



LAWS OF MALAYSIA

ONLINE VERSION OF UPDATED
TEXT OF REPRINT

Act 206

ARMS ACT 1960

As at 1 February 2017

ARMS ACT 1960

First enacted	...	...	...	1960 (Act No. 21 of 1960)
Revised	...	...	...	1978 (Act 206 w. e. f. 15 November 1978)
Latest amendment made by P.U. (A) 360/2016 which came into operation on	...	...	...	1 January 2017

PREVIOUS REPRINTS

<i>First Reprint</i>	...	...	...	...	...	2001
<i>Second Reprint</i>	...	...	...	...	...	2006

LAWS OF MALAYSIA

Act 206

ARMS ACT 1960

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title
2. Interpretation

PART II

LICENCES AND PERMITS

Arms Licences and Arms Permits

3. No person to possess, carry or use arms or ammunition without an arms licence or an arms permit
4. Grant and renewal of arms licences and arms permits
5. Restrictions on the grant of arms licences and arms permits
6. Exemptions from requirements to hold arms licences or arms permits
7. Loss or destruction of, or obliteration, *etc.*, of marks on, arms and ammunition
8. Penalty for possessing or carrying arms and ammunition without an arms licence or arms permit, *etc.*

Dealers' Licences, Repairers' Licences, and Combined Dealers' and Repairers' Licences

9. Licences to deal in and repair arms and ammunition
10. Boards to be affixed at dealers and repairers shops

*Licences to Purchase, Obtain or Transfer Arms and
Ammunition*

Section

11. Restrictions on the sale and transfer of arms and ammunition; licence to purchase, obtain or transfer arms and ammunition

Licences to Manufacture Arms and Ammunition

12. No person to manufacture arms or ammunition without licence
13. Boards to be affixed at place of manufacture
14. Penalty for manufacturing without licence and for breach of conditions of licence

*Import and Export of Arms and Ammunition and
Licences therefor*

15. Licence to import
16. Marking of cases and notice of importation
17. Declaration of arms and ammunition
18. Permit to land or tranship arms and ammunition
19. Licence to export
20. Ports and places of import and export
21. Minister may prohibit importation or exportation
22. Penalty in respect of vessel, aircraft or vehicle used for illegal importation or exportation
23. Penalty for unlawful importation or exportation
24. Concealing unlawfully imported arms or ammunition

General

25. Inspection of stock-in-trade
26. Returns of arms and ammunition and production of arms and ammunition, *etc.*, to police
27. Deposit of arms and ammunition at police station
28. Lost, destroyed, *etc.*, licences and permits
29. Where licensee under disability
30. Refusal and revocation of licences and permits
31. Minister's power to order revocation of licences and permits

PART III

OTHER OFFENCES, PENALTIES AND PROCEEDINGS

Section

32. Penalty for use and possession of arms and imitation arms in certain cases
33. Possession of arms and ammunition for unlawful purpose
34. Carrying a firearm while drunk or disorderly
35. Loss of firearms or ammunition
36. Possession of and importation of imitation arms
37. Causing injury with an arm without lawful excuse
38. Provisions as to shortening arms and converting imitation arms
39. Arms not to be discharged except at shooting range, *etc.*
40. Finding of arms or ammunition
41. Abetment and attempt
42. Offences by bodies of persons, servants and agents
43. General penalty
44. Rewards to informers
45. Presumption
46. Jurisdiction of Courts

PART IV

SEARCH, SEIZURE AND ARREST

47. Search for arms or ammunition under warrant
48. Search warrant against persons
49. Entry and search by Magistrate, *etc.*
50. Entry on place where arms or ammunition are used
51. Search of trains, vessels, aircraft and vehicles
52. Power to stop and search for arms, *etc.*, in the street
53. Seizures and forfeitures
54. Persons conveying arms or ammunition may be apprehended without warrant
55. Arrest by police without warrant
56. Persons arrested to be taken to police station

PART V

GENERAL

Section

57. Power of Chief Police Officer to delegate
58. Fees
59. Regulations
60. Minister's powers to exempt
61. Repeal and saving

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

LAWS OF MALAYSIA**Act 206****ARMS ACT 1960**

An Act relating to arms, imitation arms and ammunition.

*[Peninsular Malaysia—1 March 1962,
L.N. 63/1962;
Sabah and Sarawak—1 September 1977,
P.U. (A) 260/1977]*

PART I**PRELIMINARY****Short title**

1. This Act may be cited as the Arms Act 1960.

Interpretation

2. (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 Act 1953 [*Act 345*] 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 [*Act 344*];

“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;

“proper officer of customs” has the same meaning as in the Customs Act 1967 [*Act 235*];

“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.

PART II

LICENCES AND PERMITS

Arms Licences and Arms Permits

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

3. (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.

Grant and renewal of arms licences and arms permits

4. (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 30 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 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.

Restrictions on the grant of arms licences and arms permits

5. (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.

Exemptions from requirements to hold arms licences or arms permits

6. (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 subject 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 30 June of the same year under an arms licence or arms permit in that behalf.

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

7. (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 subsection 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.

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

8. 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.

*Dealers' Licences, Repairers' Licences, and Combined
Dealers' and Repairers' Licences*

Licences to deal in and repair arms and ammunition

9. (1) Subject to this Act and any regulations made thereunder, no person shall sell or transfer, or keep or expose for sale or transfer, any arms or ammunition unless he is the holder of a valid licence to deal in arms and ammunition granted to him under this section:

Provided that—

- (a) the holder of an arms licence in respect of any arms or any firm, partnership, company or corporation owning such arms may, subject to section 3, sell or transfer otherwise than by way of trade or business any such arms;
- (b) a person lawfully carrying on the business of an auctioneer may sell by auction or keep or expose for sale by auction without holding a dealer's licence any arms or ammunition in respect of which there is an arms licence in force if the auctioneer has obtained permission in writing from a Chief Police Officer to sell arms or ammunition by auction and he complies with all the conditions and observes all the restrictions subject to which the permission is stated in writing to be granted; and
- (c) a licensed manufacturer may keep any arms or ammunition manufactured or to be used for manufacturing under his licence without holding a dealer's licence.

