b) published both —

(i) in a daily newspaper circulating in Singapore or in any other news media that, in the opinion of the Licensing Officer, is most likely to bring the security direction to the attention of the persons who belong to the class; and

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(ii) on a prescribed website.

(4) Once such a security direction is made and given under this section, the Licensing Officer must also publish the making of the direction in a manner that the Licensing Officer thinks will secure adequate publicity for the fact of making and giving of the security direction.

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(5) However, failure to publish a security direction under subsection (4) does not invalidate the direction.

(6) Subject to anything provided to the contrary in a security direction, the security direction that is given —

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(a) in accordance with subsection (2) takes effect when it is served;

(b) in accordance with subsection (3)(a) takes effect when it is served on all the persons in the class in question; and

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(c) in accordance with subsection (3)(b) takes effect at the beginning of the day after the date on which subsection (3)(b) has been complied with.

PART 6

ENFORCEMENT

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Division 1 — Regulatory action

Suspension or revocation, etc., of licence or class licence

66.—(1) Subject to section 68, if a Licensing Officer is satisfied that —

- (a) a licensee or class licensee is contravening or not complying with, or has contravened or failed to comply with —
- (i) any of the conditions of its licence or, in the case of a class licensee, any condition of its class licence;
 - (ii) any provision of a standard applicable to the licensee or class licensee; or
 - (iii) any direction or order given to the licensee or class licensee under subsection (2)(b) or (e) or section 63;
- (b) the licensee or class licensee has gone or is likely to go into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction;
- (c) the licensee or class licensee has made any assignment to, or composition with, its creditors or if a corporation, is unable to pay its debts;
- (d) the licensee or class licensee is not carrying on the regulated activity authorised by its licence or class licence in a safe or secure manner;
- (e) the regulated activity authorised by the licence or class licence involves a gun or gun accessory, an explosive or a weapon that has become a prohibited gun, prohibited gun accessory, prohibited explosive or prohibited weapon;
- (f) the licensee or class licensee, or a responsible executive, representative staff or special worker of the licensee or class licensee, is convicted of —
- (i) any offence under this Act; or
 - (ii) any offence under the Arms Offences Act or the Corrosive and Explosive Substances and Offensive Weapons Act,
- committed during the term of the licence or class licence, as the case may be;
- (g) the licence had been obtained by the licensee by fraud or misrepresentation;

- (h) the licensee’s security clearance is not in force, or none of the responsible executives of the licensee or none of the close associates of the licensee has a security clearance that is in force; or
- (i) the public interest or national security of Singapore requires,

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the Licensing Officer may revoke (without any compensation) the licensee’s licence, or disapply the class licence with respect to that class licensee.

(2) However, a Licensing Officer may, in lieu of revoking a licensee’s licence or disapplying a class licence with respect to a class licensee under subsection (1), do (without compensation) any one or more of the following:

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- (a) censure the licensee or class licensee in writing;
- (b) direct the licensee or class licensee to do, or to refrain from doing, such things as are specified in a direction to rectify any contravention or non-compliance mentioned in subsection (1)(a);
- (c) suspend the licence or the application of the class licence (as the case may be) for not more than 6 months;
- (d) modify any condition of the licence; and section 54(2), (3) and (4) does not apply to or in relation to the modification to the condition of the licence;
- (e) order the reduction of the maximum or an increase of the minimum number or quantity, or both, of guns, major parts of a gun, gun accessories, explosives, explosive precursors, weapons or noxious substances which the licensee, during the validity period of the licence or any part of that period may involve when carrying on the regulated activity.

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(3) In taking any regulatory action under this section in relation to the conviction of a licensee or any person for a criminal offence, the Licensing Officer may accept the licensee’s or person’s conviction as final.

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(4) For the purposes of subsection (1)(c), a corporation is unable to pay its debts if it is a corporation which is deemed to be so unable under section 125(2) of the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018).

5 **Regulatory action can continue despite licence expiry, etc.**

67.—(1) Subject to section 68, regulatory action started under section 66 against a licensee or class licensee may continue, and a Licensing Officer may exercise any powers under subsection (2), in relation to a former licensee or former class licensee, despite either of
10 the following events:

- (a) the date of expiry of the licensee's licence;
- (b) the date the class licence stops applying.

(2) The Licensing Officer may, if satisfied of any ground mentioned in section 66(1), do (without compensation) any one or more of the
15 following:

- (a) censure the former licensee or former class licensee in writing;
- (b) direct the former licensee or former class licensee to do, or to refrain from doing, such things as are specified in a direction to rectify any contravention or non-compliance mentioned in section 66(1)(a) by the former licensee or former class licensee when the licence or class licence was in force.
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(3) Section 66(3) and (4) applies to regulatory action under this section as it applies to any regulatory action under that section.
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(4) A person to whom a direction is given under subsection (2)(b) commits an offence if the person intentionally or negligently fails to comply with the direction, and shall be liable on conviction —

- (a) where the person is an individual — to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; or
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- (b) where the person is not an individual — to a fine not exceeding \$20,000.

Proceedings for regulatory action

68.—(1) Before exercising any powers under section 66(1) or (2) or 67(2), the Licensing Officer must give written notice to the licensee or class licensee or the former licensee or former class licensee concerned —

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- (a) stating that the Licensing Officer intends to take regulatory action against the licensee or class licensee or former licensee or former class licensee;
- (b) specifying the type of action in section 66(1) or (2) or 67(2) that the Licensing Officer proposes to take, and each instance of contravention or non-compliance that is the subject of the action; and
- (c) specifying the time (being not less than 14 days from the date of service of notice on the licensee or class licensee, or former licensee or former class licensee, as the case may be) within which written representations may be made to the Licensing Officer with respect to the proposed action.

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(2) The Licensing Officer may, after considering any written representation under subsection (1)(c), decide to take such regulatory action in section 66(1) or (2) or 67(2) as the Licensing Officer considers appropriate.

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(3) Where a Licensing Officer has made any decision under subsection (2) against any licensee or class licensee, or former licensee or former class licensee, the Licensing Officer must serve on the licensee or class licensee, or former licensee or former class licensee (as the case may be) concerned a notice of its decision.

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(4) Subject to section 77(4), a decision to revoke a licence or disapply a class licence under section 66(1), or to impose a regulatory action in section 66(2) or 67(2), which is specified in the notice given under subsection (3), takes effect from the date on which that notice is given, or on such other date as may be specified in the notice.

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(5) Any suspension or revocation of any licence or disapplication of a class licence under section 66 with respect to a licensee or class licensee does not affect —

- (a) the enforcement by any person of any right or claim against the licensee or class licensee or the former licensee or former class licensee, as the case may be; or
- (b) the enforcement by the licensee or class licensee or the former licensee or former class licensee (as the case may be) of any right or claim against any person.

Division 2 — Enforcement powers

Purpose for which enforcement powers are exercisable

69.—(1) The Licensing Officer or an authorised officer may exercise the powers set out in this Division for any of the following purposes:

- (a) to determine whether there are grounds for taking any regulatory action against a licensee or class licensee;
- (b) to determine whether information given to the Licensing Officer under Part 4 or this Part, or any standard or direction under any provision of this Act, is correct.

(2) A compliance officer may exercise the powers set out in this Division where specified, but subject to section 80(7) and to the limits in the authorisation issued under section 80 in respect of the compliance officer; and any reference in this Part to a compliance officer is a reference to a compliance officer who is so authorised.

Powers of entry, etc., at premises

70.—(1) A Licensing Officer, an authorised officer or a compliance officer may, in accordance with subsection (2), enter without using force any premises occupied by a relevant person which the Licensing Officer, authorised officer or compliance officer (as the case may be) reasonably believes to be used for or in connection with the carrying on of any regulated activity, and do all or any of the following at the premises:

- (a) to examine any thing or observe any activity conducted in or on the premises;
- (b) to inspect the premises and any thing in or on the premises;

- (c) to make a still or moving image or recording of the premises and any thing in or on the premises;
- (d) to inspect any document in the premises and take extracts from, or make copies of, any such document;
- (e) to take into or onto the premises such equipment and materials as the authorised officer requires for the purpose of exercising powers in relation to the premises; 5
- (f) to operate electronic equipment in or on the premises;
- (g) to require any individual found in or on the premises to answer any question (to the best of that individual's knowledge, information and belief) and to provide any document or information that the Licensing Officer, authorised officer or compliance officer (as the case may be) reasonably requires for any of the purposes of section 69(1). 10 15

(2) A Licensing Officer, an authorised officer or a compliance officer may enter any premises which are not a place on or at which a licensee or class licensee carries on a regulated activity, or carries out any activity in connection with the provision of that regulated activity, to exercise any of the powers in subsection (1), only with the consent of the occupier of those premises. 20

(3) The power under subsection (1)(f) to operate electronic equipment in or on any premises includes the power —

- (a) to use a disk, tape or other storage device that is in or on the premises and can be used with the equipment or in association with the equipment; 25
- (b) to operate electronic equipment in or on the premises to put the relevant data in documentary form and remove the documents so produced from the premises; and
- (c) to operate electronic equipment in or on the premises to transfer the relevant data to a disk, tape or other storage device that — 30
 - (i) is brought to the premises for the exercise of the power; or

(ii) is in or on the premises and the use of which for that purpose has been agreed in writing by the occupier of the premises,

and to remove the disk, tape or other storage device from those premises.

5 (4) The power to require an individual to provide any document or information under subsection (1)(g) includes the power —

(a) to require that individual to provide an explanation of the document or information;

10 (b) if the document or information is not provided, to require that individual to state, to the best of the individual's knowledge and belief, where it is; and

15 (c) if the information is recorded otherwise than in legible form, to require the information to be made available to the Licensing Officer, authorised officer or compliance officer concerned in legible form.

(5) In this section, “relevant person” means —

(a) a person to whom a licence is granted for any regulated activity;

20 (b) a person who is a class licensee for any regulated activity;

(c) an individual who is or was an officer or a representative staff of a person mentioned in paragraph (a) or (b);

25 (d) an individual who is or was an employee of a person mentioned in paragraph (a) or (b) with respect to that regulated activity; or

(e) a person whom a Licensing Officer, an authorised officer or a compliance officer suspects on reasonable grounds is or was carrying on regulated activity, or an agent of a person who is or was carrying on regulated activity.

Powers in relation to conveyances

71.—(1) A Licensing Officer, an authorised officer or a compliance officer may do all or any of the following in relation to a conveyance which the Licensing Officer, authorised officer or compliance officer (as the case may be) reasonably believes to be used for or in connection with the carrying on of any regulated activity:

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(a) to stop and detain the conveyance for as long as is reasonably necessary for the exercise of any other power under this section;

(b) to inspect the conveyance and any equipment in or on the conveyance;

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(c) to make a still or moving image or recording of the conveyance and anything in or on the conveyance;

(d) to inspect any document in the conveyance and take extracts from, or make copies of, any such document;

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(e) to operate a computer or other thing in or on the conveyance;

(f) to require the driver, pilot or other person in charge of the conveyance, or a person in possession of the conveyance, to answer any question (to the best of that person's or individual's knowledge, information and belief) and to provide any document or information that the Licensing Officer, authorised officer or compliance officer reasonably requires for the purposes of section 69(1).

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(2) The power to require a person or an individual to provide any document or information under subsection (1)(f) includes the power —

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(a) to require that person or individual to provide an explanation of the document or information;

(b) if the document or information is not provided, to require that person or individual to state, to the best of the person's or individual's knowledge and belief, where it is; and

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- (c) if the information is recorded otherwise than in legible form, to require the information to be made available to the Licensing Officer, authorised officer or compliance officer concerned in legible form.

5 **Power to obtain information**

72.—(1) A Licensing Officer, an authorised officer or a compliance officer may by written notice require any licensee or class licensee to provide, within a reasonable period specified in the notice, and in such form and manner as may be specified in the notice, all
10 documents and information which —

(a) relate to any matter which the Licensing Officer, authorised officer or compliance officer considers necessary for any of the purposes of section 69(1); and

(b) are —

15 (i) within the knowledge of that licensee or class licensee, as the case may be; or

(ii) in the custody or under the control of the licensee or class licensee, as the case may be.

(2) The power to require a licensee or class licensee to provide any
20 document or information under subsection (1) includes the power —

(a) to require that licensee or class licensee, or any individual who is or was a responsible executive, an agent or a representative staff of the licensee or class licensee (as the case may be), to provide an explanation of the document or
25 information;

(b) if the document or information is not provided, to require that licensee, class licensee or individual to state, to the best of the knowledge and belief of that licensee, class licensee or individual (as the case may be), where it is; and

30 (c) if the information is recorded otherwise than in legible form, to require the information to be made available to the Licensing Officer, authorised officer or compliance officer concerned in legible form.

(3) The Licensing Officer, authorised officer or compliance officer (as the case may be) is entitled without payment to keep for the purposes of section 69(1) any document or information, or any copy or extract thereof, provided to him or her under subsection (1).

Offences

73.—(1) A person who, without reasonable excuse, fails to do anything required of the person by a Licensing Officer, an authorised officer or a compliance officer under section 70(1) or 71(1), or by a notice under section 72(1), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(2) A person —

(a) who intentionally alters, suppresses or destroys any document or information which the person has been required by a Licensing Officer, an authorised officer or a compliance officer under section 70(1)(g) or 71(1)(f), or by a notice under section 72(1) to provide; or

(b) who, in providing any document or information required by a Licensing Officer, an authorised officer or a compliance officer under section 70(1)(g) or 71(1)(f), or by a notice under section 72(1), makes any statement which the person knows or ought reasonably to know that, or is reckless as to whether, it is false or misleading in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(3) In any proceedings for an offence under subsection (1), it is a defence for the accused to prove, on a balance of probabilities, that —

(a) the person does not possess the document or information required; and

(b) the person has taken all reasonable steps available to the person to obtain the document or information required and has been unable to obtain it.

(4) To avoid doubt, for the purposes of subsection (1), it is a reasonable excuse for a person to refuse or fail to provide any information, produce any document or answer any question if doing so might tend to incriminate that person.

5 **Composition of offences**

74.—(1) A Licensing Officer or an authorised officer may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding
10 the lower of the following:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$5,000.

(2) On payment of the sum of money, no further proceedings are to
15 be taken against that person in respect of the offence.

(3) All sums collected under this section must be paid into the Consolidated Fund.

PART 7

APPEALS

20 **Interpretation of this Part**

75. In this Part, unless the context otherwise requires —

“appealable decision” means any of the following decisions of the Licensing Officer:

- 25 (a) a decision refusing the grant of a licence under section 51;
- (b) a decision under section 53 imposing a condition in a licensee’s licence;
- (c) a modification under section 54 of a condition in a licensee’s licence;

- (d) a refusal of consent under section 55 to a transfer or an assignment of a licence;
- (e) a direction under section 63;
- (f) a decision under section 66(1) to revoke a licence or disapply a class licence;
- (g) a decision under section 66(2) or 67(2) to impose a regulatory action against a licensee or class licensee;

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“appellant” means the following in relation to an appealable decision:

- (a) an applicant for the grant of a licence, where the appealable decision is within paragraph (a) of the definition of “appealable decision”;
- (b) a licensee, where the appealable decision is within paragraph (b), (c) or (d) of the definition of “appealable decision”;
- (c) a licensee or class licensee or a former licensee or former class licensee, where the appealable decision is within paragraph (e), (f) or (g) of the definition of “appealable decision”.

