

Arms and Explosives (Amendment) Bill

Bill No. 32/2002.

Read the first time on 1st October 2002.

A BILL

intituled

An Act to amend the Arms and Explosives Act (Chapter 13 of the 1985 Revised Edition) to give effect to the Convention on the Marking of Plastic Explosives for the Purpose of Detection concluded in Montreal on 1st March 1991 and for other miscellaneous purposes.

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

Short title and commencement

1. This Act may be cited as the Arms and Explosives (Amendment) Act 2002 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 2

2. Section 2(1) of the Arms and Explosives Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after the words “noxious fumes” in the 4th line of the definition of “arms”, the words “or noxious
10 substance”;

(b) by inserting, immediately after the definition of “arms”, the following definitions:

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

“authorised military or police personnel” means —

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

(c) by inserting, immediately before the definition of “carriage”, the
25 following definition:

““authorised person” means —

(a) the Commercial and Industrial Security Corporation; or
30 (b) any other auxiliary police force established under any written law and which is authorised by the Licensing Officer to accept the deposit of guns, arms or explosives under section 15(1);”;

(d) by inserting, immediately after the definition of “carriage”, the following definition:

“Commercial and Industrial Security Corporation” means the Commercial and Industrial Security Corporation established under the Commercial and Industrial Security Corporation Act (Cap. 47);”;

(e) by inserting, immediately after the definition of “deal in”, the following definition:

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

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

(b) is introduced into a plastic explosive during its manufacture in such a manner as to achieve homogeneous distribution in the finished product; and

(c) is present in the plastic explosive in such concentration no less than that specified in the fourth column of the Schedule;”;

(f) by inserting, immediately after the definition of “gun”, the following definition:

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

(g) by deleting the definition of “licensing authority” and substituting the following definition:

“Licensing Officer” means the person appointed by the Minister under section 9 and includes an Assistant Licensing Officer;”;

(h) by deleting the words “or aircraft” in the definition of “master”;

(i) by inserting, immediately after the definition of “master”, the following definition:

“plastic explosive” means any explosive which —

(a) is formulated with one or more high explosives which in their pure form have vapour pressure of less than 10^{-4} Pa at a temperature of 25°C;

5 (b) is formulated with a binder material; and

(c) is, when mixed, malleable or flexible at normal room temperature;”;

(j) by inserting, immediately before the definition of “Port Master”, the following definition:

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

(k) by inserting, immediately after the definition of “railway administration”, the following definition:

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

Amendment of section 3

3. Section 3 of the principal Act is amended —

20 (a) by deleting the word “Nothing” in the 1st line of subsection (1) and substituting the words “Subject to subsection (3), nothing”; and

(b) by inserting, immediately after subsection (2), the following subsection:

25 “(3) Sections 3A to 3D and any rules made under section 3D shall also apply to —

(a) the Government;

(b) any other person referred to in subsection (1);

(c) the articles referred to in subsection (1)(f); and

30 (d) the arms and ammunition referred to in subsection (1)(g).”.

New sections 3A to 3D

4. The principal Act is amended by inserting, immediately after section 3, the following sections:

“Prohibition on manufacture of unmarked plastic explosives

5 **3A.**—(1) No person shall manufacture any unmarked plastic explosive unless such unmarked plastic explosive is manufactured in a quantity no greater than that necessary for the purpose of and is solely for use in —

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

carried out under a licence issued by the Licensing Officer.

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

Prohibition on possession and transfer of possession of unmarked plastic explosives

20 **3B.**—(1) Subject to subsection (2), no person shall possess or transfer possession of any unmarked plastic explosive unless such unmarked plastic explosive —

- 25 (a) is possessed or transferred to another person in a quantity no greater than that necessary for the purpose of and is solely for use in —
- (i) any research, development or testing of new or modified explosives;
- (ii) any training in explosives detection, or in any development or testing of explosives detection equipment; or
- 30

(iii) any forensic science activity,
 carried out under a licence issued by the Licensing Officer;
 or

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

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

(a) an authorised military or police personnel in the course of
 his duty; or

(b) any other person authorised by the Minister and in
 accordance with this Act and any rules made thereunder.

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

(4) In this section and section 3C —

“appointed day” means the date of commencement of section 4 of
 the Arms and Explosives (Amendment) Act 2002;

“relevant period” means —

(a) a period of 15 years from the appointed day in the case of
 an authorised military or police personnel; or

(b) a period of 3 years from the appointed day in the case of
 any other person authorised under subsection (2)(b).