(2) Subject to this Act and any regulations made thereunder, no person shall repair or accept for repair any arms or ammunition, other than arms or ammunition in respect of which he holds a valid arms licence or permit, unless a licence to repair arms and ammunition has been granted to him under this Act and is in force.

(3) A licence granted under this section may be a licence to deal in arms and ammunition only, or a licence to repair arms and ammunition only, or a combined licence both to deal in and to repair arms and ammunition, and in the latter case shall be deemed to be for the purposes of this Act both a dealer's licence and a repairer's licence.

(4) An application for a licence under this section shall be made in the prescribed form to the Chief Police Officer of the State in which the applicant proposes to carry on business as a dealer or repairer or both, as the case may be, and shall state such particulars as may be prescribed:

Provided that where the applicant is a person who holds or is at the same time applying for a licence to manufacture arms or ammunition he shall make such application to the Minister.

(5) A person carrying on any trade or business of dealing in or repairing arms and ammunition at more than one place of business shall apply for a licence in respect of each such place of business.

(6) Subject to this Act and any regulations made thereunder, the Chief Police Officer or the Minister, as the case may be, may grant to the applicant a dealer's licence or repairer's licence, or a combined dealer's and repairer's licence, in accordance with his application, if he is satisfied that the applicant can be permitted to carry on business as such dealer or repairer, or both, as the case may be, without danger to the public safety or the public interest.

(7) A licence granted under this section shall be in such one of the prescribed forms as may be appropriate, and shall specify the address of the place of business in respect of which it is granted and the conditions and restrictions subject to which it is to be held.

(8) Every licence granted under this section shall expire on 31 December next following the date of issue but may be renewed by the Chief Police Officer of the State in which the holder carries on business or the Minister, as the case may be, for a further period of one year from the said 31 December, and so on, from time to time; and this section shall apply to the renewal of such licence as it does to the grant thereof.

(9) The particulars of every licence granted under this section shall be entered in a register which shall be kept by the Chief Police Officer or the Minister, as the case may be, and in such form and manner and at such place as may be prescribed.

(10) A licensed dealer or licensed repairer shall keep such books and records in such manner and containing such particulars as may be prescribed, and shall on demand produce the same for the inspection of any police officer

of or above the rank of sergeant at such place or time as the police officer may reasonably require.

(11) A licensed dealer or licensed repairer shall make such returns, containing such particulars and made at such dates and in such manner to the Chief Police Officer of the State in which his place of business is situate, as may be prescribed:

Provided that where the licence to deal or licence to repair is granted by the Minister, such returns shall be made to the Minister.

(12) A licensed dealer or licensed repairer who—

- (a) carries on business in arms or ammunition;
- (b) sells or transfers by way of trade or business any arms or ammunition;
- (c) keeps or exposes for sale or transfer any arms or ammunition; or
- (d) repairs or has in his possession, custody or control for repair any arms or ammunition,

at any place other than a place in respect of which he holds a licence under this section shall, on conviction, for each such offence be liable to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand ringgit or to both.

(13) Any licensed dealer or licensed repairer who fails to comply with any condition or to observe any restriction subject to which the dealer's or repairer's licence is held by him shall, on conviction, be liable in respect of each such offence to imprisonment for a term not exceeding two years or to a fine not exceeding one thousand ringgit or to both.

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

Boards to be affixed at dealers and repairers shops

10. (1) Every licensed dealer and licensed repairer shall affix and maintain in a conspicuous position outside the door of his shop or place of business a board bearing the words “Licensed to Deal in and to Repair Arms and Ammunition” or “Licensed to Deal in Arms and Ammunition” or “Licensed to Repair Arms and Ammunition”, as the case may be, distinctly printed in letters not less than two inches high.

(2) Any person who contravenes this section shall, on conviction, be liable to a fine not exceeding five hundred ringgit.

*Licences to Purchase, Obtain or Transfer Arms
and Ammunition*

Restrictions on the sale and transfer of arms and ammunition; licence to purchase, obtain, or transfer arms and ammunition

11. (1) No person shall sell or transfer any arms or ammunition except to—

(a) a licensed dealer or licensed repairer;

(b) a person who shows that he is entitled to have the arms or ammunition in his possession by virtue of this Act or of any licence or permit thereunder, provided that in the case of a person entitled by virtue of a licence or permit, he produces the licence or permit to the person selling or transferring the same; or

(c) to a person who is and whom he knows or believes to be a police officer or other public officer acting in the course of his duty in accepting delivery of the arms or ammunition.

(2) No person shall knowingly accept delivery of any arms or ammunition unless he is the holder of a valid licence granted to him under this section authorizing him to purchase or acquire the arms or ammunition or unless he is otherwise entitled under this Act or by virtue of any licence or permit granted to him thereunder to have possession, custody or control thereof.

(3) Any person who accepts delivery on purchase or transfer of any arms or ammunition under the authority of any licence granted to him under this section shall—

(a) endorse the said licence with the date of delivery and such particulars of the arms and ammunition so purchased or transferred and such other particulars as may be prescribed; and

(b) return the licence so endorsed within one month of the purchase or transfer to the officer by whom the licence was granted.

(4) A licence to purchase or obtain or transfer arms and ammunition shall be in such form as may be prescribed and shall be issued by the Chief Police Officer of the State in which the applicant therefor resides, and shall be subject to such conditions and restrictions as may be specified therein:

Provided that where the applicant is a person who holds or is at the same time applying for a licence to manufacture arms or ammunition, such licence shall be issued by the Minister.

(5) Any person who contravenes this section 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.

Licences to Manufacture Arms and Ammunition

No person to manufacture arms or ammunition without licence

12. (1) No person shall manufacture any arm or ammunition unless he is the holder of a valid licence to manufacture arms or ammunition granted to him by the Minister under this section.