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Appeal to Minister

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76.—(1) An appellant who is aggrieved by an appealable decision may appeal to the Minister against the decision in accordance with this section.

(2) An appeal under this section must be in writing and specify the grounds on which it is made, and be made —

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- (a) for an appealable decision that is under section 54 about modification of a condition in a licence — within 28 days after the date the decision appealed against is given to the appellant; and
- (b) for any other appealable decision — within 14 days after the date the decision appealed against is given to the appellant.

30

(3) The Minister may reject an appeal of an appellant who fails to comply with subsection (2).

Decision on appeal

5 77.—(1) After considering an appeal under section 76, the Minister may —

(a) reject the appeal and confirm the appealable decision; or

(b) allow the appeal and reverse the appealable decision.

(2) The Minister's decision on an appeal is final.

10 (3) Every appellant must be notified of the Minister's decision under subsection (2).

15 (4) An appeal against an appealable decision does not affect the operation of the decision appealed against or prevent the taking of action to implement the decision, and unless otherwise directed by the Minister under this subsection, the decision appealed against must be complied with until the determination of the appeal.

PART 8

MISCELLANEOUS

Administration of Act by licensing officer

20 78.—(1) The Minister may appoint one or more public officers as Licensing Officers responsible for the administration of this Act, either generally or for any particular provision of this Act.

25 (2) In appointing a public officer as a Licensing Officer under subsection (1), the Minister may limit when, where in Singapore or the circumstances in which the Licensing Officer may exercise powers and licensing and regulatory functions under this Act with respect to regulated activities, and to otherwise administer this Act.

30 (3) No liability shall lie personally against a Licensing Officer, an authorised officer, a compliance officer or any other person acting under the direction of a Licensing Officer for anything which is done or purported to be done, or omitted to be done, in good faith and with reasonable care in —

- (a) the exercise or purported exercise of any power under this Act; or
- (b) the performance or purported performance of any function under this Act.

Authorised officers

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79.—(1) A Licensing Officer may, in relation to any provision of this Act, appoint —

- (a) any public officer; or
- (b) any officer or employee of a public authority,

to be an authorised officer for the purposes of that provision, either generally or in a particular case.

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(2) A Licensing Officer may delegate the exercise of all or any of the powers conferred or duties imposed upon the Licensing Officer by any provision of this Act (except the power of delegation conferred by this subsection) to any authorised officer, subject to such conditions or limitations as the Licensing Officer may specify; and any reference in that provision of this Act to the Licensing Officer includes a reference to such an authorised officer.

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Compliance officers

80.—(1) A Licensing Officer may, with the general or specific approval of the Minister, appoint an individual who —

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- (a) is at least 18 years of age;
- (b) is not an employee of a public authority;
- (c) is not a public officer; and
- (d) has suitable qualifications or experience,

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to be a compliance officer to assist the Licensing Officer or an authorised officer in the exercise of enforcement powers in Division 2 of Part 6 in any particular area in Singapore.

(2) A Licensing Officer, may, for any reason that appears to the Licensing Officer, to be sufficient, at any time revoke an individual's appointment as a compliance officer.

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(3) A Licensing Officer must issue to each compliance officer an identification card, which must be carried at all times by the compliance officer when exercising powers under this Act.

5 (4) A compliance officer whose appointment as such ceases must return any identification card issued to him or her under subsection (3) to a Licensing Officer.

10 (5) A Licensing Officer must also issue to each compliance officer, a written authorisation specifying such of the powers expressly specified in Division 2 of Part 6 as exercisable by a compliance officer, as what the compliance officer may exercise, and no other powers.

(6) The authorisation of the Licensing Officer under subsection (5) issued to a compliance officer may also do all or any of the following:

15 (a) limit the powers mentioned in subsection (1) that the compliance officer may exercise;

(b) limit when, and where in the particular area in Singapore, the compliance officer may exercise those powers or any of them;

20 (c) limit the circumstances in which the compliance officer may exercise those powers or any of them.

(7) To avoid doubt, a Licensing Officer cannot authorise under this section a compliance officer —

(a) to detain or arrest any individual;

(b) to search any place or individual;

25 (c) to seize any property; and

(d) if the compliance officer is a licensee or class licensee, to exercise any power in Division 2 of Part 6 in relation to —

30 (i) another licensee holding the same class of licence as the compliance officer or an applicant for the same class of licence;

(ii) another class licensee subject to the same class licence as the compliance officer; or

(iii) an employer or a principal, contractor or relative of the compliance officer.

(8) The powers that a compliance officer may be authorised under this section to exercise may be exercised only —

- (a) on production of the identification card issued under subsection (3); 5
- (b) to the extent authorised by a Licensing Officer under subsection (5); and
- (c) as directed (generally or specially) by a Licensing Officer or an authorised officer. 10

(9) A compliance officer who is authorised under subsection (5) to exercise any power expressly specified in that authorisation as exercisable by a compliance officer is deemed to be a public servant for the purposes of the Penal Code when exercising that power.

(10) To avoid doubt, a compliance officer does not cease to be acting on the direction of a Licensing Officer or an authorised officer by reason only that the Licensing Officer or authorised officer is not present at all times. 15

(11) An individual who is appointed as a compliance officer under subsection (1) does not, by virtue only of the appointment, become an agent of the Government. 20

(12) In this section, “relative”, in relation to another individual, means the individual’s spouse, parent (including a step-parent), child (including an adopted or a stepchild) or sibling.

Offences by corporations 25

81.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

- (a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and 30

(b) the officer, employee or agent had that state of mind,
is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act, a
person —

5 (a) who is —

(i) an officer of the corporation; or

(ii) an individual involved in the management of the
corporation and in a position to influence the conduct
of the corporation in relation to the commission of
10 the offence; and

(b) who —

(i) consented or connived, or conspired with others, to
effect the commission of the offence;

(ii) is in any other way, whether by act or omission,
15 knowingly concerned in, or is party to, the
commission of the offence by the corporation; or

(iii) knew or ought reasonably to have known that the
offence by the corporation (or an offence of the same
type) would be or is being committed, and failed to
20 take all reasonable steps to prevent or stop the
commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be
liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that
25 would be available to the corporation if it were charged with the
offence with which the person is charged and, in doing so, the person
bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of —

(a) Chapters V and VA of the Penal Code; or

(b) the Evidence Act (Cap. 97) or any other law or practice
30 regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

(6) In this section —

“corporation” includes a limited liability partnership; 5

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

(a) any person purporting to act in any such capacity; and

(b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation; 10

“reasonable steps”, in relation to the commission of an offence, includes, but is not limited to, such action (if any) of the following kinds as is reasonable in all the circumstances: 15

(a) action towards —

(i) assessing the corporation’s compliance with the provision creating the offence; and

(ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision; 20

(b) action towards ensuring that the corporation’s employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the offence so far as the provision is relevant to them; 25

(c) action towards ensuring that —

(i) the equipment and other resources; and

(ii) the structures, work systems and other processes,

relevant to compliance with the provision creating the offence are appropriate in all the circumstances;

5 (d) action towards creating and maintaining a corporate culture that does not direct, encourage, tolerate or lead to non-compliance with the provision creating the offence;

“state of mind” of a person includes —

10 (a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose.

15 (7) The Minister may make rules to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any corporation formed or recognised under the law of a territory outside Singapore.

Offences by unincorporated associations or partnerships

20 **82.**—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

(a) an employee or agent of the unincorporated association or partnership engaged in that conduct within the scope of his or her actual or apparent authority; and

25 (b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

30 (a) who is —

(i) an officer of the unincorporated association or a member of its governing body;

- (ii) a partner in the partnership; or
- (iii) an individual involved in the management of the unincorporated association or partnership and in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and

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(b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the offence;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or
- (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

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shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

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(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters V and VA of the Penal Code; or
- (b) the Evidence Act or any other law or practice regarding the admissibility of evidence.

30

(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

5 (6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

10 (a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

(b) any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner;

15 “reasonable steps” has the meaning given by section 81;

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and

20 (b) the person’s reasons for the intention, opinion, belief or purpose.

(7) The Minister may make rules to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any unincorporated association or partnership formed or recognised under the law of a territory outside Singapore.

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Jurisdiction of courts

83. Despite the Criminal Procedure Code, a District Court or a Magistrate’s Court has jurisdiction to try, and has power to impose the full punishment for, any offence under this Act.

Service of documents

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84.—(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section.

(2) A document permitted or required by this Act to be served on an individual may be served —

- (a) by giving it to the individual personally;
- (b) by sending it by post to the address specified by the individual for the service of documents or, if no address is so specified, the individual’s residential address or business address; 5
- (c) by leaving it at the individual’s residential address with an adult apparently resident there, or at the individual’s business address with an adult apparently employed there; 10
- (d) by affixing a copy of the document in a conspicuous place at the individual’s residential address or business address;
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or 15
- (f) by sending it by email to the individual’s last email address.

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served — 20

- (a) by giving it to any partner, secretary or other similar officer of the partnership;
- (b) by leaving it at, or by sending it by post to, the partnership’s business address;
- (c) by sending it by fax to the fax number used at the partnership’s business address; or 25
- (d) by sending it by email to the partnership’s last email address.

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served — 30

- (a) by giving it to the secretary or other similar officer of the body corporate or unincorporated association, or the limited liability partnership's manager;
- 5 (b) by leaving it at, or by sending it by post to, the registered office or principal office in Singapore of the body corporate or unincorporated association;
- (c) by sending it by fax to the fax number used at the registered office or principal office in Singapore of the body corporate or unincorporated association; or
- 10 (d) by sending it by email to the last email address of the body corporate or unincorporated association.

(5) In addition, a document (other than a summons) permitted or required by this Act to be served on an individual, a partnership, a body corporate or an unincorporated association may be served —

- 15 (a) by giving an electronic notice to the individual, partnership, body corporate or unincorporated association (called in this section an addressee) by the addressee's chosen means of notification, stating that the document is available and how the addressee may use the addressee's chosen means of access to access the document's contents; or
- 20 (b) by any other method authorised by the Regulations for the service of documents of that kind if the addressee consents (expressly or impliedly) to service of a document of that kind in that way.

(6) Service of a document takes effect —

- (a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;
- 30 (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person to whom it is sent; or
- (c) if the document is sent by post, 2 days after the day the document was posted (even if it is returned undelivered).

(7) However, service of any document under this Act on a person by email or by an electronic notice at the person's chosen means of notification, may be effected only with the person's prior consent (express or implied) to service in that way.

(8) This section does not apply to documents to be served in proceedings in court. 5

(9) In this section —

“business address” means —

- (a) in the case of an individual, the individual's usual or last known place of business in Singapore; or 10
- (b) in the case of a partnership (other than a limited liability partnership), the partnership's principal or last known place of business in Singapore;

“chosen means of access”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means the addressee agrees with the person giving or serving the document as the means by which the addressee may access that document's contents; 15

“chosen means of notification”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means that the addressee nominates to the person giving or serving the document as the means by which the addressee may be notified that such a document has been served on the addressee; 20

“document” includes a notice or an order permitted or required by this Act to be served; 25

“last email address” means the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act; 30

“residential address” means an individual's usual or last known place of residence in Singapore.

Disposal of unclaimed guns, etc.

5 **85.**—(1) Where any gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance is surrendered to a Licensing Officer, whether or not under section 39, it becomes unclaimed if, at the end of 30 days after the day on which the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance (as the case may be) was so surrendered —

10 (a) there is no person who appears, to the satisfaction of the Licensing Officer, to be the owner of the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance, as the case may be; or

15 (b) there is such a person but that person has not exercised his or her right to recover the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance by a claim.

20 (2) Where a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance which is surrendered to a Licensing Officer becomes unclaimed, an authorised officer may, after giving one month's notice in a prescribed website of his or her intention to do so —

25 (a) sell by public auction or tender the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance; or

(b) destroy or otherwise dispose of the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance, as the case may be.

30 (3) However, where it appears to a Licensing Officer that any gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance which is surrendered is of such a nature or in such condition that it would be dangerous for the Licensing Officer to retain custody of it, the Licensing Officer may, before the end of the period mentioned in subsection (1) and after giving notice in a prescribed website of his or her intention to do so, cause the gun,

major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance —

(a) to be sold (by public auction or otherwise) at once; or

(b) to be destroyed or otherwise disposed of at once in such manner as the Licensing Officer thinks fit. 5

(4) The proceeds of a sale by public auction or tender of any gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance under subsection (2) or (3) must be applied as follows:

(a) firstly, in payment of the expenses occasioned by the sale; 10

(b) secondly, in payment of storage or other expenses incurred by the Licensing Officer in relation to the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance;

(c) thirdly, by payment of the balance into the Consolidated Fund. 15

(5) A purchaser of any gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance sold in accordance with subsection (2) or (3) acquires good title to that article, item or thing. 20

Act binds Government

86.—(1) Subject to section 87, 88 or 89, this Act binds the Government, but nothing in this Act renders the Government liable to prosecution for an offence under this Act.

(2) To avoid doubt, no person is immune from prosecution for any offence under this Act by reason only that the person is engaged to provide services to the Government or is acting in any other similar capacity for, or on behalf of, the Government. 25

General exemption for law enforcement, etc.

87.—(1) An individual does not commit an offence under this Act only because of something done by the individual in the exercise or discharge of the individual's powers or duties under written law as 30

any of the following and to the extent the power or duty requires him or her to possess, handle or use a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, a weapon or noxious substance or operate a shooting range:

- 5 (a) a member of the Singapore Police Force, including as an individual appointed under section 13 of the Police Force Act (Cap. 235) to serve as a temporary constable;
- (b) a member of the Special Constabulary constituted under Part VIII of the Police Force Act;
- 10 (c) a member of an Auxiliary Police Force created under the Police Force Act;
- (d) an intelligence officer;
- (e) a Commercial Affairs Officer appointed under section 64 of the Police Force Act;
- 15 (f) an officer of customs within the meaning given by section 3(1) of the Customs Act (Cap. 70);
- (g) the Controller of Immigration or an immigration officer appointed under section 3 of the Immigration Act (Cap. 133);
- 20 (h) the Director of the Central Narcotics Bureau or an officer of the Bureau within the meaning of the Misuse of Drugs Act (Cap. 185);
- (i) the Director of the Corrupt Practices Investigation Bureau or a CPIB officer within the meaning of the Prevention of Corruption Act (Cap. 241);
- 25 (j) a prison officer within the meaning of the Prisons Act (Cap. 247);
- (k) a forensic specialist appointed under section 65A of the Police Force Act;
- 30 (l) a member of a police service of a foreign country, or a visiting force of a foreign country for the purposes of Part 1 of the Visiting Forces Act (Cap. 344), lawfully present in

Singapore pursuant to any treaty, agreement or arrangement to which the Government is a party;

- (m) a master or captain, or member of crew or an air marshal, of an aircraft with respect to any gun that is required by written law to be carried on the aircraft; 5
- (n) a Licensing Officer, an authorised officer or a compliance officer.

