



LAWS OF MALAYSIA

REPRINT

Act 207

EXPLOSIVES ACT 1957

Incorporating all amendments up to 1 January 2006

PUBLISHED BY
THE COMMISSIONER OF LAW REVISION, MALAYSIA
UNDER THE AUTHORITY OF THE REVISION OF LAWS ACT 1968
IN COLLABORATION WITH
PERCETAKAN NASIONAL MALAYSIA BHD
2006

EXPLOSIVES ACT 1957

First enacted	1957 (Ordinance No. 40 of 1957)
Revised	1978 (Act 207 w.e.f. 15 November 1978)

PREVIOUS REPRINT

First Reprint 2001

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LAWS OF MALAYSIA**Act 207****EXPLOSIVES ACT 1957**

An Act relating to the manufacture, use, sale, storage, transport, import and export of explosives.

*[Peninsular Malaysia—15 February 1961,
L.N. 44/1961;
Sabah and Sarawak—1 September 1977,
P.U. (A) 260/1977]*

PART I**PRELIMINARY****Short title**

1. This Act may be cited as the Explosives Act 1957.

Interpretation

2. In this Act, unless the context otherwise requires—

“Chief Police Officer” includes a Commissioner of Police vested with the control of the Royal Malaysia Police in respect of any area or State;

“explosive” means gunpowder, nitro-glycerine, dynamite, guncotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance used or manufactured for the purpose of producing a practical effect by explosion or a pyrotechnic effect and includes fogsignals, fireworks, fuzes, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive, any material for making any explosive and any apparatus, machine, implement or material used or intended to be used or adapted for causing or aiding in causing any explosion in or with any explosive and any part of any such apparatus, machine or implement;

“Minister” means the Minister charged with the responsibility for explosives;

“manufacture” includes the preparation of any component parts of an explosive, the admixture or other treatment of the same, the breaking up or unmaking of any explosive, or making fit for use any damaged explosive or the processing of any substance or matter with a view to causing an explosion or disintegration, and the process of remaking, altering or repairing any explosive;

“Officer in Charge of a Police District” and “police officer” shall have the same meaning as in the Police Act 1967 [Act 344];

“senior police officer” means a police officer of any rank from and including the Inspector-General down to and including an Assistant Superintendent.

*“West Malaysia” has the meaning assigned thereto in section 3 of the Interpretation Act 1967 [Act 388], and includes the Federal Territory.

Extension of definition of explosive to other explosive substances

3. The Minister may, from time to time, by notification in the *Gazette*, declare any substance to be dangerous by reason either of its explosive properties or of any process in connection with the manufacture thereof rendering it liable to explosion, and that substance shall be deemed to be an explosive for the purposes of this Act, subject to such exceptions, limitations and restrictions as may be specified in the notification, and this Act shall thereupon extend to the substance in like manner as if it were included in the definition of the word “explosive”.

PART II

OFFENCES, PENALTIES, ENFORCEMENT AND PROCEEDINGS

Power to prohibit the manufacture, possession or importation of specially dangerous explosives

4. (1) Notwithstanding anything in this Act, the Minister may, from time to time, by notification in the *Gazette*—

- (a) prohibit either absolutely or subject to conditions the manufacture, possession or import of any explosive which is used so as to cause danger or annoyance to the public

*NOTE—All references to “West Malaysia” shall be construed as references to “Peninsular Malaysia”—see Interpretation (Amendment) Act 1997 [Act A996], subsection 5(2).

or which is of so dangerous a character that in the opinion of the Minister it is expedient for the public safety to issue the notification; and

(b) rescind or vary any notification made under this section.

(2) Any person manufacturing, possessing or importing any explosive in contravention of a notification issued under this section shall, on conviction, be liable to imprisonment for five years, or to a fine of ten thousand ringgit, or to both.