(2) The Minister may, if he considers it in the national interest to do so, grant to any applicant a licence to manufacture arms or ammunition and such licence shall be subject to this Act and any regulations made thereunder, and to all conditions and restrictions imposed in such licence which may include—

(a) the type and quantities of arms or ammunition the holder of the licence is authorized to manufacture;

- (b) the security measures to be undertaken by the holder of the licence at the place of manufacture or any other place;
 - (c) the requirement that the holder of the licence, if it is a company, firm, society or other body of persons, permits a government official nominated by the Minister to be present at any meeting of its board of management; and
 - (d) any other conditions which the Minister may deem fit to impose.
- (3) A licence to manufacture arms or ammunition shall be in the prescribed form and be valid for such period as the Minister may specify but may at any time be varied, suspended or cancelled by the Minister.
- (4) A licensed manufacturer shall keep such books and records in such manner and containing such particulars as may be prescribed, and shall on demand produce the same for the inspection of any police officer of or above the rank of sergeant at such place or time as the police officer may reasonably require.
- (5) A licensed manufacturer shall make to the Minister such returns containing such particulars and made at such dates and in such manner as may be prescribed.
- (6) Notwithstanding anything in this Act, if the Minister grants the application for a licence to manufacture arms or ammunition under this section, he may vary the conditions attached to any other licence granted to the applicant under this Act.
- (7) This section shall also apply to an application for renewal of a licence to manufacture arms or ammunition as it applies to the grant thereof.

Boards to be affixed at place of manufacture

13. (1) Every licensed manufacturer shall affix and maintain in a conspicuous position outside the place of manufacture a board bearing the words “Licensed to Manufacture Arms and Ammunition” or “Licensed to Manufacture Arms” or “Licensed to Manufacture Ammunition”, as the case may be, distinctly printed in letters not less than two inches high.

(2) Any person who contravenes this section shall, on conviction, be liable to a fine not exceeding five hundred ringgit.

Penalty for manufacturing without licence and for breach of conditions of licence

14. (1) Any person who manufactures an arm or ammunition—

(a) without a valid licence granted under section 12; or

(b) in contravention of any condition imposed under paragraph 12(2)(a),

shall, on conviction, be liable to punishment with—

(i) death; or

(ii) imprisonment for life and whipping with not less than six strokes,

and, in the case of a company, firm, society or body of persons, with a fine not exceeding five hundred thousand ringgit.

(2) Any licensed manufacturer who fails to comply with any condition or to observe any restriction imposed by the licence other than conditions imposed under paragraph 12(2)(a) shall, on conviction, be liable to a fine not exceeding twenty-five thousand ringgit, and, in the case of a company, firm, society or body of persons, to a fine not exceeding one hundred thousand ringgit.

*Import and Export of Arms and Ammunition and
Licences therefor*

Licence to import

15. (1) No person shall import any arms or ammunition or parts of arms into Malaysia, either by sea, land or air, unless he holds a licence in that behalf.

(2) Such licence may be obtained on application to the Chief Police Officer of any State, and shall be in such form as may be prescribed:

Provided that where the applicant is a person who holds or is at the same time applying for a licence to manufacture arms or ammunition such application shall be made to the Minister.

(3) Every holder of such licence shall endorse thereon descriptive particulars of all arms and ammunition and parts of arms imported thereunder, and shall return the licence to the Officer in Charge of the Police District wherein he resides within three days from the expiration of the term allowed thereby.

(4) A *bona fide* traveller arriving in Malaysia may on application at the place of arrival to any police officer appointed in writing in that behalf by the Chief Police Officer of the State, obtain from him an interim licence to import into Malaysia and to possess and carry his personal arms and ammunition. The licence shall be in such form as may be prescribed and shall remain in force for a period of one month from the date of issue, and no arms or ammunition imported thereunder may be re-exported without an export licence or an endorsement enabling re-exportation on the interim import licence.

(5) An interim licence may be issued under subsection (4) to the manager or other responsible member of a theatrical or circus company in respect of arms and ammunition to be used in the performances of the company, but the arms and ammunition and the interim licence must be produced by the holder thereof to the Officer in Charge of each Police District in which the company performs and the licence shall be endorsed by him.

Marking of cases and notice of importation

16. When arms or ammunition are imported into Malaysia for the purposes of trade or profit—

- (a) the case or package, if any, containing the same shall be distinctly and legibly marked with the words “Firearms” or “Ammunition”, or shall be marked in such other manner as the Minister may by order prescribe; and

- (b) notice of the intended importation and of the name of any vessel and of the estimated date and time of arrival of the vessel or of any aircraft, train or vehicle whereby the same is to be effected shall, if known, be given to the proper officer of customs at the port or place of import before the arrival thereof at such port or place.

Declaration of arms and ammunition

17. Every person entering Malaysia who has in his possession or among his baggage any arms or ammunition, and every consignee receiving any arms or ammunition imported into Malaysia, shall make a declaration thereof at such time and place, in such manner, and with such particulars, as may be prescribed, and shall at the same time produce the licence issued under section 15 for the importation of the arms or ammunition.

Permit to land or tranship arms and ammunition

18. (1) The Chief Police Officer of any State may, upon application by the owner, agent, master or captain of any vessel or aircraft arriving or about to arrive at any port or place in the State, grant a permit to the owner, agent, master or captain authorizing him to land any arms or ammunition consigned upon the vessel or aircraft to the port or place or for transhipment at the port or place.

(2) The Chief Police Officer of any State may, upon application by the owner, agent, master or captain of any vessel or aircraft arriving or about to arrive at any port or place in the State and having on board any arms or ammunition for transhipment at the port or place, grant to the owner, agent, master or captain a permit to tranship the arms or ammunition.

(3) The owner, agent, master or captain of the vessel or aircraft shall, upon the grant of a permit under subsection (1) or (2), cease to be liable to any prosecution for importing the arms or ammunition without a licence; but the granting of such permit shall not render any other person free from any prosecution for importing the arms or ammunition without a licence.

Licence to export

19. (1) No person shall export any arms or ammunition from Malaysia either by sea, land or air unless he holds a licence in that behalf.

(2) Such a licence may be obtained on application to the Chief Police Officer of any State, and shall be in such form as may be prescribed:

Provided that where the applicant is a person who holds or is at the same time applying for a licence to manufacture arms or ammunition such application shall be made to the Minister.