(2) This Act does not apply to or in relation to any gun, explosive or weapon —

- (a) stored in any hulk or magazine for the storage or deposit of explosives, or explosive precursors and in the possession or control of the Government or the government of a Commonwealth country; or 10
- (b) on board any vessel belonging to or in the service of the Government or any foreign government. 15

(3) The Minister may, by order in the *Gazette*, exempt any person or class of persons who is not within the class of persons to which section 88 applies from all or any provision of this Act (except section 88), either generally or in a particular case and subject to such conditions as the Minister may impose. 20

Exemption for defence purposes

88.—(1) The persons in subsection (2) do not commit an offence under this Act only because of something done by the person in the exercise or discharge of the person's powers or duties to the extent the power or duty requires the person to possess, handle or use a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, a weapon or noxious substance or operate a shooting range in connection with any of the following: 25

- (a) the defence of Singapore, including activities intended to support the functions of the Singapore Armed Forces, or other activities necessary for the defence and security of Singapore; 30

5 (b) the protection of the integrity of Singapore's territory and its borders from serious threats and the protection of Singapore or part of it, or the people of Singapore, from terrorism, espionage or other like activities intended or likely to obstruct, hinder or interfere with the defence and security of Singapore;

(c) any air or sea operations that the Singapore Armed Forces is authorised under section 201B of the Singapore Armed Forces Act (Cap. 295) to be deployed;

10 (d) the deployment of the Singapore Armed Forces under section 201C of the Singapore Armed Forces Act in relation to a relevant event (within the meaning of section 201C(10) of that Act), but only for the period the Singapore Armed Forces is authorised under
15 section 201C(1) of that Act to be deployed with respect to that relevant event;

(e) an authorisation under section 201D of the Singapore Armed Forces Act for the protection of persons and property of any Singapore Armed Forces property which
20 has been declared a protected area or a protected place under the Infrastructure Protection Act 2017 (Act 41 of 2017);

(f) the maintenance of supplies and services essential to the life of the community in Singapore or for the conduct of
25 exercises relating thereto under the Requisition of Resources Act (Cap. 273).

(2) The persons to whom subsection (1) applies are as follows:

30 (a) a member of the Singapore Armed Forces, whether or not in regular service or national service, and includes an operationally ready national serviceman and a volunteer;

(b) any person for the time approved by the Minister charged with the responsibility for defence in connection with any matter in subsection (1)(a), (b), (c), (d), (e) or (f).

Administrative exemption

89.—(1) A Licensing Officer may exempt, for a period specified in the exemption, a particular person, place, premises or activity who or which is not within the class of persons or activities to which section 88 applies from the operation of any provision of this Act (except section 88) where the Licensing Officer is personally satisfied that all of the following apply: 5

- (a) the risk to public safety and security of providing the exemption is minor;
- (b) there are other sufficient safeguards under this Act or any other written law, or by other means, to minimise any risk to public safety and security in providing the exemption; 10
- (c) there are requirements in other written law or there are other means that deal with the matter to be exempted besides the applicable requirements of this Act. 15

(2) An exemption under this section —

- (a) must be in writing and given to the particular person concerned; and
- (b) need not be published in the *Gazette*.

Regulations

90.—(1) The Minister may make regulations necessary or convenient to be prescribed for carrying out or giving effect to this Act. 20

(2) In particular, the Minister may make regulations for any of the following: 25

- (a) classes of licences;
- (b) the form and manner in which, and the time within which, an application for the grant of a licence or security clearance may be made under this Act;
- (c) the carrying out of inquiries of applicants for a licence or a security clearance; 30

- (d) the fees to be paid in respect of applications for the grant of a licence and otherwise in connection with the administration of this Act, and for the waiver, reduction or refund of fees charged;
- 5 (e) the records that must be kept by licensees and the provision of returns and other information with respect to the regulated activities authorised by their respective licences, including audio and visual records about those activities;
- 10 (f) the storage, identification, maintenance, carrying, conveyance, altering, repair, testing and use of guns, major parts of a gun, gun accessories, explosives, explosive precursors, weapons or noxious substances;
- 15 (g) measures to deal with safety, and safety incidents and accidents, involving guns, major parts of a gun, gun accessories, explosives, explosive precursors, weapons, noxious substances, shooting ranges or paintball ranges involved in the carrying on of a regulated activity, and make provision in relation to mandatory reporting to a Licensing Officer those safety incidents and accidents;
- 20 (h) guns and weapons training courses;
- (i) training and supervision in relation to the use of guns, explosives or weapons;
- 25 (j) the control and regulation of explosives and explosive precursors, including but not limited to the following:
- (i) the handling of explosives or explosive precursors;
- (ii) premises, conveyances, containers and any other equipment, containers or things which are intended for use, are being used or have been used in connection with explosives or explosive precursors;
- 30 (iii) smoking, the lighting or use of fire and any other dangerous, or potentially dangerous, prescribed activities in the vicinity of explosives or explosive precursors;

- (iv) the inspection, examination and testing of explosives or explosive precursors and equipment or containers intended for use or used in connection with explosives or explosive precursors;
 - (v) records relating to explosives or explosive precursors and the furnishing of returns and other information relating to explosives or explosive precursors; 5
 - (k) the approval of ranges or grounds of shooting range operators or paintball range operators as approved shooting ranges or paintball ranges, including applications for, and conditions of, approval of such ranges or grounds. 10
- (3) Regulations made under this section may —
- (a) make different provisions for different classes or descriptions of persons, or guns, major parts of a gun, gun accessories, explosives, explosive precursors, weapons, noxious substances, shooting ranges or paintball ranges, or different circumstances; 15
 - (b) prescribe the offences under this Act that may be compounded;
 - (c) create offences for a contravention of any provision of the Regulations, the penalty for which on conviction may be a fine not exceeding \$50,000 or imprisonment for a term not exceeding 18 months or both; and 20
 - (d) provide for such saving, transitional and other consequential, incidental and supplemental provisions as are necessary or expedient for the purposes of this Act. 25

Amendment of Schedules

91. The Minister may, by order in the *Gazette*, amend the First or Second Schedule.

Presentation to Parliament

92. All subsidiary legislation made under this Act must be presented to Parliament as soon as possible after publication in the *Gazette*.

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“unlawful possession”, in relation to a gun, means possession of a gun when —

- (a) not authorised by a licence or a class licence under the Guns, Explosives and Weapons Control Act 2021; 5
 - (b) not in accordance with the conditions of a licence or a class licence mentioned in paragraph (a); and
 - (c) not exempt from the Guns, Explosives and Weapons Control Act 2021 with respect to possession of that gun;” 10
- (d) by deleting paragraphs (a) and (b) of the definition of “use” in section 2 and substituting the following paragraphs: 15
- “(a) to fire the gun; or
 - (b) to hold the gun so as to cause a reasonable belief that it will be fired, whether or not it is capable of being fired.”;
- (e) by repealing section 3 and substituting the following sections: 20

“Unlawful possession of gun with criminal intent

3.—(1) A person commits an offence if —

- (a) the person carries a gun intending to —
 - (i) injure, or endanger the safety of, another person; 25
 - (ii) cause reasonable fear of the infliction of injury to another person;
 - (iii) destroy or damage any property; or
 - (iv) facilitate another person to injure, or endanger the safety of, another person, cause reasonable fear of the infliction of injury to another person, 30

or destroy or damage any property,
using the gun; and

(b) the person is then in unlawful possession of
the gun.

5 (2) A person who is guilty of an offence under
subsection (1) shall on conviction be punished with
imprisonment for a term of not less than 5 years and
not more than 10 years and shall also be punished
with caning with not less than 6 strokes.

10 (3) However, where a person who is convicted of an
offence under subsection (1) is proved to have been
previously convicted of a scheduled offence, the
person shall on conviction be punished with
imprisonment for a term of not less than 5 years
15 and not more than 20 years and shall also be punished
with caning with not less than 6 strokes.

Aggravating circumstances for scheduled offence

20 **3A.** Where a person is convicted of a scheduled
offence, the person shall be punished with
imprisonment for life and shall also be punished
with caning with not less than 6 strokes if the person,
at the time of his committing or at the time of his
apprehension for the scheduled offence —

25 (a) is carrying any gun; and

(b) is in unlawful possession of the gun.”;

(f) by deleting the words “any arm” in section 4(1) and
substituting the words “any gun intending to injure, or
endanger the safety of, another person, to cause reasonable
fear of the infliction of injury or to destroy or damage any
30 property”;

(g) by deleting the words “any arm” in section 4(2) and
substituting the words “any gun”;

- (h) by deleting the words “arm with the intention to cause physical injury to any person or property” in section 4(2) and substituting the words “gun intending to injure, or endanger the safety of, another person, to cause reasonable fear of the infliction of injury or to destroy or damage any property”; 5
- (i) by deleting the words “any arm” in the following provisions and substituting in each case the words “any gun”:
 Sections 4A, 5, 7 and 9; 10
- (j) by deleting the word “arms” in the section headings of sections 4, 4A, 6 and 7 and in section 11 and substituting in each case the word “guns”;
- (k) by deleting the words “the arm” wherever they appear in sections 5 and 9 and substituting in each case the words “the gun”; 15
- (l) by deleting the words “trafficking in arms” in section 6(1) and substituting the words “trafficking in guns”;
- (m) by deleting subsection (2) of section 6;
- (n) by deleting the words “any such arm” in section 7 and substituting the words “any such gun”; 20
- (o) by deleting the words “of such arm” in section 7 and substituting the words “of the gun”;
- (p) by deleting the words “imitation arm” in section 8 and in the section heading and substituting in each case the words “imitation gun”; 25
- (q) by repealing section 10; and
- (r) by deleting the words “Arms and Explosives Act (Cap. 13)” in section 11 and substituting the words “Guns, Explosives and Weapons Control Act 2021”. 30

Amendments to Corrosive and Explosive Substances and Offensive Weapons Act

94. The Corrosive and Explosive Substances and Offensive Weapons Act (Cap. 65) is amended —

5 (a) by inserting, immediately after the definition of “corrosive substance” in section 2, the following definition:

 ““explosive device” has the meaning given by section 2(1) of the Guns, Explosives and Weapons Control Act 2021.”;

10 (b) by deleting the words “bomb, grenade, apparatus, machine, implement” in the definition of “explosive substance” in section 2 and substituting the words “explosive device”;

 (c) by deleting the words “and any part of such bomb, grenade, apparatus, machine or implement” in the definition of “explosive substance” in section 2 and substituting the words “and any explosive device or part of an explosive device”;

15 (d) by deleting the definition of “scheduled weapon” in section 2 and substituting the following definition:

 ““scheduled weapon” means a weapon specified in the First Schedule to the Guns, Explosives and Weapons Control Act 2021.”;

20 (e) by inserting, immediately after subsection (1) of section 6, the following subsections:

 “(1A) However, where the offensive weapon involved in the commission of an offence under subsection (1) is a prohibited weapon within the meaning of the Guns, Explosives and Weapons Control Act 2021, the person committing the offence shall be liable on conviction instead to imprisonment for a term not exceeding 5 years and shall also be punished with caning with not less than 6 strokes.

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(1B) For the purposes of subsection (1) only, “lawful purpose” includes —

- (a) for use at work;
- (b) for religious reasons;
- (c) for use in a theatrical production or film-making for entertainment; 5
- (d) for an ornamental display;
- (e) for the slaughter or hunting of wild animals authorised under written law; and
- (f) for use in gardening, or in animal husbandry or primary production.”; 10

(f) by inserting, immediately after subsection (1) of section 7, the following subsection:

“(1A) A person does an act mentioned in subsection (1)(a), (b) or (c) otherwise than for a lawful purpose if — 15

- (a) the person does so involving a scheduled weapon intending to —
 - (i) injure, or endanger the safety of, another person; 20
 - (ii) cause reasonable fear of the infliction of injury to another person;
 - (iii) destroy or damage any property; or
 - (iv) facilitate another person to injure, or endanger the safety of, another person, cause reasonable fear of the infliction of injury to another person, or destroy or damage any property, using the scheduled weapon; and 25
- (b) the person’s possession of the scheduled weapon is then — 30

- (i) not authorised by a licence or a class licence under the Guns, Explosives and Weapons Control Act 2021;
- (ii) not in accordance with the conditions of a licence or a class licence mentioned in sub-paragraph (i); and
- (iii) not exempt from the Guns, Explosives and Weapons Control Act 2021 with respect to possession of that scheduled weapon.”;

(g) by inserting, immediately after subsection (3) of section 7, the following subsection:

“(4) A reference to “second or subsequent offence” in relation to an offence under subsection (1) is a reference to a person who —

- (a) is convicted, or found guilty, of such an offence (called the current offence); and
- (b) has been convicted or found guilty of any of the following on at least one other earlier occasion within the period of 5 years immediately before the date on which the person is convicted or found guilty of the current offence:

- (i) the same offence under subsection (1);
- (ii) an offence under subsection (1) as in force before the date of commencement of section 94(g) of the Guns, Explosives and Weapons Control Act 2021 and that involved a scheduled weapon.”;

(h) by deleting the word “Schedules” in section 12 and in the section heading and substituting in each case the words “First Schedule”; and

(i) by repealing the Second Schedule.

Amendments to Criminal Procedure Code

95.—(1) Section 40(5) of the Criminal Procedure Code (Cap. 68, 2012 Ed.) is amended by deleting paragraph (d) and substituting the following paragraph:

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“(d) the Guns, Explosives and Weapons Control Act 2021 or the Arms and Explosives Act (Cap. 13) repealed by that Act;”.

(2) The Second Schedule to the Criminal Procedure Code is amended by inserting, immediately after item 7, the following item:

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“7A. Guns, Explosives and Weapons Control Act 2021”.

Related amendment to Miscellaneous Offences (Public Order and Nuisance) Act

96. Section 22A of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184, 1997 Ed.) is amended by inserting, immediately after subsection (1), the following subsection:

15

“(1A) A gun, an explosive or a weapon within the meaning of the Guns, Explosives and Weapons Control Act 2021 must not be specified under subsection (1).”.

Consequential amendments to other Acts

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97.—(1) Section 7B(4) of the Air Navigation Act (Cap. 6, 2014 Ed.) is amended —

(a) by deleting the words “Arms and Explosives Act (Cap. 13)” and substituting the words “Guns, Explosives and Weapons Control Act 2021” in sub-paragraph (a)(i);

25

and

(b) by deleting sub-paragraph (iii) of paragraph (a).

(2) Item 3 of the Third Schedule to the Central Provident Fund Act (Cap. 36, 2013 Ed.) is deleted and the following item substituted therefor:

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“3. Guns, Explosives and Weapons Control Act 2021.”.

(3) Item 2 of the Second Schedule to the Criminal Law (Temporary Provisions) Act (Cap. 67, 2000 Ed.) is deleted and the following item substituted therefor:

5 “2. Corrosive and Explosive Section 3 or 4 involving an
 Substances and Offensive explosive substance.”
 Weapons Act (Cap. 65)

(4) Section 77 of the Cross-Border Railways Act 2018 (Act 21 of 2018) is repealed.

10 (5) The Customs Act (Cap. 70, 2004 Ed.) is amended by renumbering section 7 as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

 “(2) Every officer of customs must be provided with such staves, guns, ammunition and other accoutrements as may be prescribed.”.

15 (6) Section 2 of the Environmental Public Health Act (Cap. 95, 2002 Ed.) is amended by deleting the words “Arms and Explosives Act (Cap. 13)” in paragraph (b) of the definition of “dangerous substance” and substituting the words “Guns, Explosives and Weapons Control Act 2021”.

