

ARMS OFFENCES ACT

Short title

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.

[25/84]

(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.

[25/84]

(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.

[25/84]

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.

[30/93]

(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.

[30/93]

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.

[30/93]

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.

[30/93]

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.

[6/78]

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.

Power to amend Schedule

12. The Minister may at any time by order add to, amend or vary the Schedule.

[30/93]

THE SCHEDULE

Sections 2, 3 (3) and (4), 4A, 8 and 12

SCHEDULED OFFENCES

- 1.** Being a member of an unlawful assembly under sections 143 to 145 of the Penal Code (Cap. 224).
- 2.** Rioting under sections 147, 148 and 152 of the Penal Code.
- 3.** Offences against the person under sections 302, 304, 307, 324 to 327, 329 to 333, 356, 357 and 506 of the Penal Code.
- 4.** Abduction or kidnapping under sections 361, 363 to 367 of the Penal Code; and sections 3 to 5 of the Kidnapping Act (Cap. 151).

5. Extortion under sections 384 to 389 of the Penal Code.
6. Housebreaking and house-trespass under sections 448 to 460 of the Penal Code.
7. Robbery under sections 392 to 397, 399 and 402 of the Penal Code.
8. Preventing or resisting arrest under sections 224 and 225 of the Penal Code.
9. Vandalism under section 3 of the Vandalism Act (Cap. 341).
10. Mischief under sections 435, 436, 438 and 440 of the Penal Code.