Ports and places of import and export

20. The Minister may, from time to time, by notification in the *Gazette*, declare that arms or ammunition or particular classes of arms or ammunition shall not be imported into or exported from Malaysia except at ports or places specified in the notification, and no arms or ammunition shall be imported into or exported from Malaysia contrary to the terms of the notification.

Minister may prohibit importation or exportation

21. (1) The Minister may, from time to time, by notification in the *Gazette*, prohibit for a period to be specified in the notification either the importation or the exportation of any arms or ammunition or parts of arms or of particular kinds of arms or ammunition or parts of arms without a special permit signed by himself.

(2) Any such prohibition of exportation may either be absolute or may relate to such place or places as shall be specified in the notification; and any person who takes or sends any article out of Malaysia by sea, land or air with the intention that it shall ultimately reach a particular place either directly or indirectly shall, for the purposes of this section, be deemed to export the arms or ammunition to that place.

(3) Any person who imports or exports any arms or ammunition or parts of arms in contravention of any notification published under this section or in breach of the restrictions and conditions subject to or upon which any special

permit is issued shall, on conviction, be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding ten thousand ringgit or to both.

Penalty in respect of vessel, aircraft or vehicle used for illegal importation or exportation

22. (1) If any vessel, aircraft or vehicle is used—

- (a) for the importation or exportation of any arms or ammunition or parts of arms in contravention of a notification under section 21; or
- (b) for the receipt or storage of any arms or ammunition or parts of arms imported in contravention of a notification under section 21,

then—

(A) the owner, master or captain thereof shall, on conviction, be liable to imprisonment for a term not exceeding seven years, or to a fine not exceeding ten thousand ringgit, or to both, unless it is proved to the satisfaction of the court that the said owner, master or captain was not implicated in the placing of the arms or ammunition or parts of arms on board the vessel, aircraft or vehicle, and that the offence in question was committed without his knowledge, consent or connivance; and

(B) the vessel, aircraft or vehicle may be detained by order of the court until security has been given for such sum as the court orders, not exceeding ten thousand ringgit.

(2) The finding of any arms or ammunition or parts of arms which are subject to a prohibition under section 21 on board any vessel, aircraft or vehicle shall be *prima facie* evidence that the vessel, aircraft or vehicle has been used for the importation or exportation of arms or ammunition or parts of arms contrary to this Act, or for the receipt or storage of arms or ammunition or parts of arms imported contrary thereto.

(3) For the purposes of this section the expression “master” includes every person, except a pilot, having command or charge of a vessel.

Penalty for unlawful importation or exportation

23. (1) Any person who contravenes subsection 15(1) or 19(1) shall, on conviction, be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding ten thousand ringgit or to both.

(2) Any person who contravenes subsection 15(3), section 16, 17 or 20 shall, on conviction, be liable to a fine not exceeding one thousand ringgit.

Concealing unlawfully imported arms or ammunition

24. Whoever knowingly conceals any arms or ammunition imported without a licence shall, on conviction, be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding ten thousand ringgit or to both.

General

Inspection of stock-in-trade

25. (1) Every licensed dealer, licensed repairer and licensed manufacturer shall on the demand of any police officer of or above the rank of sergeant submit his stock-in-trade, which shall be deemed to include arms in his possession for repair, to the inspection of the officer.

(2) Whoever intentionally conceals the stock-in-trade of any such person from a police officer of or above the rank of sergeant or wilfully refuses to point out where the same is kept shall, on conviction, be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding ten thousand ringgit or to both.

Returns of arms and ammunition and production of arms and ammunition, etc., to police

26. (1) The Chief Police Officer in any State may, from time to time, at his discretion by order published in the *Gazette*, require every person resident in the State who is authorized under any licence, permit or other written authority issued under any written law for the time being in force in the State to carry, possess or have in his custody or under his control any arms or ammunition or any arm or ammunition of any such class or kind as may be specified in the said order, to forward to the Chief Police Officer within such time as may be specified in the said order, a return under his hand, setting forth such particulars as may be specified in the said order of all arms and ammunition, or of all arms and ammunition of such specified class or kind, which are in his possession or in his custody or under his control.

(2) Any senior police officer or any Officer in Charge of a Police District may, for reasons to be first recorded by him, authorize by name and in writing any police officer not below the rank of corporal to require any person, or the persons living in any locality within his jurisdiction, to produce his or their licence or licences granted under this Act and to produce or account for the arms and ammunition described therein.

(3) Any power which a senior police officer or an Officer in Charge of a Police District is by this section empowered to authorize to be exercised by a police officer not below the rank of corporal may be exercised in person by a senior police officer or by an Officer in Charge of a Police District.

(4) Any arms or ammunition produced to or discovered by a police officer in any State under this section may, if the Chief Police Officer, for reasons of public safety to be duly recorded by him, so directs, be detained by the police for any period not exceeding one month.

(5) Any person who—

(a) fails to forward any return required by any order made under subsection (1) within the specified time;

(b) forwards any return required by any order made under subsection (1) which contains any false statement or omission; or

- (c) fails to account satisfactorily to an officer authorized by or under subsection (2) for any arms or ammunition described in any licence issued to him during the period for which the licence is in force or after its expiry, suspension or cancellation,

shall, on conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred ringgit or to both.

Deposit of arms and ammunition at police station

27. (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.

Lost, destroyed, etc., licences and permits

28. 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.

Where licensee under disability

29. (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.

Refusal and revocation of licences and permits

30. (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, any 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.

Minister's power to order revocation of licences and permits

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

PART III

OTHER OFFENCES, PENALTIES AND PROCEEDINGS

Penalty for use and possession of arms and imitation arms in certain cases

32. (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.

Possession of arms and ammunition for unlawful purpose

33. 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 or to both, and shall also be liable to whipping.

Carrying a firearm while drunk or disorderly

34. 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.

Loss of firearms or ammunition

35. 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.