20 (7) Section 2(1) of the Hijacking of Aircraft and Protection of Aircraft and International Airports Act (Cap. 124, 1997 Ed.) is amended —

 (a) by inserting the word “or” at the end of paragraph (a)(ii) of the definition of “act of violence”; and

25 (b) by deleting sub-paragraph (iii) of paragraph (a) of the definition of “act of violence”.

(8) Section 28(3) of the Infrastructure Protection Act 2017 (Act 41 of 2017) is amended —

30 (a) by deleting the words “Arms and Explosives Act (Cap. 13)” and substituting the words “Guns, Explosives and Weapons Control Act 2021” in paragraph (a)(i) of the definition of “dangerous item”; and

(b) by deleting sub-paragraph (iii) of paragraph (a) of the definition of “dangerous item”.

(9) Section 2 of the Internal Security Act (Cap. 143, 1985 Ed.) is amended —

(a) by deleting the words “any substance declared to be deemed an explosive by notification in the *Gazette* under section 5 of the Arms and Explosives Act” in paragraph (c) of the definition of “explosive” and substituting the words “an explosive within the meaning of the Guns, Explosives and Weapons Control Act 2021”; and

(b) by deleting the marginal reference “Cap. 13.” in paragraph (c) of the definition of “explosive”.

(10) The First Schedule to the Internationally Protected Persons Act (Cap. 145A, 2010 Ed.) is amended by deleting items 2 and 3 and the heading “Explosive Substances Act (Cap. 100)”.

(11) Section 96 of the Maritime and Port Authority of Singapore Act (Cap. 170A, 1997 Ed.) is amended by deleting paragraph (c).

(12) Section 2 of the Maritime Offences Act (Cap. 170B, 2004 Ed.) is amended —

(a) by inserting the word “or” at the end of paragraph (a)(ii) of the definition of “act of violence”; and

(b) by deleting sub-paragraph (iii) of paragraph (a) of the definition of “act of violence”.

(13) The Schedule to the Organised Crime Act 2015 (Act 26 of 2015) is amended —

(a) by inserting, immediately after the word “arms” in items 1 and 2, the words “or guns”;

(b) by inserting, immediately after item 26, the following heading and item:

**“Corrosive and Explosive
Substances and Offensive
Weapons Act (Cap. 65)**

26A. Section 3 involving an explosive substance Possession of corrosive or explosive substance for purpose of causing hurt”;

(c) by inserting, immediately after the words in the heading “Explosive Substances Act (Cap. 100)” above item 32, the words “before repeal”; and

(d) by inserting, immediately after item 33, the following heading and item:

**“Guns, Explosives and
Weapons Control Act 2021**

33A. Section 22(1) or (3) Unauthorised possession or storage of explosive or explosive precursor”.

(14) The First Schedule to the Prisons Act (Cap. 247, 2000 Ed.) is amended —

(a) by deleting the words “arms or” in the item relating to section 3(1), (2), (3) or (4) under the heading “Arms Offences Act (Cap. 14)” and substituting the words “arms, guns or”; and

(b) by inserting, immediately after the words “imitation arm” in the item relating to section 8 under the heading “Arms Offences Act (Cap. 14)”, the words “or gun”.

(15) Section 2(1) of the Public Order and Safety (Special Powers) Act 2018 (Act 26 of 2018) is amended by deleting the words “Arms and Explosives Act (Cap. 13)” in paragraph (b) of the definition of “dangerous article” and substituting the words “Guns, Explosives and Weapons Control Act 2021”.

(16) Part II of the First Schedule to the Registration of Criminals Act (Cap. 268, 1985 Ed.) is amended by inserting, immediately after the item relating to “Foreign Recruiting Act”, the following item:

<p>“Guns, Explosives and Weapons Control Act 2021</p>	<p>... Sections 11(1) or (2), 12(1) or (2), 13(1), 14, 15(1), 16(1) or (3), 19(1) or (2), 21(1), 22(1) or (3), 23(1) or (4), 24(1), 25(1), 26(1) or (2), 29(1), 30(1) or (2), 31, 32(1), 33(1) or (3), 36(1) or (2), 37(1), 38(1), 39(1), 64(9) and 73(2).”.</p>	<p>5 10</p>
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(17) Section 201C(9) of the Singapore Armed Forces Act (Cap. 295, 2000 Ed.) is amended by deleting the words “Arms and Explosives Act (Cap. 13)” in paragraph (e) and substituting the words “Guns, Explosives and Weapons Control Act 2021”.

(18) Section 3 of the Strategic Goods (Control) Act (Cap. 300, 2003 Ed.) is repealed. 15

(19) The United Nations Personnel Act (Cap. 339A, 2012 Ed.) is amended —

(a) by inserting, immediately before item 1 of the First Schedule, the following item: 20

“1A. Section 3 Possession of corrosive or explosive substance for purpose of causing hurt”;

(b) by deleting items 2 and 3 and the heading “Explosive Substances Act (Cap. 100)” of the First Schedule; and

(c) by deleting items 1 and 2 and the heading “Explosive Substances Act (Cap. 100)” of the Second Schedule. 25

Repeal

98. The following Acts are repealed:

- (a) the Arms and Explosives Act;
- (b) the Dangerous Fireworks Act; 30
- (c) the Explosive Substances Act.

Saving and transitional provisions

99.—(1) Subject to the adaptations provided in the Third Schedule, this Act applies to and in relation to every person holding a licence that is —

5 (a) granted under the repealed Arms and Explosives Act to carry on a regulated activity before the date of commencement of section 98(a); and

 (b) in force immediately before that date.

10 (2) Every person who, immediately before the date of commencement of section 19, carries on business as a shooting range operator or paintball range operator may continue to carry on that business —

15 (a) for 2 months after that date or until an order under section 56 is earlier made applicable to the person for carrying on business as a shooting range operator or paintball range operator; or

20 (b) for 2 months after that date and, if within that period the person applies for a licence under Part 4 to carry on business as a shooting range operator or paintball range operator, for a further period ending on the happening of the earlier of the following:

 (i) the date on which a Licensing Officer grants a licence to the person to carry on business as a shooting range operator or paintball range operator;

25 (ii) the date that the application is finally refused or is withdrawn.

30 (3) Despite Part 2, every person who, immediately before the date of commencement of section 98(b), is by notification made under the repealed Dangerous Fireworks Act, exempt from all the provisions of that Act in respect of a regulated activity may continue to carry on that regulated activity —

 (a) for 2 months after that date or until an order under section 56 is earlier made applicable to the person with respect to that regulated activity; or

(b) for 2 months after that date and, if within that period the person applies for a licence under Part 4, for a further period ending on the happening of the earlier of the following:

- (i) the date on which a Licensing Officer grants a licence to the person;
- (ii) the date that the application is finally refused or is withdrawn.

(4) For a period of 2 years after the date of commencement of this section, the Minister may, by order in the *Gazette*, amend the Third Schedule by prescribing such additional provisions of a saving or transitional nature consequent on the enactment of this section as the Minister may consider necessary or expedient.

(5) Nothing in this section or the Third Schedule affects section 16 of the Interpretation Act (Cap. 1).

FIRST SCHEDULE

Sections 2 and 91

WEAPONS

1. An arbalest.
2. An arrow with any of the following points:
 - (a) a broadhead tip;
 - (b) a field arrow tip;
 - (c) a blunt arrow tip;
 - (d) a grabbing arrow tip;
 - (e) a fishing arrow tip.
3. A device (commonly called a crossbow) consisting of a bow fitted transversely on a stock that has a groove or barrel, designed to direct a dart, bolt or an arrow whether or not mentioned in item 2.
4. A crossbow designed for aiming and discharging an arrow (whether or not mentioned in item 2), a dart, bolt or similar projectile when held in one hand, commonly called a pistol crossbow.
5. A bow regardless of its draw weight, and includes a longbow.

FIRST SCHEDULE — *continued*

6. A bayonet, being a thrusting, striking or cutting weapon designed to be attached to a gun.

5 7. A sword, being a thrusting, striking or cutting weapon with a long blade having one or 2 cutting edges and a hilt, and includes the martial arts weapon known as a “Butterfly Sword”, a machete, parang, bolo, kukri or hooked swords.

8. A sharp pointed stabbing instrument (other than a sword or bayonet) —

(a) having —

10 (i) a flat blade with cutting edges (whether serrated or not serrated) along the length of both sides; or

(ii) a needle-like blade or spike, the cross section of which is elliptical or has 3 or more sides;

(b) designed for hand to hand combat, such as —

15 (i) to be held between the fingers or the forefinger and thumb with the handle supported by the palm of the hand and to inflict injury by a punching or pushing movement, such as a push knife or push dagger;

(ii) to cause serious injury when thrown, such as a throwing knife; or

20 (iii) to be held in the closed fist with the fingers through the handle which serves as a knuckleduster, such as a trench knife; and

(c) ordinarily capable of being concealed on the person of an individual, and includes a diving knife, hunting knife, kris, karambit, kirpan or dirk.

9. A knife comprising a blade or spike and a handle, in respect of which —

25 (a) the handle is in 2 sections that fold so as to wholly or partially cover the blade or spike when the knife is not in use; and

(b) the blade or spike can be exposed by gravity or centrifugal force, and includes a butterfly knife, a “balisong” and a gravity knife.

10. A knife in respect of which —

30 (a) the blade is concealed when folded or recessed into the handle and springs or is released into the extended position by the operation of a button or other device on the handle; or

FIRST SCHEDULE — *continued*

- (b) the blade is wholly or partially concealed by a sheath that can be withdrawn into the handle of the knife by gravity, centrifugal force or by the operation of a button or other device,
and includes a flick knife and a switchblade. 5
11. A knife, sometimes known as a wasp knife, which is capable of injecting a ball of compressed gas that freezes both human and animal tissues and organs surrounding the point of penetration or injection.
12. An article comprising a number of points, blades or spikes pointing outwardly from a central axis and capable of causing serious injury when thrown, such as throwing stars and shuriken. 10
13. A device or instrument (commonly called a knuckleduster) designed to be worn across the knuckles of a hand so as to —
- (a) increase the force or impact of a punch or blow when striking another with the hand; or 15
- (b) protect the knuckles from injury,
and includes a weighted or studded glove, but not a boxing glove.
14. A spear, being a thrusting, throwing, striking or cutting weapon to be propelled by human power without the use of any device, and includes a halberd, glaive and a martial arts weapon called “Guandao” or “Yanyuedao”. 20
15. A spearhead for a spear described in item 14.
16. A scythe, or sickle-shaped article designed as a weapon, that —
- (a) has a fixed or folding blade; and
- (b) may or may not have a chain attached,
and includes the martial arts weapon known as “Kama”. 25
17. An article consisting of a handle and an edged blade, joined by a chain or a combination of chain and metal pieces or steel rods, designed to be used as a whip, including the martial arts weapon commonly known as “Chinese whip”, “whip spear”, “7 piece iron chain”, “9 piece iron chain”, “Bian Tzu Chiang” or “Lien Tzu Chiang”. 30
18. An article consisting of a blade or blades with cord, rope or chain attached for the purpose of enabling the blade to be thrown and retrieved, including the martial arts weapon known as “Shoge”, “ninja Kyoketsu-Shoge” or “Kyoketsu Shoge”.
19. A “Sai” or “Jitte”, being a short, tapered, metal rod, dull at the point, with flared metal prongs guarding the handle. 35

FIRST SCHEDULE — *continued*

20. An article that consists of 2 sticks, rods or batons joined by a cord, rope or chain, including the martial arts weapon known as “Nunchaku”.

5 21. An article consisting of a chain, rope or cord with a wooden or metal baton, stick or rod attached at each end, including the martial arts weapons known as “Kasari-Fundo”, “Kusari-Fundo” and “Manrikigusari”.

22. An axe, including a tomahawk, a “Ge”, a parashu or an “Ono”.

SECOND SCHEDULE

Sections 4 and 91

10

EXPLOSIVE PRECURSORS

1. Ammonium nitrate, or any mixture of components one of which is ammonium nitrate, but not including any of the following:

(a) aqueous solutions containing less than 60%, weight in weight, of ammonium nitrate;

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(b) any material in solid form comprising a mixture of components, one of which is ammonium nitrate, where the nitrogen content derived from ammonium nitrate is less than 28% by weight of the said mixture.

2. Ammonium perchlorate.

20

3. Barium nitrate, not including preparations and solutions containing less than 10%, weight in weight, of barium nitrate.

4. Guanidine nitrate.

5. Hydrogen peroxide, not including preparations and solutions containing not more than 20%, weight in weight, of hydrogen peroxide.

6. Potassium chlorate.

25

7. Potassium nitrate, not including preparations and solutions containing less than 5%, weight in weight, of potassium nitrate or a combination of both potassium nitrate and sodium nitrate.

8. Potassium nitrite, not including aqueous solutions containing less than 5%, weight in weight, of potassium nitrite.

30

9. Potassium perchlorate.

10. Sodium chlorate.

11. Sodium nitrate, not including preparations and solutions containing less than 5%, weight in weight, of sodium nitrate or a combination of both sodium nitrate and potassium nitrate.

SECOND SCHEDULE — *continued*

12. Sodium nitrite, not including aqueous solutions containing less than 5%, weight in weight, of sodium nitrite.
13. Sodium perchlorate.
14. Perchloric acid. 5
15. Tetranitromethane.

THIRD SCHEDULE

Section 99

SAVING AND TRANSITIONAL PROVISIONS

- 1.—(1) Every licence that — 10
- (a) is granted, before the date of commencement of section 98(a), under Part II of the repealed Arms and Explosives Act (Cap. 13) to a person for the manufacture, possession, transfer of possession, import or export of any unmarked plastic explosive; and
- (b) is in force immediately before that date, 15
- is, so far as it is not inconsistent with the provisions of this Act, to continue as if it were a licence granted under Part 4 to the person authorising that person to correspondingly manufacture, store or possess, supply, import or export the unmarked plastic explosive, until that licence expires or is earlier revoked under section 66. 20
- (2) Every licence that —
- (a) is granted, before the date of commencement of section 98(a), under Part III of the repealed Arms and Explosives Act to a person for —
- (i) the possession or having control of any gun or component part of a gun, arms that are weapons, explosives, poisonous or noxious gases or noxious substances; 25
- (ii) the import of any gun or component part of a gun, arms that are weapons, explosives, poisonous or noxious gases or noxious substances;
- (iii) the export of any gun or component part of a gun, arms that are weapons, explosives, naval or military stores, poisonous or noxious gases or noxious substances; 30
- (iv) the manufacture of guns or component parts of a gun, arms that are weapons, explosives, poisonous or noxious gases or noxious substances; or 35

THIRD SCHEDULE — *continued*

- (v) the dealing in guns or component parts of a gun, arms that are weapons, explosives, poisonous or noxious gases or noxious substances; and

5 (b) is in force immediately before that date,

is, so far as it is not inconsistent with the provisions of this Act, to continue as if it were a licence granted under Part 4 to the person authorising that person to correspondingly store or possess, import or export, manufacture or supply those guns or major parts of a gun, gun accessories, weapons, explosives or noxious substances, until that licence expires or is earlier revoked under section 66.

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(3) Every licence that —

- (a) is granted, before the date of commencement of section 98(a), under section 21A of the repealed Arms and Explosives Act to a person for the possession or keeping under his or her control, or for the import, export, manufacture or dealing in, any explosive precursor; and

15

(b) is in force immediately before that date,

is, so far as it is not inconsistent with the provisions of this Act, to continue as if it were a licence granted under Part 4 to the person authorising that person to correspondingly store or possess, import or export, manufacture or supply the explosive precursor, until that licence expires or is earlier revoked under section 66.

