

## รายการอ้างอิง

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ภาคผนวก

## ภาคผนวก ก

### Firearms (Amendment) Act 1988 (c. 45)

1.—(1) Section 5 of the [1968 c. 27.] Firearms Act 1968 (in this Act referred to as "the principal Act" ) shall have effect with the following amendments the purpose of which is to extend the class of prohibited weapons and ammunition, that is to say weapons and ammunition the possession, purchase, acquisition, manufacture, sale or transfer of which requires the authority of the Secretary of State.

(2) For paragraph (a) of subsection (1) there shall be substituted— " (a) any firearm which is so designed or adapted that two or more missiles can be successively discharged without repeated pressure on the trigger;

(ab) any self-loading or pump-action rifle other than one which is chambered for .22 rim-fire cartridges;

(ac) any self-loading or pump-action smooth-bore gun which is not chambered for .22 rim-fire cartridges and either has a barrel less than 24 inches in length or (excluding any detachable, folding, retractable or other movable butt-stock) is less than 40 inches in length overall;

(ad) any smooth-bore revolver gun other than one which is chambered for 9mm. rim-fire cartridges or loaded at the muzzle end of each chamber;

(ae) any rocket launcher, or any mortar, for projecting a stabilised missile, other than a launcher or mortar designed for line-throwing or pyrotechnic purposes or as signalling apparatus;"

(3) For paragraph (c) of subsection (1) there shall be substituted— " (c) any cartridge with a bullet designed to explode on or immediately before impact, any ammunition containing or designed or adapted to contain any such noxious thing as is mentioned in paragraph (b) above and, if capable of being used with a firearm of any description, any grenade, bomb (or other like missile), or rocket or shell designed to explode as aforesaid."

(4) If it appears to the Secretary of State that the provisions of the principal Act relating to prohibited weapons or ammunition should apply to—

(a) any firearm (not being an air weapon) which is not for the time being specified in subsection (1) of section 5, was not lawfully on sale in Great Britain in substantial numbers at any time before 1988 and appears to him to be—

(i) specially dangerous; or

(ii) wholly or partly composed of material making it not readily detectable by apparatus used for detecting metal objects; or

(b) any ammunition which is not for the time being specified in that subsection but appears to him to be specially dangerous,

he may by order add it to the weapons or ammunition specified in that subsection whether by altering the description of any weapon or ammunition for the time being there specified or otherwise.

(5) The power to make an order under subsection (4) above shall be exercisable by statutory instrument and no such order shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

#### Weapons requiring firearm certificate

##### Re-definition of exempted shot guns.

2.—(1) Section 1 of the principal Act shall have effect with the following amendments the purpose of which is to require a firearm certificate for certain types of shot gun.

(2) For paragraph (a) of subsection (3) (which exempts shot guns with barrels not less than 24 inches in length) there shall be substituted— " (a) a shot gun within the meaning of this Act, that is to say a smooth-bore gun (not being an air gun) which— (i) has a barrel not less than 24 inches in length and does not have any barrel with a bore exceeding 2 inches in diameter; (ii) either has no magazine or has a non-detachable magazine incapable of holding more than two cartridges; and (iii) is not a revolver gun; and"

(3) After subsection (3) there shall be inserted— "(3A) A gun which has been adapted to have such a magazine as is mentioned in subsection (3)(a)(ii) above shall not be regarded as falling within that provision unless the magazine bears a mark approved by the Secretary of State for denoting that fact and that mark has been made, and the adaptation has been

certified in writing as having been carried out in a manner approved by him, either by one of the two companies mentioned in section 58(1) of this Act or by such other person as may be approved by him for that purpose."

## Shot guns

### Grant and renewal of shot gun certificates.

3.—(1) For section 28(1) of the principal Act (criteria for grant of shot gun certificates) there shall be substituted— "(1) Subject to subsection (1A) below, a shot gun certificate shall be granted or, as the case may be, renewed by the chief officer of police if he is satisfied that the applicant can be permitted to possess a shot gun without danger to the public safety or to the peace.

(1A) No such certificate shall be granted or renewed if the chief officer of police—

(a) has reason to believe that the applicant is prohibited by this Act from possessing a shot gun; or

(b) is satisfied that the applicant does not have a good reason for possessing, purchasing or acquiring one.

(1B) For the purposes of paragraph (b) of subsection (1A) above an applicant shall, in particular, be regarded as having a good reason if the gun is intended to be used for sporting or competition purposes or for shooting vermin; and an application shall not be refused by virtue of that paragraph merely because the applicant intends neither to use the gun himself nor to lend it for anyone else to use."

(2) After section 28(2) of the principal Act (form and contents of shot gun certificates) there shall be inserted— "(2A) A shot gun certificate shall specify the description of the shot guns to which it relates including, if known, the identification numbers of the guns."

### Transfers of shot guns.

4.—(1) This section applies where a person—

(a) sells, lets on hire or gives a shot gun; or

(b) lends a shot gun for a period of more than seventy-two hours,

to another person in the United Kingdom who is neither a registered firearms dealer nor a person who shows that he is by virtue of the principal Act or this Act entitled to purchase or acquire the shot gun without holding a shot gun certificate.

(2) The transferor shall—

(a) comply with any instructions contained in the certificate produced by the transferee; and

(b) within seven days of the transaction send a notice of the transaction to the chief officer of police who issued the transferor's certificate or, if he is by virtue of the principal Act or this Act entitled to be in possession of the shot gun without holding a certificate, to the chief officer of police who issued the transferee's certificate.

(3) The transferee shall, within seven days of the transaction, send a notice of the transaction to the chief officer of police who issued his certificate.

(4) The notice of a transaction under subsection (2) or (3) above shall contain a description of the shot gun in question (giving the identification number if any) and state the nature of the transaction and the name and address of the other person concerned; and any such notice shall be sent by registered post or the recorded delivery service.

(5) It is an offence to fail to comply with this section and that offence shall be punishable on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

#### **Restriction on sale of ammunition for smooth-bore guns.**

5.—(1) This section applies to ammunition to which section 1 of the principal Act does not apply and which is capable of being used in a shot gun or in a smooth-bore gun to which that section applies.

(2) It is an offence for a person to sell any such ammunition to another person in the United Kingdom who is neither a registered firearms dealer nor a person who sells such ammunition by way of trade or business unless that other person—

(a) produces a certificate authorising him to possess a gun of a kind mentioned in subsection (1) above; or

(b) shows that he is by virtue of that Act or this Act entitled to have possession of such a gun without holding a certificate; or

(c) produces a certificate authorising another person to possess such a gun, together with that person's written authority to purchase the ammunition on his behalf.

(3) An offence under this section shall be punishable on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

### Converted and de-activated weapons

#### Shortening of barrels.

6.—(1) Subject to subsection (2) below, it is an offence to shorten to a length less than 24 inches the barrel of any smooth-bore gun to which section 1 of the principal Act applies other than one which has a barrel with a bore exceeding 2 inches in diameter; and that offence shall be punishable—

(a) on summary conviction, with imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;

(b) on indictment, with imprisonment for a term not exceeding five years or a fine or both.

(2) It is not an offence under this section for a registered firearms dealer to shorten the barrel of a gun for the sole purpose of replacing a defective part of the barrel so as to produce a barrel not less than 24 inches in length.

#### Conversion not to affect classification.

7.—(1) Any weapon which—

(a) has at any time (whether before or after the passing of this Act) been a weapon of a kind described in section 5(1) of the principal Act as amended by or under section 1 above; and

(b) is not a self-loading or pump-action smooth-bore gun which has at any such time been such a weapon by reason only of having had a barrel less than 24 inches in length,

shall be treated as a prohibited weapon notwithstanding anything done for the purpose of converting it into a weapon of a different kind.

(2) Any weapon which—

(a) has at any time since the coming into force of section 2 above been a weapon to which section 1 of the principal Act applies; or

(b) would at any previous time have been such a weapon if those sections had then been in force,

shall, if it has, or at any time has had, a rifled barrel less than 24 inches in length, be treated as a weapon to which section 1 of the principal Act applies notwithstanding anything done for the purpose of converting it into a shot gun or an air weapon.

(3) For the purposes of subsection (2) above there shall be disregarded the shortening of a barrel by a registered firearms dealer for the sole purpose of replacing part of it so as to produce a barrel not less than 24 inches in length.

#### **Firearm and shot gun certificates**

##### **Photographs on certificates.**

9. In section 26(2)(a) of the principal Act (rules requiring applications for certificates to be accompanied by a photograph of the applicant) for the words "a photograph" there shall be substituted the words "up to four photographs" and the power conferred by sections 27(2) and 28(2) of that Act to prescribe the form of a firearm or shot gun certificate shall include power to require the certificate to bear a photograph of the holder.

##### **Statements in support of applications for certificates.**

10. After section 26(2)(b) of the principal Act (rules requiring verification of matters contained in applications for certificates) there shall be inserted— " (c) require any application for a certificate to be accompanied by a statement by the person verifying the matters mentioned in paragraph (b) above to the effect that he knows of no reason why the applicant should not be permitted to possess a firearm."



#### Grant of co-terminous certificates.

11.—(1) Where a person who holds a firearm certificate applies for the grant or renewal of a shot gun certificate that certificate may, if he so requests, be granted or renewed for such period less than that specified in or prescribed under section 26(3) of the principal Act as will secure that it ceases to be in force at the same time as the firearm certificate.

(2) Where a person who holds a shot gun certificate, or both such a certificate and a firearm certificate, applies for the grant of a firearm certificate, or for the renewal of the firearm certificate held by him, he may, on surrendering his shot gun certificate, apply for a new shot gun certificate to take effect on the same day as that on which the firearm certificate is granted or renewed.

(3) Where a shot gun certificate is granted to a person or such a certificate held by him is renewed and on the same occasion he is granted a firearm certificate or such a certificate held by him is renewed the fee payable on the grant or renewal of the shot gun certificate shall be £5 instead of that specified in section 32 of the principal Act.

(4) Subsection (3) above shall be included in the provisions that may be amended by an order under section 43 of the principal Act.

#### Revocation of certificates.

12.—(1) Where a certificate is revoked by the chief officer of police under section 30(1) (a) or (2) of the principal Act he may by notice in writing require the holder of the certificate to surrender forthwith the certificate and any firearms and ammunition which are in the holder's possession by virtue of the certificate.

(2) It is an offence to fail to comply with a notice under subsection (1) above; and that offence shall be punishable on summary conviction with imprisonment for a term not exceeding three months or a fine not exceeding level 4 on the standard scale or both.

(3) Where a firearm or ammunition is surrendered in pursuance of a notice under subsection (1) above, then—

(a) if an appeal against the revocation of the certificate succeeds, the firearm or ammunition shall be returned;

(b) if such an appeal is dismissed, the court may make such order for the disposal of the firearm or ammunition as it thinks fit;

(c) if no such appeal is brought or such an appeal is abandoned, the firearm or ammunition shall be disposed of—

(i) in such manner as the chief officer of police and the owner may agree; or

(ii) in default of agreement, in such manner as the chief officer may decide;

but subject, in a case within sub-paragraph (ii), to the provisions of subsection (4) below.

(4) The chief officer of police shall give the owner notice in writing of any decision under subsection (3)(c)(ii) above, the owner may appeal against that decision in accordance with section 44 of the principal Act and on such an appeal the court may either dismiss the appeal or make such order as to the disposal of the firearm or ammunition as it thinks fit.

