

**SPEECH BY THE MINISTER OF DEFENCE, ON
THE SECOND READING OF THE ARMS BILL,
1960, AT THE HOUSE OF REPRESENTATIVES
IN KUALA LUMPUR ON 23RD JUNE, 1960**

I beg to move that a Bill intituled "An Act to amend and consolidate the law relating to arms, imitation arms and ammunition" be read a second time.

Sir, under the Constitution the subject of arms is the responsibility of the Federal Government. The present legislation for arms licensing varies from state to state and is of some antiquity, for example, the Johore Arms Enactment is dated 1912, and a single and up-to-date law is needed. This need the present Bill, which is based on the Arms Enactment of the Federated Malay States, aims to fulfil.

Like the Arms Enactment, the Bill has one principal object and that is to provide that no person in this country may possess, carry or use any firearm or ammunition unless he holds a licence or permit. Clause 3 of the Bill which contains this provision may therefore be looked upon as the kernel of the legislation.

I do not intend, Sir, to go through the Bill clause by clause since many of the provisions are revisions of similar provisions in the present legislation. I should, however, like to point out to members the more important provisions especially where changes have been introduced as compared to the Arms Enactment.

The first major change is related to the fact that the present law provides for the licensing of arms only and ammunition is licensed under the Explosive Enactment. To simplify this procedure the Bill provides for the licensing not only of arms but of the ammunition for such arms.

Clause 5 contains a new provision under which no arms licence can be granted or renewed for certain types of weapons such as repeating shotguns, and grenades or bombs. Also under this clause, the normal age which an applicant for an arms licence or permit must have attained is raised from 16 to 18 years in view of the increase in the crime rate among young persons.

Under Clause 6 (1) of the Bill, exemption from licensing, except in certain cases as set out in Clause 6 (2), is now limited to His Majesty the Yang di-Pertuan Agong, Their Highness the Rulers and Their Excellencies the Governors since the present exemption is too wide for practical purposes. I do, however, intend to exempt Members of Parliament and Members of Legislative Assemblies and Executive Councils from the payment of licensing fees.

Certain penalties for offences under the Bill are higher than the penalties for similar offences under the present law. For example, the penalty of imprisonment for possessing or carrying arms without a licence or permit has been increased, as shown in Clause 9, to imprisonment for a maximum of 7 years in comparison with a maximum of 3 years in the Arms Enactment.

The two ordinances, the Carrying of Arms Ordinance, 1947, which members will remember is renewed each year and the Firearms and Ammunition Ordinance, 1946, will be repealed, as shown in the Third Schedule to the Bill. These two laws were introduced just before the Emergency to provide heavy penalties including the death penalty for unlawful possession of arms and for carrying and using arms.

Clauses 10 to 23 contain provisions for the licensing of dealers and repairers of arms, for the transfer of arms and for their importation and exportation and are based on similar sections in the Arms Enactment.

An important change has been incorporated in Clause 24. Under the present legislation there is no provision for an appeal from a licensing officer's refusal to grant or renew a licence or permit. Under Clause 24 any person dissatisfied by a licensing officer's decision may appeal to the Minister responsible.

Clause 25, 26, 27 and 29 contain enforcement powers for the search of persons and buildings and for entry on to land.

Clause 28 (1) which is taken from the Emergency Regulations enables returns to be called for of any class of arms and ammunition. This provision is intended for use at any time when an up-to-date record is needed of arms and ammunition in the country.

Severe penalties are provided under Clause 30 for persons who use arms or imitation arms with intent to resist arrest and for persons who are in possession of arms or imitation arms at the time of committing any offence specified in the First Schedule to the Bill. The threat from an imitation arm in the commission of a crime is as great as the threat from an arm which is actually capable of firing. The importation and possession of imitation arms without a licence by persons over the age of 13 years has therefore been made an offence under Clause 33. There are also provisions in Clause 34 against shortening arms and converting imitation arms so that they may be used as actual weapons.

Clause 35 to 51 contain a number of administrative provisions which, except for Clause 37, are based on corresponding sections in the Arms Enactment. Under Clause 50, regulations can now be made to provide for the taking of photograph and fingerprints of applicants for licences or permits. It is desirable that such regulations can be made so that the police can in certain cases check the records when there is reason to believe that an applicant had previously been convicted of a registrable criminal offence. Such proofs of identity will not normally be required.

Clause 37 of the Bill provides that a Chief Police Officer may now delegate his powers for licensing arms, etc., to gazetted police officers and certain of these powers to superior police officers, but these officers will refer to the Chief Police Officer for his approval under Clause 24 (1) before refusing the grant or renewal of a licence or revoking or suspending it.

Finally I should like to call the attention of members to the Second Schedule to the Bill which sets out the scale of fees payable for the various licences. In most cases these fees have been increased by twice the amount of the present fees. The fee under item 11 (a) however, for a shotgun licence for the protection of agricultural produce, remains unaltered.