20

2. Every premises —

(a) that are —

- (i) licensed, before the date of commencement of section 98(a), under section 21D of the repealed Arms and Explosives Act for the storage or keeping of any explosive precursor; or

25

- (ii) an authorised magazine under the Arms and Explosives (Explosives) Rules (Cap. 13, R 2) for the storage of explosives; and

30

(b) that are so licensed or an authorised magazine immediately before that date,

are, so far as it is not inconsistent with the provisions of this Act, to continue as if they were premises approved under section 22(3)(a), until that licence or authorisation expires.

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3. Sections 66 and 67 do not apply to any proceedings with a view to suspension or cancellation of a licence mentioned in paragraph 1(1), (2) or (3) that are —

THIRD SCHEDULE — *continued*

- (a) started in exercise of powers under section 21G of the repealed Arms and Explosives Act; and
- (b) pending immediately before the date of commencement of section 98(a),

5

and those proceedings may be continued under that Act as if section 98(a) had not been enacted.

4. Where an appeal has been made to the Minister —

- (a) under section 21H of the repealed Arms and Explosives Act before the date of commencement of section 98(a); and
- (b) the appeal has not been dealt with or disposed of immediately before that date,

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the appeal may continue to be dealt with under the repealed Arms and Explosives Act as if section 98(a) had not been enacted.

EXPLANATORY STATEMENT

This Bill seeks to control the handling of guns, gun accessories, explosives, explosive precursors and certain weapons by consolidating the several Acts that regulate dealing in or possessing such articles, and to update and rationalise the penalties for the offences involving guns, gun accessories, explosives, explosive precursors and certain weapons.

The Bill repeals and replaces the Arms and Explosives Act (Chapter 13 of the 2003 Revised Edition), the Dangerous Fireworks Act (Chapter 72 of the 2014 Revised Edition) and the Explosive Substances Act (Chapter 100 of the 2014 Revised Edition), and makes related amendments to the Arms Offences Act (Chapter 14 of the 2008 Revised Edition) and the Corrosive and Explosive Substances and Offensive Weapons Act (Chapter 65 of the 2013 Revised Edition) regarding offences and penalties. The Bill also contains consequential amendments to other Acts.

Part 1 introduces the fundamental concepts used in the Bill and sets out the purposes of the Bill.

Part 2 sets out offences relating to unauthorised use, possession, manufacture, repair, disposal of, conveying, trading in and supply and acquisition of guns, major parts of a gun, gun accessories, explosives, explosive precursors, certain weapons and noxious substances, and unauthorised operation of shooting ranges and paintball ranges.

Part 3 provides for security clearances for certain individuals who are involved in regulated activities or are close associates of persons licensed to carry on the activities regulated by the Bill.

Part 4 contains the licensing framework which provides the authorisation for use, possession, manufacture, repair, disposal of, conveying, trading in and supply of guns, major parts of a gun, gun accessories, explosives, explosive precursors, certain weapons and noxious substances, and the operation of shooting ranges and paintball ranges.

Part 5 sets out requirements on business operations of persons licensed to carry on these regulated activities so that there are strict requirements that must be satisfied in relation to regulated activities involving guns, major parts of a gun, gun accessories, explosives, explosive precursors, certain weapons and noxious substances, and the operation of shooting ranges and paintball ranges.

Part 6 sets out the regulatory action that may be taken against defaulting licensees and class licensees and powers of enforcement for the due administration of the Bill.

Part 7 contains provisions for appeals to be made against decisions of a Licensing Officer under the Bill.

Part 8 is a general Part dealing with administrative matters, including the appointment of a Licensing Officer for the Bill and the power to make Regulations.

Part 9 makes consequential and related amendments to other Acts. It also contains final provisions on the repeal of the Arms and Explosives Act, the Dangerous Fireworks Act and the Explosive Substances Act, and saving and transitional provisions.

PART 1

PRELIMINARY

Part 1 introduces the fundamental concepts used in the Bill and sets out the purposes of the Bill.

Clause 1 relates to the short title and commencement.

Clause 2 is a general definition provision. It contains definitions of terms used in several Parts of the Bill.

The key concepts of “weapon” and “noxious substance” are defined in clause 2. The list of objects which are defined as “weapons” are listed in the First Schedule to the Bill.

A noxious substance has been defined to include a device like a pepper spray gun which discharges the noxious substance directly onto the target, whereas an

object that can shoot or project a round that contains a noxious substance will be treated as a gun. The round or cartridge containing a noxious substance is treated as a noxious substance in this definition instead of as “ammunition” for a gun.

Clause 3 defines the key terms of “guns”, “major part of a gun” and “gun accessories”.

The term “gun” is widely defined. It means a gun, or other object, that is capable of propelling a projectile by means of a burning propellant, compressed air or other compressed gas, or an explosive force (however caused). The definition does extend to cover airguns and spear guns. A defective gun would still be regarded as a gun as will a collection of major parts of a gun that if assembled would form a gun.

However, certain objects are excluded from being treated as a gun. These include a longbow, crossbow, slingshot or shanghai even though it is capable of propelling a projectile by means of an explosive force. These are instead listed as weapons in the First Schedule. Also excluded from the definition of “gun” is an object or a thing capable of being aimed at a target and causing hurt or injury by discharging any noxious substance directly onto the target, such as a pepper spray gun or cannister. Under the Bill, the latter is treated as noxious substances.

The clause also defines the expression “major part of a gun”, the use, handling and possession of which is also regulated under the Bill. Unlike the present Arms and Explosives Act which covers any part of a gun, the Bill seeks to avoid over-regulating and to focus resources on the more dangerous items. A “major part of a gun” refers to any component that, of itself, is essential to the discharge of any shot, bullet, missile, or other projectile from the gun, or that is exclusively designed to be, or is intended to be, an integral part of the gun, without which the gun would be considered inoperable or incomplete, or that feeds or contributes to feeding ammunition to the gun. Examples include a firearm barrel and a trigger or firing mechanism.

Finally, the Bill extends to cover gun accessories, which is defined by clause 3 to mean any object or thing that is designed to be fitted to, or adapted to fit, a gun but is not a major part of a gun and is not a weapon. Not all gun accessories are regulated under the Bill. These are listed in clause 3 to be a magazine adapter, a flash suppressor, a silencer, sound moderator, sound suppressor or any other device designed to reduce, or capable of reducing, the noise of discharge of the gun, or a mechanism or other device designed to modify, or capable of converting, a gun to give it a semi-automatic or a fully automatic operation.

The Minister has power to add to this list subsequently an object or a thing that is neither a weapon nor a major part of a gun.

Clause 4 defines 2 key terms, which are that of “explosive” and “explosive precursor”. An explosive can mean an explosive device or an explosive substance. The definition of “explosive” extends to cover ammunition and fireworks.

An explosive precursor is a substance that is listed in the Second Schedule to the Bill.

Clause 5 sets out the meaning of “possession” and associated terms. This definition is the cornerstone of many of the offences in the Bill and incorporates 2 main concepts: actual custody, and care, control and management. A person can be found to be in possession of a gun, a major part of a gun, a gun accessory, an explosive or explosive precursor or a weapon or noxious substance if it falls within either of these 2 concepts.

Actual custody of a gun, a major part of a gun, a gun accessory, an explosive or explosive precursor or a weapon or noxious substance refers to an object or a thing carried or found on the individual’s person, and the individual knows or has reason to believe that the object or thing is a gun, a major part of a gun, gun accessory, an explosive or explosive precursor or a weapon or noxious substance.

Alternatively, a person has possession of a gun, a major part of a gun, a gun accessory, an explosive or explosive precursor or a weapon or noxious substance if the person has the care, control or management of the gun, major part of a gun, gun accessory, explosive, explosive precursor or a weapon or noxious substance. This includes having it in the care, control or management of another person, including storing it with that other person.

A person also has possession of a gun, a major part of a gun, a gun accessory, an explosive or explosive precursor or a weapon or noxious substance if the person drives, flies or otherwise operates (even by remote control) any vehicle, vessel, aircraft or other device conveying or otherwise carrying the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance, or it is in or on any place or premises, owned, leased or occupied by, or in the care, control or management of, the person, or is within any container owned or in the care, control or management of, the person.

The definition has to be read in conjunction with other provisions in clause 5 as there are a number of defences to people found to be in possession.

For example, where a gun, a major part of a gun, a gun accessory, an explosive or explosive precursor or a weapon or noxious substance was in or on premises owned, leased or occupied by an accused, the accused has a defence if the accused can adduce evidence which suggests that the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance was brought onto the premises by someone else and the accused did not know that it was there and could not reasonably be expected to have known that the gun, major part of a gun, gun accessory, explosive or explosive precursor, weapon or noxious substance (as the case may be) was at the place or premises. If the accused can satisfy the court of this, then the offence would not be proved. It is then for the prosecution to rebut this evidence beyond reasonable doubt.

Clause 5(8) provides guidance of how to prove a person is in possession of a gun, a major part of a gun, a gun accessory, an explosive or explosive precursor or a weapon or noxious substance by having care, control or management of that gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance. An accused may use these factors as a defence to a charge of possession if it is alleged that the person had possession of a gun, a major part of a gun, a gun accessory, an explosive or explosive precursor or a weapon or noxious substance by having care, control or management of it. The factors can also be used to assist in determining if a person was in possession of a gun, a major part of a gun, a gun accessory, an explosive or explosive precursor or a weapon or noxious substance even when the person did not physically have possession of it.

Clause 6 sets out the meanings of “manufacture”, “repair” and associated terms in relation to the different categories of objects and things regulated under the Bill.

The manufacture of a gun is defined to include the assembling of a gun from parts of a gun, or the testing of the assembled object or thing as a gun, but excludes the repair of a gun because that is controlled as a separate regulated activity.

The manufacture of an explosive is defined to include intentional acts like the blending together of any substances to make the explosive, the altering of the chemical or physical nature of any substance or any object or thing to make the explosive, and the remaking, reconditioning or altering of the explosive to produce an explosive effect other than that for which the particular explosive was designed. The filling of cartridge cases with projectiles or fitting of primers to cartridge cases would be manufacture of an explosive.

The “repair” of a gun or gun accessory, an explosive device or a weapon is defined to include intentional acts like the altering or modifying of the gun, gun accessory, explosive device or weapon, whether or not to rectify any damage to it or returning the gun, gun accessory, explosive device or weapon (as the case may be) to its original operable condition.

Repair would include any form of alteration to a gun, such as the shortening of firearms (e.g. sawn off shotguns) or the conversion of a gun into a pistol. This is to enable enforcement action to be taken under clause 12 against unlicensed modifications so as to convert a prohibited gun into a non-prohibited gun or vice versa.

Clause 7 sets out the meaning of “supply” and associated terms. The definition encompasses circumstances constituting all sorts of supply on the course of business, ranging from straightforward sale transactions (whether by wholesale, retail, auction or tender), barter or exchange, offering or receiving for sale, having in possession for sale, conducting negotiations for sale, and consigning for sale.

“Supply” is an important concept in the Bill as it is intended that each and every exchange or change in possession in the course of business of a gun, a major part of a gun, a gun accessory, an explosive or explosive precursor, or a weapon or

noxious substance be tracked so as to minimise opportunities for illegal diversion of guns, major parts of a gun, gun accessories, explosives, explosive precursors, weapons or noxious substances.

Clause 7 also provides that a person takes part in the supply of a gun, a major part of a gun, a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance if the person takes, or participates in, any step, or causes any step to be taken, in the process of that supply. However, the person who does nothing more than to provide or arrange finance for any step in that process is not treated as taking part in the supply.

Clause 8 defines the terms “acquire” and “transfer” which are as important as “supply”. These terms are important in the Bill as it is intended that each and every exchange or change in possession of a gun, a major part of a gun, a gun accessory, an explosive or explosive precursor or a weapon or noxious substance will be tracked, so as to minimise opportunities for illegal diversion in the course of any business.

The term “transfer” covers transfer of possession by gift or supply and even a transaction which falls short of a permanent sale, such as lending or hiring. These need not take place in the course of a business. “Transfer” is a broad term intended to cover any time a gun, a gun accessory, an explosive or explosive precursor or a weapon or noxious substance changes hands and possession is transferred to another person, whether or not money is exchanged at that time. See the offence in clause 38.

Similarly, in order to encompass all sorts of acquisition, clause 8 defines “acquire” to include straightforward purchase transactions to transactions which fall short of a permanent sale, such as renting or hire-purchase, to receiving or accepting on any transfer.

Clause 9 sets out the meanings of “convey”, “import” and “export” and associated terms. The regulated activity of “conveyance” covers the transport of goods and materials by aircraft, train, vehicle, vessel or other mode of transport for a journey wholly within Singapore.

The import and export of objects or things covers the taking into or out of Singapore the object or thing such as by a consignee or consignor, as well as causing the taking into or out of Singapore the object or thing, such as by cargo agents.

Clause 10 sets out the purposes of the Bill, which is to serve as a guide in the application of the Bill when enacted and in the exercise of powers of discretion conferred under the Bill.

PART 2
OFFENCES

Part 2 sets out offences relating to unauthorised use, possession, manufacture, repair, disposal of, conveying, trading in and supply and acquisition of guns, major parts of a gun, gun accessories, explosives, explosive precursors, certain weapons and noxious substances, and unauthorised operation of shooting ranges and paintball ranges.

The offences in the Bill are expressed in a manner consistent with the changes to the Penal Code (Cap. 224) by the Criminal Law Reform Act 2019 (Act 15 of 2019) where every offence has a physical element, and a fault element that refers to a state of mind, such as intention or knowledge, and with an explicit indication as to strict liability if no fault element is to attach to the physical element.

In addition to any special defences prescribed in the Bill, the offences remain subject to the defences which are in the Chapters entitled “General Exceptions” and “Right of Private Defence” in the Penal Code.

Division 1 is made up of 10 clauses for offences connected with guns, major parts of a gun and gun accessories.

Clause 11 deals with unauthorised use, storage or possession of guns, major parts of a gun and gun accessories. Use, storage or possession by a person is unlawful if the person is not granted a licence or is subject to a class licence under the Bill, or is not exempt from the Bill with respect to the use, storage or possession of that gun, major part of a gun or gun accessory.

The Bill differentiates between possession and storage where guns and major parts of guns are concerned, so a licence to possess guns or major parts of guns (whether by virtue of a licence to possess or a deemed licence to possess due to clauses 6(5) and 7(5)) does not necessarily authorise storage of the guns and major parts of guns.

Clause 2(1) has defined storage to mean storing or offering to store for another person the gun or major part of a gun (regardless of number or quantity) in any place (which may include a vehicle) or premises that the person storing or offering to store is an occupier of. Possession in these circumstances would amount to storage and requires a separate authorisation to store.

Likewise, possession for the purposes of manufacture or repair, disposal or supply, of a gun or major parts of a gun. Even though clause 6(5) deems the licence to manufacture or repair as a licence to use and possess for that purpose, the possession for the purposes of manufacture or repair of guns or major parts of a gun constitutes storage and requires a distinct authorisation, like a licence, etc.