(5) Subsection (4) of section 30 of the principal Act (surrender of revoked certificate within twenty-one days with extension in cases of appeal) shall not apply where the revocation is under subsection (1)(a) or (2) of that section and a notice is served under subsection (1) above; and paragraph 1 of Part I and paragraphs 1 to 5 of Part II of Schedule 5 to that Act (appeal jurisdiction and procedure) shall apply to an appeal under subsection (4) above as they apply to an appeal against the revocation of a certificate.

#### **Auctioneers, carriers and warehousemen.**

14.—(1) It is an offence for an auctioneer, carrier or warehouseman—

(a) to fail to take reasonable precautions for the safe custody of any firearm or ammunition which, by virtue of section 9(1) of the principal Act, he or any servant of his has in his possession without holding a certificate; or

(b) to fail to report forthwith to the police the loss or theft of any such firearm or ammunition.

(2) An offence under this section shall be punishable on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

## Exemptions

### Rifle and pistol clubs.

15.—(1) A member of a rifle club, miniature rifle club or pistol club approved by the Secretary of State may, without holding a firearm certificate, have in his possession a firearm and ammunition when engaged as a member of the club in, or in connection with, target practice.

(2) Any approval under this section may be limited so as to apply to target practice with only such types of rifles or pistols as are specified in the approval.

(3) An approval under this section shall, unless withdrawn, continue in force for six years from the date on which it is granted but may be renewed for further periods of six years at a time.

(4) There shall be payable on the grant or renewal of an approval under this section a fee of £33 but this subsection shall be included in the provisions that may be amended by an order under section 43 of the principal Act.

(5) A constable duly authorised in writing in that behalf by a chief officer of police may, on producing if required his authority, enter any premises occupied or used by a club approved under this section and inspect those premises, and anything on them, for the purpose of ascertaining whether the provisions of this section and any limitations in the approval are being complied with.

(6) It is an offence for a person intentionally to obstruct a constable in the exercise of his powers under subsection (5) above; and that offence shall be punishable on summary conviction with a fine not exceeding level 3 on the standard scale.

(7) In section 11(3) of the principal Act (which, as respects rifle clubs and miniature rifle clubs, is superseded by this section) the words "rifle club or miniature rifle club or" and "club or" (in the second place) shall be omitted.

(8) In section 32(2) of that Act (exemption from fee for firearm certificate for responsible officer of a rifle club or miniature rifle club) after the words "miniature rifle club" there shall be inserted the words "pistol club" and at the end there shall be added the words "but in the case of a club whose approval is limited to target practice with specified types of rifles or

pistols this subsection shall apply only to a certificate in respect of rifles or pistols of those types".

(9) Any approval of a rifle or miniature rifle club under section 11(3) of the principal Act shall have effect as if it were an approval under this section except that (without prejudice to renewal) it shall expire at the end of the period of three years beginning with the day on which this section comes into force.

#### **Borrowed rifles on private premises.**

16.—(1) A person of or over the age of seventeen may, without holding a firearm certificate, borrow a rifle from the occupier of private premises and use it on those premises in the presence either of the occupier or of a servant of the occupier if—

(a) the occupier or servant in whose presence it is used holds a firearm certificate in respect of that rifle; and

(b) the borrower's possession and use of it complies with any conditions as to those matters specified in the certificate.

(2) A person who by virtue of subsection (1) above is entitled without holding a firearm certificate to borrow and use a rifle in another person's presence may also, without holding such a certificate, purchase or acquire ammunition for use in the rifle and have it in his possession during the period for which the rifle is borrowed if—

(a) the firearm certificate held by that other person authorises the holder to have in his possession at that time ammunition for the rifle of a quantity not less than that purchased or acquired by, and in the possession of, the borrower; and

(b) the borrower's possession and use of the ammunition complies with any conditions as to those matters specified in the certificate.

#### **Visitors' permits.**

17.—(1) The holder of a visitor's firearm permit may, without holding a firearm certificate, have in his possession any firearm, and have in his possession, purchase or acquire any ammunition, to which section 1 of the principal Act applies; and the holder of a

visitor's shot gun permit may, without holding a shot gun certificate, have shot guns in his possession and purchase or acquire shot guns.

(2) The chief officer of police for an area may, on an application in the prescribed form made by a person resident in that area on behalf of a person specified in the application, grant a permit under this section to the specified person if satisfied that he is visiting or intending to visit Great Britain and—

(a) in the case of a visitor's firearm permit, that he has a good reason for having each firearm and the ammunition to which the permit relates in his possession, or, as respects ammunition, for purchasing or acquiring it, while he is a visitor to Great Britain;

(b) in the case of a visitor's shot gun permit, that he has a good reason for having each shot gun to which the permit relates in his possession, or for purchasing or acquiring it, while he is such a visitor.

(3) No permit shall be granted under this section to a person if the chief officer of police has reason to believe—

(a) that his possession of the weapons or ammunition in question would represent a danger to the public safety or to the peace; or

(b) that he is prohibited by the principal Act from possessing them.

(4) A permit under this section shall be in the prescribed form, shall specify the conditions subject to which it is held and—

(a) in the case of a visitor's firearm permit, shall specify the number and description of the firearms to which it relates, including their identification numbers, and, as respects ammunition, the quantities authorised to be purchased or acquired and to be held at any one time;

(b) in the case of a visitor's shot gun permit, shall specify the number and description of the shot guns to which it relates, including, if known, their identification numbers.

(5) The chief officer of police by whom a permit under this section is granted may by notice in writing to the holder vary the conditions subject to which the permit is held but, in the case of a visitor's shot gun permit, no condition shall be imposed or varied so as to restrict the premises where the shot gun or guns to which the permit relates may be used.

(6) A permit under this section shall come into force on such date as is specified in it and continue in force for such period, not exceeding twelve months, as is so specified.

(7) A single application (a "group application") may be made under this section for the grant of not more than twenty permits to persons specified in the application if it is shown to the satisfaction of the chief officer of police that their purpose in having the weapons in question in their possession while visiting Great Britain is—

(a) using them for sporting purposes on the same private premises during the same period; or

(b) participating in the same competition or other event or the same series of competitions or other events.

(8) There shall be payable on the grant of a permit under this section a fee of £12 except that where six or more permits are granted on a group application the fee shall be £60 in respect of those permits taken together.

(9) Subsection (8) above shall be included in the provisions that may be amended by an order under section 43 of the principal Act.

(10) It is an offence for a person—

(a) to make any statement which he knows to be false for the purpose of procuring the grant of a permit under this section; or

(b) to fail to comply with a condition subject to which such a permit is held by him; and each of those offences shall be punishable on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

#### **Firearms consultative committee.**

22.—(1) There shall be established in accordance with the provisions of this section a firearms consultative committee consisting of a chairman and not less than twelve other members appointed by the Secretary of State, being persons appearing to him to have knowledge and experience of one or more of the following matters—

(a) the possession, use or keeping of, or transactions in, firearms;

(b) weapon technology; and

(c) the administration or enforcement of the provisions of the principal Act, the [1982 c. 31.] Firearms Act 1982 and this Act.

(2) The reference in subsection (1)(a) above to the use of firearms includes in particular a reference to their use for sport or competition.

(3) Subject to subsection (4) below, a member of the committee shall hold and vacate office in accordance with the terms of his appointment.

(4) Any member of the committee may resign by notice in writing to the Secretary of State; and the chairman may by such a notice resign his office as such.

(5) It shall be the function of the committee—

(a) to keep under review the working of the provisions mentioned in subsection (1)(c) above and to make to the Secretary of State such recommendations as the committee may from time to time think necessary for the improvement of the working of those provisions;

(b) to make proposals for amending those provisions if it thinks fit; and

(c) to advise the Secretary of State on any other matter relating to those provisions which he may refer to the committee.

(6) The committee shall in each year make a report on its activities to the Secretary of State who shall lay copies of the report before Parliament.

(7) The Secretary of State may make to members of the committee such payments as he may determine in respect of expenses incurred by them in the performance of their duties.

(8) The committee shall cease to exist at the end of the period of five years beginning with the day on which this section comes into force unless the Secretary of State provides by an order made by statutory instrument for it to continue thereafter, but no such order shall continue the committee for more than three years at a time.

Firearms (Amendment) Act 1997 1997 Chapter 5 - *continued*

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An Act to amend the Firearms Acts 1968 to 1992; to make provision in relation to the licensing and regulation of pistol clubs; to make further provision for regulating the possession of, and transactions relating to, firearms and ammunition; and for connected purposes.

[27th February 1997]

*Special exemptions from prohibition of small firearms* Slaughtering instruments. 2. The authority of the Secretary of State is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act-

(a) for a person to have in his possession, or to purchase or acquire, or to sell or transfer, a slaughtering instrument if he is authorised by a firearm certificate to have the instrument in his possession, or to purchase or acquire it;

(b) for a person to have a slaughtering instrument in his possession if he is entitled, under section 10 of the 1968 Act, to have it in his possession without a firearm certificate.

**Firearms used for humane killing of animals.** 3. The authority of the Secretary of State is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act for a person to have in his possession, or to purchase or acquire, or to sell or transfer, a firearm if he is authorised by a firearm certificate to have the firearm in his possession, or to purchase or acquire it, subject to a condition that it is only for use in connection with the humane killing of animals.

**Shot pistols used for shooting vermin.** 4. - (1) The authority of the Secretary of State is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act for a person to have in his possession, or to purchase or acquire, or to sell or transfer, a shot pistol if he is authorised by a firearm certificate to have the shot pistol in his possession, or to purchase or acquire it, subject to a condition that it is only for use in connection with the shooting of vermin.



(2) For the purposes of this section, "shot pistol" means a smooth-bored gun which is chambered for .410 cartridges or 9mm rim-fire cartridges.

**Races at athletic meetings.** 5. The authority of the Secretary of State is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act-

(a) for a person to have a firearm in his possession at an athletic meeting for the purpose of starting races at that meeting; or

(b) for a person to have in his possession, or to purchase or acquire, or to sell or transfer, a firearm if he is authorised by a firearm certificate to have the firearm in his possession, or to purchase or acquire it, subject to a condition that it is only for use in connection with starting races at athletic meetings.

**Trophies of war.** 6. The authority of the Secretary of State is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act for a person to have in his possession a firearm which was acquired as a trophy of war before 1st January 1946 if he is authorised by a firearm certificate to have it in his possession.

**Firearms of historic interest.** 7. - (1) The authority of the Secretary of State is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act for a person to have in his possession, or to purchase or acquire, or to sell or transfer, a firearm which-

(a) was manufactured before 1st January 1919; and

(b) is of a description specified under subsection (2) below,

if he is authorised by a firearm certificate to have the firearm in his possession, or to purchase or acquire it, subject to a condition that he does so only for the purpose of its being kept or exhibited as part of a collection.

(2) The Secretary of State may by order made by statutory instrument specify a description of firearm for the purposes of subsection (1) above if it appears to him that-

(a) firearms of that description were manufactured before 1st January 1919; and

(b) ammunition for firearms of that type is not readily available.

(3) The authority of the Secretary of State is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act for a person to have in his possession, or to purchase or acquire, or to sell or transfer, a firearm which-

(a) is of particular rarity, aesthetic quality or technical interest, or

(b) is of historical importance,

if he is authorised by a firearm certificate to have the firearm in his possession subject to a condition requiring it to be kept and used only at a place designated for the purposes of this subsection by the Secretary of State.