(3) If any vehicle, vessel or aircraft is used for the import of any explosive in contravention of a notification under this section or for the receipt or storage of any explosive imported in contravention of any such notification—

(a) the owner, master or captain thereof shall, on conviction, be liable to a fine of ten thousand ringgit unless it is proved to the satisfaction of the court that the said owner, master or captain was not implicated in the placing of the explosive on board the vehicle, vessel or aircraft and that the offence in question was committed without his knowledge, consent, or connivance; and

(b) the vehicle, vessel or aircraft may be detained by order of the court until security has been given for such sum as the court orders, not exceeding ten thousand ringgit.

(4) The finding of any explosive which is subject to a prohibition under this section in or on board any vehicle, vessel or aircraft shall be prima facie evidence that the vehicle, vessel or aircraft has been used for the import of the explosive contrary to this Act or for the receipt or storage of explosive imported contrary thereto.

(5) For the purposes of this section the expression “master” includes every person, except the pilot, having command or charge of a vessel.

Dangerous acts

5. Any person found committing wilfully or negligently any act which tends to cause explosion or fire in or about any factory, magazine, hulk, vehicle, vessel, aircraft, storehouse, or shop or other premises containing explosives, shall, on conviction, be liable to imprisonment for five years, or to a fine of ten thousand ringgit, or to both.

Penalty for causing explosion likely to endanger life or property

6. Any person who unlawfully and maliciously causes by any explosive an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be liable, on conviction, to imprisonment for seven years, or to a fine of ten thousand ringgit, or to both.

Penalty for attempt to cause explosion, or for making or keeping explosive with intent to endanger life or property

7. Any person who unlawfully and maliciously—

(a) does any act with intent to cause by any explosive, or conspires to cause by any explosive, an explosion of a nature likely to endanger life or to cause serious injury to property; or

(b) makes or has in his possession or under his control any explosive with intent by means thereof to endanger life, or cause serious injury to property or to enable any other person by means thereof to endanger life or cause serious injury to property,

shall, whether any explosion does or does not take place and whether any injury to person or property has been actually caused or not, be liable, on conviction, to imprisonment for seven years, or to a fine of ten thousand ringgit, or to both.

Penalty for making or possessing explosives under suspicious circumstances

8. Any person who makes or knowingly has in his possession or under his control any explosive, under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, be liable, on conviction, to imprisonment for seven years, or to a fine of ten thousand ringgit, or to both.

Search for explosives under warrant

9. (1) A Magistrate, a senior police officer or an Officer in Charge of a Police District, on being satisfied upon written information on oath and after any enquiry which he may think necessary that—

(a) any person residing within the limits of his jurisdiction—

(i) has in his possession any explosive without a licence therefor or in contravention of the conditions upon which any licence therefor was issued; or

(ii) has in his possession any explosive whereof he cannot be left in possession without danger to the public peace; or

(b) any explosive is in or on any house, premises or other building or place or any vehicle, vessel or aircraft,

may by warrant authorize any person therein named or any police officer with such assistance and by such force as may be necessary by night or by day—

(A) to enter or board and search any house, premises or other buildings or place or any vehicle, vessel or aircraft specified in the warrant and to search all persons found therein or thereon;

(B) to seize and detain any explosive found as a result of the search; and

(C) to arrest any person found in or on the house, premises or other building or place or the vehicle, vessel or aircraft whom the officer has reasonable grounds for suspecting to be about to commit or to be committing or to have committed any offence against this Act.

(2) Whoever, upon a search being made under this section, having in his possession or custody any explosive or knowing where any explosive is concealed, refuses to produce or point out the same to the person making the search, or intentionally conceals the same, shall, on conviction, be liable to imprisonment for seven years, or to a fine of ten thousand ringgit, or to both.

Search warrant against persons

10. A Magistrate, a senior police officer or an Officer in Charge of a Police District, on being satisfied upon information on oath and after any enquiry which he may think necessary that there is good reason to believe that any explosive is likely to be found on any person may by warrant under his hand order any police officer to arrest and search the person, or may by warrant under his hand order any person therein named to arrest the person and to take him forthwith before any Magistrate, senior police officer or Officer in Charge of a Police District, who shall thereupon cause such person to be searched in his presence and if any explosive is found upon his person he shall be taken before a Magistrate to be dealt with according to law.

