

OFFICIAL CIRCULAR MEMORANDUM NO. 14

From: State Secretary. To: All Residents and District Officers.  
Subject: Extension of Arms Act 1960 to Sarawak All SAO-in-Charge of Sub-Districts.  
Ref: 108/PKM/429/1 c.c. Please see below.  
Date: 29th April, 1978.

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Your attention is drawn to the Arms and Explosives (Extension) Order, 1977, which was published in the Federal Gazette as P.U.(A)260 on 1st September, 1977. You will note that this Order repeals our Arms and Explosives Ordinance (Cap. 135) and all the subsidiary legislation made thereunder. It also extends to Sarawak with effect from 1st September, 1977, the provisions of the Federation of Malaya Arms Act, 1960 - (No.21/1960) and its subsidiary legislation.

2. Notwithstanding anything contained in the Arms Act, 1960, the operation of the said Act shall be subject to the Sabah and Sarawak (Executive Powers)(Shotguns) Order, 1977 - (see P.U.(A)259/77). Under this Order, the administration of those provisions of the Arms Act, 1960, which relate to the grant, issue, renewal, refusal, revocation, cancellation and suspension of arms licence and arms permits (but only in respect of shotguns and ammunition thereof) has been extended to the executive authority of the State, and the Chief Minister may authorise a State Officer to exercise and perform those powers and duties. Accordingly, the Chief Minister has made a notification, as in the attached form which will soon be published, authorising the State Secretary, all Residents and District Officers to exercise and perform those powers and duties in their respective administrative areas.

3. All Licensing Authorities so authorised should note that they must not issue any arms licence or arms permit in contravention of any directions of the Inspector-General of Police - (see Article 3 of the Sabah and Sarawak (Executive Powers)(Shotguns) Order, 1977).

4. Licences and permits issued under the Arms Act, 1960, must be in the form prescribed in the Schedule to Arms Licensing Regulations, 1961, and under no circumstances should they be issued without prior consultation with the Commissioner of Police - (see Article 2(a) of Sabah and Sarawak (Executive Powers)(Shotguns) Order, 1977).

5. Licensing Authorities are reminded that they are required to furnish the Commissioner of Police with particulars of every arms licence or arms permit granted or renewed under section 4 of the Arms Act, 1960, in the manner prescribed in Form 4 of the Schedule to the Arms Licensing Regulations, 1961 - (see section 4(5) of the Arms Act, 1960).

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The fees to be charged for shotgun licences or permits issued under section 4 of the Arms Act, 1960, shall be those indicated in items 1(b) and 2(b) of the Second Schedule to the Arms Act, 1960, as reduced by the Shotguns and Ammunition (Fees) Notification, 1976, which are as follows:-

1. Licence to possess arms and ammunition:

(b) For any smooth bore shotgun -

- (i) for protection of agriculture produce by a cultivator on his own land ..... \$1.00
- (ii) for protection of agriculture produce and/or game hunting ..... \$2.00
- (iii) for commercial purposes, i.e., for security, self/ or property protection, etc. .... \$25.00
- (iv) for sports (other than game hunting) ..... \$25.00

2. Permit to carry and use arms and ammunition:

(b) for any smooth bore shotgun -

- (i) for protection of agriculture produce by a cultivator on his own land ..... \$1.00
- (ii) for protection of agriculture produce and/ or game hunting ..... \$2.00
- (iii) for commercial purposes, i.e., for security, self/ or property protection, etc. .... \$25.00
- (iv) for sports (other than game hunting) ..... \$25.00

Provided that where a licence or permit is issued between the 1st of January and the 30th June of the same year, the fee to be charged shall be one-half of the annual fee referred to above (see item 17 of the Second Schedule to the Arms Act, 1960).

The following notifications with effect from 1.9.1977 have been made:-

(i) The Shotguns and Ammunitions (Licensing Officers)(Authorisation) Notification, 1978.

Under this Notification, the following officers are authorised to deal with matters relating to the grant, issue, renewal, refusal, revocation, cancellation and suspension in respect of shotguns and shotgun ammunition:-

- State Secretary - in the whole of Sarawak;
- All Residents - in their respective Divisions;
- All District Officers - in their respective Districts.