(4) This section has effect without prejudice to section 58(2) of the 1968 Act (antique firearms).

*Weapons and ammunition used for treating animals* Weapons and ammunition used for treating animals. 8. The authority of the Secretary of State is not required by virtue of subsection (1)(a), (b) or (c) of section 5 of the 1968 Act for a person to have in his possession, or to purchase or acquire, or to sell or transfer, any firearm, weapon or ammunition designed or adapted for the purpose of tranquillising or otherwise treating any animal, if he is authorised by a firearm certificate to possess, or to purchase or acquire, the firearm, weapon or ammunition subject to a condition restricting its use to use in connection with the treatment of animals.

**Firearm certificates for small-calibre pistols: special conditions.** 12. - (1) If a chief officer of police is satisfied, on an application for the grant or renewal of a firearm certificate in respect of a small-calibre pistol, that the applicant's only reason for having the pistol in his possession is to use it for target shooting, any certificate which may be granted to the applicant or, as the case may be, renewed shall be held subject to the following conditions (in addition to any other conditions), namely-

(a) the pistol is only to be used for target shooting;

(b) the holder must be a member of a licensed pistol club specified in the certificate;

(c) the pistol must be kept at licensed premises of that club which are so specified.

(2) A person who commits an offence under section 1(2) of the 1968 Act by failing to comply with any of the conditions specified in subsection (1) above shall be treated for the purposes of provisions of that Act relating to the punishment of offences as committing that offence in an aggravated form.

(3) Any firearm certificate in force immediately before the day on which this section comes into force which-

(a) relates to a small-calibre pistol; and

(b) is subject to the condition that the pistol is only to be used on an approved range; shall be treated on and after that day as being held subject to a condition requiring the pistol to be kept at licensed premises of a licensed pistol club.

(4) Subsections (1) and (3) above apply in relation to a visitor's firearm permit as they apply to a firearm certificate.

(5) A holder of a visitor's firearm permit who commits an offence under section 17(10)(b) of the Firearms (Amendment) Act 1988 (in this Act referred to as "the 1988 Act") by failing to comply with any condition mentioned in subsection (1) or (3) above is punishable-

(a) on conviction on indictment, with imprisonment for a term not exceeding seven years or a fine or both; and

(b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

**Permits to have small-calibre pistols outside licensed pistol clubs. 13.** - (1) A person whose firearm certificate for a small-calibre pistol is held subject to a condition that the pistol must be kept at licensed premises of a licensed pistol club may make an application in the prescribed form to the chief officer of police for the area in which he resides for a permit under this section authorising a person specified in the permit to have the pistol in his possession outside those premises for any proper purpose.

(2) A permit under this section shall not, unless the circumstances appear to the chief officer of police to be exceptional, authorise any holder of a firearm certificate which relates to the pistol to have the pistol with him in any place other than the licensed premises of a licensed pistol club or the premises at which a designated target shooting competition specified in the permit is being held.

(3) A proper purpose for having a small-calibre pistol outside the licensed premises at which it is required to be kept may be any of the following, namely-

(a) conveying the pistol to those premises following-

- (i) the release of the pistol from police custody under Schedule 1 to this Act;
  - (ii) the purchase or acquisition of the pistol; or
  - (iii) a change in the licensed premises at which the pistol is required to be kept;
- (b) having the pistol repaired or maintained by a registered firearms dealer;
- (c) enabling the pistol to be used at a designated target shooting competition;
- (d) selling or otherwise disposing of the pistol; or
- (e) any other purpose which appears to the chief officer of police to be proper in all the circumstances.

(4) Where a person makes an application under subsection (1) above in relation to a pistol, the chief officer of police may, if he thinks fit, grant a permit in the prescribed form; and any such permit-

- (a) shall specify the purpose for which it is granted and the name of any person who is authorised by the permit to have the pistol in his possession; and
- (b) shall be granted subject to such conditions as the chief officer of police thinks necessary to secure that such possession will not endanger the public safety or the peace;

and any conditions may include a time by which the pistol must be taken or returned to the licensed premises specified in the applicant's firearm certificate.

(5) It is an offence-

- (a) for a person to fail to comply with any condition contained in a permit under this section which authorises him to have a small-calibre pistol in his possession; or
- (b) for a person knowingly or recklessly to make any statement which is false in a material particular for the purpose of procuring (whether for himself or another) the grant of a permit under this section.

(6) In proceedings against any person for an offence under subsection (5)(a) above, it shall be a defence for him to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(7) An offence under subsection (5) above shall be punishable on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the

standard scale or both.

(8) Where any person authorised by a permit under this section to be in possession of a small-calibre pistol outside the licensed premises of a licensed pistol club has the pistol in his possession outside those premises for a purpose authorised by the permit-

- (a) he shall not be guilty of an offence under section 19A of the 1968 Act; and
- (b) his possession of the pistol outside those premises shall not without more be regarded as a failure to comply with the conditions to which any firearm certificate relating to the pistol is subject.

(9) The Secretary of State may by order designate such target shooting competitions as he thinks fit for the purposes of this section.

(10) This section applies to a person holding a visitor's firearm permit relating to a small-calibre pistol as it applies to a person holding a firearm certificate, except that any application for a permit under this section by the holder of a visitor's firearm permit shall be made to the chief officer of police who granted the visitor's firearm permit.

*Preliminary Purpose of Part II.* 19. - (1) This Part provides for the licensing of pistol clubs and their premises and for the regulation of licensed pistol clubs.

(2) In this Act-

"licence" means a licence granted under section 21 below in respect of a pistol club and any premises of that club; and "licensed pistol club" shall be construed accordingly.

"licensed premises", in relation to a licensed pistol club, means any premises which are specified in the club's licence as being premises which may be used for the purpose of storing or using small-calibre pistols.

**No pistol club to operate without a licence.** 20. - (1) No club shall allow any small-calibre pistol to be stored or used on any of its club premises in connection with target shooting, unless the club is a licensed pistol club.

(2) No licensed pistol club shall allow a small-calibre pistol to be stored or used on any of its club premises by any holder of a firearm certificate or visitor's firearm permit subject to a condition that it is only to be used for target shooting, unless-

- (a) the certificate or permit holder is a member of that club;

(b) the premises are specified in the club's licence as premises at which small-calibre pistols may be stored and used;

(c) the premises are specified in the certificate or permit as the place where the pistol is to be kept.

(3) Subsection (2) above does not apply to-

(a) the storage on licensed premises of a licensed pistol club of a small-calibre pistol purchased or acquired by the responsible officer of that club for use only by members of the club in connection with target shooting;

(b) the use on licensed premises of a licensed pistol club of a small-calibre pistol by a member of the club who is permitted to have it in his possession by virtue of section 27 (3) below; or

(c) the use of a pistol on the licensed premises of a licensed pistol club if the person using the pistol is authorised by a permit under section 13 above to have the pistol with him on those premises.

(4) If a small-calibre pistol is stored or used in contravention of subsection (1) or (2) above, the persons or any of the persons responsible for the management of the club commit an offence punishable on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

(5) In proceedings against any person for an offence under subsection (4) above, it shall be a defence for him to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(6) In this section "club premises" means premises which are occupied by and habitually used for the purposes of the club.

*Grant, variation, and revocation of licences* Grant of licences. 21. - (1) The Secretary of State may, if he thinks fit, on the application in the prescribed form of an officer of a club who has been nominated for the purpose, grant a licence in respect of that club and such club premises as are specified in the licence.

(2) The application shall specify the club premises (or if two or more separate premises, each of them) in respect of which a licence is sought, being premises where storage of

small-calibre pistols on behalf of members of the club, or the use of such pistols by members for target shooting, will be permitted by the licence.

(3) A licence shall specify the club premises on which small-calibre pistols may be stored or used and may limit the uses which may be made of the premises so specified or any part of them.

(4) A licence may include limitations excluding or restricting the application of section 27(3) below to members of the club.

(5) A licence shall be granted to the officer of the club who made the application on behalf of the club.

(6) There shall be payable on the grant or renewal of a licence a fee of £150.

This subsection shall be included in the provisions which may be amended by an order under section 43 of the 1968 Act.

(7) In this Part "the responsible officer", in relation to a licensed pistol club, means the officer of the club to whom the licence was granted or who has since become the responsible officer by virtue of a variation of the terms of the licence.

*Pistol registers* Registers to be kept at licensed pistol clubs. 28. - (1) The responsible officer of a licensed pistol club shall keep at the licensed premises of the club a register ("the pistol register") relating to the small-calibre pistols stored and used at those premises. If two or more separate premises are licensed, a register shall be kept at each of those premises.

(2) The responsible officer shall enter or cause to be entered in the pistol register the following particulars in relation to each pistol stored at the licensed premises at which the register is kept, that is to say-

- (a) the name and address of the person (or if more than one each person) authorised by a firearm certificate or visitor's firearm permit to have the pistol in his possession;
- (b) a description of the pistol;
- (c) the date on which the pistol was first stored at the premises;

(d) the date and time of any removal of the pistol from the premises (together with the date of issue of any permit under section 13 above authorising the removal and the police force which issued it);

(e) the date and time of the return of the pistol after being removed;

(f) any other particulars required to be entered in the register by regulations under section 29 below;

and any entry relating to the date on which a pistol was first stored at the premises, or its subsequent removal from or return to those premises, shall be made within twenty four hours of that event.

(3) The information recorded on a pistol register shall (unless the register is surrendered to the Secretary of State under section 26(2) above) be kept so that each entry made in it will be available for inspection for at least five years from the date on which it was made.

(4) It is an offence for the responsible officer-

(a) to fail to comply with any requirement of this section;

(b) knowingly or recklessly to make any entry in the pistol register which is false in any material particular.

(5) An offence under subsection (4) above is punishable on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

**Penalty for false statements. 31.** - (1) It is an offence for a person knowingly or recklessly to make a statement false in any material particular for the purpose of procuring the grant, renewal or variation of a licence or the release of a small-calibre pistol from police custody under section 26 above.

(2) An offence under subsection (1) above is punishable on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

*Transfers and other events relating to firearms and ammunition* Transfers of firearms etc. to be in person. 32. - (1) This section applies where, in Great Britain-



(a) a firearm or ammunition to which section 1 of the 1968 Act applies is sold, let on hire, lent or given by any person, or

(b) a shot gun is sold, let on hire or given, or lent for a period of more than 72 hours by any person,

to another person who is neither a registered firearms dealer nor a person who is entitled to purchase or acquire the firearm or ammunition without holding a firearm or shot gun certificate or a visitor's firearm or shot gun permit.

(2) Where a transfer to which this section applies takes place-

(a) the transferee must produce to the transferor the certificate or permit entitling him to purchase or acquire the firearm or ammunition being transferred;

(b) the transferor must comply with any instructions contained in the certificate or permit produced by the transferee;

(c) the transferor must hand the firearm or ammunition to the transferee, and the transferee must receive it, in person.

(3) A failure by the transferor or transferee to comply with subsection (2) above shall be an offence.

**Notification of transfers involving firearms. 33.** - (1) This section applies where in Great Britain-

(a) any firearm to which section 1 of the 1968 Act applies is sold, let on hire, lent or given;

(b) any shot gun is sold, let on hire or given, or lent for a period of more than 72 hours.

