

## **Sticking to your guns: Keeping an antique weapon-collecting hobby while keeping out of trouble**

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*“I am an avid fan of medieval weaponry. I was looking at the possibility of buying some antique weapons online (i.e. guns, swords, knives) and having them shipped to me in Singapore. Will I face any legal issues if I do so?”*

### **I. INTRODUCTION**

Exotic weapons, flashy guns, and explosive fight scenes – these are the fundamental parts of James Bond movies. If you’ve become a fan of medieval weaponry (*i.e.* guns, swords, knives) after seeing them used by 007, you’d probably want to purchase them online from overseas dealers and ship them to you in Singapore. However, be warned – just as secret agents require a license to kill, you also require a license to bring such items into Singapore.

### **II. DISCUSSION**

This article will examine the licensing requirements to import guns, swords, and knives into Singapore, focusing on the provisions under the Guns, Explosives and Weapons Control Act<sup>1</sup> (“**GEWCA**”). First, we will examine GEWCA’s background and the new expanded definitions for “guns” and “weapons”. Second, we will explore some of the offences and penalties regarding unlicensed importation and possession. Third, we will discuss the GEWCA licensing regime. Finally, we will conclude by making some recommendations.

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<sup>1</sup> Guns, Explosives and Weapons Control Act 2021 (No. 3 of 2021) (“**GEWCA**”).

## A. *GEWCA*

### (1) *Background*

Presently, the Act that governs the licensing of guns, weapons and explosives (“**GEW**”) is the Arms and Explosives Act<sup>2</sup> (“**AEA**”). However, in January 2021, Parliament successfully passed the GEWCA, which replaces AEA in end-2021.<sup>3</sup>

One of GEWCA’s main goals is to ensure a more calibrated and coherent framework for GEW.<sup>4</sup> To this end, GEWCA changes how GEWs are defined. Under AEA, guns and weapons are classified under an umbrella definition of “arms”, but GEWCA defines “guns” and “weapons” separately. Under AEA’s umbrella classification, offences involving lower-risk items (*e.g.* swords) carry the same penalties as offences involving higher-risk items (*e.g.* guns). GEWCA solves this problem by creating a distinct set of offences and penalties for lower-risk weapons to reflect the lower risk they pose as compared to guns.<sup>5</sup>

GEWCA also expands the list of regulated weapons. Under AEA, only swords, bayonets, daggers, spears, and spearheads are regulated.<sup>6</sup> However, GEWCA includes more items such as machetes and axes. This change was made in recognition of the increased risks of acquiring lethal GEW over the Internet.<sup>7</sup> For example, the 2021 River Valley High School incident involving an axe purchased online was referenced as a reason to tighten GEW controls.<sup>8</sup>

### (2) *Definitions of “gun” and “knives”*

The new list of regulated “guns” and “weapons” under GEWCA covers medieval swords, guns and most but not all knives. If you intend to import guns or swords into Singapore, you must thus obtain a license. However, you only need a license for knives which falls within GEWCA’s definition.

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<sup>2</sup> Arms and Explosives Act (Cap 13, Rev Ed 2003) (“**AEA**”).

<sup>3</sup> *Singapore Parliamentary Debates, Official Report* (03 August 2021) vol 95 (Desmond Tan, Minister of State for Home Affairs).

<sup>4</sup> *Singapore Parliamentary Debates, Official Report* (04 January 2021) vol 95 (Desmond Tan, Minister of State for Home Affairs).

<sup>5</sup> *Singapore Parliamentary Debates, Official Report* (04 January 2021) vol 95 (Desmond Tan, Minister of State for Home Affairs).

<sup>6</sup> AEA s 2(1)(b).

<sup>7</sup> *Singapore Parliamentary Debates, Official Report* (04 January 2021) vol 95 (Desmond Tan, Minister of State for Home Affairs).

<sup>8</sup> *Singapore Parliamentary Debates, Official Report* (03 January 2021) vol 95 (Desmond Tan, Minister of State for Home Affairs).

The GEWCA draws a distinction between “knives” and “swords”. “Swords” are “thrusting, striking or cutting weapon[s] with a long blade having one or 2 cutting edges and a hilt”.<sup>9</sup> “Knives” are defined as “sharp pointed stabbing instrument[s] designed for hand-to-hand combat and capable of being concealed on the person of an individual”.<sup>10</sup> Thus, knives which are not *designed* for hand-to-hand combat but have legitimate uses (e.g. kitchen knives) do not fall within this definition.