This authorisation is given subject to prior consultation with the Commissioner of Police or other Police Officers authorised by him.

(ii) The Shotguns and Ammunition (Licence Fees) (Exemption) Notification, 1978, exempting the following persons from payment of the licence fees:

Temenggong Pemanca  
Pengkulu and Wakil  
Tuai Rumah and Wakil  
Tua Kampung and Wakil  
Kapitan China  
Area Headmen and Subheadmen.

(iii) The Shotguns and Ammunition Fees notification referred to above.

These notifications are now being printed under Part II of the Sarawak Government Gazette. They are made in order to maintain as much as possible the existing arrangements in the State in view of the repeal of the State legislations by the extension of the Arms Act, 1960, to Sarawak. In other words, all the administrative arrangements existing before the change of the law generally remain the same except the followings:-

- (a) All dealings with the Arms Dealer's licence i.e., applications, issue of licences, fees and control in respect of this item are now transferred to the Commissioner of Police;
- (b) The system and rates of payment of licence/permit fees in respect of shotguns are changed as explained in the foregoing paragraphs.

With regard to the fees for licences and permits in respect of shotguns, they are now categorised according to the purpose or use for which the shotguns are issued. It is therefore requested that whenever the holders of licences or permits come for renewal, their licences should be endorsed with the wordings of the purpose or use of the shotguns. For example, if the holder is using the shotgun both for agriculture protection and game hunting, the endorsement should be "For Protection of Agriculture Produce and/or Game Hunting - Annual Fee \$2/-".

7. Unless an arms licence or arms permit is previously revoked or cancelled, the licence or permit expires on the 30th day of June next following the date of issue\* but may be renewed for a further period of one year from the said 30th day of June, and so on, from time to time (see section 4(4) of the Arms Act, 1960).

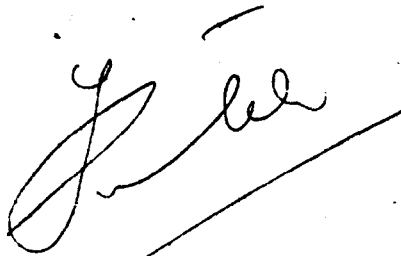
8. In the case of existing licence or permit issued under the repealed Arms and Explosives Ordinance which expires on a date different from that referred to above, the licence or permit may be renewed for a further period up to the 30th day of June next following the date of issue, and the fee to be charged for the renewal shall be a sum calculated at the rate of one-twelfth of the annual fee prescribed under the Shotguns and Ammunition (Fees) Notification, 1978, as indicated above for each month or part of a month for which the renewal licence or permit is issued and item 17 of the Second Schedule to the Arms Act, 1960, referred to in the proviso to paragraph 6 above shall have no application in such a case (see Article 6 of the Arms and Explosives (Extension) Order, 1977).

9. Application for licences to carry on any trade or business of dealing in shotguns and ammunition should be directed to the Commissioner of Police in accordance with section 10 of the Arms Act, 1960. The Licensing Authorities appointed under the Shotguns and Ammunition (Licensing Officers) (Authorisation) Notification, 1978, should note that they are not responsible for the granting of a dealer's licence.

10. Licensing Authorities are expected to be conversant with the Arms Act, 1960, and the Arms Licensing Regulations, 1961. In particular your attention is drawn to sections 3 to 9 and 11 of the said Act and regulations 3 to 6, 8, 11 and 13, Forms 1, 2, 3, 4 and 11 of the said Regulations.

11. I trust you are all in possession of copies of the legislation referred to above since all Residents and District Officers are recipients of Federal Law and Gazettes distributed by the Government Printer. In the case of the Arms Licensing Regulations, 1961, I shall have copies of them sent to you in due course.

12. It should be noted that the general policy regarding licensing of shotguns and ammunition as stipulated in previous Circular Memoranda issued by this office which are currently in practice, still remain unchanged.



(DATUK ABANG HAJI YUSUF PUTEH)  
FOR State Secretary.

c.c. Federal Secretary.  
State Attorney-General.  
Commissioner of Police.  
Permanent Secretary, MLG.