(2) Any party to a transfer to which this section applies who is the holder of a firearm or shot gun certificate or, as the case may be, a visitor's firearm or shot gun permit which relates to the firearm in question shall within seven days of the transfer give notice to the chief officer of police who granted his certificate or permit.

(3) A notice required by subsection (2) above shall-

(a) contain a description of the firearm in question (giving its identification number if any); and

(b) state the nature of the transaction and the name and address of the other party;

and any such notice shall be sent by registered post or the recorded delivery service.

(4) A failure by a party to a transaction to which this section applies to give the notice required by this section shall be an offence.

**Notification of de-activation, destruction or loss of firearms etc. 34.** - (1) Where, in Great Britain-

(a) a firearm to which a firearm or shot gun certificate relates; or

(b) a firearm to which a visitor's firearm or shot gun permit relates,

is de-activated, destroyed or lost (whether by theft or otherwise), the certificate holder who was last in possession of the firearm before that event shall within seven days of that event give notice of it to the chief officer of police who granted the certificate or permit.

(2) Where, in Great Britain, any ammunition to which section 1 of the 1968 Act applies, and a firearm certificate or a visitor's firearm permit relates, is lost (whether by theft or otherwise), the certificate or permit holder who was last in possession of the ammunition before that event shall within seven days of the loss give notice of it to the chief officer of police who granted the certificate or permit.

(3) A notice required by this section shall-

(a) describe the firearm or ammunition in question (giving the identification number of the firearm if any);

(b) state the nature of the event;

and any such notice shall be sent by registered post or the recorded delivery service.

(4) A failure, without reasonable excuse, to give a notice required by this section shall be an offence.

(5) For the purposes of this section and section 35 below a firearm is de-activated if it would, by virtue of section 8 of the 1988 Act be presumed to be rendered incapable of discharging any shot, bullet or other missile.

**Notification of events taking place outside Great Britain involving firearms etc. 35.** - (1)

Where, outside Great Britain, any firearm or shot gun is sold or otherwise disposed of by a transferor whose acquisition or purchase of the firearm or shot gun was authorised by a firearm certificate or shot gun certificate, the transferor shall within 14 days of the disposal

give notice of it to the chief officer of police who granted his certificate.

(2) A failure to give a notice required by subsection (1) above shall be an offence.

(3) Where, outside Great Britain-

(a) a firearm to which a firearm or shot gun certificate relates is de-activated, destroyed or lost (whether by theft or otherwise); or

(b) any ammunition to which section 1 of the 1968 Act applies, and a firearm certificate relates, is lost (whether by theft or otherwise),

the certificate holder who was last in possession of the firearm or ammunition before that event shall within 14 days of the event give notice of it to the chief officer of police who granted the certificate.

(4) A failure, without reasonable excuse, to give a notice required by subsection (3) above shall be an offence.

(5) A notice required by this section shall-

(a) contain a description of the firearm or ammunition in question (including any identification number); and

(b) state the nature of the event and, in the case of a disposal, the name and address of the other party.

(6) A notice required by this section shall be sent within 14 days of the disposal or other event-

(a) if it is sent from a place in the United Kingdom, by registered post or by the recorded delivery service; and

(b) in any other case, in such manner as most closely corresponds to the use of registered post or the recorded delivery service.

**Penalty for offences under ss. 32 to 35. 36.** An offence under section 32, 33, 34 or 35 above shall-

(a) if committed in relation to a transfer or other event involving a firearm or ammunition to which section 1 of the 1968 Act applies be punishable-

(i) on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;

(ii) on conviction on indictment with imprisonment for a term not exceeding five years or a fine or both;

(b) if committed in relation to a transfer or other event involving a shot gun be punishable on summary conviction with imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

## ภาคผนวก ข

### Arms Act 1960 (Act 206)

#### 1. Short title.

This Act may be cited as the Arms Act 1960.

#### 2. Interpretation.

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

"ammunition" means ammunition (including blank ammunition) for any arm as hereinafter defined, and includes grenades, bombs and other like missiles, whether capable of use with arms or not, and any ammunition containing, or designed or adapted to contain, any noxious liquid, gas or other thing;

"arm" means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, or which can be adapted for the discharge of any such shot, bullet or other missile, and any weapon of whatever description designed or adapted or which can be adapted for the discharge of any noxious liquid, gas or other thing, and includes an air gun, air pistol, automatic gun, pistol and any component parts of any such weapon, and any accessory to those weapons designed or adapted to diminish the noise or flash caused by firing the weapon;

"arms licence" means a licence granted under section 4;

"arms permit" means a permit to carry and use arms and ammunition granted under section 4;

"Chief Police Officer" includes a Commissioner of Police vested with the control of the Royal Malaysia Police in respect of any area or State;

"dealer's licence" means a licence to deal in arms and ammunition granted under section 9;

"imitation arm" means anything which has the appearance or is intended to give the impression of being an arm, whether it is capable of discharging any shot, bullet, missile, noxious liquid, gas or other thing, or not;

"imprisonment for life" means, notwithstanding section 3 of the Criminal Justice Ordinance 1953 and any other written law to the contrary, imprisonment for the duration of the natural life of the person sentenced;

"licensed dealer" means a person holding a valid dealer's licence;

"licensed manufacturer" means a person who holds a valid licence to manufacture arms or ammunition under section 12;

"licensed repairer" means a person licensed only to repair arms and ammunition under section 9;

"manufacture"-

(a) in relation to arms includes making or assembling an arm; and

(b) in relation to ammunition includes making or assembling of ammunition and the loading or reloading of cartridge cases or other ammunition cases but does not include the manufacture of the gunpowder or any other propellants and explosives used for the loading or reloading;

"Officer in Charge of a Police District" and "police officer" shall have the same meanings as in the Police Act 1967;

"pistol" means any arm of which the length of the barrel measured from the muzzle to the point at which the charge is exploded on firing does not exceed nine inches;

"repair" in relation to arms or ammunition includes proving or testing the arms or ammunition;

"repairer's licence" means a licence to repair arms and ammunition granted under section 9;

"senior police officer" means a police officer of any rank from and including the Inspector-General down to and including an Assistant Superintendent;

"superior police officer" means an Inspector of any grade other than a Sub-Inspector;

"transfer" includes hiring, lending, giving or parting with possession.

(2) In relation to an area which is administered by a Chief Police Officer other than the Chief Police Officer of the State within which the area is situate references in this Act to the Chief Police Officer of a State shall be construed as references to the Chief Police Officer administering the area.

**3. No person to possess, carry or use arms or ammunition without an arms licence or an arms permit.**

(1) Subject to this Act and any regulations made thereunder, no person shall have in his possession, custody or control any arms or ammunition unless he is the holder of an arms licence in that behalf granted to him under section 4.

(2) Notwithstanding subsection (1), a person may carry and use arms or ammunition in accordance with the terms of a valid permit granted to him under section 4:

Provided that there is in force an arms licence in respect of those arms and ammunition granted to some other person.

**4. Grant and renewal of arms licences and arms permits.**

(1) An application for an arms licence or arms permit shall be made in the prescribed form to the Chief Police Officer of the State in which the applicant resides, and shall state such particulars as may be required by the said form.

(2) Subject to this Act and any regulations made thereunder, a Chief Police Officer may grant to an applicant an arms licence or arms permit, as the case may be, if he is satisfied that the applicant has a good reason for having in his possession, custody or control, or for carrying and using, as the case may be, the arms and ammunition in respect of which the application is made, and that he can be authorized in that behalf without danger to the public safety or the public interest.

(3) An arms licence or arms permit shall be in such form as may be prescribed, and shall specify the conditions and restrictions subject to which it is held, the nature and number or other identification mark of the arms to which it relates and,

as respects ammunition, the quantities authorized to be held at any one time thereunder, and such other matters as may be prescribed.

(4) An arms licence or arms permit shall, unless previously revoked or cancelled, expire on the 30<sup>th</sup> day of June next following the date of issue, but may be renewed by the Chief Police Officer of the State in which the holder resides for a further period of one year from the said 30<sup>th</sup> day of June, and so on, from time to time; and the provisions of this section shall apply to the renewal of an arms licence or permit as they do to the grant thereof.

(5) The particulars of every arms licence or arms permit granted or renewed under this section shall be entered in a register to be kept by the Chief Police Officer of a State in such form and manner and at such place as may be prescribed.

(6) If application is made for a licence in respect of any arms or ammunition not marked with letters or figures or in such other manner that the same may be readily identified, the officer to whom application is made may, before issuing the licence, cause the arms or ammunition, as the case may be, to be marked with some permanent mark whereby the same may be afterwards known and identified, but in such manner as not to injure or deface the same.

##### **5. Restrictions on the grant of arms licences and arms permits.**

(1) No arms licence shall be granted or renewed for-

(a) a pump or repeating shot gun of any kind, unless the magazine of the gun is so constructed or permanently plugged as to render it incapable of firing more than one cartridge at each pressure of the trigger or, in the case of a double-barrelled gun, one cartridge from each barrel;

(b) an arm that is so designed or adapted that if pressure is applied to the trigger missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty;

(c) any arm of any description designed or adapted for the discharge of any noxious liquid, gas or other thing;

(d) any grenade or bomb or other like missile;



(e) any ammunition containing or designed or adapted to contain any noxious liquid, gas or other thing.

(2) No arms licence or arms permit shall be granted or renewed to a person under the age of eighteen years :

Provided that the Chief Police Officer of the State in which an applicant of at least sixteen but under the age of eighteen years resides may, if he is satisfied that exceptional circumstances exist such as would justify the grant or renewal of a licence to the person, at his discretion waive the provisions of this subsection, and shall record his reasons for doing so thereon.

(3) No arms licence or arms permit shall be granted in the name of any firm, partnership, company or corporation, but nothing in this subsection shall prevent an arms licence being issued to a responsible person nominated by or on behalf of a firm, partnership, company or corporation to have possession, custody or control of the arms or ammunition owned by the firm, partnership, company or corporation.

(4) No arms permit shall be granted or renewed unless there is an arms licence in force in respect of the arms and ammunition described therein.

#### 6. Exemptions from requirements to hold arms licences or arms permits.

(1) Section 3 shall not apply to the Yang di-Pertuan Agong or to the Ruler or Yang di-Pertua Negeri of any State :

Provided that a return shall be made to a Chief Police Officer in the month of July in every year by such person as the Yang di-Pertuan Agong or the Ruler or Yang di-Pertua Negeri may appoint in that behalf, giving particulars of all arms and ammunition in the possession, custody or control of the Yang di-Pertuan Agong or of the Ruler or Yang di-Pertua Negeri in respect of which no arms licence is in force.