Finally, a person having the control or management of, for any purpose, or collecting or keeping a collection of (for display or otherwise), on any place or premises that the person is an occupier of —

- (a) 12 or more guns, whether or not of the same model or kind;
- (b) 12 or more major parts of a gun, whether or not of the same model or kind; or
- (c) a combination of guns or major parts of a gun which number in total 12 or more,

is storing guns or major parts of guns, and will require a separate authorisation to store.

Clause 12 sets out the offence for unauthorised manufacture, repair and disposal of guns, major parts of a gun and gun accessories. Likewise, a person is not authorised if the person is not authorised by a licence or a class licence under the Bill, or is not exempt from the Bill with respect to manufacture, repair and disposal of that gun, major part of a gun or gun accessory.

Clause 13 provides for an offence of unauthorised possession of digital blueprints for manufacture of guns.

It is now possible for digital 3D gun technology to be applied in conjunction with an additive manufacturing process (i.e., 3D printing) to make a physical and operative gun. Technology advancements associated with the application of digital 3D models and 3D printers are increasing and cost inhibitors are reducing. While there are many positive uses of such technology including for medical, scientific and industrial purposes, the same technology can also be applied though for criminal purposes. Accordingly, clause 13 seeks to ensure that the law keeps pace with technology to effectively protect the community. A person who wants to make a digital 3D gun or a 3D major part of a gun by an additive manufacturing process will need an extra licence to do so.

While the making of a digital 3D gun or a 3D major part of a gun by an additive manufacturing process would constitute manufacturing within the meaning of clause 12, clause 13 makes it an offence for a person to possess a digital blueprint for the manufacture of a gun or major part of a gun on a 3D printer or on an electronic milling machine and the person is either not granted a licence or a class licence to manufacture the gun or major part of a gun using a 3D printer or on an electronic milling machine, or is not exempt because of clause 87, 88 or 89 in relation to that manufacture.

The accused has a defence if the accused did not know, and could not reasonably be expected to have known, that the accused possessed the digital blueprint concerned, or the digital blueprint concerned came into the accused's possession unsolicited and the accused, as soon as the accused became aware of its

nature, took reasonable steps to destroy or otherwise surrender it to a police officer or a person designated by the Licensing Officer for the purpose of this paragraph.

Conduct engaged in by an accused that was necessary for or of assistance in conducting scientific, medical, educational, military or law enforcement research that has been specially approved by the Minister in writing for the purposes of clause 13, and in full compliance with the conditions of that approval is also a defence.

Clause 14 makes it unlawful for a person to export or import guns, major parts of a gun and gun accessories unless the person is authorised by a licence or a class licence under the Bill, or is exempt from the Bill with respect to the export or import of that gun, major part of a gun or gun accessory.

Clause 15 deals with offences concerning the regulated activity of supplying and conveying of guns, major parts of a gun and gun accessories.

Clause 16 sets out the offence of unlawful acquisition of guns, major parts of a gun or gun accessories.

It is an offence for a person to acquire or take part in acquiring a gun, a major part of a gun or a gun accessory from another person if the person acquiring is not authorised under the Bill to use, store or possess that gun, major part of a gun or gun accessory or the person is acquiring in contravention of that authorisation.

A person is authorised under the Bill to use, store or possess a gun, a major part of a gun or a gun accessory if the person is granted a licence to use, store or possess the gun, major part of a gun or gun accessory (as the case may be) or is a class licensee subject to a class licence concerning that use, storage or possession.

The licence or class licence to manufacture, repair or supply is deemed by clauses 6(5) and 7(5) as having the effect of a licence to possess for the purpose of manufacture, repair or supply. This will reduce the number of licences an arms industry participant needs to take out.

Alternatively, a person may be authorised under the Bill to use, store or possess if the person is exempt under clause 87, 88 or 89 to do so.

It is also an offence if the person acquires, or takes part in the acquisition of, a gun, a major part of a gun or a gun accessory from another person who is not granted a licence or subject to a class licence to supply that gun, major part of a gun or gun accessory or is not exempt from the clause in relation to the supply of that gun, major part of a gun or gun accessory, and the acquirer knows that, or is reckless as to whether, the person supplying is without the requisite authorisation to do so.

Clause 17 prescribes the punishments for the offences in clauses 11, 12, 14, 15 and 16. There are mandatory imprisonment terms and fines for individuals and heavier fines for offenders that are not individuals. Heavier punishments are

prescribed where the object or thing involved in the commission of the offence is a prohibited gun or a prohibited gun accessory.

A prohibited gun is defined in clause 3 to mean a gun that is particularly dangerous by reason of its design, construction or any other factor, or by reason of its size or any other factor, could be more readily concealed than other guns of the same category or would be particularly suited to unlawful use, such that the Minister prescribes it to be a prohibited gun because it is, in the opinion of the Minister, expedient for the public safety. The prescribing will be by way of regulations made under clause 90.

A prohibited gun accessory is also similarly defined in clause 3. A “prohibited gun accessory” covers a gun accessory that could easily convert a gun to become a more dangerous gun (whether or not a prohibited gun), a more easily concealed gun, or a gun which would be particularly suited to unlawful use, such that the Minister prescribes it to be a prohibited gun accessory. The prescribing will be by way of regulations made under clause 90.

Clause 18 makes it an offence for a licensee or class licensee to contravene their licence or class licence conditions for regulated activities involving guns, major parts of a gun or gun accessories. The offence is a strict liability offence. This is justified as the potential offenders for this offence are persons who have either agreed to be subject to the regulatory regime as they had applied for the licence or are being regulated using a light touch mechanism of a class licence.

While the prosecution would not need to prove any intent or negligence for the contravention, the defendant would still have the defence of having exercised reasonable care to not contravene the licence conditions, as provided by section 26H(4) of the Penal Code.

Clause 19 deals with a new offence of unauthorised shooting range or paintball range operations.

It is an offence for a person to carry on business as a shooting range operator or paintball range operator when the person is not granted a licence to carry on business as a shooting range operator or paintball range operator, is not a class licensee authorised under a class licence to carry on that business, and is not exempt from clause 19.

It is also an offence for a shooting range operator or paintball range operator who is a licensee or class licensee to carry on the business at any place or premises that is not an approved shooting range or approved paintball range, or is not specified in its licence or class licence even if approved, and the person knows that, or is reckless as to whether, the place or premises is not an approved shooting range or approved paintball range and is not specified in its licence or class licence.

A shooting range operator or paintball range operator who is a licensee or class licensee who carries on business as a shooting range operator or paintball range operator in contravention of any condition of the person's licence or class licence (as the case may be) also commits an offence.

Clause 20 sets out the penalties for the offences in clause 19.

Division 2 is made up of 8 clauses for offences connected with explosives and explosive precursors and contains special restrictions for unmarked plastic 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, to which Singapore is party.

Clause 21 prescribes the offence of unauthorised use of explosives or explosive precursors. Use by a person of an explosive or explosive precursor is unlawful if the person is not authorised by a licence or a class licence under the Bill, or is not exempt from the Bill with respect to use of that explosive or explosive precursor. The use need not be confined to use in the course of carrying on a business.

Clause 2(1) defines "use" in relation to explosives to include to prepare, assemble, charge or discharge, or fire the explosive, or to initiate or discharge a firework. These are intentional acts and can range from blasting operations during mining or quarrying to setting off fireworks and lighting sparklers during a celebration or entertainment. Excluded is use for the purpose of manufacture, disposal, repair, import, export, convey or supply, since these are already regulated separately.

Clause 22 covers unauthorised possession and storage of explosives or explosive precursors. Possession or storage of an explosive or explosive precursor by a person is unlawful if the person is not authorised by a licence or a class licence under the Bill, or is not exempt from the Bill with respect to possession or storage of that explosive or explosive precursor.

For an unmarked plastic explosive, the storage or possession by a person is authorised only if the person is granted a licence to store or possess the unmarked plastic explosive, and the storage or possession is in a quantity no greater than that necessary for the purpose of, and is solely for, any MARPLEX Convention excepted use as defined in clause 2(1).

Alternatively, the unmarked plastic explosive has to be an integral part of an explosive device that was manufactured exclusively for defence purposes of an authorised military or police personnel or a member of a visiting force lawfully present in Singapore, and the explosive device is for use exclusively for the defence purposes of that authorised military or police personnel or member of a visiting force lawfully present in Singapore.

It also makes it an offence for a licensee (not class licensee) to store an explosive or explosive precursor in a place that is not approved by a Licensing Officer.

The Bill differentiates between possession and storage where explosives and explosive precursors are concerned. A licence to possess explosives or explosive precursors (whether by virtue of a licence to possess or a deemed licence to possess due to clauses 6(5) and 7(5)) does not necessarily authorise storage of the explosive or explosive precursor.

Clause 2(1) has defined storage to mean storing or offering to store for another person the explosive or explosive precursor (regardless of number or quantity) in any place (which may include a vehicle) or premises that the person storing or offering to store is an occupier of. Possession in these circumstances would amount to storage and requires a separate authorisation to store.

Likewise, possession for the purposes of manufacture or repair, disposal or supply of an explosive or explosive precursor. Even though clause 6(5) deems the licence to manufacture or repair as a licence to use and possess for that purpose, the possession for the purposes of manufacture or repair of explosives or explosive precursors constitutes storage and requires a distinct authorisation, like a licence, etc.

Finally, due to the greater dangers presented by an explosive or explosive precursor, a person who possesses an explosive or explosive precursor in any place (which may include a vehicle) or premises that the person is an occupier of, and the explosive or explosive precursor is for or in connection with any purpose other than manufacture or repair, and the possession is for more than 24 continuous hours in the place or premises, the person is treated by the Bill as storing the explosive or explosive precursor. That will require a separate authorisation to store, whether in the form of a licence, a class licence or an exemption.

Clause 23 deals with unauthorised manufacture, disposal and repair of an explosive or explosive precursor.

Manufacture, disposal and repair of an explosive or explosive precursor by a person is unlawful if the person is not authorised by a licence or a class licence under the Bill, or is not exempt from the Bill with respect to manufacture, disposal and repair of that explosive or explosive precursor.

For an unmarked plastic explosive, the manufacture by a person is authorised only if the person is granted a licence to manufacture the unmarked plastic explosive, and the manufacture is in a quantity no greater than that necessary for the purpose of, and is solely for, any MARPLEX Convention excepted use as defined in clause 2(1).

Clause 24 prescribes the offences connected with unauthorised trading in an explosive or explosive precursor. It makes it unlawful for a person to import or export an explosive or explosive precursor unless the person is authorised by a licence or a class licence under the Bill, or is exempt from the Bill with respect to import or export of that explosive or explosive precursor.

For an unmarked plastic explosive, the import or export by a person is authorised only if the person is granted a licence to manufacture the unmarked plastic explosive, and the manufacture is in a quantity no greater than that necessary for the purpose of, and is solely for, any MARPLEX Convention excepted use as defined in clause 2(1).

Alternatively, the unmarked plastic explosive has to be an integral part of an explosive device that was manufactured exclusively for defence purposes of an authorised military or police personnel or a member of a visiting force lawfully present in Singapore, and the explosive device is for use exclusively for the defence purposes of that authorised military or police personnel or member of a visiting force lawfully present in Singapore.

Clause 25 sets out the offence of unauthorised supply or conveyance of an explosive or explosive precursor.

For an unmarked plastic explosive, the supply or conveying by a person is authorised only if the person is granted a licence to supply or convey the unmarked plastic explosive, and the manufacture is in a quantity no greater than that necessary for the purpose of, and is solely for, any MARPLEX Convention excepted use as defined in clause 2(1).

Alternatively, the unmarked plastic explosive has to be an integral part of an explosive device that was manufactured exclusively for defence purposes of an authorised military or police personnel or a member of a visiting force lawfully present in Singapore, and the explosive device is for use exclusively for the defence purposes of that authorised military or police personnel or member of a visiting force lawfully present in Singapore.

Clause 26 covers unauthorised acquisition of explosives or explosive precursors.

It is an offence for a person to acquire or take part in acquiring an explosive or explosive precursor from another person if the person acquiring is not authorised under the Bill to use, store or possess that explosive or explosive precursor or the person is acquiring in contravention of that authorisation.

A person is authorised under the Bill to use, store or possess an explosive or explosive precursor if the person is granted a licence to use, store or possess the explosive or explosive precursor (as the case may be) or is a class licensee subject to a class licence concerning that use, storage or possession.

The licence or class licence to manufacture, repair or supply is deemed by clauses 6(5) and 7(5) as having the effect of a licence to possess for the purpose of manufacture, repair or supply. This will reduce the number of licences an arms industry participant needs to take out.

Alternatively, a person may be authorised under the Bill to use, store or possess if the person is exempt under clause 87, 88 or 89 to do so.

It is also an offence if the person acquires, or takes part in the acquisition of, an explosive or explosive precursor from another person who is not granted a licence or subject to a class licence to supply that explosive or explosive precursor or is not exempt from the clause in relation to the supply of that explosive or explosive precursor, and the acquirer knows that, or is reckless as to whether, the person supplying is without the requisite authorisation to do so.

Clause 27 prescribes the punishments for the offences in clauses 21, 22, 23, 24, 25 and 26. There are mandatory imprisonment terms and fines for individuals and heavier fines for offenders that are not individuals. Heavier punishments are prescribed where the object or thing involved is a prohibited explosive. Punishments for offences involving explosives are also heavier than for offences involving explosive precursors.

A prohibited explosive is defined in clause 4 to mean an explosive of a character that, in the opinion of the Minister, is so specially dangerous to life or property that the Minister prescribes it to be a prohibited explosive. The prescribing will be by way of regulations made under clause 90.

Clause 28 makes it an offence for a licensee or class licensee to contravene their licence or class licence conditions for regulated activities involving explosives or explosive precursors. The offence is a strict liability offence.

This is justified as the potential offenders for this offence are persons who have either agreed to be subject to the regulatory regime as they had applied for the licence or are being regulated using a light touch mechanism of a class licence.

While the prosecution would not need to prove any intent or negligence for the contravention, the defendant would still have the defence of having exercised reasonable care to not contravene the licence conditions, as provided by section 26H(4) of the Penal Code.

Division 3 is made up of 7 clauses for offences connected with weapons and noxious substances.

Clause 29 sets out the offence of unauthorised possession of a weapon or noxious substance. Possession at any place or premises by a person is unlawful if the person is not granted a licence or is not subject to a class licence under the Bill, or is not exempt from the Bill, with respect to possession of that weapon or noxious substance at the place or premises.

There is no separate requirement for a licence to store or use a weapon or noxious substance.

Clause 30 sets out the offence of unauthorised manufacture, disposal and repair of a weapon or noxious substance. The offence is similar to that for guns.

Clause 31 prescribes the offence of unauthorised trading in a weapon or noxious substance. The offence is similar to that for guns.

Clause 32 makes unlawful unauthorised supply or conveyance of a weapon or noxious substance. The offence is similar to that for guns.

Clause 33 deals with unauthorised acquisition of a weapon or noxious substance. The offence is similar to that for guns.

Clause 34 prescribes the punishments for the offences in clauses 29, 30, 31, 32 and 33. There are mandatory imprisonment terms and fines for individuals and heavier fines for offenders that are not individuals, though these are lower than those prescribed for similar offences involving guns, explosives and explosive precursors.

Heavier punishments are prescribed where the object or thing involved is a prohibited weapon. A prohibited weapon is defined in clause 2(1) to mean a weapon that is particularly dangerous by reason of its design, construction or any other factor or by reason of its size or any other factor, could be more readily concealed and would be particularly suited to unlawful use, such that, in the opinion of the Minister, it is expedient for the public safety to prescribe the weapon to be a prohibited weapon.