Entry and search by Magistrate, etc.

11. (1) A Magistrate, a senior police officer or an Officer in Charge of a Police District may himself do what he may, under sections 9 and 10, authorize a police officer to do whenever the Magistrate or senior police officer or Officer in Charge of a Police District is competent to issue a warrant under the said sections respectively and also in any of the following cases, that is to say—

- (a) if he has personal knowledge of the facts and circumstances as satisfy him that there are sufficient grounds for a search under the said sections respectively; or
- (b) if he receives the required information orally and either on oath or not on oath under such circumstances that the object of a search would, in his opinion, be defeated by the delay necessary for reducing the information to writing: provided that in this last case the name and address of the person giving the information are known to or ascertained by the Magistrate, or senior police officer or Officer in Charge of a Police District, before he acts upon the information.

(2) Whoever in giving such oral information makes a statement which he knows or believes to be false or does not believe to be true shall, on conviction, be liable to imprisonment for twelve months, or a fine not exceeding five hundred ringgit, or to both.

Power to stop and search for explosive in the street

12. It shall be lawful for any police officer to stop and to search for explosive any person whom he may find in any street or other public place at any hour of the day or night who acts in a suspicious manner or whom he may have reasonable grounds to suspect of having any explosive in his possession.

Entry on place where explosive is used

13. Any police officer may enter and remain on any land or premises other than a dwelling-house at and for such time as may be reasonably necessary to enable him to ascertain whether a person carrying or using any explosive on the land or premises has a licence in that behalf.

Production of licence and accounting for explosives

14. (1) Any senior police officer or any Officer in Charge of a Police District may, for reasons to be first recorded by him, authorize by name in writing any police officer not below the rank of corporal to require any person or the persons living in any locality within his jurisdiction to produce his or their licence or licences and to produce or account for the explosives described therein.

(2) Any person who fails to account satisfactorily to an officer authorized by or under this section for any explosives described in any licence issued to him during the period for which the licence is in force or after its expiry, suspension, or cancellation, shall, on conviction, be liable to a fine of five hundred ringgit.

(3) Any explosive produced to or discovered by a police officer in any State under this section may, if the Chief Police Officer, for reasons of public safety to be duly recorded by him, so directs, be detained by the police for any period not exceeding one month:

Provided that no explosives shall be detained under this section contrary to the orders of the Minister.

(4) Any power which a senior police officer or an Officer in Charge of a Police District is by this section empowered to authorize to be exercised by a police officer not below the rank of corporal may be exercised in person by a senior police officer or by an Officer in Charge of a Police District.

Arrest without warrant

15. (1) Any person found committing any act punishable under this Act or any regulations made thereunder which tends to cause or may cause explosion or fire in or about any place where any explosive is manufactured or stored, or in or about any railway, port or aerodrome, or any vehicle, vessel or aircraft, may be arrested without warrant by—

- (a) a police officer;
- (b) the occupier of that place, or the agent or servant of, or other person authorized by, such occupier; or
- (c) an agent or servant of, or other person authorized by—
 - (i) the General Manager of the Malayan Railway or the Sabah Railway;
 - (ii) the Director of Civil Aviation; or
 - (iii) the Director of Marine,

and may be detained in custody.

(2) If any person is apprehended by a person who is not a police officer, he shall be forthwith taken to the nearest police station or handed over to a police officer.

(3) Any police officer may arrest without warrant and detain in custody any person found carrying or conveying any explosive in such a manner or in such circumstances as to afford reasonable grounds for suspicion that the same may be used for any unlawful purpose dangerous to the public peace.

(4) Every person arrested by virtue of any power given by this section shall, together with any explosives or any other article as to which any offence may have been committed or attempted to be committed, be taken to a police station and conveyed as soon as conveniently may be before a Sessions Court or the Court of a Magistrate to be dealt with according to law.

Abetment and attempt

16. Whoever abets the commission of any offence punishable under this Act or any regulations made thereunder, or attempts to commit any such offence, and in that attempt does any act towards the commission of the same, shall be liable to the same penalty as if he had committed the offence.