(2) Notwithstanding section 3-

(a) a licensed dealer or licensed repairer or any servant thereof acting in the course of his employment, may without holding an arms licence or arms permit have in his possession, custody or control, or carry or use arms or ammunition, in

the ordinary course of business as that dealer or repairer, and in accordance with the terms of that dealer's or repairer's licence;

(b) a licensed manufacturer or any servant thereof acting in the course of his employment, may without holding an arms licence or arms permit have in his possession, custody or control, or carry or use arms or ammunition manufactured under the licence, in the ordinary course of business as that manufacturer, and in accordance with the terms of that manufacturer's licence;

(c) a person lawfully carrying on the business of an auctioneer or carrier or a servant of such a person acting in the course of his employment, may without holding an arms licence or arms permit have in his possession, custody or control, or convey or carry in the ordinary course of that business arms and ammunition provided that-

(i) the auctioneer or carrier has obtained permission in writing from a Chief Police Officer to sell by auction or to convey arms and ammunition; and

(ii) the auctioneer, carrier or servant complies with all conditions and observes all restrictions subject to which the permission is stated in writing to be granted;

(d) a person licensed to import or export arms or ammunition or any servant or agent of the person may, without holding an arms licence or arms permit, have in his possession, custody or control, or carry and convey any arms or ammunition authorized to be imported or exported under the licence in such manner as may be reasonably required for the purpose of effecting the import or export;

(e) any member of the armed forces, any police officer or other person engaged in performing police duties in accordance with any written law, may in the course of his duty as such without holding an arms licence or arms permit have in his possession, custody or control, or carry or use arms or ammunition;

(f) a member of the crew of, or a passenger in any vessel or aircraft may, without holding an arms licence or arms permit, have in his possession, custody or control, or carry or use arms and ammunition which are part of the ordinary

armament or equipment of the vessel or aircraft, or which are in or upon the vessel or aircraft and required for the services thereof;

(g) a person may, without holding an arms licence or arms permit, carry or use-

(i) a miniature rifle not exceeding .22 calibre and ammunition therefor at a miniature rifle range or shooting gallery, if the rifle or ammunition is provided for his use by the owner or manager of the range or gallery, and if the range or gallery is conducted with the permission in writing of, and subjected to such conditions as may be prescribed by, the Chief Police Officer of the State in which it is situated;

(ii) arms and blank ammunition at a theatrical performance or rehearsal thereof or at an athletic meeting in which he is taking part, if the permission in writing of the Chief Police Officer of the State in which the performance, rehearsal or meeting is taking place has been obtained to the use of the arms or ammunition in the course of the performance, rehearsal or meeting.

(3) A person shall not be deemed to have contravened section 3 by reason only of the fact that during the month of July in any year he has in his possession, custody or control or is carrying or using any arms or ammunition in respect of which no licence or permit is in force, if the person had the arms or ammunition in his possession or was authorized to carry and use the arms or ammunition on the 30<sup>th</sup> day of June of the same year under an arms licence or arms permit in that behalf.

#### **7. Loss or destruction of, or obliteration, etc. of marks on, arms and ammunition.**

(1) Whenever any arms are lost or destroyed or any ammunition is lost, the person named in any arms licence to which the arms or ammunition relate and any other person who may have been in possession of the arms or ammunition immediately before the loss or destruction thereof shall, as soon as possible but in any case within fourteen days after becoming aware of the loss or destruction, make a report thereof at the police station nearest to the places where the persons respectively

reside; and upon failure so to report within the said period every such person shall, on conviction, be liable to a fine not exceeding one thousand ringgit.

(2) Any Person who-

(a) wilfully obliterates, defaces, alters, counterfeits or forges any mark which is used for the identification of any arms or ammunition by the manufacturer thereof, or by which any arms or ammunition may be identified in accordance with any arms licence, or which has been affixed under section 4 (6);

(b) fraudulently marks any arms or ammunition with any mark resembling or intended to resemble any mark referred to in paragraph (a); or

(c) wilfully destroys any arm without the written consent of the Chief Police Officer of the State,

Shall, on conviction, be liable to imprisonment for a term not exceeding two years, or to a fine not exceeding two thousand ringgit, or to both.

**8. Penalty for possessing or carrying arms and ammunition without an arms licence or arms permit, etc.**

Any person who in contravention of the provisions of this Act-

(a) has in his possession, custody or control, or carries or uses any arm or ammunition without an arms licence or arms permit in that behalf or otherwise than as authorized by the licence or permit or, in the case of ammunition, in quantities in excess of those so authorized; or

(b) fails to comply with any condition or to observe any restriction subject to which an arms licence or arms permit is held by him,

Shall, on conviction, be liable in respect of any such contravention to imprisonment for a term not exceeding seven years, or to a fine not exceeding ten thousand ringgit, or to both.

**27. Deposit of arms and ammunition at police station.**

(1) Any person whose possession of any arms or ammunition has become unlawful in consequence of the expiry, suspension or revocation of a licence or permit shall, without unnecessary delay, deposit the arms or ammunition at the nearest police station.

(2) Subject to any regulations made under this Act, if the owner of any arms or ammunition deposited at any police station does not, within six months from the date of deposit, produce a licence authorizing him to possess the same and apply for the delivery thereof, the arms or ammunition shall be forfeited.

(3) Every person licensed to possess arms or ammunition under this Act shall, upon leaving Malaysia for any period exceeding three months, unless he exports the arms or ammunition on so leaving—

- (a) deposit the same with any person who holds a valid permit in respect of the same;
- (b) transfer the same to some person authorized under section 11 to take delivery thereof; or
- (c) deposit the same for safe keeping at a police station.

**28. Lost, destroyed, etc. licences and permits.**

If any licence or permit granted under this Act is destroyed, defaced, mutilated or lost, the person named therein may, on application to any officer authorized to issue the licences or permits and on satisfying him that the application is made in good faith, obtain from him, on payment of the prescribed fee, a new licence or permit in lieu of that destroyed, defaced mutilated or lost.

**29. Where licensee under disability.**

(1) If a person licensed to deal in or to repair arms or ammunition or to import or to export arms or ammunition or to manufacture arms or ammunition dies or becomes insolvent or bankrupt or mentally disordered or otherwise subject to any disability, the person carrying on the business of the licensee shall not be liable to any penalty or forfeiture for acting under the licence during such reasonable time as may be necessary to allow him to make application for a new licence

(2) Such person shall be deemed to be the holder of such licence for all purposes under this Act, and to be liable in the same way as if he were the original holder thereof, until a new licence is granted or refused.

### 30. Refusal and revocation of licences and permits.

(1) A Chief Police Officer may, or any police officer having authority to grant or issue any licence or permit under this Act by virtue of any delegation of the power to him under section 57 may with the approval of the Chief Police Officer having jurisdiction over him,--

- (a) refuse any application for the grant of a licence or permit without assigning any reason therefor;
- (b) refuse any application for the renewal of, or revoke or suspend, and licence or permit granted under this Act for reasons of public safety or other grounds to be duly recorded by him.

(2) Where any licence or permit is revoked or suspended the person in possession thereof shall without delay deliver the same up to the nearest police station.

(3) Every licence or permit shall be held subject to such conditions or restrictions as may be prescribed and as the officer granting the licence or permit may impose and endorse thereon.

(4) Any person dissatisfied by any refusal to grant or renew a licence or permit, or with any condition imposed thereon by the officer granting the licence or permit, or by any revocation or suspension of the licence or permit, may within one month of the date of the refusal, imposition, revocation or suspension, appeal in writing to the Minister, whose decision shall be final and conclusive.

### 31. Minister' s power to order revocation of licences and permits.

The Minister may order the revocation of any arms licence or arms permit without giving any reason there for.

### 32. Penalty for use and possession or arms and imitation arms in certain cases.

(1) (a) If any person makes or attempts to make any use whatsoever of an arm or imitation arm with intent to resist or prevent the lawful apprehension or detention of himself or any other person, he shall, on conviction, be liable to imprisonment for life or for a term not exceeding fourteen years.

(b) Where any person commits an offence under this subsection in respect of the lawful apprehension or detention of himself for any other offence committed by him, he

shall be liable to the penalty provided by this subsection in addition to any penalty to which he may be sentenced for that other offence.

(2) If any person, at the time of his committing, or at the time of his apprehension for, any Offence specified in the First Schedule has in his possession any arm or imitation arm, he shall, unless he shows that he had it in his possession for a lawful purpose, be liable, on conviction, to imprisonment for a term not exceeding ten years in addition to any penalty to which he may be sentenced for the offence specified in the said Schedule.

(3) If on the trial of any person for an offence under subsection (1) the court is not satisfied that the person is guilty of that offence, but is satisfied that he is guilty of an offence under subsection (2), the court may find him guilty of the offence under the said subsection (2), and thereupon he shall be liable to be punished accordingly.

**33. Possession of arms and ammunition for unlawful purpose.**

Any person who has in his possession, custody or control or carries any arm or ammunition in circumstances which raise a reasonable presumption that he has used or intends or is about to use the arm or ammunition for any unlawful purpose or that the arm or ammunition is likely to be used for any unlawful purpose shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding seven years, or to a fine not exceeding ten thousand ringgit, to both, and shall also be liable to whipping.

**34. Carrying a firearm while drunk or disorderly.**

Any person who is drunk, or who behaves in a disorderly manner, while carrying an arm shall, on conviction, be liable to imprisonment for a term not exceeding one year, or to a fine not exceeding one thousand ringgit, or to both.

**35. Loss of firearms or ammunition.**

Any person lawfully authorized to be in possession of or to have in his custody or under his control any arm or ammunition shall, if the same or any part thereof be lost or stolen, be liable, on conviction, unless he can prove that he took all reasonable precautions against the loss or theft, to imprisonment for a term not exceeding one year, or to a fine not exceeding one thousand ringgit, or to both:

**37. Causing injury with an arm without lawful excuse.**

Any person who discharges an arm and injures any person thereby, whether fatally or not, shall, unless he satisfies the court that he had some lawful justification or excuse for causing such injury or that he took all reasonable precautions to ensure that no person was injured by such discharge, on conviction, be liable to imprisonment for a term not exceeding two years, or to a fine not exceeding five thousand ringgit, or to both.

**38. Provisions as to shortening arms and converting imitation arms.**

(1) No person, other than a licensed arms dealer having the prior written consent of the Chief Police Officer of the State in which the dealer carries on business, shall shorten a barrel of any arm.

(2) No person shall convert into an arm anything which, prior to the conversion, is so constructed as to be incapable of discharging any missile through the barrel thereof.

(3) Any person who contravenes subsection (1) or (2) shall for each offence, on conviction, be liable to imprisonment for a term not exceeding fourteen years, or to a fine not exceeding ten thousand ringgit, or to both.

(4) Any person who has in his possession an arm which has been shortened without the written consent referred to in subsection (1), or an arm which had been converted, as aforesaid, shall be liable to the penalty provided in subsection (3).

**39. Arms not to be discharged except at shooting range, etc.**

No person shall discharge an arm—

(a) except at a place permitted in writing to be used as a shooting range by the Chief Police Officer of the State where the place is situated;

(b) except for the protection of life or property;

(c) unless he is authorized under any written law relating to the protection of wild life to shoot, kill or hunt wild animals or birds and is acting under such authorization; or

(d) unless he is a member of the armed forces, or a police officer or other person engaged in the performance of police duties in accordance with any written law, and is acting within the course of his duty



**40. Finding of arms or ammunition.**

Any Person who finds any arm or ammunition shall forthwith report such finding to the police

**41. Abetment and attempt.**

Whoever abets the commission of any offence punishable under this Act or any regulations made thereunder, or attempts to commit any such offence and in the attempt does any act towards the commission of the same, shall be liable to the same penalty as if he had committed the offence.

**43. General penalty.**

Any person who contravenes or fails to comply with any provision of this Act or any regulations made thereunder, and for which no special penalty is provided, shall, on conviction, be liable to imprisonment for a term not exceeding one year, or to a fine not exceeding two thousand ringgit, or to both.