“Guns” are separately defined in s 3 as “any object or thing that is designed to be capable of being aimed at a target and causing hurt or injury by propelling a bullet, shot or other projectile”.<sup>11</sup> These include guns that propel non-metallic projectiles (e.g. Airsoft guns).

### (3) *Offences under GEWCA*

The GEWCA contains offences and penalties for the unlicensed import and possession of guns/weapons.

Under s 9 GEWCA, “import” is defined as “to bring or cause to be brought into Singapore by any means from any place outside Singapore”. Under s 14 GEWCA, it is a criminal offence for an unlicensed person to import a gun while knowing or being reckless as to whether the object/thing they are importing is a gun.<sup>12</sup> A similar offence for the unlicensed importation of weapons is found in s 31 GEWCA.<sup>13</sup>

Under s 5 GEWCA, a person “possesses” a gun and/or weapon if he carries it on his body, or if the gun and/or weapon is found to be in a place that is owned by, or in that person’s care, control, or management. Under s 11(1) GEWCA, it is a criminal offence for an unlicensed person to possess a gun. A similar offence for the unlicensed possession of weapons is found in s 29 GEWCA.<sup>14</sup>

Therefore, if you ship a medieval weapon to your home in Singapore without a license, you would have committed the offence of unlicensed importation. You would also have committed the offence of unlicensed possession if you store the weapon in your home. These offences also extend to hand-carry luggage scenarios. For example, in *Sim*,<sup>15</sup> an unlicensed man was found

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<sup>9</sup> GEWCA First Schedule.

<sup>10</sup> GEWCA First Schedule.

<sup>11</sup> GEWCA s 3(1).

<sup>12</sup> GEWCA s 14.

<sup>13</sup> GEWCA s 31.

<sup>14</sup> GEWCA s 29.

<sup>15</sup> *Sim Wen Yi Ernest v Public Prosecutor* [2016] 5 SLR 207 (“*Sim*”).

guilty under the AEA for bringing back an airsoft gun from Thailand and storing it in his Singapore home.

(4) *Penalties*

If you are found guilty of unlicensed importation/possession of a gun, you will be punished with a fine not exceeding \$100,000 and imprisonment not exceeding 5 years.<sup>16</sup> Similarly, the punishments for the weapon-related offences are a fine not exceeding \$80,000 and imprisonment not exceeding 3 years.<sup>17</sup>

According to the court in *Sim*, the word “and” in these provisions is read conjunctively.<sup>18</sup> Therefore, it is mandatory for the court to impose *both* a fine and imprisonment. For example, in *Kang*,<sup>19</sup> an unlicensed man who had bought an airsoft pistol and stored it in his room was sentenced to 2 weeks jail and a fine of \$3,000.<sup>20</sup>

(5) *Licensing*

There are two types of licenses under GEWCA: individual licenses and class licenses.

(a) *Individual Licensing*

Regarding individual licenses, the AEA requires license applicants to obtain a security clearance before being eligible for a license. Security clearances are only granted to “fit and proper persons”.<sup>21</sup> A person is considered “fit and proper” if the person is above 18 and “has honesty, integrity, a good reputation, competence and capability”.<sup>22</sup> However, this requirement has been criticized to be unclear and inconsistent.<sup>23</sup>

GEWCA thus improves on the AEA by setting out the factors that must be considered before granting security clearances. These include: (a) whether the individual has a criminal record; (b) has a history of violence or threats of violence; and/or (c) has physical or mental health

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<sup>16</sup> GEWCA s 17.

<sup>17</sup> GEWCA s 34.

<sup>18</sup> *Sim* at [53].

<sup>19</sup> *Public Prosecutor v Kang Chun How* [2018] SGDC 281 (“*Kang*”).

<sup>20</sup> *Kang* at [57].

<sup>21</sup> AEA s 21F(a).

<sup>22</sup> Singapore Police Force – Arms and Explosives – Police Licensing & Regulatory Department website <<https://www.police.gov.sg/e-Services/Police-Licences/Arms-and-Explosives-Licence>> (accessed 10 October 2021).