Forfeiture of explosives

17. Whenever a person is convicted of an offence punishable under this Act or the regulations made thereunder, the court before which he is convicted may direct that the explosive, or ingredient of the explosive, or the substance (if any) in respect of which the offence has been committed, or any part of that explosive, ingredient or substance, shall, with the receptacles containing the same, be forfeited.

Seizure and sale of vessels

18. Where the owner of a vehicle, the owner or master of a vessel or the captain of an aircraft is convicted of an offence under this Act and ordered to pay a fine relating to that vehicle, vessel or aircraft, the court may, in addition to any other power which it may have for the purpose of compelling payment of the fine, direct that the vehicle, vessel or aircraft be detained until the payment thereof and in default of payment within the time directed the court may order the fine to be levied by sale of said vehicle, vessel or aircraft or by such other means as the court shall direct.

Rewards to informers

19. In case of a conviction under any section of this Act, or for breach of any regulations made thereunder, involving a fine, it shall be lawful for the court inflicting the fine to direct on the application of the prosecution that any part, not exceeding one-half thereof, shall be paid to any person who has, or divided in such proportions as the court may order amongst any persons who have, given the information to the police as has led to the conviction of the offender or offenders.

Liability of principal for offences committed by agent, etc.

20. (1) Whenever under this Act any person mentioned in any licence issued thereunder is declared liable to any punishment, penalty or forfeiture for any act committed by him—

- (a) he shall be liable to the same punishment, penalty or forfeiture for every similar act committed by any agent or servant employed by him in or about any premises licensed under this Act; and

- (b) every agent or servant employed by him shall also be liable to every punishment, penalty or forfeiture prescribed for offences against this Act or any regulations made thereunder as fully and effectually as if the agent or servant had been the person mentioned in the licence.

(2) Every person employed in or about any premises licensed under this Act shall be deemed to have been so employed by the person mentioned in the licence unless and until the contrary be proved.

Where licensee under disability

21. If a person licensed to manufacture, possess, use, sell, store, transport, import or export explosives dies or becomes insolvent or bankrupt or mentally disordered or otherwise under disability, the person carrying on the business of the licensee shall not be liable to any penalty or forfeiture for acting under the licence during such reasonable time as may be necessary to allow him to make application for a new licence, and that person shall be deemed to be the holder of the licence for all purposes under this Act and to be liable in the same way as if he were the original holder thereof until a new licence is granted or refused.

Presumptions

22. (1) Every person who is proved to have had in his possession or under his control anything whatever containing any explosive shall, until the contrary is proved, be deemed to have been in possession of the explosive.

(2) The occupier of any house or premises in which any explosive is found shall be deemed, until the contrary is proved, to be the possessor of the explosive for the purposes of this Act.

PART III

GENERAL

Notice of accidents

23. Whenever there occurs in or about or in connection with—

(a) any place in which an explosive or any explosive substance is manufactured, possessed or used; or

- (b) any vehicle, vessel or aircraft in which an explosive or explosive substance is being loaded or unloaded, any accident—
 - (A) by explosion or by fire attended with loss of human life or serious injury to person or property; or
 - (B) of a description usually attended with such loss or injury,

the occupier of the place, the person in charge of the vehicle, the master of the vessel or the captain of the aircraft shall forthwith give notice thereof to the officer in charge of the nearest police station.

Enquiry into accidents

24. (1) Any Magistrate who is of opinion that an enquiry is necessary into the cause of any accident of the description mentioned in section 23 may make such enquiry.

(2) Any Magistrate making an enquiry under this section shall, for the purposes of conducting the enquiry, have all the powers which he would have in holding an enquiry into an offence within his jurisdiction.

Minister may authorize magazines or hulks

25. It shall be lawful for the Minister, or any person authorized in writing by the Minister in that behalf, to authorize the erection of such magazines, or the establishment of such hulks, as he may consider necessary, for the storage of explosives belonging to the Government of Malaysia or of any State, or for the storage or safe custody of explosives belonging to other persons.