Possession of and importation of imitation arms

36. (1) Any person who shall import or have in his possession or custody an imitation arm shall, on conviction, be liable to imprisonment for a term not exceeding one year or to a fine not exceeding five thousand ringgit or to both:

Provided that it shall not constitute an offence under this section—

- (a) for a person under the age of fourteen years to possess an imitation arm; or
- (b) for any person to import or be in possession of an imitation arm under and in accordance with a licence, in such form as may be prescribed, issued by the Chief Police Officer of the State in which the person resides or, in the case of a person importing the arms in the ordinary course of business, in which he carries on business.
- (2) It shall be lawful for a Magistrate upon the request in writing of a Chief Police Officer to order that any imitation arm be destroyed by the police, whether any person has been or could be convicted of any offence against this section or not; and no compensation shall be payable in respect of any destruction under this subsection.
- (3) No prosecution under this section shall be commenced without the consent of the Public Prosecutor.

Causing injury with an arm without lawful excuse

37. 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.

Provisions as to shortening arms and converting imitation arms

38. (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).

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

39. 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.

Finding of arms or ammunition

40. Any person who finds any arm or ammunition shall forthwith report such finding to the police.

Abetment and attempt

41. 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.

Offences by bodies of persons, servants and agents

42. (1) Where an offence against this Act or any regulations made thereunder has been committed by a company, firm, society or other body of persons, any person who at the time of the commission of the offence was a director, manager, secretary or other similar officer or a partner of the company, firm, society or other body of persons or was purporting to act in that capacity shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

(2) Where any person would be liable under this Act to any punishment, penalty or forfeiture for any act, omission, neglect or default he shall be liable to the same punishment, penalty or forfeiture for every such act, omission, neglect or default of any clerk, servant or agent, or of the clerk or servant of the agent, provided that the act, omission, neglect or default was committed by the clerk or servant in the course of his employment, or by the agent when acting on behalf of that person, or by the clerk or servant of the agent when acting in the course of his employment in such circumstances that had the act, omission, neglect or default been committed by the agent his principal would have been liable under this section.

General penalty

43. 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.

Rewards to informers

44. In case of a conviction involving a fine under any section of this Act or under any regulations made thereunder it shall be lawful for the court inflicting the fine to direct, on the application of the prosecution, that any part thereof, not exceeding one-half—

(a) shall be paid to any person who has given such information to the police as has led to the conviction of the offender or offenders; or

(b) shall be divided, in such proportions as the court may direct, among any persons who have given such information.

Presumption

45. (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.

Jurisdiction of Courts

46. The Sessions Court Judge shall have power to impose the full penalty or punishment, other than the death penalty, provided by this Act.

PART IV

SEARCH, SEIZURE AND ARREST

Search for arms or ammunition under warrant

47. (1) A Magistrate, a senior police officer or an Officer in Charge of a Police District, on being satisfied upon written information and after any enquiry which he may think necessary that—

(a) any person residing within the limits of his jurisdiction—

- (i) has in his possession, custody or control any arms or ammunition in contravention of this Act or of any licence or permit in respect thereof; or
 - (ii) has in his possession, custody or control any arms or ammunition whereof he cannot be left in possession without danger to the public peace; or
- (b) any arms or ammunition are in or on any house, premises or other building or place or any vessel, aircraft or vehicle, in contravention of this Act or of any licence or permit issued thereunder,

may by warrant authorize any person therein named or any police officer with such assistance and by such force as may be necessary by night or by day—

- (A) to enter or board and search any house, premises or other building or place, or any vessel, aircraft or vehicle, specified in the warrant and to search all persons found therein or thereon;
- (B) to seize and detain any arms or ammunition found as a result of the search; and
- (C) to arrest any person found in or on the house, premises or other building or place, or on the vessel, aircraft or vehicle, whom the officer has reasonable grounds for suspecting to be about to commit or to be committing or to have committed any offence against this Act.

(2) Whoever, upon a search being made under this section, having in his possession, custody or control any arms or ammunition or knowing where any arms or ammunition are concealed, refuses to produce or point out the same to the person making the search, or intentionally conceals the same, shall, on conviction, be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding ten thousand ringgit or to both.

(3) No woman shall be searched under this section except by a woman.

Search warrant against persons

48. (1) A Magistrate, a senior police officer or an Officer in Charge of a Police District, on being satisfied upon information and after any enquiry which he may think necessary that there is good reason to believe that any arms or ammunition are likely to be found on any person in contravention of this Act or of any licence or permit issued thereunder may by warrant under his hand order any police officer to arrest and search the person, or may by warrant under his hand order any person therein named to arrest the person and to take him forthwith before any Magistrate or senior police officer or Officer in Charge of a Police District, who shall thereupon cause the person to be searched in his presence; and if any arms or ammunition are found upon the person he shall be taken before a Magistrate to be dealt with according to law.

(2) No woman shall be searched under this section except by a woman.

Entry and search by Magistrate, etc.

49. (1) Whenever a Magistrate, a senior police officer or an Officer in Charge of a Police District is competent to issue a warrant under section 47 or 48 he may himself exercise all the powers which may be conferred on a police officer under the section; and he may also exercise all such powers in any of the following cases:

- (a) in respect of any person who has within the preceding six months been convicted of any offence against this Act or any regulations made thereunder;
- (b) if he has personal knowledge of such facts and circumstances as satisfy him that there are sufficient grounds for a search under the said sections respectively; or
- (c) if he receives the required information orally, and either on oath or not on oath, under such circumstances that the object of a search would, in his opinion, be defeated by the delay necessary for reducing the information to writing: provided that in such event the name and address of the person giving the information are known to or

ascertained by the Magistrate or senior police officer or Officer in Charge of a Police District, before he acts upon the information.

(2) Whoever in giving such oral information makes a statement which he knows or believes to be false or does not believe to be true shall, on conviction, be liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding one thousand ringgit or to both.

Entry on place where arms or ammunition are used

50. Any police officer may enter and remain on any land or premises other than a dwelling-house at and for such time as may be reasonably necessary to enable him to ascertain whether a person carrying or using any arms or ammunition on the land or premises has a licence or permit in that behalf.

