



PARLIMEN MALAYSIA



BILL

Corrosive and Explosive Substances and Offensive Weapons (Amendment) 1961

D.R.10/1961

A BILL

D. R. No. 10-61

intituled

An Act to amend the Corrosive and Explosive Substances and Offensive Weapons Ordinance, 1958.

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BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Ra'ayat in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Corrosive and Explosive Substances and Offensive Weapons (Amendment) Act, 1961. Short title.

2. Section 2 of the Corrosive and Explosive Substances and Offensive Weapons Ordinance, 1958 (hereinafter in this Act referred to as "the principal Ordinance") is hereby amended— Amendment of section 2. 43 of 1958.

(a) by inserting immediately before the word "Schedule" in the definition of "corrosive substance" the word "First";

(b) by substituting a semi-colon for the full-stop at the end thereof and adding thereto the following new definition:

“‘scheduled weapon’ means any offensive weapon specified in the Second Schedule hereto.”

3. The following new section is inserted in the principal Ordinance immediately after section 6 thereof: New section 6A.

6A. (1) Any person who, otherwise than for a lawful purpose—

(a) carries or has in his possession or under his control; or

(b) manufactures, sells or hires or offers for sale or hire; or

(c) lends or gives to any other person,

any scheduled weapon shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding two years, or to a fine not exceeding two thousand dollars, or to both such imprisonment and fine, and in the case of a second or subsequent offence to imprisonment for a term of not less than one year and not more than three years.

(2) In any prosecution for an offence under subsection (1) the onus of proving the existence of a lawful purpose shall be upon the accused.

“Offences relating to scheduled weapons.”

A.G.2485

Notice of amendment of Bill in Committee
by the Minister of Internal Security.

CORROSIVE AND EXPLOSIVE SUBSTANCES AND
OFFENSIVE WEAPONS (AMENDMENT) BILL.

Amendment to clause 3.

To insert after the words "sells or hires or offers"
in the new section 6A(1)(b) the words "or exposes".

EXPLANATORY STATEMENT

In an English case (Fisher v. Bell (1960) 3 W.L.R.919)
it has been held that the words "offers for sale" appearing
in section 1 of the United Kingdom Restriction of Offensive
Weapons Act, 1959 (from which the proposed new section 6A
is derived) do not extend to display in a shop window.
In consequence it is proposed by the above amendment to
make it clear that the exhibition of a 'flick' knife, etc.,
in a shop, for the purposes of sale, is in fact an offence.

(3) An offence under sub-section (1) shall be deemed to be a seizable and non-bailable offence.”

amendment section 4. Section 11 of the principal Ordinance is hereby amended by substituting for the word “Schedule” wherever it occurs the word “Schedules”.

amendment schedules. 5. The principal Ordinance is hereby amended—

- (a) by substituting for the word “SCHEDULE” appearing after section 12 thereof the words “FIRST SCHEDULE”;
- (b) by adding immediately after the First Schedule thereto the following new Schedule:

“SECOND SCHEDULE
(Sections 2 and 11)

1. Any knife, sometimes known as a ‘flick knife’, which has a blade which opens automatically by hand pressure applied to a button, spring or other device in or attached to the handle of the knife.

2. Any knife, sometimes known as a ‘gravity knife’, which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force and which, when released, is locked in place by means of a button, spring, lever or other device.

3. Any whip manufactured from bicycle or motor cycle chains, or from any similar kind of chainwork.

4. All kinds of knuckleduster.

5. Any blade or other instrument attached to or forming part of a bicycle pump, metal pipe, stick or similar object and which is capable of being used for cutting or stabbing.”

EXPLANATORY STATEMENT

Under the Corrosive and Explosive Substances and Offensive Weapons Ordinance, 1958, the carrying or possession of offensive weapons attracts penalties only if these are carried in a public place.

2. It is considered that there are certain types of weapon, such as knuckledusters, chainwhips, flick-knives, etc., which are of no use to anyone except criminals, and the possession of which creates a reasonable presumption that they are to be used for offensive purposes. It is the object of the above Bill, therefore, to create special penalties in relation to such weapons, as set out in *clause 3* of the Bill: the weapons in question being scheduled in the Second Schedule set out in *clause 5*, which may be amended by the Minister from time to time.

3. The provisions of *clause 3* of the Bill are derived from the United Kingdom Restriction of Offensive Weapons Act, 1959, and the Minor Offences (Amendment) Ordinance, 1959, of the State of Singapore.

[AG. 2485.]