Clause 35 makes it an offence for a licensee or class licensee to contravene their licence or class licence conditions for regulated activities involving weapons or noxious substances. The offence is a strict liability offence.

This is justified as the potential offenders of these offences are persons who have either agreed to be subject to the regulatory regime as they had applied for the licence or are being regulated using a light touch mechanism of a class licence.

While the prosecution would not need to prove any intent or negligence for the contravention, the defendant would still have the defence of having exercised reasonable care to not contravene the licence conditions, as provided by section 26H(4) of the Penal Code.

Division 4 contains 5 clauses.

Clause 36 makes it an offence if a person who possesses or stores a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance, fails to take all reasonable steps to ensure the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance (as the case may be) is kept or stored safely in the prescribed manner, and is not lost or stolen and does not come into the possession of someone

who is not authorised to possess the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance.

Clause 36 also makes it an offence for the person who possesses or stores a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance to fail, without delay after the day the person becomes aware of the loss, theft or destruction of the gun, major part of a gun or gun accessory, explosive, explosive precursor, weapon or noxious substance (as the case may be), to tell the Licensing Officer about the loss, theft or destruction.

Clause 37 deals with the misuse of licences granted. A person commits an offence if the person with intent to deceive adds to a licence any words or figures extraneous to the licence as granted, alters on or erases from any licence any words or figures, or uses or retains any such altered licence.

It is also an offence if the person, being the person to whom a licence is granted, wilfully parts with possession of that licence in order that it may be used by another person, or the person uses or attempts to use a licence granted to another person with the intention of procuring the possession of any gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance.

Clause 38 makes it an offence if a person transfers, or takes part in the transfer of, a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance, to another (called the acquirer) and intentionally or negligently does not, before transferring the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance, do the necessary checks to ensure that the acquirer is authorised under a licence or class licence to possess or use that gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance, as the case may be.

Clause 39 requires unauthorised persons to surrender a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance that comes into their possession.

The clause provides that a person commits an offence if the person comes into possession of a gun, a major part of a gun or a gun accessory, an explosive or explosive precursor, or a weapon or noxious substance but is not authorised by or under the Bill to use, store or possess the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance (as the case may be) or continues in possession when the person stops being authorised under the Bill to use, store or possess the gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance, and the person intentionally or negligently fails, without delay, to surrender it to a police officer or a person designated by the Licensing Officer.

Clause 40 declares all offences under Part 2 to be arrestable offences. Police officers therefore can invoke the powers of search, seizure and arrest in the Criminal Procedure Code (Cap. 68) for arrestable offences to investigate into these offences in Part 2, and the Bill does not need to deal with these matters.

PART 3

SECURITY CLEARANCE

Part 3 provides for security clearances for certain individuals who are involved in the regulated activities or are close associates of persons licensed to carry on the activities regulated by the Bill.

The system of security clearance is to ensure the fitness of a person to hold a licence to carry on a regulated activity or to engage in certain types of work for a licensee. The system will help ensure that the holder of a licence to carry on a regulated activity is the actual person primarily responsible for the conduct of the activity concerned and is not merely a “front” person managing the business for another person who is not eligible for a licence.

Security clearances are not required for class licensees and close associates of class licensees.

Clause 41 is an interpretive provision which sets out the meaning of “close associate” of a licensee or an applicant. Basically, this refers to a person who alone, holds 5% or more of the total equity interests in or is in a position to control 5% or more of the voting power in, the applicant or licensee if it is an entity, a business trust or trust, or the person holds or will hold any relevant position in the business of the applicant or licensee relating to any regulated activity.

A “relevant position” is defined to mean a position (however styled) whose holder participates in the management of the business (whether in the capacity of a director, manager or secretary or in any other capacity) and includes a responsible executive position defined in clause 2(1). Aside from directors, a chief financial officer or chief operating officer could be a relevant position.

Clause 42 further elaborates on what it means to be holding an equity interest.

Clause 43 makes security clearance a prerequisite for an individual to hold or continue to hold a licence.

Clause 43 also provides that where the person is not an individual, the person is not eligible for a licence, or to continue to hold a licence, unless all of its responsible executives each has a security clearance that is in force, and at least one close associate of the person has a security clearance that is in force.

Clause 44 deals with the validity of a security clearance.

A security clearance for an individual remains in force (unless earlier cancelled) for the shorter of the following periods: a period of 2 years after it is granted or if the individual is or is to be a responsible executive of a licensee, or is or is to be employed or required to work with or for a licensee, the period the individual is a responsible executive of the licensee or is an employee or otherwise required to work with or for the licensee. If the individual is a licensee, the security clearance will be valid for the period the licence is in force.

A security clearance relates always to a specific individual and is not transferable.

Clause 45 deals with granting security clearances. For the purpose of determining whether or not to grant or cancel a security clearance for an individual, clause 45 requires a Licensing Officer to have regard, and give such weight as the Licensing Officer considers appropriate, to all of the matters set out in the provision.

This includes available information with respect to the participation of the individual in any criminal activity, whether or not there is a conviction, whether the individual has a history of violence or threats of violence, including behaviour mentioned in section 3, 4, 5, 6 or 7 of the Protection from Harassment Act (Cap. 256A), and whether, because of the individual's physical or mental health, the individual may not handle guns, major parts of guns, gun accessories, explosives, explosive precursors, weapons or noxious substances (as the case may be) responsibly.

Any other relevant information as to whether it would be contrary to the public interest or national security of Singapore for the individual to handle or otherwise have access to a gun, a gun accessory, an explosive, an explosive precursor, a weapon or a noxious substance must also be considered.

The Commissioner of Police or a law enforcement agency is allowed, on the request of a Licensing Officer, to provide a report in respect of any one or more of the above matters for the purposes of a security clearance under the Bill.

Clause 45(4) provides that where a Licensing Officer refuses to give a security clearance on the basis of security sensitive information, he or she does not need to give reasons for the decision to the extent that it would disclose that information. The intent of this provision is to protect public safety from harm that may arise from the disclosure of security sensitive information held by a law enforcement agency and to prevent law enforcement agencies being impeded in carrying out criminal investigations (see definition in clause 2(1)).

Security sensitive information is defined in clause 2(1) as information held by a law enforcement agency the disclosure of which could be reasonably be expected to prejudice a criminal investigation, or enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement,

endanger a person's life or physical safety, or disclose the existence or content of a security intelligence report or information.

Clause 46 deals with cancellation of security clearances. A Licensing Officer may cancel a security clearance for an individual if the individual is being investigated or proceeded against for participating in criminal activity, if the security clearance had been obtained by the individual by fraud or misrepresentation, or the public interest or national security of Singapore requires.

The individual concerned ordinarily has to be given a reasonable opportunity to be heard before the security clearance is cancelled. However, the Bill allows the Licensing Officer to not need to observe procedural fairness if there are reasonable grounds for the Licensing Officer to believe that it is appropriate or requisite to avoid any actual or imminent occurrence that endangers or threatens to endanger the safety of the public. The limits to procedural fairness in this instance is to protect public safety from harm.

Clause 46 also provides that where a Licensing Officer cancels a security clearance on the basis of security sensitive information as defined in clause 2(1), he or she does not need to give reasons for the decision to the extent that it would disclose that information. The purpose is to protect public safety from harm that may arise from the disclosure of security sensitive information held by a law enforcement agency and to prevent law enforcement agencies being impeded in carrying out criminal investigations.

Clause 47 provides for 2 offences as special workers of a licensee need security clearance.

Firstly, a licensee commits an offence if the licensee causes or allows an individual to work with or for, or to continue to work with or for, the licensee in certain capacities or in certain roles, such as the security and surveillance of the premises where the licensee is authorised to conduct the regulated activity authorised by its licence, and the licensee knows that, or is reckless as to whether, the individual's security clearance to be a special worker is not in force.

Secondly, an individual commits an offence if he or she works with or for, or continues to work with or for, a licensee in certain capacities or in certain roles, such as the security and surveillance of the premises where the licensee is authorised to conduct the regulated activity, and the individual knows that, or is reckless as to whether, his or her security clearance to be a special worker is not in force.

Clause 48 creates an offence where a licensee fails to notify a Licensing Officer, within a specified time, if a person becomes, on or after the appointed day, a close associate of the licensee.

This will require licensees to disclose the names and addresses of their close associates. Holders of licences will be under an obligation to notify the Licensing

Officer within 7 days if they become aware that their close associates (if any) have changed.

There is a defence for the accused to prove that the accused was not aware of the contravention when it occurred, and the accused notified a Licensing Officer of the contravention within a period of 14 days after becoming aware of the contravention.

There is also another defence for the accused to prove, which is that even though the accused was aware of the contravention, the contravention occurred as certain events beyond his or her control arose (such as a result of an increase in the holding of equity interest, or in the voting power controlled, by any of the associates of the accused, in the entity, business trust or trust, as the case may be) and the accused still notified a Licensing Officer of the contravention within a period of 7 days after the contravention.

PART 4

LICENSING

Part 4 provides for the licensing and class licensing of persons who carry on regulated activities involving guns, major parts of a gun, gun accessories, explosives, explosive precursors, certain weapons and noxious substances, and the operation of shooting ranges and paintball ranges.

Clause 49 empowers the Licensing Officer to subdivide licences to be granted under this Part into classes. Clause 78 admits the possibility of more than one Licensing Officer being appointed so the classification of licences under clause 49 has to be decided by the sole Licensing Officer who is designated by the Minister.

Clause 50 provides for applications for or to renew a licence. These must be made to a Licensing Officer. The Licensing Officer may refuse to consider an application for or to renew a licence that is incomplete or not made in accordance with the clause.

Clause 51 deals with the matters that a Licensing Officer has to consider when granting or renewing licences. Among those matters is the security clearance that is required under Part 3 for every responsible executive of the applicant, every close associate of the applicant, and every individual undertaking or intending to undertake work as a special worker for or with the applicant in connection with the regulated activity.

Another factor is whether the applicant for the licence and where necessary, whether every responsible executive of the applicant, is a suitable person to be involved in carrying on of the regulated activity in the application. This is not the same as a security clearance though there is some overlap. Suitability extends to further cover the person's or individual's relevant knowledge, competency and experience in matters connected with the regulated activity in the application, and

whether the applicant does or does not have (or is likely or unlikely to have) the financial capacity and ability to carry on the regulated activity in the application according to provisions of the Bill and the applicable standards.

The Licensing Officer concerned has to also consider whether it is otherwise contrary to the public interest or national security of Singapore for the licence to be granted to the applicant.

A fee may be prescribed by Regulations for the issue or renewal of a licence. A Licensing Officer may grant a renewal of a licence with or without modifying the conditions of the licence. But when it does so, the process for modifying conditions in clause 54 does not apply.

Clause 51(3) however prohibits the grant or renewal of a licence to carry on any regulated activity where the regulated activity involves or is to involve a prohibited gun, prohibited gun accessory, prohibited explosive or prohibited weapon, unless that regulated activity is to destroy the prohibited gun, prohibited gun accessory, prohibited explosive or prohibited weapon or to convey it for the purpose of its destruction.

Clause 52 provides that a licence granted or renewed is valid for such period as may be specified in the licence unless following regulatory action under clause 66, the licence is earlier revoked or suspended.

Clause 53 empowers a Licensing Officer, in granting a licence to any person, to impose such conditions as the Licensing Officer considers requisite or expedient having regard to the purposes of the Bill.

Clause 54 empowers a Licensing Officer to add to, delete or modify the conditions of a licence after observing the process prescribed in the clause.

Clause 55 places restrictions on the transfer and surrender of a licence. A licence, and any rights, benefits or privileges under the licence, is not transferable or assignable to any other person unless the licence contains a condition authorising the transfer or assignment, and a Licensing Officer consents in writing to the transfer or assignment. The Licensing Officer may give consent subject to compliance with such conditions as he or she thinks fit to impose. These may modify the conditions of the licence, in which case the process in clause 64 does not need to be observed.

A transfer or an assignment, or purported transfer or assignment, of a licence, or of any rights, benefits or privileges under the licence, is void and of no effect if the licence is not capable of transfer or assignment, if the transfer or assignment, or purported transfer or assignment, is in breach of a condition of the licence, or if before the transfer or assignment or purported transfer or assignment, there had been a contravention of a condition subject to compliance with which the Licensing Officer's consent is given.

Finally, clause 55 also provides that every licence is not capable of being surrendered without the consent in writing of a Licensing Officer. Any surrender or purported surrender of a licence is void if it is without a Licensing Officer's consent.

Clauses 56, 57 and 58 deal with another class of regulated persons who do not require a licence to be granted to carry on regulated activities in Singapore involving guns, major parts of a gun, gun accessories, explosives, explosive precursors, certain weapons and noxious substances, and the operation of shooting ranges and paintball ranges, but must still be regulated under the Bill due to the safety issues present in the handling of such objects or these activities. These persons may be designated, individually or as a class, by the Minister, by an order in the *Gazette*, called a class licence order.

The carrying on of a regulated activity by any person to which a class licence order applies is deemed authorised by the Bill if it is done in accordance with the conditions of the order.

Clause 57 sets out the due process for varying or revoking a class licence order under clause 56.

Clause 58 allows for conditions to be set out in the order made under clause 56. These conditions may include a requirement that the class licensee do or not do such things as are specified in the order.

PART 5

BUSINESS OPERATION REQUIREMENTS

Part 5 deals with management controls, record-keeping, standards and directions which concern the carrying on of regulated activities in Singapore involving guns, major parts of a gun, gun accessories, explosives, explosive precursors, certain weapons and noxious substances, and the operation of shooting ranges and paintball ranges. Most of these apply only to licensees.

Clause 59 provides that it is a condition of every licence that the licensee to whom the licence is granted must notify a Licensing Officer of the resignation, removal or death of any officer thereof. Failure to notify is a ground for regulatory sanction under clause 66 or 67.

Clause 60 imposes certain duties on licensees to keep and furnish accounts and statements.

Clause 61 imposes duties on licensees and class licensees to keep and retain records that are relevant to monitoring or evaluating an aspect of the regulated activities covered by the licence or class licence, and to give to a Licensing Officer those records so kept and retained within periods specified.

Clause 62 empowers the Licensing Officer to issue one or more standards applicable to licensees or class licensees, or to approve as a standard applicable to licensees or class licensees any document prepared by a person other than the Licensing Officer if he or she considers the document as suitable for this purpose. The Licensing Officer is also empowered to amend or revoke any such standard issued or approved.

Standards are not subsidiary legislation but non-compliance can give rise to regulatory action being taken under clause 66 or 67.

Clause 63 empowers a Licensing Officer to give directions to licensees or class licensees for or in respect of the safety or security of guns, major parts of a gun, gun accessories, explosives, explosive precursors, weapons, noxious substances, shooting ranges or paintball ranges involved in a regulated activity carried on by a licensee or a class licensee, or any matter affecting the interests of the public in connection with the regulated activity carried on by the licensee or class licensee.

Before giving a direction, the Licensing Officer has to give written prior notice, unless he or she in respect of any particular direction considers that it is not practicable or desirable.

A direction continues in force until the expiry date (if any) or a Licensing Officer earlier revokes the direction. A direction is given to require the licensee or class licensee concerned to do, or to refrain from doing, for a specified period, things specified in the direction or things that are of a description specified in the direction. The direction can be revoked at any time.