Search of trains, vessels, aircraft and vehicles

51. (1) If—

- (a) any train, vessel or aircraft in any port or place in Malaysia is suspected of having on board any article the importation or exportation of which is absolutely prohibited by a notification under section 21 and which is not exempted by this Act or by any special permit thereunder, or any such article is suspected to be in or on any vehicle in any such place; or
- (b) any train, vessel or aircraft about to leave any port or place in Malaysia bound for any particular country, territory or place is suspected of having on board any article the exportation of which to that country, territory or place is so prohibited and which is not exempted as aforesaid, or any such article is suspected to be in or on any vehicle about to leave any such place,

the Officer in Charge of the Police District in which the said port or place is situate may issue a search warrant directed to any boarding officer or boarding officers or any police officer not below the rank of sergeant in such warrant named or referred to.

(2) In the execution of such warrant any person to whom such warrant is directed may with or without assistance—

- (a) detain and board any train, vessel or aircraft in such warrant named or described;
- (b) forcibly enter every part of such train, vessel or aircraft; and
- (c) arrest any person reasonably suspected of being guilty of an offence against this Act.

(3) If upon any search made under this section—

- (a) any article the importation or exportation of which is absolutely prohibited by any notification under section 21 and which is not exempted by this Act or by any special permit thereunder is found on board any train, vessel or aircraft or in or on any vehicle; or
- (b) any article the exportation of which to any particular country, territory or place is so prohibited and which is not exempted as aforesaid is found on board any train, vessel or aircraft or in or on any vehicle about to leave any port or place for that country, territory or place,

it shall be presumed, unless and until the contrary is proved, that the article was attempted to be imported or exported, as the case may be, contrary to this Act, and the train, vessel, aircraft or vehicle may be detained for the purpose of removing any such article, and the same may be removed therefrom.

Power to stop and search for arms, *etc.*, in the street

52. (1) It shall be lawful for any police officer to stop and to search for arms, ammunition or imitation arms any person whom he may find in any street or other public place at any hour of the day or night who acts in a suspicious manner or whom he may suspect of having any arms, ammunition or imitation arms in his possession.

(2) No woman shall be searched under this section except by a woman.

Seizures and forfeitures

53. (1) All arms and ammunition in respect of which there has been any offence against this Act or any regulations made thereunder, or any restriction or condition subject to or upon which any licence or permit has been granted, shall be seized by any police officer or proper officer of customs and, together with the receptacles containing the same, shall be liable to forfeiture by order of a Sessions Court Judge or a Magistrate:

Provided that a Sessions Court Judge or a Magistrate may order the arms and ammunition or the receptacles to be released and to be delivered to such person as shall be named in the order, whether or not any person has been convicted of the offence.

(2) All arms and ammunition which may be found without an apparent owner shall be seized by any police officer and if, after such notice as a Magistrate may direct, no owner appears, the same may by order of a Magistrate be forfeited.

Persons conveying arms or ammunition may be apprehended without warrant

54. (1) If any person is found carrying or conveying any arms or ammunition in such a manner or under such circumstances as to afford reasonable grounds for suspicion that the same may be used for any unlawful purpose dangerous to the public peace, any person may, without warrant, apprehend the person so found and detain him in custody.

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

Arrest by police without warrant

55. Any police officer may arrest without warrant any person found committing or attempting to commit or employing, aiding or assisting any person to commit an offence under section 3, subsection 7(2), 9(1), section 12, subsection 15(1), 19(1), 22(1), section 24, subsection 25(2), paragraph

32(1)(a), section 34, subsection 36(1), section 37, subsection 38(4), section 39, 40 or subsection 47(2).

Persons arrested to be taken to police station

56. Every person arrested by virtue of any power given by this Act shall, together with any article as to which any offence may have been committed or attempted to be committed, be taken to a police station and conveyed, as soon as conveniently may be, before a Sessions Court or the Court of a Magistrate to be dealt with according to law.

PART V

GENERAL

Power of Chief Police Officer to delegate

57. A Chief Police Officer may, by notification in the *Gazette*, delegate—

- (a) to any senior police officer or an Officer in Charge of a Police District, either by name or office, the exercise of all the powers or the performance of all the duties vested in or conferred or imposed upon the said Chief Police Officer by this Act, or of such of the powers or duties aforesaid as he may specify in the notification;
- (b) to any superior police officer, either by name or office, the exercise of all the powers or the performance of all the duties vested in or conferred or imposed upon the said Chief Police Officer and relating to the issue and renewal of any licence or arms permit under this Act.

Fees

58. The fees specified in the Second Schedule shall, until rescinded or altered under section 59, be charged in respect of the various matters and things enumerated in the said Schedule:

Provided that a Chief Police Officer or, in the case of licences issued by the Minister, the Minister, may exempt any person from the payment of any fee payable under this Act.

Regulations

59. The Minister may from time to time make regulations for any of the following purposes:

- (a) to rescind, alter or add to any of the fees or forms prescribed by or under this Act;
- (b) to regulate the importation, exportation, landing, transshipping, transportation, conveyance, manufacture, sale, and purchase of arms, ammunition and imitation arms;
- (c) to provide for the marking of arms and ammunition for the possession of which a licence is issued;
- (d) to regulate the manner in which applications for licences or permits shall be made and to provide for the taking and recording of photographs and finger and thumb prints of applicants for licences or permits;
- (e) to regulate the conditions and restrictions on and subject to which licences and permits shall be granted, the grant of licences and permits generally (including the making of deposits or giving of security as a condition precedent for the grant thereof), the grounds on which they may be suspended or cancelled, and the fees payable therefor;
- (f) to provide for the furnishing of information in respect of arms and ammunition by persons in possession thereof;
- (g) to direct by whom and in what manner fees payable under this Act are to be collected and accounted for;
- (h) to regulate the disposition, destruction or sale of articles forfeited under this Act, or detained under section 26 or 47, or deposited under subsections 27(2) and (3); and

(i) generally to give effect to this Act,

and may restrict the operation of any such regulations to particular States, districts or areas.

Minister's powers to exempt

60. The Minister may from time to time by notification in the *Gazette* and either absolutely or subject to such conditions as he may think fit, exempt any arms and ammunition, or classes of arms and ammunition, or persons, or class or description of persons, within Malaysia or any part of Malaysia, from the operation of all or any of the provisions of this Act, and may in like manner vary or rescind any exemption so notified.