Prohibition on importation and exportation of unmarked plastic explosives

3C.—(1) Subject to subsection (2), no person shall import or export
 any unmarked plastic explosive unless such unmarked plastic
 explosive —

(a) is imported or exported in a quantity no greater than that
 necessary for the purpose of and is solely for use in —

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

(ii) any training in explosives detection, or in any development or testing of explosives detection equipment; or

(iii) any forensic science activity, carried out under a licence issued by the Licensing Officer; or

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

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

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

Rules for purposes of sections 3A, 3B and 3C

3D.—(1) The Minister may make rules for carrying out the purposes of sections 3A, 3B and 3C.

(2) Without prejudice to the generality of subsection (1), such rules may provide for the application of any rules or any provision of any rules made under section 40(1) to any unmarked plastic explosives, subject to such modifications as may be specified in the rules made under subsection (1).”.

Amendment of section 7

5. Section 7(1) of the principal Act is amended —

(a) by inserting, immediately after the word “master” in the 5th and in the 8th lines, the words “or pilot-in-command”; and

(b) by deleting “\$5,000” in the last line and substituting “\$20,000”.

Amendment of section 8

6. Section 8 of the principal Act is amended —

(a) by deleting subsections (1) and (2) and substituting the following subsections:

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

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

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

15 (c) export any gun, arms, explosives, naval or military stores, poisonous or noxious gas or noxious substance; or

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

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

20 (a) imports any gun, arms, explosives, poisonous or noxious gas or noxious substance;

(b) exports any gun, arms, explosives, naval or military stores, poisonous or noxious gas or noxious substance; or

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

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

30 (b) by deleting the words “arms or poisonous or noxious gas” in the 2nd and 3rd lines and in the 9th and 10th lines of subsection (4) and substituting in each case the words “arms, explosives, poisonous or noxious gas or noxious substance”;

- (c) by deleting “\$2,000” in the 4th line of subsection (4) and substituting “\$5,000”; and
- (d) by inserting, immediately after subsection (4), the following subsection:

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

Repeal and re-enactment of section 9

7. Section 9 of the principal Act is repealed and the following section
10 substituted therefor:

“Appointment of Licensing Officer

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

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

Amendment of section 11

8. Section 11 of the principal Act is amended by deleting the words
20 “one month” and substituting the words “14 days”.

Amendment of section 15

9. Section 15 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following
25 subsection:

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

- (b) by inserting, immediately after the word “explosives” in the last line of subsection (2), the words “deposited with an authorised person”; and
- (c) by deleting the words “at police station” in the marginal note and substituting the words “with authorised person”.

Amendment of section 16

10. Section 16 of the principal Act is amended —

- (a) by deleting the words “the licensing authority” in the 1st and 2nd lines and substituting the words “an authorised person or the Licensing Officer”; and
- (b) by deleting the words “the licensing authority” in the marginal note and substituting the words “authorised person or Licensing Officer”.

Repeal of section 17

11. Section 17 of the principal Act is repealed.

Amendment of section 20

12. Section 20 of the principal Act is amended by deleting “\$400” and substituting “\$2,000”.

Amendment of section 21

13. Section 21 of the principal Act is amended by deleting “\$1,000” in the 7th line and substituting “\$3,000”.

Amendment of section 23

14. Section 23 of the principal Act is amended by deleting “\$500” in the penultimate line and substituting “\$2,000”.

Amendment of section 26

15. Section 26 of the principal Act is amended by deleting “\$500” in the 2nd line of the proviso and substituting “\$2,000”.

Amendment of section 32

16. Section 32(2) of the principal Act is amended by deleting “\$100” in the last line and substituting “\$1,000”.

Amendment of section 33

5 17. Section 33 of the principal Act is amended —

- (a) by deleting the words “, about to leave” and substituting the words “that is in or that is about to leave”;
- (b) by inserting, immediately after the word “port” wherever it appears in subsections (1) and (4), the words “or airport”;
- 10 (c) by deleting the words “or the licensing authority” in the 19th line of subsection (1) and substituting the words “, the Licensing Officer, the Commander, Airport Police or the Commander, Police Coast Guard”;
- (d) by deleting the words “or the licensing authority” in the 1st line
15 of subsection (3) and substituting the words “, the Licensing Officer, the Commander, Airport Police or the Commander, Police Coast Guard”; and
- (e) by inserting, immediately after subsection (4), the following subsection:

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

Amendment of section 35

18. Section 35 of the principal Act is amended —

- 25 (a) by deleting the words “or port” in the 4th line and substituting the words “, port or airport”; and
- (b) by deleting the words “or vessel” in the 5th line and substituting the words “, vessel or aircraft”.

