

LAWS OF BRUNEI

REVISED EDITION 1984

CHAPTER 58

ARMS AND EXPLOSIVES

ARRANGEMENT OF SECTIONS

Section

1. Short title
 2. Application
 3. Power to make rules
 4. ~~Omitted~~ Jurisdiction of Court of a Magistrate
 5. *Omitted*
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ARMS AND EXPLOSIVES ACT

An Act to regulate the manufacture, use, sale, storage, transport, importation, exportation and possession of arms and explosives

1 of 1927
(Cap. 58 of
1951)
S.99/59
S. 7/91 wef. 30. 1. 91

Commencement: 8th April 1927

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

2. The provisions of this Act and of any rules made thereunder shall apply to such arms and explosives as may be declared and defined by His Majesty the Sultan and Yang Di-Pertuan ~~in Council~~ by public notification. Application

Deleted by S 7/91

3. His Majesty ~~in Council~~ may make rules for any of the following purposes — Power to make rules

Deleted by S. 7/91

(a) to regulate the possession of guns or arms;

(b) to regulate the importation of guns or arms;

(c) to regulate the exportation of guns, arms, or naval or military stores;

(d) to regulate the manufacture and dealing in guns or arms and the purchase of arms;

(e) to regulate the landing and transshipping of guns or arms;

(f) to provide for the marking of guns or arms for the possession of which a licence is issued;

(g) to regulate or prohibit, except under or in accordance with the conditions of a licence, the manufacture, possession, use, sale, purchase, storage, transport, importation and exportation of explosives or any specified class of explosives;

(h) to regulate the tests to which various classes or any particular class of explosive may or shall be subjected before permission is granted to land the same in Brunei;

(i) to regulate the duties of the licensing or port officers or of any other officer vested with powers under any rules made under this Act;

(j) to declare what duties may be carried out by subordinate police officers under the direction and control of the licensing officers, and to regulate the conduct of such duties;

(k) to regulate the manner in which application for licences shall be made, and the matters to be specified in such licences;

(l) to regulate the form in which, and the conditions on and subject to which, licences shall be granted, and the matters to be specified in such licences, and the issue of licences generally;

(m) to regulate the period for which licences are to remain in force;

(n) to fix the fees to be charged for any licence which may be issued under this Act and the other sums, if any, to be paid for expenses by applicants for such licences;

(o) to fix the fees to be paid for the use of Government magazines or any portion thereof;

(p) to direct by whom and in what manner fees payable under this Act shall be collected and accounted for;

(q) to authorise any officer, either by name or in virtue of his office —

- (i) to enter, inspect and examine any place, vehicle, aircraft or vessel in which an explosive is being manufactured, possessed, used, sold, transported or imported under a licence granted under this Act, or in which he has reason to believe that an explosive has been or is being manufactured, possessed, used, sold, transported or imported in contravention of this Act or of the rules made thereunder;
- (ii) to search for explosives therein;
- (iii) to take samples of any explosive found therein, on payment of the value thereof; and
- (iv) to seize, detain, remove and, if necessary, destroy any explosive found therein;

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

(s) to prescribe the penalties for any breach of the provisions of any rules made under this Act;

s. 7(9)

“Provided no such penalty shall exceed imprisonment for a term of 15 years, a fine of \$10,000 and 12 strokes of whipping”.

(t) to exempt any person or classes of persons from the provisions of any rules made under this Act;

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(u) generally to provide for the regulation of the manufacture, use, sale, storage, transport, importation, exportation and possession of arms and explosives.

Am. 5.7/91
wef. 30.1.91

4. *Omitted.*

5. *Omitted.*

SUBSIDIARY LEGISLATION

[Subsidiary]

Declaration and definition of arms and explosives under section 2

S.36/60

The provisions of the Arms and Explosives Act have been declared to apply to the arms and explosives defined below —

Definition	Expression
<p>includes firearms, air guns, air pistols, automatic guns, automatic pistols or any other kind of gun or weapon from which any shot, bullet or other missile can be discharged, or noxious fumes can be emitted, and any part or parts thereof, but does not include —</p> <p>cannon known as <i>bedil</i> or <i>meriam</i>.</p> <p>For the purposes of this definition “firearms” means a lethal barrelled weapon of any description but does not include a blowpipe of the type in common use in Brunei.</p>	<p>“Arms”</p>
<p>includes gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powder, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion or pyrotechnic effect, and any component part of substance of any explosives; and, in particular —</p> <p>(a) fog signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges and ammunition of all descriptions and every adaption or preparation or an explosive as above defined;</p> <p>(b) sand crackers which hitherto have been known as Sua Phau or Kim Chin Phau and other types of crackers which have been known as Seng Hiong Phau or Seng Hio Phau, Tek Phau and Oe Ji Phau or Weh Chi or all other similar types, of crackers; and</p> <p>(c) any substance declared to be an explosive by His Majesty the Sultan and Yang Di-Pertuan in Council by notification in the <i>Gazette</i>.</p>	<p>“Explosives”</p>

