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Regulating Explosive Precursors (EPs) under the Guns, Explosives & Weapons Control Act (GEWCA)

SCIC-Joint Agencies Dialogue 2023

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24 November 2023

Scope

➤ Recap of Last Dialogue (Nov 22)

➤ Regulatory Framework for Explosive Precursors (EPs)
under GEWCA: Update

Recap of Last Dialogue (Nov 22)

Recap of Last Dialogue (Nov 22)

- At the last dialogue with SCIC, Police presented on the new regulations for EPs under the GEWCA, which will replace the Arms and Explosives Act (AEA), Dangerous Fireworks Act and Explosives Substances Act by Q1 2024
- To recap, GEWCA will regulate guns, explosives, explosive precursors (EPs), weapons and noxious substances (collectively termed as 'GEW')
 - To tighten control over higher-risk GEW;
 - Ensure a calibrated and coherent regulatory and enforcement framework for GEW; and
 - Improve the GEW regulatory regime
- Compared to AEA regulatory regime, the key changes in GEWCA are:
 - Enhanced punishments and penalties
 - Inclusion of new threats eg. 3D-printed guns, desensitized explosives
 - New licence types and class licensing framework for low-risk users
 - Inclusion of additional weapons eg. karambit knives, axes

Regulatory Framework for Explosive Precursors (EPs) under GEWCA: Update

Regulated Items under GEWCA

Guns	Explosives	Explosive Precursors (EPs)*	Noxious Substances	Weapons*
<ul style="list-style-type: none"> Firearms (pistol, shotgun, rifle, etc.) Air-guns (airsoft guns, paintball guns) Tranquilizer gun Stun gun Spear gun Gun accessory 	<ul style="list-style-type: none"> Ammunition Explosive substances Fireworks Flares Airbags Desensitized explosives 	<ul style="list-style-type: none"> 15 dual use chemicals which can be used for industrial purpose or improvised as explosives (e.g. ammonium nitrate, hydrogen peroxide, etc.) On-going review for 15 new EPs to be regulated* 	<ul style="list-style-type: none"> Nauseating or lachrymatory substance (e.g. pepper spray) 	<p>24 weapons categorized as follows:</p> <ul style="list-style-type: none"> <u>Type 1</u> - Designed to cause hurt and have very limited legitimate day-to-day uses (e.g. karambit knives) <u>Type 2</u> - Designed to cause hurt but have specified legitimate uses such as sporting, theatrical, ornamental purposes (e.g. sword) <u>Type 3</u> - Designed as tools of trade but may be misused to cause hurt (e.g. axes)

Newly regulated under GEWCA (not regulated under current laws)

*refer to the end of the slides for the list of proposed 15 new EPs

Regulated Activities under GEWCA

Licence	Guns	Explosives	Explosive Precursors (EPs)*	Noxious Substances	Weapons
Manufacture	✓	✓	✓	✓	✓
Supply	✓	✓	✓	✓	✓
Possess	✓	✓	✓	✓	✓
Store	✓	✓	✓	-	-
Repair	✓	-	-	-	✓
Dispose	✓	✓	✓	✓	✓
Range	✓	-	-	-	-
Import/Export	✓	✓	✓	✓	✓
Conveyance	✓	✓	✓	✓	✓
Rock Blasting	-	✓	-	-	-
Fireworks Display	-	✓	-	-	-

- ✓ Activity exists under current AEA and regulations
- ✓ Activity is currently regulated but subsumed under a broad activity. GEWCA will narrow the activity further to be licensed as a specific and separate activity
- (-) Not applicable

Impact on Industry

➤ Regulation of New Activities

1. E-commerce platforms will be regulated for supply and sale of GEWCA items
2. New explosives such as desensitized explosives (DEs) will be included for regulation (may increase costs)

➤ Reduction in Applications

1. Bundled licences
2. Class licences
3. Longer licence tenures

➤ Changes to Fees

1. Lower fees in single application
2. Fee for security clearance
3. Revised and new licence fees

Regulation of New Activities

1. New Licence/Item

- **New Licence Types:** Armoury and range operator licences, conveyance and disposal licences. Licensees involved in conveyance or disposal of low-risk items such as EPs and Type 2 weapons (i.e. with specified legitimate uses such as sporting, theatrical, ornamental purposes) will be class-licensed.
- **New Explosives:** Currently, SCDF regulates desensitized explosives (DEs) as flammables under their Fire Safety Act whereas Police regulate explosives under the AEA. To streamline the regulatory framework more effectively, Police will take over the regulation of DEs from SCDF and have all explosives regulated under GEWCA.

Regulation of New Activities

2. Regulation of E-Commerce Platforms

- Regulating these platforms will align the regulatory requirements of physical shop dealers with e-commerce platforms, for parity.
- When regulated, online platforms will be prohibited from selling and supplying guns, noxious substances, explosives and explosive precursors.
- The platforms will be permitted to sell certain weapons (e.g. swords, axes, etc.) online, if the sellers meet the requisite licensing conditions or are exempted under the law.

Reduction in Applications

1. Bundled Licences

➤ GEWCA provides for bundled licences.

➤ A business which undertakes various related activities (manufacture, supply, storage, etc.), may make a single application for all requisite licences instead of applying for separate licences for each activity respectively.