Amendment of section 40

30 19. Section 40(1) of the principal Act is amended —

(a) by inserting, immediately after the words “noxious gases” in the penultimate line and in the last line of paragraph (h), the words “or noxious substances”; and

(b) by inserting, immediately after paragraph (s), the following paragraph:

“(sa) to regulate the possession and use of arms by schools and clubs for sporting activities and to exempt any school or club from the requirement for a licence under this Act, subject to such conditions as may be prescribed;”.

New section 40A

20. The principal Act is amended by inserting, immediately after section 40, the following section:

“Power to amend Schedule

40A. The Minister may, by order published in the *Gazette*, amend the Schedule.”.

Amendment of section 41

21. Section 41 of the principal Act is amended —

(a) by deleting the words “or the master of the vessel,” in the 9th line of subsection (1) and substituting the words “the master of the vessel, the pilot-in-command of the aircraft”; and

(b) by inserting, immediately after the word “master” in the 1st line of subsection (2), the word “, pilot-in-command”.

Miscellaneous amendments

22. The principal Act is amended —

(a) by inserting, immediately after the words “noxious gas” wherever they appear in the following provisions, the words “or noxious substance”:

Sections 4(1)(a) (last line), 6(1) and marginal note, 7(1) (4th and 10th lines) and (2) (5th line), 19 (2nd line) and 32(1) (4th and penultimate lines) and (2) (3rd line);

(b) by deleting “\$1,000” in the following provisions and substituting in each case “\$5,000”:

Sections 6(2), 8(3) (penultimate line) and 19 (last line);

(c) by deleting “\$200” in the following provisions and substituting in each case “\$1,000”:

Sections 12(3) (3rd line), 13(3), 22 (penultimate line) and 24; and

(d) by deleting the words “licensing authority” in the following provisions and substituting in each case the words “Licensing Officer”:

Sections 10(b), 13(1) (2nd line of the proviso), 14(1) (last line), 15(4), 27(1) (penultimate line), 28 (3rd line), 29(1) (last line), 32(1) (1st line) and 40(1)(j) and (k).

New Schedule

23. The principal Act is amended by inserting, immediately after section 42, the following Schedule:

“THE SCHEDULE

Section 2(1)

DETECTION AGENTS

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

EXPLANATORY STATEMENT

This Bill seeks to amend the Arms and Explosives Act (Cap. 13) to give effect to the Convention on the Marking of Plastic Explosives for the Purpose of Detection concluded in Montreal on 1st March 1991 and for other miscellaneous purposes.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2(1) to introduce new definitions for the words “authorised military device”, “authorised military or police personnel”, “authorised person”, “Commercial and Industrial Security Corporation”, “detection agent”, “high explosives”, “plastic explosive”, “pilot-in-command” and “unmarked plastic explosive”, to amend the definitions of “arms” and “master” and to substitute the definition for “licensing authority” with the definition for “Licensing Officer” in light of the repeal and re-enactment of section 9 (clause 7).

Clause 3 amends section 3 to provide that the new sections 3A to 3D and the rules made under section 3D apply to the Government, any other person referred to in subsection (1), the articles referred to in subsection (1)(f) and the arms and ammunition referred to in subsection (1)(g).

Clause 4 introduces 4 new sections, namely sections 3A to 3D.

The new section 3A prohibits any person from manufacturing any unmarked plastic explosive unless such unmarked plastic explosive is manufactured in a quantity no greater than that necessary for the purposes specified in subsection (1).

The new section 3B prohibits any person from possessing or transferring possession of any unmarked plastic explosive unless such unmarked plastic explosive is possessed or transferred to another person in a quantity no greater than that necessary for the purposes specified in subsection (1)(a) or the unmarked plastic explosive has been incorporated as an integral part of an authorised military device and is possessed or transferred in the course of his duty by an authorised military or police personnel or a member of a visiting force lawfully present in Singapore under subsection (1)(b). The prohibition does not apply to any unmarked plastic explosive which is manufactured in or imported into Singapore before the appointed day, for a limited period of 15 years and 3 years, respectively, where such unmarked plastic explosive is in the possession of or transferred by an authorised military or police personnel in the course of his duty, or by any other person authorised by the Minister. In this section and the new section 3C, the appointed day is the date of commencement of section 4 of the Arms and Explosives (Amendment) Act 2002.