Non-compliance with a direction can give rise to regulatory action under clause 66 or 67.

No civil or criminal liability will be incurred by the licensee or class licensee, or an officer, employee or agent of the licensee or class licensee, for doing or omitting to do any act, if the act is done or omitted to be done with reasonable care and in good faith and for the purpose of complying with or giving effect to a direction given under clause 63.

Clause 64 covers security directions, which the Minister may give where it may be necessary or desirable to address an issue or a perceived issue of public safety, or to mitigate adverse consequences arising from an issue or a perceived issue of public safety, in connection with any regulated activity. Unlike a direction under clause 63, a security direction can be given to licensees, class licensees or a person who is exempt under clause 87, 88 or 89.

It is not necessary for the Minister to give any person who may be affected by the security direction a chance to be heard before the direction is given.

However, the Minister cannot make any security direction unless it is impracticable in the circumstances of the particular case for the Minister to make or amend any Regulations to effectively address an issue or a perceived issue of

public safety or to mitigate adverse consequences arising from an issue or a perceived issue of public safety in connection with any regulated activity. So far as any security direction is inconsistent with the Regulations, the security direction prevails for the temporary time it is in force.

A security direction may be in force for a period not exceeding 6 months unless earlier revoked, and may be renewed by the Minister once only for a further period not exceeding 6 months.

A security direction may require the person it binds (according to the circumstances of the case) to do, or to refrain from doing, for a specified period, things specified in the direction or things that are of a description specified in the direction.

Clause 64 provides that a security direction is binding on the person to whom it is addressed. A person to whom a security direction is given and who is required by the direction to do, or to refrain from doing, for a specified period, things specified in the direction or things that are of a description specified in the direction, commits an offence if the person intentionally or negligently fails to comply with the direction. The punishment is where the person is an individual, a fine not exceeding \$10,000 or imprisonment for a term not exceeding 12 months or both. Where the person is not an individual, the penalty is a fine not exceeding \$20,000.

Clause 65 describes how a security direction is to be given and when it takes effect.

PART 6 ENFORCEMENT

Part 6 sets out the regulatory action that may be taken against a defaulting licensee or class licensee, and the powers of enforcement for the due administration of the Bill.

Clause 66 sets out the various regulatory actions that a Licensing Officer can take against a licensee or class licensee if the Licensing Officer is satisfied that the licensee is contravening or not complying with, or has contravened or failed to comply with any standard applicable to the licensee or class licensee, or any conditions of its licence or, in the case of a class licensee, any condition of its class licence applicable to the licensee or class licensee, whether or not the licensee or class licensee has been convicted of an offence for the contravention or non-compliance. There are also other grounds on which a Licensing Officer may take regulatory action against licensees.

A Licensing Officer may in serious cases, after observing the prescribed process in clause 68, revoke a licence. In lieu of revoking the licence, the Licensing Officer can impose one or more of the following:

- (a) issue a letter of censure;
- (b) add, delete or modify a condition of a licence;
- (c) direct the licensee to do, or to refrain from doing, such things as are specified in a direction;
- (d) suspend the licence for not more than 6 months without any compensation.

Clause 67 sets out the regulatory actions that a Licensing Officer can take against a former licensee or former class licensee on similar ground as in clause 66, where regulatory action under clause 66 started but did not complete before the licence lapsed.

Clause 68 sets out the processes which must be observed before regulatory action can be taken.

Clause 69 provides that the enforcement powers in clauses 70, 71 and 72 may be exercised by a Licensing Officer, an authorised officer or a compliance officer only for purposes defined. These are to determine whether there are grounds for taking any regulatory action against a licensee or class licensee, and to determine whether information given under Part 4 (such as for the grant of a licence) or this Part, or under any standard or direction under any provision of the Bill, is correct.

Clause 70 deals with powers of non-forcible entry into premises and the powers of inspection and requiring of information. This will enable on-the-spot inspection of guns, major parts of a gun, gun accessories, explosives, explosive precursors, weapons and noxious substances at the premises occupied by a licensee, class licensee or persons connected with any of them, and inspection of shooting ranges or paintball ranges.

Clause 71 deals with similar powers in relation to conveyances.

Clause 72 confers powers to obtain information from licensees or class licensees for the proper administration and enforcement of the Bill without affecting the privilege against self-incrimination.

For example, a Licensing Officer will have the power to require a licensee to submit, at any time specified by the Licensing Officer, a notice confirming that the close associates of the licensee have not changed, or providing updated information regarding the names, addresses and details of each close associate.

Clause 73 sets out offences connected with disobeying requirements made by a Licensing Officer, an authorised officer or a compliance officer under clause 70, 71 or 72, or of giving false information, etc.

Clause 74 empowers a Licensing Officer or an authorised officer to compound any offence under the Bill which is prescribed as a compoundable offence. The maximum composition sum that may be collected from the person reasonably

suspected of having committed the compoundable offence is one half of the amount of the maximum fine that is prescribed for the offence or \$5,000, whichever is the lower.

PART 7

APPEALS

Part 7 contains provisions for appeals to be made against decisions of a Licensing Officer under the Bill.

Clause 75 sets out definitions connected with appeals against decisions of a Licensing Officer under the Bill. Only certain decisions are defined as appealable.

Clause 76 prescribes an avenue of appeal to the Minister against appealable decisions of a Licensing Officer.

Clause 77 provides for the Minister's decision on appeals to be final. It also provides that an appeal against an appealable decision does not affect the operation of the decision appealed against or prevent the taking of action to implement the decision. However, the Minister has power to suspend the appealable decision until the determination of the appeal.

PART 8

MISCELLANEOUS

Part 8 is a general Part dealing with the appointment of a Licensing Officer for the Bill and the power to make Regulations.

Clause 78 provides for the appointment of one or more Licensing Officers to administer the Bill.

Clause 79 provides for the appointment of authorised officers from among civil servants as well as employees from any public authority. A Licensing Officer may delegate the exercise of all or any of the powers conferred or duties imposed upon it by any provision of the Bill (except the power of delegation) to any authorised officer.

Clause 80 provides for the appointment of compliance officers by a Licensing Officer with the approval of the Minister. These are outsourced enforcement officers assisting the Licensing Officer in the administration of the Bill. The individuals must be at least 18 years old and they are not public sector employees. However, they must have suitable qualifications or experience.

Each compliance officer must be issued with an identification card. That identification card must be carried at all times by the officer when exercising powers under the Bill. A compliance officer whose appointment as such ceases must return to a Licensing Officer any identification card issued.

They can only exercise powers expressly conferred on them under the Bill, and limited to what a Licensing Officer sets, such as when, and where in Singapore, and the circumstances in which a compliance officer may exercise all or any of those powers.

Clauses 81 and 82 are standard provisions providing for the liability of officers of offenders who are corporations or unincorporated associations or partnerships.

Clause 83 confers on a Magistrate's Court and a District Court jurisdiction to try any offence under the Bill and to punish accordingly despite any limits set under other written law like the Criminal Procedure Code.

Clause 84 deals with the service of documents permitted or required by the Bill to be served on a person. Clause 84 does not deal with service of court documents like summonses, as these are regulated by the Rules of Court or other written laws.

Clause 85 provides for the disposal of any gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance which is surrendered to a Licensing Officer and is unclaimed. There is an expedited disposal process where it appears to a Licensing Officer that any gun, major part of a gun, gun accessory, explosive, explosive precursor, weapon or noxious substance which is surrendered is of such a nature or in such condition that it would be dangerous for the Licensing Officer to retain custody of it.

Clause 86 states that the Bill binds the Government.

Clause 87 however disapplies the Bill to law enforcement agencies who will need to bear arms as part of their duties. Clause 87 confers the Minister with power to disapply all or any provisions of the Bill to any person or class of persons. The Minister is to do this by an exemption order in the *Gazette*.

Clause 88 is a scheme for disapplying the offences in the Bill to certain persons engaged in activities for defence purposes.

These purposes are the defence of Singapore, including activities intended to support the functions of the Singapore Armed Forces, or other activities necessary for the defence and security of Singapore, the protection of the integrity of Singapore's territory and its borders from serious threats and the protection of Singapore or part of it, or the people of Singapore, from terrorism, espionage or other like activities intended or likely to obstruct, hinder or interfere with the defence and security of Singapore, any air or sea operations that the Singapore Armed Forces is authorised under section 201B of the Singapore Armed Forces Act (Cap. 295) to be deployed, and the deployment of the Singapore Armed Forces under section 201C of that Act to assist civilian authorities, and in connection with directions issued under the Requisition of Resources Act (Cap. 273).

The exemption in clause 88 extends to a member of the Singapore Armed Forces, whether or not in regular service or national service (including an operationally ready national serviceman and a volunteer) on duty for defence purposes, and to any person for the time approved by the Minister charged with the responsibility for defence in connection with defence purposes. The latter persons may consist of the Defence Science and Technology Agency, the DSO National Laboratories and contractors of the Ministry of Defence.

Clause 89 confers on a Licensing Officer an administrative power to exempt for a period specified, a particular person, from the operation of all or any of the provisions of the Bill or its Regulations. The exemption may be granted only where the Licensing Officer is personally satisfied that the criteria in clause 89 are satisfied in the particular case. The criteria include the risk to public safety of providing the exemption being minor, and there being other sufficient safeguards under the Bill or any other written law, or by other means, to minimise any risk to public safety in providing the exemption.

The exemption by a Licensing Officer must be in writing and given to the particular person concerned, and need not be published in the *Gazette* as it is an administrative act.

Clause 90 confers on the Minister the power to make regulations to give effect to the Bill.

Clause 91 confers power on the Minister to amend either the First Schedule or Second Schedule by an order in the *Gazette*.

Clause 92 requires all subsidiary legislation made under the Bill, like the Regulations and the class licence order under clause 56, to be presented to Parliament as soon as possible after their publication in the *Gazette*.

PART 9

AMENDMENTS TO OTHER ACTS AND FINAL PROVISIONS

Part 9 makes consequential and related amendments to other Acts. It also contains final provisions on the repeal of the Arms and Explosives Act, the Dangerous Fireworks Act and the Explosive Substances Act, and saving and transitional provisions.

Clause 93 amends the Arms Offences Act firstly, to harmonise the terminology used in that Act with that in the Bill. The word “arms” is replaced with the word “guns”, which is defined for the purposes of the Arms Offences Act as including imitation guns, since these can be used in a threatening manner.

Next, the offences in the Act which make unlicensed possession of guns an offence are replaced because the penalty for that is much higher than that presently for the same activity in the Arms and Explosives Act.

To warrant the high penalty, section 3 of the Arms Offences Act is replaced by an offence of unlawful possession of a gun with criminal intent. A person commits an offence under the new section 3 if the person carries a gun intending to injure, or endanger the safety of, another person, cause reasonable fear of the infliction of injury to another person, destroy or damage any property, or facilitate another person to injure, or endanger the safety of, another person, cause reasonable fear of the infliction of injury to another person, or destroy or damage any property, using the gun, when the person is then in unlawful possession of the gun.

The punishment in the present section 3(2) is retained viz. mandatory imprisonment for a term of not less than 5 years and not more than 10 years and mandatory caning with not less than 6 strokes.

If a person who is convicted of an offence under the new section 3(1) is proved to have been previously convicted of a scheduled offence, the person shall on conviction be punished with imprisonment for a term of not less than 5 years and not more than 20 years and shall also be punished with caning with not less than 6 strokes. This is the penalty in the present section 3(4), which is unchanged.

There is provision to deal with aggravating circumstances for a scheduled offence. Under the new section 3A, where a person is convicted of a scheduled offence, the person shall be punished with imprisonment for life and shall also be punished with caning with not less than 6 strokes if the person, at the time of his or her committing or at the time of his or her apprehension for the scheduled offence is carrying any gun, and is in unlawful possession of the gun. The penalty is the same as that for the similar situation in section 3(3) of the Arms Offences Act.

Clause 94 makes amendments to the Corrosive and Explosive Substances and Offensive Weapons Act firstly, to harmonise the terminology used in that Act with that in the Bill. Explosive devices as prescribed in the definition of “explosive substance” replace the present limited references to a bomb, a grenade, an apparatus, a machine, an implement. The reference to a scheduled weapon is amended to refer to the list of objects and things that the Bill declares to be weapons. There is no change to the definition of “offensive weapon”.

The Corrosive and Explosive Substances and Offensive Weapons Act is also amended to provide an enhanced penalty when an offensive weapon used in the commission of an offence under section 6(1) of that Act is a prohibited weapon within the meaning of the Bill. The offender is liable on conviction instead to imprisonment for a term not exceeding 5 years and is subject to mandatory caning with not less than 6 strokes.

The amendments also seek to clarify what would constitute a “lawful purpose” for the purposes of the offence in section 6(1) of the Corrosive and Explosive Substances and Offensive Weapons Act, which relates to offensive weapons. This is defined non-exhaustively to include for use at work, for religious reasons, for use in a theatrical production or film-making for entertainment, for an ornamental display, for the slaughter or hunting of wild animals authorised under written law or for use in gardening, or in animal husbandry or primary production (such as horticulture or fish farming).

Finally, amendments are made to section 7 of the Corrosive and Explosive Substances and Offensive Weapons Act (about handling of a scheduled weapon) to differentiate the offence in that section from that in Part 4 of the Bill because of the mandatory caning and minimum jail term prescribed presently. These penalties are not warranted for merely carrying or having in possession or under control, manufacturing, selling or hiring or lending or giving to any other person a scheduled weapon without a licence.

The offence in section 7(1) of the Corrosive and Explosive Substances and Offensive Weapons Act is amended to apply to such activities where there is a criminal intent when doing so, as defined in the amendments.

Clause 95 updates the references in the Criminal Procedure Code to refer to the Bill.

Clause 96 amends section 22A of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184) to prevent any gun, explosive or weapon within the meaning of the Bill to be specified for use by a private investigator, security officer or security service provider, under section 22A(1) of that Act.

Clause 97 contains a series of consequential amendments to other Acts due to the repeal of the Arms and Explosives Act, the Dangerous Fireworks Act and the Explosive Substances Act, and the amendments in clauses 93 and 94.

Clause 98 repeals the Arms and Explosives Act, the Dangerous Fireworks Act and the Explosive Substances Act.

Clause 99 and the Third Schedule contain saving and transitional provisions. When the Bill comes into force, the Bill will apply to existing holders of licences granted under the Arms and Explosives Act, subject to the modifications in the Third Schedule. These licences continue and are treated as if granted under the Bill where they are not inconsistent with the Bill.

Clause 99(3) contains a transitional provision that will apply to persons who are exempt under the Dangerous Fireworks Act on the eve of the repeal of that Act and are presently not required to be licensed under the Arms and Explosives Act. Such a person can continue the exempt activity for up to 2 months. The person can continue to do so after that period only if a class licence made under clause 56 applies to the person. Alternatively, the person can do so for 2 months and, if, within that period, the person applies for a licence under Part 4 of the Bill, the person may continue the exempt activity for longer but until the date on which a Licensing Officer grants a licence to the person, or the date that the application is refused or withdrawn.

Clause 99 also confers power on the Minister to amend the Third Schedule by prescribing such additional provisions of a saving or transitional nature consequent on the enactment of the clause as the Minister may consider necessary or expedient. The amendment may be done by order in the *Gazette* but within a 2-year time limit.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