Repeal and saving

61. (1) The Enactments and Ordinances set out in the first and second columns of the Third Schedule are repealed to the extent specified in the third column of the said Schedule.

(2) Notwithstanding the repeal of the said Enactments and Ordinances, any rules or regulations made under the Arms Enactment of the Federated Malay States [*Cap. 199*], and in force immediately before 1 March 1962 shall, so far as it is not inconsistent with this Act, be deemed to have been made under the corresponding provisions of this Act, and shall continue in force until it has been revoked, amended or replaced by regulations made under this Act, and shall apply and have effect throughout Malaysia.

FIRST SCHEDULE
[Subsection 32(2)]

PENALTY FOR USE AND POSSESSION OF ARMS AND IMITATION
ARMS IN CERTAIN CASES

- (a) Offences under the following sections of the Penal Code [Act 574]:
143, 144, 145, 147, 148, 151, 152, 153, 157, 158, 224, 225, 323,
324, 325, 326, 327, 329, 330, 332, 333, 352, 353, 356, 357, 363,
364, 365, 366, 367, 376, 379, 380, 381, 382, 384, 385, 386, 387,
388, 389, 392, 393, 394, 395, 396, 397, 399, 400, 401, 402, 430A,
431, 431A, 435, 436, 438, 440, 448, 449, 450, 451, 452, 453, 454,
456, 457, 458, 459, 460, 506, 511.
- (b) Offences under:
- (i) paragraphs 28(i), (j), (k) and (l) of the Minor Offences Act 1955 [Act 336];
 - (ii) paragraphs 35(g), (h), (i) and (j) of the Minor Offences Ordinance of Sarawak [Cap. 56]; and
 - (iii) paragraphs 18(a), (c) and (e) and paragraphs 21(h), (i), (j) and (k) of the Minor Offences Ordinance of Sabah [Cap. 80].

SECOND SCHEDULE
[Section 58]

FEES

1. License to possess *etc.*, arms and ammunition:

- | | |
|--|----------|
| (a) For each air-gun, air-pistol and spear-gun | RM 20.00 |
| (b) For each smooth bore shotgun— | |
| (i) for protection of cultivation on own land | RM 2.00 |
| (ii) for protection of cultivation and/or game hunting | RM 10.00 |
| (iii) for protection of cultivation and/or game hunting in Sabah and Sarawak only | RM 2.00 |
| (iv) for commercial purposes, i.e, for security self/or property protection, <i>etc.</i> | RM 50.00 |

(v) for sports (for target shooting at authorized shooting range)	RM 50.00
(bb) For each smooth bore shotgun licensed to serving and retired public officers and to any officer serving with any statutory body or local government	RM 10.00
(c) For each revolver/pistol—	
(i) licensed to serving and retired police officers and members of the armed forces	Free
(ii) licensed to any serving or retired public officers (other than police officers and members of the armed forces) and to any officers serving with any statutory body or local government	RM 25.00
(iii) licensed to any other person	RM 100.00
(d) For each carbine, rifle of any calibre and any other type of arm—	
(i) licensed to serving and retired public officer, and to any officer serving with any statutory body or local government	RM 25.00
(ii) licensed to any other person	RM 100.00
(e) For each rifle of any calibre, smooth bore shotgun, revolver or pistol licensed to any shooting club and is used solely for target shooting at an authorized shooting range	RM 10.00
(f) For each arm the property of a theatrical or circus company, which arm and ammunition are to be <i>bona fide</i> used in performances to be given by such company	RM 20.00
(g) For each starting gun	RM 2.00
(h) For each industrial gun	RM 50.00
2. Permit to carry and use arms and ammunition:	
(a) For each air-gun, air-pistol and spear-gun	RM 20.00
(b) For each smooth bore shotgun—	

(i) for protection of cultivation on own land	RM 2.00
(ii) for protection of cultivation and/or game hunting	RM 10.00
(iii) for protection of cultivation and/or game hunting in Sabah and Sarawak only	RM 2.00
(iv) for commercial purposes, i.e. for security, self/or property protection, <i>etc.</i>	RM 50.00
(v) for sports (for target shooting at authorized shooting range)	RM 50.00
(bb) For each smooth bore shotgun licensed to serving and retired public officers and to any officer serving with any statutory body or local government	RM 10.00
(c) For each revolver/pistol—	
(i) licensed to serving and retired police officers and members of the armed forces	Free
(ii) licensed to any serving or retired public officers (other than police officers and members of the armed forces) and to any officers serving with any statutory body or local government	RM 25.00
(iii) licensed to any other person	RM 100.00
(d) For each carbine, rifle of any calibre and any other type of arm—	
(i) licensed to serving and retired public officer, and to any officer serving with any statutory body or local government	RM 25.00
(ii) licensed to any other person	RM 100.00
(e) (i) for any or all rifles of any calibre licensed to the specified shooting club and are used solely for target shooting at an authorized shooting range provided the permit holder may carry and use only one rifle at anytime	RM 10.00
(ii) for any or all smooth bore shotguns licensed to the specified shooting club and are used	RM 10.00

solely for target shooting at an authorized shooting range provided the permit holder may carry and use only one smooth bore shotgun at anytime	
(iii) for any or all revolvers and pistols licensed to the specified shooting club and are used solely for target shooting at an authorized shooting range provided the permit holder may carry and use only one revolver or pistol at anytime	RM 10.00
(f) For each starting gun	RM 2.00
(g) For each industrial	RM 50.00
(h) For any or all air guns, air pistols, revolvers, rifles of any calibre and any other type of arms (including smooth bore shotguns) licensed to specified security agency and are used solely for security and protection purposes provided that the permit holder may carry and use not more than ten of any of the said arms at anytime	RM 100.00
3. Licence to purchase or obtain or transfer arms	RM 10.00
4. Licence to purchase or obtain or transfer ammunition	RM 2.00
5. Licence to import arms and ammunition	RM 10.00
6. Licence to import imitation arms	RM 10.00
7. Licence to export arms and ammunitions	RM 10.00
8. Licence to deal in arms and ammunitions, per annum	RM 500.00
9. Licence to deal in arms, per annum	RM 450.00
10. Licence to deal in ammunition, per annum	RM 50.00
11. Licence to repair arms and ammunitions, per annum	RM 100.00
12. Licence to manufacture arms	Free
13. Licence to manufacture ammunition	Free
14. Fee chargeable for new licence or permit under section 28, in lieu of that destroyed, defaced,	RM 5.00