**43.Presumption.**

(1) Every person who is proved to have had in his possession or under his control anything whatever containing any arms, ammunition or imitation arms shall, until the contrary is proved, be deemed to have been in possession of the arms, ammunition or imitation arms.

(2) Every occupier of any house or premises in which any arms, ammunition or imitation arms are found shall for the purposes of this Act be deemed, until the contrary is proved, to have been in possession of those arms, ammunition or imitation arms.

ภาคผนวก ค

ARMS AND EXPLOSIVES ACT (CHAPTER 13)

Short

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

Interpretation.

2. —(1) In this Act —

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

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

"deal in" , with its grammatical variations and cognate expressions, includes repair, sell, keep or expose for sale;

"explosive" —

(a) means gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powder, fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those abovementioned or not, used or manufactured with a view to producing a practical effect by explosion or a pyrotechnic effect;

(b) includes fog signals, fireworks, fuses, rockets, percussion-caps, detonators, cartridges and ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined; and

(c) includes sand crackers, and any substance declared to be deemed an explosive by notification under section 5 (1) (a);

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

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

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

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

"master" includes every person having command or charge of a vessel or aircraft other than a pilot of a vessel;

"Port Master" has the same meaning as in the Maritime and Port Authority of Singapore Act 1996;

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

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

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

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

#### **Exemptions from operation of this Act.**

3. —(1) Nothing in this Act shall apply to —

(a) the manufacture, possession, use, storage, sale, transport, importation or exportation, in accordance with the provisions of any rules made under this Act, of any explosive by order of the Government;

(b) the manufacture, dealing in, possession, importation or exportation, in accordance with the provisions of any rules made under this Act, of any article by order of the Government;

(c) any of the following persons or their equipment while in the course of their duty or employment:

(i) members of the Singapore Armed Forces and of any visiting forces lawfully present in Singapore;

(ii) members of any naval, military or air volunteer forces established under any written law;

(iii) members of any additional forces established under any written law providing for compulsory service in the defence of Singapore;

(iv) members of the Singapore Police Force or any other police force on duty in Singapore;

(v) members of the Special Constabulary, additional constables and peace officers;

(vi) dog-shooters employed by the Government;

(d) any vessel belonging to or in the service of the Government or of any foreign government;

(e) any hulk or magazine for the storage or deposit of explosives of the Government or the government of any Commonwealth country;

(f) such articles as form part of the ordinary armament of any vessel or as are required for the service of any vessel or the personal use of the crew or the passengers thereof;

(g) the importation, exportation and possession, in accordance with such conditions as may be prescribed in rules made under this Act, of such arms and ammunition, forming part of the equipment of aircraft or carried therein for the personal use of passengers or crew, as may be permitted by such rules; or

(h) the possession in the course of his duty of arms and explosives by any person employed by the Government, such possession being specially authorised by the head of his department.

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

## LICENCES

Licences required in respect of guns, arms and explosives.

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

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

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

(b) import any guns, arms or explosives or poisonous or noxious gas;

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

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

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

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

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

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

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

(3) Any person who, in contravention of this section, has in his possession or under his control any gun shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 for every such gun and to imprisonment for a term which may extend to 3 years.

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

**Appointment of licensing authority.**

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

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

**Conditions of licences.**

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

(a) it shall expire after such period as is prescribed;

(b) it shall be liable to suspension or cancellation, without any reason being given therefor, at any time by the licensing authority; and

(c) it shall not be transferable save as in this Act provided.

**Appeal.**

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

**Guns, arms or explosives of which possession has become unlawful to be deposited at police station.**

15. —(1) Any person, whose possession of guns, arms or explosives has become unlawful in consequence of the expiry, suspension or cancellation of a licence, shall without unnecessary delay deposit them at the nearest police station.

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

(3) Every person licensed to possess guns or arms under this Act and intending to leave Singapore for any period exceeding one month shall, unless he intends to export such guns

or arms, before so leaving transfer them to some person authorised under section 13 to take delivery of them or deposit them for safe keeping at a police station.

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

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

19. Any person who knowingly conceals any guns, arms, explosives or poisonous or noxious gas imported unlawfully or without a licence, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term which may extend to 3 years and to a fine not exceeding \$1,000.

**Knowingly purchasing arms from person not licensed.**

20. Any person who knowingly purchases guns or arms from any person not licensed shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$400.

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

21. Any person who, being required under any rules made under this Act to keep any book or to make any entry in any book, omits or fails duly to keep that book or make an entry, or obstructs or prevents the inspection of that book or entry, or makes a false entry, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 in addition to double the value of any articles sold of which he has failed to make an entry or respecting which he has made a false entry.

**Resisting person in execution of power.**

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

**Obstructing inspection of stock-in-trade.**

23. Any person who intentionally conceals from any officer duly authorised to inspect the stock-in-trade of any licensed dealer that stock-in-trade, or wilfully refuses to point out where the stock-in-trade is kept, shall be guilty of an offence and shall be liable on

conviction to a fine not exceeding \$500 or to imprisonment for a term which may extend to 2 years or to both.

**General penalty.**

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

**Abetment and attempt.**

25. Any person who abets the commission of any offence punishable under this Act or the rules made thereunder, or attempts to commit any such offence, and in the attempt does any act towards the commission of the offence shall be punished as if he had committed the offence.

**Forfeitures.**

29. —(1) All articles with regard to which any offence has been committed under this Act or any rules made or permit granted thereunder, or in respect of which a breach has been committed of any of the restrictions or conditions subject to or upon which any licence has been issued, may be seized by any police officer and, together with the receptacles containing them, shall be forfeited to the Government on application made by the licensing authority.

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

**Power to make rules.**

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

- (a) to regulate the possession of guns or arms;
- (b) to regulate the importation and transport of guns or arms;
- (c) to regulate the exportation of guns, arms or naval or military stores;
- (d) to regulate the manufacture and dealing in guns or arms, and the purchase of arms;
- (e) to regulate the landing and transshipping of guns or arms;



- (f) to provide for the marking of guns or arms for the possession of which a licence is issued;
- (g) to regulate or prohibit, except under or in accordance with the conditions of a licence, the manufacture, possession, use, sale, purchase, storage, transport, importation and exportation of explosives or any specified class of explosives;
- (h) to regulate or prohibit except under and in accordance with the conditions of a licence, the manufacture, possession, use, sale, purchase, storage, transport, importation and exportation of poisonous or noxious gases or any specified class of poisonous or noxious gases;
- (i) to regulate the tests to which various classes or any particular class of explosive may or shall be subjected before permission is granted to land the same in Singapore;
- (j) to regulate the duties of the Port Master under this Act or of the licensing authority or of any other officer vested with powers under this Act or any rules made under this Act;
- (k) to declare what duties may be carried out by subordinate police officers under the direction and control of the licensing authority, and to regulate the conduct of such duties;
- (l) to regulate the manner in which applications for licences shall be made, and the matters to be specified in them;
- (m) to regulate the form in which, and the conditions on and subject to which, licences shall be issued, the matters to be specified in licences, and the issue of licences generally;
- (n) to regulate the period for which licences are to remain in force;
- (o) to fix the fees to be charged for any licence issuable under this Act and the other sums, if any, to be paid for expenses by applicants for licences;
- (p) to fix the fees to be paid for the use of Government magazines or any portion thereof;
- (q) to direct by whom and in what manner fees payable under this Act shall be collected and accounted for;
- (r) to authorise any officer, either by name or office —
  - (i) to enter, inspect and examine any place, carriage, vessel or aircraft in which an explosive is being manufactured, possessed, used, sold, transported or imported under a licence issued under this Act, or in which he has reason to believe that an explosive has been or is

being manufactured, possessed, used, sold, transported or imported in contravention of this Act or of the rules made thereunder;

(ii) to search for explosives therein:

(iii) to take samples of any explosive found therein, on payment of their value;

(iv) to seize, detain, remove and, if necessary, destroy any explosive found therein; and

(v) to arrest without warrant and to search any person whom he reasonably believes to have committed an offence under any rules made under this Act;

(s) to regulate the disposition, destruction or sale of all articles forfeited under this Act;

(t) generally to give effect to the provisions of this Act.

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

(3) No such rules shall affect the dealing with explosives within any dockyard, arsenal, fort, military cantonment or other place for keeping ordnance or naval or military or air force stores occupied, used, controlled or managed by the Government or the government of any other country for defence purposes in Singapore.

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

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

## ARMS OFFENCES ACT (CHAPTER 14)

### Short

1. This Act may be cited as the Arms Offences Act.

### Interpretation

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

"arm" means any firearm, air-gun, air-pistol, automatic gun, automatic pistol and any other kind of gun or pistol from which any shot, bullet or other missile can be discharged or noxious liquid, flame or fumes can be emitted, and any component part thereof and includes any bomb or grenade and any component part thereof;

"imitation arm" means anything which has the appearance of being an arm;

"import" means to bring or cause to be brought into Singapore by any means from any place;

"scheduled offence" means any offence specified in the Schedule;

"trafficking in arms" means —

(a) to import, manufacture or deal in arms in contravention of the provisions of the Arms and Explosives Act (Cap.13); or

(b) to lend, give, sell, hire or offer for sale or hire any arm to a person who has no licence to possess such arm issued under the Arms and Explosives Act;

"unlawful possession" means possession or control contrary to the provisions of the Arms and Explosives Act;

"use" , with its grammatical variations, means —

(a) in relation to a firearm, air-gun, air-pistol, automatic gun, automatic pistol and any other kind of gun or pistol from which any shot, bullet or other missile can be discharged or noxious fluid, flame or fumes can be emitted — to cause such shot, bullet or other missile to be discharged or such noxious liquid, flame or fumes to be emitted with intent to cause physical injury to any person; and

(b) in relation to a bomb or grenade — to throw the bomb or grenade, or to cause it to explode, with intent to cause physical injury to any person or property.

**Penalty for being in unlawful possession of arms or ammunition**

3. —(1) Subject to subsection (4), any person who is in unlawful possession of any arm or ammunition shall be guilty of an offence and 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.

(2) Subject to subsection (4), any person who unlawfully carries any arm shall be guilty of an offence and shall on conviction be punished with imprisonment for a term of not less than 5 years and not more than 14 years and shall also be punished with caning with not less than 6 strokes.

(3) Where any person at the time of his committing or at the time of his apprehension for any scheduled offence has on his person any arm, he shall be guilty of an offence and shall on conviction be punished with imprisonment for life and shall also be punished with caning with not less than 6 strokes.

(4) Where any person convicted of an offence punishable under subsection (1) or (2) is proved to have been previously convicted of a scheduled offence, he 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.

**Using or attempting to use arms**

4. —(1) Subject to any exception referred to in Chapter IV of the Penal Code (Cap. 224) which may be applicable (other than section 95), any person who uses or attempts to use any arm shall be guilty of an offence and shall on conviction be punished with death.

(2) In any proceedings for an offence under this section, any person who uses or attempts to use any arm shall, until the contrary is proved, be presumed to have used or attempted to use the arm with the intention to cause physical injury to any person or property.

**Using or attempting to use arms to commit scheduled offence**

4A. Subject to any exception referred to in Chapter IV of the Penal Code which may be applicable (other than section 95), any person who uses or attempts to use any arm at the time of his committing or attempting to commit any scheduled offence shall, whether or not

he has any intention to cause physical injury to any person or property, be guilty of an offence and shall on conviction be punished with death.