Rules under section 3

B.R.O.N.
26.11.28
B.R.O.N.
175/32
B.R.O.N.
29/48
B.R.O.N.
101/51
B.R.O.N.
141/51
S.36/60

ARMS AND EXPLOSIVES RULES

ARRANGEMENT OF RULES

1. Citation
2. Firearms to be licensed

POSSESSION

3. Form of licence
4. Period of validity of licences
5. Registers of guns and arms
6. Identification marks of guns and arms

IMPORTATION AND EXPORTATION

7. Importation of guns and arms
8. Exportation of guns, arms and naval, military and air force stores
9. Licence to land or tranship guns or arms

MANUFACTURE, ETC.

10. Licence to manufacture, etc. guns and arms
11. Licence to manufacture, possess, etc. explosives
12. Period of validity of explosives licences
13. Fees

GENERAL

14. Licensing Officer
15. Restriction on importation of crackers, squibs, etc.
16. Matches not to be sold from premises licensed for explosives
17. Penalty

-
18. Implied conditions in licences
 19. Appeal

[Subsidiary]

Commencement: 26th November 1928

*Am. s. 8/91 wef.
30-1-91*

1. These rules may be cited as the Arms and Explosives Rules. Citation

2. No person shall possess, import or export any gun or arm except Firearms to
be licensed
under a licence issued by the Licensing Officer:

Provided that the provisions of these rules shall not apply to rifles of a type approved by the Licensing Officer, and ammunition therefor, belonging to any rifle club approved by the Minister and registered or deemed to be registered as a society under the Societies Act when stored in any magazine and used on any rifle range approved by the Licensing Officer. Cap. 66

(2) For the purpose of these rules "Minister" means the Prime Minister.

3. *Reserved.*

4. *Reserved.*

5. *Reserved.*

6. *Reserved.*

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[Subsidiary]

IMPORTATION AND EXPORTATION

Importation
of guns and
arms

7. (1) Any person desiring to import guns or arms shall apply to the Licensing Officer giving a description of the arms, from whom obtained and to whom consigned.

(2) The licence to import shall be in Form 2 in the First Schedule and shall remain in force for a period of 14 days from the date of the arrival of the vessel, vehicle or aircraft in which such guns or arms were imported.

Exportation
of guns, arms
and naval,
military and
air force
stores

8. (1) Every person desirous of exporting guns or arms or naval, military or air force stores from Brunei shall deliver to the Licensing Officer a list showing —

- (a) the nature, calibre and number of such guns or arms;
- (b) the description and quantity of such naval, military and air force stores;
- (c) the country of destination of such guns, arms or stores;
- (d) the name of the ship or aircraft flight number in which it is intended to export the same; and
- (e) the probable date of departure of such ship or aircraft.

(2) On receiving the particulars referred to in paragraph (1), the Licensing Officer shall, subject to the provisions of any proclamation in force, issue a licence in Form 2 in the First Schedule.

Such licence shall remain in force for a period of 24 hours only from the hour of issue, but the period may for good cause be extended from time to time for any period not in excess of 24 hours.

Licence to
land or trans-
ship guns or
arms

9. (1) Any person desiring to land or to tranship without landing any guns or arms for the purpose of transhipment on board of any vessel, vehicle or aircraft arriving in Brunei shall apply in writing to the Licensing Officer for a permit giving the particulars of the guns or arms. The permit shall be in Form 3 in the First Schedule.

[Subsidiary]

(2) If a permit issued under paragraph (1) is not made use of within 48 hours of the arrival of the vessel, vehicle or aircraft in Brunei it shall be returned to the Licensing Officer.

~~(3) Any person contravening the provisions of paragraph (2) shall be guilty of an offence. Penalty, a fine of \$500.—~~

*Deleted by S. 8/91
wef. 30.1.91*

MANUFACTURE, ETC.

10. Any person desiring to manufacture, deal in, or repair guns or arms shall apply to the Licensing Officer personally or in writing. The licence shall be in Form 4 in the First Schedule and shall terminate on the 30th day of June next following the date of issue.