The new section 3C prohibits any person from importing or exporting any unmarked plastic explosive unless such unmarked plastic explosive is imported or exported in a quantity no greater than that necessary for the purposes specified in subsection (1)(a) or has been incorporated as an integral part of an authorised military device and is imported or exported in the course of his duty by an authorised military or police personnel or a member of a visiting force lawfully present in Singapore under subsection (1)(b). The prohibition does not apply, for a limited period of 15 years from the appointed day, to the import or export by any authorised military or police

personnel in the course of his duty of any unmarked plastic explosive manufactured in or imported into Singapore before that day.

The new section 3D empowers the Minister to make rules for carrying out the purposes of sections 3A, 3B and 3C.

Clause 5 amends section 7(1) to make it clear that where an aircraft is used for the exportation or removal of any article in contravention of any notification issued under section 4, or the importation of any explosive or poisonous or noxious gas or noxious substance in contravention of any notification issued under section 5 or 6, the pilot-in-command is guilty of an offence under this section. This amendment is consequential to the deletion of the reference to “aircraft” from the definition of “master” in section 2. Section 7(1) is also amended to increase the maximum amount of security deposit which the court may impose under that section from \$5,000 to \$20,000.

Clause 6 amends section 8 —

- (a) to also prohibit under subsection (1), the possession, import, export and manufacture of noxious substance and the possession, export and manufacture of explosives except under and in accordance with the conditions of a licence;
- (b) to make the import, export and manufacture of noxious substance and the export and manufacture of explosives in contravention of subsection (1) an offence under subsection (2) as well;
- (c) to make the possession of explosives and noxious substance in contravention of subsection (1) an offence under subsection (4) as well; and
- (d) to increase the penalty prescribed in subsections (2) and (4).

Clause 7 repeals and re-enacts section 9 to enable the Minister to appoint a Licensing Officer and such number of Assistant Licensing Officers as he may consider necessary for the purposes of the Act and to empower the Licensing Officer to issue licences on payment of prescribed fees and charges.

Clause 8 amends section 11 to reduce the period for appeals specified in that section from one month to 14 days.

Clause 9 amends section 15 to allow guns, arms or explosives in respect of which the licence to possess such guns, arms or explosives has expired or has been suspended or cancelled, to be deposited with such authorised person and at such place as may be specified in the licence or by notice in writing by the Licensing Officer. “Authorised person” as defined in section 2 means the Commercial and Industrial Security Corporation or any other auxiliary police force established under any written law and which is authorised by the Licensing Officer to accept the deposit of guns, arms or explosives.

Clause 10 amends section 16 to allow guns, arms or explosives deposited with an authorised person or the Licensing Officer to be forfeited by the Government if they are not claimed by the owner or owners within 6 months from the date of deposit.

Clause 11 repeals section 17 which is a redundant provision.

Clause 12 amends section 20 to increase the penalty for contravention of that section from \$400 to \$2,000.

Clause 13 amends section 21 to increase the penalty for contravention of that section from \$1,000 to \$3,000.

Clause 14 amends section 23 to increase the penalty for contravention of that section from \$500 to \$2,000.

Clause 15 amends section 26 to increase the penalty for contravention of that section from \$500 to \$2,000.

Clause 16 amends section 32(2) to increase the penalty for contravention of that section from \$100 to \$1,000.

Clause 17 amends section 33 primarily to empower (in addition to the Port Master and the Licensing Officer) the Commander, Airport Police and the Commander, Police Coast Guard to issue search warrants under the section and to extend the power of search to vessels or aircraft in any port or airport of Singapore and not just vessels or aircraft about to leave any port of Singapore under the existing subsection (1).

Clause 18 amends section 35 to allow a person who commits an offence under the Act which tends to cause explosion or fire in or about any airport or aircraft to be apprehended without a warrant by the persons specified in the section as well.

Clause 19 amends section 40(1) to include noxious substances under paragraph (h) and to empower the Minister to make rules to regulate the possession and use of arms by schools and clubs for sporting activities and to exempt any school or club from having to obtain a licence under the Act, subject to such conditions as may be prescribed.

Clause 20 introduces a new section 40A to empower the Minister to amend, by order published in the *Gazette*, the Schedule that is inserted by clause 23.

Clause 21 amends section 41 to require the pilot-in-command of an aircraft to notify the police where an accident by explosion or fire described in that section occurs in or about or in connection with any aircraft conveying an explosive on or from which an explosive is being loaded or unloaded.

Clause 22 contains miscellaneous amendments to increase the penalties prescribed in certain sections of the Act, to expand the scope of certain sections to include noxious substance and to replace the references to “licensing authority” with “Licensing Officer”.

Clause 23 inserts a new Schedule which sets out the substances referred to in the definition of “detection agent” in section 2(1).

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