<sup>23</sup> *Singapore Parliamentary Debates, Official Report* (04 January 2021) vol 95 (Desmond Tan, Minister of State for Home Affairs).

issues that make him unsuitable to handle GEW responsibly.<sup>24</sup> If granted, a security clearance generally lasts for 2 years, following which it must be renewed.<sup>25</sup>

All licensing under GEWCA is managed by the Singapore Police Force – Arms and Explosives – Police Licensing & Regulatory Department (“**PLRD**”). Applications for licenses as well as the requisite security clearance to possess/import arms can be submitted online via the PLRD website.<sup>26</sup> Applications involving “weapons” require the following information: your name, home address, IC number, the address at which the weapon will be stored, as well as a declaration of your criminal records and underlying health conditions. However, applications involving “guns” are more restrictive, requiring additional documentary proof from a licensed Gun Club confirming that you are a member and that the gun will only be used and stored within the Club’s premises.<sup>27</sup>

(b) Class Licensing

GEWCA introduces a new class licensing regime that complements individual licenses. Class licenses can be granted by the Minister of Home Affairs to certain low-risk users or activities. To illustrate, if a class license is granted to members of a gun club, all members of that club will be automatically treated as licensed subject to the conditions of that class license.<sup>28</sup>

The conditions of the class license (and any subsequent variations) will be publicly available in the Gazette.<sup>29</sup> With class licensing, users need not be put through security clearance and need not apply or renew for an individual license.<sup>30</sup> However, the PLRD can suspend or disapply the class license with respect to a particular class licensee if that class licensee contravenes the license conditions or is convicted of an offence in a GEW-related Act.<sup>31</sup>

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<sup>24</sup> GEWCA s 45(1).

<sup>25</sup> GEWCA s 44(1)(a).

<sup>26</sup> Singapore Police Force – Arms and Explosives – Police Licensing & Regulatory Department website <<https://www.police.gov.sg/e-Services/Police-Licences/Arms-and-Explosives-Licence>> (accessed 10 October 2021).

<sup>27</sup> Singapore Police Force – Arms and Explosives – Police Licensing & Regulatory Department website <<https://www.police.gov.sg/-/media/Spf/Images/Licences/Apply-or-Renew-Arms-Licences/Possession-of-Arms---Criteria-and-Docs-required.pdf?la=en&hash=98AFF9EFE68C63A1C8F5DFD5DF187164641A9526>> (accessed 10 October 2021).

<sup>28</sup> *Singapore Parliamentary Debates, Official Report* (03 August 2021) vol 95 at col 14 (Desmond Tan, Minister of State for Home Affairs).

<sup>29</sup> *Singapore Parliamentary Debates, Official Report* (05 January 2021) vol 95 (Desmond Tan, Minister of State for Home Affairs).

<sup>30</sup> *Singapore Parliamentary Debates, Official Report* (04 January 2021) vol 95 (Desmond Tan, Minister of State for Home Affairs).

<sup>31</sup> GEWCA s 66.

The Ministry of Home Affairs has tentatively agreed to consider class licensing for ornamental weapons if they are kept “safely and securely within dwelling places for [display purposes]”.<sup>32</sup> If this class license is granted, you will not need to apply for an individual license. However, this remains tentative. Individual licensing thus remains your best option for now until more details are released.

### III. CONCLUSION

In summary, guns and weapons are heavily controlled under GEWCA. To avoid criminal punishment, you should obtain a license from the PLRD before importing medieval weapons into Singapore. If you fail to obtain a license, one alternative is to consider collecting replica guns/weapons instead. Such items are expressly excluded from the GEWCA definitions because of the lower risk that they pose to public safety.<sup>33</sup>

However, you should still refrain from importing the replicas by yourself. Rather, it is recommended to acquire them from licensed local dealers due to other laws that restrict the import of replica weapons. Licensed dealers possess the necessary licenses to import and sell replicas.<sup>34</sup> You should thus contact them to see if they can source for replicas of the antiques you desire.

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<sup>32</sup> *Singapore Parliamentary Debates, Official Report* (04 January 2021) vol 95 (Desmond Tan, Minister of State for Home Affairs).

<sup>33</sup> *Singapore Parliamentary Debates, Official Report* (03 August 2021) vol 95 (Desmond Tan, Minister of State for Home Affairs).

<sup>34</sup> Channel NewsAsia website, “Knife sellers say safeguards in place, efforts made to educate buyers on misuse of items” <<https://www.channelnewsasia.com/singapore/knife-sellers-machete-safeguards-teen-isa-planned-mosque-attacks-334246>> (accessed 11 October 2021).