#### **Punishment for accomplices**

5. Where any arm is used by any person in committing or in attempting to commit any offence or where an offence under section 4A has been committed by any person, each of his accomplices present at the scene of the offence who may reasonably be presumed to have known that that person was carrying or had in his possession or under his control the arm, shall, unless he proves that he had taken all reasonable steps to prevent the use of the arm, be guilty of an offence and shall on conviction be punished with death.

#### **Trafficking in arms**

6. —(1) Any person trafficking in arms shall be guilty of an offence and shall on conviction be punished with —

(a) death; or

(b) imprisonment for life and with caning with not less than 6 strokes.

(2) Any person proved to be in unlawful possession of more than 2 arms shall, until the contrary is proved, be presumed to be trafficking in arms.

#### **Consorting with person carrying arms**

7. Any person who consorts with, or is found in the company of, another person who is unlawfully carrying or is in unlawful possession of any arm in circumstances which raise a reasonable presumption that he knew that that other person was carrying or had in his possession or under his control any such arm shall, unless he proves that he had reasonable grounds for believing that that other person was not unlawfully carrying or not in unlawful possession of such arm, be guilty of an offence and shall be liable on conviction to the like punishment as that other person with whom he was consorting or in whose company he was found.

#### **Penalty for exhibiting imitation arm when committing scheduled offence**

8. Any person who at the time of committing or attempting to commit or abetting the commission of any scheduled offence exhibits any imitation arm in a manner likely to put any person in fear of death or hurt shall be guilty of an offence and shall be liable on

conviction to imprisonment for a term which may extend to 10 years and shall also be punished with caning with not less than 3 strokes.

#### **Presumption**

9. Where any arm is found in or on any premises, the occupier of the premises shall be deemed to be in possession of the arm unless he proves that some other person was in possession thereof, or that he had no knowledge or reasonable means of knowing that the arm was in or on the premises and that he had taken all reasonable precautions against the arm being kept in or on the premises.

#### **Exemptions**

10. Nothing in section 3 shall apply to —

(a) a member of any visiting force lawfully present in Singapore or of the police force or of a volunteer force or local force constituted under any written law for the time being in force in Singapore when the member is carrying any arm in, or in connection with, the performance of his duty;

(b) any person who carries an arm as part of his official or ceremonial dress on any official or ceremonial occasion;

(c) any person licensed or authorised to carry or possess an arm under or by virtue of any written law relating to arms for the time being in force in Singapore; or

(d) a member of any organisation or association specially authorised by the Minister by notification in the *Gazette*, when the member is carrying any arm in, or in connection with, the performance of his duty.

#### **Saving of other written law**

11. The provisions of this Act shall have effect without prejudice to the provisions of the Arms and Explosives Act (Cap. 13) or of any other written law for the time being in force in Singapore relating to unlawful possession of arms or ammunition.

## ภาคผนวก ง

### The Gun Control Act of 1968, Public Law 90-618

An Act to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Gun Control Act of 1968".

#### **Purpose**

**Sec. 101.** The Congress hereby declares that the purpose of this title is to provide support to Federal, State, and local law enforcement officials in their fight against crime and violence, and it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity, and that this title is not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes, or provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title.

#### **921. Definitions**

(a) As used in this chapter --

(1) The term "**person**" and the term "**whoever**" include any individual, corporation, company, association, firm, partnership, society, or joint stock company.

(3) The term "**firearm**" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

(5) The term "**shotgun**" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to

use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) The term "**short-barreled shotgun**" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches.

(7) The term "**rifle**" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(8) The term "**short-barreled rifle**" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.

(11) The term "**dealer**" means (A) any person engaged in the business of selling firearms at wholesale or retail, (B) any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or (C) any person who is a pawnbroker. The term "**licensed dealer**" means any dealer who is licensed under the provisions of this chapter.

(13) The term "**collector**" means any person who acquires, holds, or disposes of firearms as curios or relics, as the Secretary shall by regulation define, and the term "**licensed collector**" means any such person licensed under the provisions of this chapter.

(15) The term "**fugitive from justice**" means any person who has fled from any State to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

(18) The term "**Secretary**" or "**Secretary of the Treasury**" means the Secretary of the Treasury or his delegate.

(23) The term "**machinegun**" has the meaning given such term in section 5845(b) of the National Firearms Act (26 U.S.C. 5845(b)).

(24) The terms "**firearm silencer**" and "**firearm muffler**" mean any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts,



designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.

(28) The term "**semiautomatic rifle**" means any repeating rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(29) The term "**handgun**" means --

(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.

#### **922. Unlawful acts**

(a) It shall be unlawful --

(1) for any person --

(A) except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce; or

(B) except a licensed importer or licensed manufacturer, to engage in the business of importing or manufacturing ammunition, or in the course of such business, to ship, transport, or receive any ammunition in interstate or foreign commerce;

(2) for any importer, manufacturer, dealer, or collector licensed under the provisions of this chapter to ship or transport in interstate or foreign commerce any firearm to any person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, except that --

(A) this paragraph and subsection (b)(3) shall not be held to preclude a licensed importer, licensed manufacturer, licensed dealer, or licensed collector from returning a firearm or replacement firearm of the same kind and type to a person from whom it was received; and this paragraph shall not be held to preclude an individual from mailing a firearm owned in

compliance with Federal, State, and local law to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector;

(B) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman who, pursuant to the provisions of section 1715 of this title, is eligible to receive through the mails pistols, revolvers, and other firearms capable of being concealed on the person, for use in connection with his official duty; and

(C) nothing in this paragraph shall be construed as applying in any manner in the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States differently than it would apply if the District of Columbia, the Commonwealth of Puerto Rico, or the possession were in fact a State of the United States;

(3) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to transport into or receive in the State where he resides (or if the person is a corporation or other business entity, the State where it maintains a place of business) any firearm purchased or otherwise obtained by such person outside that State, except that this paragraph (A) shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State, (B) shall not apply to the transportation or receipt of a firearm obtained in conformity with subsection (b)(3) of this section, and (C) shall not apply to the transportation of any firearm acquired in any State prior to the effective date of this chapter;

(4) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, to transport in interstate or foreign commerce any destructive device, machinegun (as defined in section 5845 of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Secretary consistent with public safety and necessity;

(5) for any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) to transfer, sell, trade, give, transport, or deliver any firearm to any

person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) who the transferor knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the transferor resides; except that this paragraph shall not apply to (A) the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence, and (B) the loan or rental of a firearm to any person for temporary use for lawful sporting purposes;

(6) for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter;

(7) for any person to manufacture or import armor piercing ammunition, except that this paragraph shall not apply to --

(A) the manufacture or importation of such ammunition for the use of the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof;

(B) the manufacture of such ammunition for the purpose of exportation; and

(C) any manufacture or importation for the purposes of testing or experimentation authorized by the Secretary;

(8) for any manufacturer or importer to sell or deliver armor piercing ammunition, except that this paragraph shall not apply to --

(A) the sale or delivery by a manufacturer or importer of such ammunition for use of the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof;

(B) the sale or delivery by a manufacturer or importer of such ammunition for the purpose of exportation;

(C) the sale or delivery by a manufacturer or importer of such ammunition for the purposes of testing or experimenting authorized by the Secretary; and

(9) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, who does not reside in any State to receive any firearms unless such receipt is for lawful sporting purposes.

(b) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver --

(1) any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, and, if the firearm, or ammunition is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age;

(2) any firearm to any person in any State where the purchase or possession by such person of such firearm would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other disposition, unless the licensee knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State law or such published ordinance;

(3) any firearm to any person who the licensee knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business is located, except that this paragraph (A) shall not apply to the sale or delivery of any rifle or shotgun to a resident of a State other than a State in which the licensee's place of business is located if the transferee meets in person with the transferor to accomplish the transfer, and the sale, delivery, and receipt fully comply with the legal conditions of sale in both such States (and any licensed manufacturer, importer or dealer shall be presumed, for purposes of this subparagraph, in the absence of evidence to the contrary, to have had actual knowledge of the State laws and published ordinances of both States), and (B) shall not

apply to the loan or rental of a firearm to any person for temporary use for lawful sporting purposes;

(4) to any person any destructive device, machinegun (as defined in section 5845 of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Secretary consistent with public safety and necessity; and

(5) any firearm or armor-piercing ammunition to any person unless the licensee notes in his records, required to be kept pursuant to section 923 of this chapter, the name, age, and place of residence of such person if the person is an individual, or the identity and principal and local places of business of such person if the person is a corporation or other business entity.

Paragraphs (1), (2), (3), and (4) of this subsection shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, and licensed collectors.

Paragraph (4) of this subsection shall not apply to a sale or delivery to any research organization designated by the Secretary.

(c) In any case not otherwise prohibited by this chapter, a licensed importer, licensed manufacturer, or licensed dealer may sell a firearm to a person who does not appear in person at the licensee's business premises (other than another licensed importer, manufacturer, or dealer) only if --

(1) the transferee submits to the transferor a sworn statement in the following form:

"Subject to penalties provided by law, I swear that, in the case of any firearm other than a shotgun or a rifle, I am twenty-one years or more of age, or that, in the case of a shotgun or a rifle, I am eighteen years or more of age; that I am not prohibited by the provisions of chapter 44 of title 18, United States Code, from receiving a firearm in interstate or foreign commerce; and that my receipt of this firearm will not be in violation of any statute of the State and published ordinance applicable to the locality in which I reside. Further, the true title, name, and address of the principal law enforcement officer of the locality to which the firearm will be delivered are \_\_\_\_\_

\_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_."

and containing blank spaces for the attachment of a true copy of any permit or other information required pursuant to such statute or published ordinance;

(2) the transferor has, prior to the shipment or delivery of the firearm, forwarded by registered or certified mail (return receipt requested) a copy of the sworn statement, together with a description of the firearm, in a form prescribed by the Secretary, to the chief law enforcement officer of the transferee's place of residence, and has received a return receipt evidencing delivery of the statement or has had the statement returned due to the refusal of the named addressee to accept such letter in accordance with United States Post Office Department regulations; and

(3) the transferor has delayed shipment or delivery for a period of at least seven days following receipt of the notification of the acceptance or refusal of delivery of the statement.

A copy of the sworn statement and a copy of the notification to the local law enforcement officer, together with evidence of receipt or rejection of that notification shall be retained by the licensee as a part of the records required to be kept under section 923(g).

(d) It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person

(1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) is a fugitive from justice;

(3) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(4) has been adjudicated as a mental defective or has been committed to any mental institution;

(5) who, being an alien, is illegally or unlawfully in the United States;

(6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship; or

(8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or

engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that

--

(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

This subsection shall not apply with respect to the sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector who pursuant to subsection (b) of section 925 of this chapter is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925 of this chapter.

(h) It shall be unlawful for any individual, who to that individual's knowledge and while being employed for any person described in any paragraph of subsection (g) of this section, in the course of such employment --

(1) to receive, possess, or transport any firearm or ammunition in or affecting interstate or foreign commerce; or

(2) to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(i) It shall be unlawful for any person to transport or ship in interstate or foreign commerce, any stolen firearm or stolen ammunition, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

(j) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce,

either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

(k) It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered or to possess or receive any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered and has, at any time, been shipped or transported in interstate or foreign commerce.