➤ Business can select the type of activities applicable to them and pay for the bundled licence fee

➤ Related to the above, fees for bundled licences will be lower than separate licences, so as to save time and cost for the industry.

Reduction in Applications

2. Class Licence

- Class licences (& exemptions) allow the Police to close regulatory gaps and regularise the existing requirements in a way that does not increase regulatory burden and financial cost to the industry.

Example 1

- Currently, EP licensees are accountable for any breach in licensing condition by third-party transporters whom they hire but these third party transporters do not require any licence under the AEA.
- Under GEWCA, third-party transporters will be class licensed and accountable for any breach of class licensing conditions.
- Police have adopted a risk-calibrated approach to class license third party transporters who do not pose a high security risk. Otherwise, it would be costly and onerous to license every transporter.

Example 2

- Special workers handling EP will be class licensed. They can only handle the EPs which their employee is licensed for.

Reduction in Applications

3. Longer Licence Tenures

- The current AEA restricts licence tenures to a maximum of 2 years
- Under GEWCA, the Police will grant a minimum licence tenure of 3 years. This also takes into account the fact that the industry has been largely compliant and the risk of security breaches is not high.
- Although the tenures are longer, Police may still suspend or cancel licences at any time if there are serious breaches or if the licensee is no longer fit and proper.

Changes to Fees

1. Lower Fees in Single Application

➤ Bundled licences will result in lower fees saving time and costs for the industry.

2. Fee for Security Clearance

➤ Police will charge a flat fee for security clearance based on per application rather than per person.

➤ Licensees may thus save costs by submitting multiple names for screening and pay one flat fee.

➤ The fee is only applicable to new employees. Existing employees who were approved under existing AEA need not be re-submitted for security screening.

➤ There will not be a recurring fee as employees only need to be cleared once upon their employment. Nevertheless, employees who are no longer fit and proper may have their security clearances cancelled.

Changes to Fees

3. Revised & New Licence Fees

- Licence fees under AEA have generally remained unchanged since 2010.
- Under the current AEA regime, licensees have not been made to pay for costs such as screening employees who handle GEW, assessing project plans to grant approval for fireworks and the rock blasting using explosives.
- Under GEWCA, licence fees will be re-computed based on cost recovery and the cost of these activities will be factored into licence-fees.

Impact on EP Industry

- Police are currently working on the regulation of 15 new EPs.
- As the changes to EP regulations are expected to be introduced by end 2024, no changes will be made to current EP regulations/fees when the GEWCA is operational, in Q1 2024.
- As there are no changes to the licence fees or additional regulatory requirements imposed on EP licensees, the GEWCA will have minimal impact on the EP industry.

Conclusion

- As the security landscape continues to evolve and new threats emerge, there will be a need to continuously review and update the list of EPs to be regulated, to ensure that they do not pose a security risk and threat to Singapore.
- When new regulations for EPs were proposed, the Police were mindful not to overburden the industry and businesses especially when EPs have legitimate use and the industry has been highly compliant and cooperative
- Police will adopt a risk-based regulatory approach in that every EP facility, licensee and activity will be regulated based on the risks it poses to security.
- If you have feedback or queries, please email to:
 - SPF_PLRD_AED@spf.gov.sg



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Thank You

Proposal 2: Include 15 New EPs

- MHA/Police identified **15 chemicals** that pose security concerns and propose to regulate them as EPs, in addition to the current 15 EPs
- Currently, 11 of these EPs are regulated by NEA or SCDF for safety considerations only (i.e. to mitigate its toxic and flammable properties) and 4 are not regulated by any agency
- Police and MHA took reference from other jurisdictions and benchmarked against these, when determining the regulated thresholds (e.g. US, Australia, EU). Other considerations from NEA and SCDF were also considered

Proposal 2: Include 15 New EPs

Chemicals currently regulated by NEA

S/N	New EP	Current purity threshold by NEA (<i>substances below this purity threshold is unregulated</i>)	Police regulatory threshold
1	Hydrochloric Acid	Aqueous Substances containing more than 9%, weight in weight (w/w), of hydrochloric acid Gaseous 100%	Aqueous 8% Gaseous All purity
2	Nitric Acid	Substances containing more than 9%, weight in weight, of nitric acid	3% w/w, i.e. 3 g for 100 g of solution
3	Nitrobenzene	Substances containing 0.1% or more, weight in weight, of nitrobenzene	All purity
4	Sodium Azide	All purity	All purity, with exemption for air bag devices in motor vehicles
5	Sulphuric Acid	Substances containing more than 9%, weight in weight, of sulphuric acid	15% w/w

Proposal 2: Include 15 New EPs

Chemical currently regulated by SCDF

S/N	New EP	Current purity threshold by SCDF	Police regulatory threshold
6	Acetone	All purity	35%
7	Aluminium		All purity (powder)
8	Magnesium		All purity (powder)
9	Magnalium* <i>*mixture of aluminium and magnesium and regulated based on the major component of the chemical</i>		All purity (powder)
10	Nitromethane		All purity
11	Phosphorus		All purity

Proposal 2: Include 15 New EPs

Unregulated chemicals

S/N	New EP	Current purity threshold	Police regulatory threshold
12	Calcium Nitrate	NA	All purity
13	Hexamine		All purity
14	Potassium Permanganate		
15	Magnesium Nitrate, Hexahydrate		All purity (exemption for first aid/medical purposes will be considered). All purity