- mutilated or lost
- 15.** Fee for a combined licence to deal and repair arms and ammunition under subsection 9(6) RM 600.00
- 16.** Fee chargeable from a *bona fide* traveller for an interim licence for each arm under subsection 15(4) RM 20.00
- 17.** Fee chargeable from a theatrical and circus companies for an interim licence for each arm under subsection 15(5) RM 20.00
- 17A.** Administrative fee relating to an arms card under the Arms Licensing Regulations 1961 [*P.U. (A) 303/1978*]:
- (a) For an arms card under regulation 6A RM 30.00
- (b) For a change and correction of particulars of an arms card under regulation 6C RM 10.00
- (c) For a replacement of an arms card under regulation 6D—
- (i) for the first loss RM 50.00
- (ii) for the second loss RM 100.00
- (iii) for the third and following loss RM 1000.00
- 18.** The fee to be charged for any annual licence which is issued between 1 January and 30 June of the same year shall be one-half of the annual fee.
-

THIRD SCHEDULE
[Section 61]

REPEAL

<i>No.</i>	<i>Title</i>	<i>Extent of Repeal</i>
F.M.S. Cap. 199	The Arms Enactment	The whole
Johore Enactment No. 64	The Arms Enactment	The whole
Kedah Enactment No. 6 of 1342	Enactment No. 7 (Arms)	The whole
Kelantan Enactment No. 4 of 1938	The Arms and Explosives Enactment 1938	The whole in so far as it relates to arms (as therein defined)
Perlis Enactment No. 14 of 1336	The Firearms Enactment 1336	The whole
Terengganu Enactment No. 46 of 1356	The Arms Enactment 1356	The whole
S.S. Cap. 196	The Arms and Explosives Ordinance	The whole in so far as it relates to arms (as therein defined)
No. 28 of 1946	The Firearms and Ammunition (Unlawful Possession) Ordinance 1946	The whole
No. 42 of 1947	The Carrying of Arms Ordinance 1947	The whole
Sabah No. 17 of 1956	The Firearms and Explosives Ordinance	The whole
Sarawak Cap. 135	The Arms and Explosives Ordinance	The whole

LAWS OF MALAYSIA

Act 206

ARMS ACT 1960

LIST OF AMENDMENTS

Amending law	Short title	In force from
L.N. 186/1961	Arms Licensing Regulations 1961	01-03-1962
L.N. 34/1962	Arms Licensing (Amendment) Regulations 1962	01-03-1962
Act 7/1962	Arms (Amendment) Act 1962	24-02-1962
Act 344	Police Act 1967	29-08-1967
Act 235	Customs Act 1967	02-11-1967
Act 34/1968	Arms (Amendment) Act 1968	16-09-1968
Act A266	Arms (Amendment) Act 1974	16-08-1974
Act A316	Arms (Amendment) Act 1975	05-09-1975
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
P.U. (A) 97/1976	Modification of Laws (Criminal Procedure) (Sabah and Sarawak) Order 1976	10-01-1976
P.U. (A) 111/1977	Arms (Fees) Regulations 1977	06-05-1977
P.U. (A) 219/1977	Arms (Fees) (Amendment) Regulations 1977	06-05-1977
P.U. (A) 260/1977	Arms and Explosives (Extension) Order 1977	01-09-1977

Amending law	Short title	In force from
Act A434	Subordinate Courts (Amendment) Act 1978	01-07-1978
P.U. (A) 242/1978	Arms (Fees) Regulations 1978	01-07-1978
P.U. (A) 357/1980	Subordinate Courts Act (Extension) Order 1980	01-06-1981
P.U. (A) 93/1989	Arms (Amendment of Second Schedule) Regulations 1989	31-03-1989
P.U. (A) 19/1992	Arms Licensing (Amendment of Second Schedule) Regulations 1992	24-01-1992
P.U. (A) 360/2016	Arms (Amendment of Second Schedule) Regulations 2016	01-01-2017

LAWS OF MALAYSIA

Act 206

ARMS ACT 1960

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
Throughout the Act	P.U. (A) 260/1977	01-09-1977
1	P.U. (A) 260/1977	01-09-1977
2	P.U. (A) 260/1977 Act A266	01-09-1977 16-08-1974
6	Act 7/1962 Act A266 P.U. (A) 260/1977	24-02-1962 16-08-1974 01-09-1977
8	Act A266	16-08-1974
10	Act A266 P.U. (A) 260/1977	16-08-1974 01-09-1977
11	Act A266	16-08-1974
12	Act A266	16-08-1974
13A-13C	Act A266	16-08-1974
14	Act 7/1962 Act A266	24-02-1962 16-08-1974
15	Act A266	16-08-1974
30A	Act 34/1968	16-09-1974
31	Act A266	16-08-1974

Section	Amending authority	In force from
32	Act A266	16-08-1974
33	Act A266	16-08-1974
33A-33C	Act A266	16-08-1974
35	Act A266	16-08-1974
37	Act 7/1962	24-02-1962
37A	Act 7/1962 P.U. (A) 260/1977	24-02-1962 01-09-1977
44	Act A266	16-08-1974
48	Act A266	16-08-1974
49	Act A266	16-08-1974
49A	P.U. (A) 260/1977 Act A316	01-09-1977 05-09-1975
50	Act A266	16-08-1974
51	P.U. (A) 260/1977	01-09-1977
First Schedule	P.U. (A) 260/1977	01-09-1977
Second Schedule	L.N. 34/1968 P.U. (A) 111/1975 P.U. (A) 242/1978 P.U. (A) 93/1989 P.U. (A) 19/1992 P.U. (A) 360/2016	01-03-1962 06-05-1977 01-07-1978 31-03-1989 24-01-1992 01-01-2017