### **923. Licensing**

(a) No person shall engage in the business of importing, manufacturing, or dealing in firearms, or importing or manufacturing ammunition, until he has filed an application with and received a license to do so from the Secretary. The application shall be in such form and contain only that information necessary to determine eligibility for licensing as the Secretary shall by regulation prescribe and shall include a photograph and fingerprints of the applicant. Each applicant shall pay a fee for obtaining such a license, a separate fee being required for each place in which the applicant is to do business, as follows:

(1) If the applicant is a manufacturer --

(A) of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of \$1,000 per year;

(B) of firearms other than destructive devices, a fee of \$50 per year; or

(C) of ammunition for firearms, other than ammunition for destructive devices or armor piercing ammunition, a fee of \$10 per year.

(2) If the applicant is an importer --

(A) of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of \$1,000 per year; or

(B) of firearms other than destructive devices or ammunition for firearms other than destructive devices, or ammunition other than armor piercing ammunition, a fee of \$50 per year.

(3) If the applicant is a dealer --

(A) in destructive devices or ammunition for destructive devices, a fee of \$1,000 per year; or



(B) who is not a dealer in destructive devices, a fee of \$200 for 3 years, except that the fee for renewal of a valid license shall be \$90 for 3 years.

[(C) Repealed. Pub.L. 103-159, Title III, § 303(4), Nov. 30, 1993, 107 Stat. 1546.]

(b) Any person desiring to be licensed as a collector shall file an application for such license with the Secretary. The application shall be in such form and contain only that information necessary to determine eligibility as the Secretary shall by regulation prescribe. The fee for such license shall be \$10 per year. Any license granted under this subsection shall only apply to transactions in curios and relics.

(c) Upon the filing of a proper application and payment of the prescribed fee, the Secretary shall issue to a qualified applicant the appropriate license which, subject to the provisions of this chapter and other applicable provisions of law, shall entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce during the period stated in the license. Nothing in this chapter shall be construed to prohibit a licensed manufacturer, importer, or dealer from maintaining and disposing of a personal collection of firearms, subject only to such restrictions as apply in this chapter to dispositions by a person other than a licensed manufacturer, importer, or dealer. If any firearm is so disposed of by a licensee within one year after its transfer from his business inventory into such licensee's personal collection or if such disposition or any other acquisition is made for the purpose of willfully evading the restrictions placed upon licensees by this chapter, then such firearm shall be deemed part of such licensee's business inventory, except that any licensed manufacturer, importer, or dealer who has maintained a firearm as part of a personal collection for one year and who sells or otherwise disposes of such firearm shall record the description of the firearm in a bound volume, containing the name and place of residence and date of birth of the transferee if the transferee is an individual, or the identity and principal and local places of business of the transferee if the transferee is a corporation or other business entity: **Provided**, That no other recordkeeping shall be required.

(d)(1) Any application submitted under subsection (a) or (b) of this section shall be approved if --

- (A) the applicant is twenty-one years of age or over;
  - (B) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922(g) and (n) of this chapter;
  - (C) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;
  - (D) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application;
  - (E) the applicant has in a State (i) premises from which he conducts business subject to license under this chapter or from which he intends to conduct such business within a reasonable period of time, or (ii) in the case of a collector, premises from which he conducts his collecting subject to license under this chapter or from which he intends to conduct such collecting within a reasonable period of time; and
  - (F) the applicant certifies that --
    - (i) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premise is located;
    - (ii)(I) within 30 days after the application is approved the business will comply with the requirements of State and local law applicable to the conduct of the business; and
    - (II) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met; and
    - (iii) that the applicant has sent or delivered a form to be prescribed by the Secretary, to the chief law enforcement officer of the locality in which the premises are located, which indicates that the applicant intends to apply for a Federal firearms license.
- (2) The Secretary must approve or deny an application for a license within the 60-day period beginning on the date it is received. If the Secretary fails to act within such period, the applicant may file an action under section 1361 of title 28 to compel the Secretary to act.

If the Secretary approves an applicant's application, such applicant shall be issued a license upon the payment of the prescribed fee.

(e) The Secretary may, after notice and opportunity for hearing, revoke any license issued under this section if the holder of such license has willfully violated any provision of this chapter or any rule or regulation prescribed by the Secretary under this chapter. The Secretary may, after notice and opportunity for hearing, revoke the license of a dealer who willfully transfers armor piercing ammunition. The Secretary's action under this subsection may be reviewed only as provided in subsection (f) of this section.

#### 924. Penalties

(a)(1) Except as otherwise provided in this subsection, subsection (b), (c), or (f) of this section, or in section 929, whoever--

(A) knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter or in applying for any license or exemption or relief from disability under the provisions of this chapter;

(B) knowingly violates subsection (a)(4), (f), (k), (r), (v), or (w) of section 922;

(C) knowingly imports or brings into the United States or any possession thereof any firearm or ammunition in violation of section 922(l); or

(D) willfully violates any other provision of this chapter, shall be fined under this title, imprisoned not more than five years, or both.

(2) Whoever knowingly violates subsection (a)(6), (d), (g), (h), (i), (j), or (o) of section 922 shall be fined as provided in this title, imprisoned not more than 10 years, or both.

(3) Any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly --

(A) makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of a person licensed under this chapter, or

(B) violates subsection (m) of section 922, shall be fined under this title, imprisoned not more than one year, or both.

(4) Whoever violates section 922(q) shall be fined under this title, imprisoned for not more than 5 years, or both. Notwithstanding any other provision of law, the term of imprisonment imposed under this paragraph shall not run concurrently with any other term of imprisonment imposed under any other provision of law. Except for the authorization of a term of imprisonment of not more than 5 years made in this paragraph, for the purpose of any other law a violation of section 922(q) shall be deemed to be a misdemeanor.

(5) Whoever knowingly violates subsection (s) or (t) of section 922 shall be fined under this title, imprisoned for not more than 1 year, or both.

(5)(A)(i) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except that a juvenile described in clause (ii) shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation.

(ii) A juvenile is described in this clause if --

(I) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(x)(2); and

(II) the juvenile has not been convicted in any court of an offense

(including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

(B) A person other than a juvenile who knowingly violates section 922(x) --

(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both.

(b) Whoever, with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, or with knowledge or reasonable cause to believe that an offense

punishable by imprisonment for a term exceeding one year is to be committed therewith, ships, transports, or receives a firearm or any ammunition in interstate or foreign commerce shall be fined under this title, or imprisoned not more than ten years, or both.

**925. Exceptions: Relief from disabilities**

(a)(1) The provisions of this chapter, except for provisions relating to firearms subject to the prohibitions of section 922(p), shall not apply with respect to the transportation, shipment, receipt, possession, or importation of any firearm or ammunition imported for, sold or shipped to, or issued for the use of, the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof.

(2) The provisions of this chapter shall not apply with respect to (A) the shipment or receipt of firearms or ammunition when sold or issued by the Secretary of the Army pursuant to section 4308 of title 10, and (B) the transportation of any such firearm or ammunition carried out to enable a person, who lawfully received such firearm or ammunition from the Secretary of the Army, to engage in military training or in competitions.

(3) Unless otherwise prohibited by this chapter or any other Federal law, a licensed importer, licensed manufacturer, or licensed dealer may ship to a member of the United States Armed Forces on active duty outside the United States or to clubs, recognized by the Department of Defense, whose entire membership is composed of such members, and such members or clubs may receive a firearm or ammunition determined by the Secretary of the Treasury to be generally recognized as particularly suitable for sporting purposes and intended for the personal use of such member or club.

(4) When established to the satisfaction of the Secretary to be consistent with the provisions of this chapter and other applicable Federal and State laws and published ordinances, the Secretary may authorize the transportation, shipment, receipt, or importation into the United States to the place of residence of any member of the United States Armed Forces who is on active duty outside the United States (or who has been on active duty outside the United States within the sixty day period immediately preceding the transportation, shipment, receipt, or importation), of any firearm or ammunition which is (A) determined by the Secretary to be generally recognized as particularly suitable for sporting purposes, or

determined by the Department of Defense to be a type of firearm normally classified as a war souvenir, and (B) intended for the personal use of such member.

(5) For the purpose of paragraphs (3) and (4) of this subsection, the term "United States" means each of the several States and the District of Columbia.

**930. Possession of firearms and dangerous weapons in Federal facilities**

(a) Except as provided in subsection (d), whoever knowingly possesses or causes to be present a firearm or other dangerous weapon in a Federal facility (other than a Federal court facility), or attempts to do so, shall be fined under this title or imprisoned not more than 1 year, or both.

(b) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon in a Federal facility, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.

(c) A person who kills or attempts to kill any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113.

(d) Subsection (a) shall not apply to --

(1) the lawful performance of official duties by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law;

(2) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law; or

(3) the lawful carrying of firearms or other dangerous weapons in a Federal facility incident to hunting or other lawful purposes.

(e)(1) Except as provided in paragraph (2), whoever knowingly possesses or causes to be present a firearm in a Federal court facility, or attempts to do so, shall be fined under this title, imprisoned not more than 2 years, or both.

(2) Paragraph (1) shall not apply to conduct which is described in paragraph (1) or (2) of subsection (c).

(f) Nothing in this section limits the power of a court of the United States to punish for contempt or to promulgate rules or orders regulating, restricting, or prohibiting the possession of weapons within any building housing such court or any of its proceedings, or upon any grounds appurtenant to such building.

(g) As used in this section:

(1) The term "**Federal facility**" means a building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties.

(2) The term "**dangerous weapon**" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

(3) The term "**Federal court facility**" means the courtroom, judges' chambers, witness rooms, jury deliberation rooms, attorney conference rooms, prisoner holding cells, offices of the court clerks, the United States attorney, and the United States marshal, probation and parole offices, and adjoining corridors of any court of the United States.

(h) Notice of the provisions of subsections (a) and (b) shall be posted conspicuously at each public entrance to each Federal facility, and notice of subsection (d) shall be posted conspicuously at each public entrance to each Federal court facility, and no person shall be convicted of an offense under subsection (a) or (d) with respect to a Federal facility if such notice is not so posted at such facility, unless such person had actual notice of subsection (a) or (d), as the case may be.

## ประวัติผู้เขียนวิทยานิพนธ์

ชื่อ	ร้อยตำรวจเอกหญิง สวณิต สดงคุณท์
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สถานที่ทำงานปัจจุบัน	ส่วนวิชากฎหมาย กองบังคับการวิชาการ โรงเรียนนายร้อยตำรวจ
ประวัติการศึกษา	- ระดับมัธยมต้น โรงเรียนหอวัง - ระดับมัธยมปลาย โรงเรียนหอวัง - ระดับอุดมศึกษา คณะนิติศาสตร์มหาวิทยาลัยรามคำแหง รุ่น 12 - เนติบัณฑิตไทย รุ่น 47
ประวัติการรับราชการ	นิติกร 6 งานคดี กองกฎหมาย การประปาส่วนภูมิภาค อาจารย์ (สบ.1) ภาควิชากฎหมายวิธีสบัญญัติ ส่วนวิชากฎหมาย กองบังคับการวิชาการ โรงเรียนนายร้อยตำรวจ
ปัจจุบันดำรงตำแหน่ง	อาจารย์ (สบ.2) ภาควิชากฎหมายวิธีสบัญญัติ ส่วนวิชากฎหมาย กองบังคับการวิชาการ โรงเรียนนายร้อยตำรวจ