Licence to manufacture, etc. guns and arms

11. No person shall manufacture, possess, use, sell, purchase, store, transport, import or export any explosive except under a licence issued by the Licensing Officer. The licence shall be in Form 5 in the First Schedule.

Licence to manufacture, possess, etc. explosives

12. Licences issued under rule 11 shall remain in force for one month only but may be extended at the discretion of the Licensing Officer.

Period of validity of explosives licences

13. The fees for licences issued under these rules shall be as specified in the Second Schedule.

Fees

GENERAL

14. The Minister shall be the Licensing Officer.

Licensing Officer

15. No person or persons shall import, manufacture, sell or possess any sand crackers or any squibs or crackers which contain an explosive ingredient or mixture other than black gunpowder (that is to say, sulphur, charcoal and saltpetre) or any squibs or crackers containing more than one-fifth of an ounce by weight of such black gunpowder.

Restriction on importation of crackers, squibs, etc.

16. No matches shall be kept for sale on any premises licensed under rule 11.

Matches not to be sold from premises licensed for explosives

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Am. 5.8/91
wef. 30-1-91
Penalty

~~17. Any person who commits a breach of any of these rules shall be guilty of an offence: Penalty, where no other penalty is specified, a fine of \$1,000.~~

Implied conditions in licences

18. Every licence issued under the Arms and Explosives Act or under any rule made under the said Act, shall be deemed to be issued and held subject, in addition to any others which may be imposed, to the following conditions —

(a) it shall be liable to suspension or cancellation without any reason being given therefor, at any time by the Licensing Officer.

(b) it shall not be transferable save with the permission of the Licensing Officer.

FIRST SCHEDULE

[Subsidiary]

FORM 1

(Rule 3)

(Reserved)

FORM 2

(Rule 7)

BRUNEI DARUSSALAM

Arms and Explosives Act (Cap. 58)

**LICENCE TO IMPORT/EXPORT GUNS, ARMS OR NAVAL,
MILITARY OR AIR FORCE STORES**

..... is permitted to ^{import into}
export from
Brunei guns or arms (or naval, military or air force stores) of the num-
ber and description hereunder specified within

.....
.....
.....

This day of, 19.....

.....
Licensing Officer

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FORM 3

(Rule 9)

BRUNEI DARUSSALAM

Arms and Explosives Act (Cap. 58)

LICENCE TO LAND OR TRANSHIP GUNS OR ARMS

..... is permitted to land for the purposes of transshipment or to tranship without landing the undermentioned guns or arms due in the on or about consigned to

This permit expires 48 hours after the arrival of the vessel by which the guns or arms are imported.

This day of, 19.....

.....
Licensing Officer

FORM 4

(Rule 10)

BRUNEI DARUSSALAM

Arms and Explosives Act (Cap. 58)

LICENCE TO MANUFACTURE, ETC., GUNS OR ARMS

..... is permitted to *manufacture, *deal in, *repair of guns or arms at the premises described below —

.....
.....
.....

This Licence expires on the 30th day of June, 19

.....
Licensing Officer

*Delete if not required.

FORM 5

(Rule 11)

BRUNEI DARUSSALAM

Arms and Explosives Act (Cap. 58)

LICENCE TO MANUFACTURE, ETC., EXPLOSIVES

..... is permitted to *manufacture, *possess, *use, *sell, *purchase, *store, *transport, *import, *export, the explosives hereunder specified within one month of date.

.....
.....
.....

This day of, 19.....

.....
Licensing Officer

*Delete if not required.

SECOND SCHEDULE

(Rule 13)

FEEES

	\$ c.
For a licence to import guns or arms	Free
For a licence to export guns or arms	Free
For a licence to manufacture guns or arms, per annum	100.00
For a licence to repair guns or arms, per annum	10.00
For a licence to manufacture explosives, per month	10.00
For every licence to purchase, possess, store, use or sell any explosives except gunpowder and safety ammunition, per month	2.00
For every licence to import, export or transport any explosives except gunpowder and safety ammunition, per consignment	10.00

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For every licence to possess, use, purchase, import or export gunpowder or safety ammunition	Free
For every licence for a Magazine in a quarry to store explo- sives not exceeding 50 lbs. in weight at any one time, per month	2.00
For every licence to store gunpowder per 100 lbs. or part thereof, per month50
For every licence to store safety cartridges per 1,000 rounds or part thereof, per month50
For a duplicate licence in lieu of any of the above licences when lost or destroyed50
For each licence to possess an Air Rifle or Air Gun, per annum	1.00