Regulations

26. The Minister may make regulations—

- (a) to regulate or prohibit, except under or in accordance with the provisions or conditions of a licence granted under this Act, the manufacture, possession, use, sale, storage, transport, import or export of explosives or of any specified class thereof;

- (b) to prescribe the fees to be charged for any such licence and the other sums (if any) to be paid for expenses by applicants for licences;
- (c) to regulate the manner in which applications for licences shall be made and the matters to be specified in the applications;
- (d) to regulate the conditions and restrictions on and subject to which licences may be granted, the grounds upon which licences may be suspended or cancelled and the periods for which licences shall remain in force;
- (e) to exempt, either absolutely or subject to conditions, any specified explosive or class of explosives from the operation of the regulations;
- (f) to authorize any officer, either by name or by office—
 - (i) to enter, inspect and examine any place, vehicle, vessel or aircraft in which any explosive is being manufactured, possessed, used, sold, stored, transported, imported or exported under a licence granted under this Act or in which he has reason to believe that any explosive has been stored, transported, imported or exported in contravention of this Act or of any regulation made thereunder;
 - (ii) to search for explosives therein;
 - (iii) to take samples of any explosives found therein; and
 - (iv) to seize, detain, remove, and, if necessary, destroy any explosive found therein;
- (g) to prescribe and to regulate the tests to which various classes or any particular class of explosives may or shall be subjected before a licence is granted to manufacture, possess, use, sell, store, transport, import or export the same;
- (h) to prescribe the fees to be charged in respect of any matter for which provision is made in this Act or any regulation made thereunder and to direct by whom the same are to be paid;

- (i) to impose penalties on all persons manufacturing, possessing, using, selling, storing, transporting, importing or exporting explosives in contravention of this Act or of any regulation made thereunder, or contravening any other regulation made under this Act;

Provided that the maximum penalty which may be imposed by any such regulations shall not exceed—

- (i) in the case of a person so manufacturing, importing or exporting an explosive, imprisonment for three years, or a fine of five thousand ringgit, or both;
 - (ii) in the case of a person so possessing, using, storing or transporting an explosive, imprisonment for two years, or a fine of two thousand ringgit, or both;
 - (iii) in the case of a person so selling an explosive, imprisonment for one year, or a fine of one thousand ringgit, or both; and
 - (iv) in any other case, a fine of five hundred ringgit;
- (j) generally to provide for carrying out the provisions of this Act.

Non-application in respect of Government, etc.

27. (1) This Act shall not apply to the manufacture, possession, use, sale, storage, transport, import or export of any explosive—

- (a) by order of the Government of Malaysia or of any State;
or
- (b) by any person employed by the Government of Malaysia or of any State in the execution of this Act, or any police officer or any member of the armed forces or of a volunteer force constituted under any written law in force in Malaysia, or of any other force lawfully present in Malaysia under any law for the time being in force relating to visiting forces, or any member of the Prisons Department of Peninsular Malaysia, Sabah or Sarawak, in respect of any explosive issued to him or in his possession, custody or control or under his charge in his capacity as such:

Provided that that person, officer or member is acting in accordance with his duty.

(2) This Act, except for sections 5 and 15 thereof, shall not apply to any vessel of war, aircraft or vehicle belonging to the Government of Malaysia or of any State.

Repeal and saving

28. (1) The Enactments and Ordinances set out in the first and second columns of the Schedule are hereby repealed to the extent specified in the third column of the said Schedule.

(2) Notwithstanding the repeal of the said Enactments and Ordinances, any rule or regulation made under the Explosives Enactment of the Federated Malay States [*Cap. 200*] and in force immediately before the 15th day of February 1961 shall, so far as it is not inconsistent with this Act, be deemed to have been made under the corresponding provisions of this Act, and shall continue in force until it has been revoked, amended or replaced by regulations made under this Act and shall apply and have effect throughout Malaysia.

SCHEDULE

[Section 28]

REPEAL

<i>No.</i>	<i>Title</i>	<i>Extent of Repeal</i>
F.M.S. Cap. 49	The Explosive Substances Enactment	The whole
F.M.S. Cap. 200	The Explosives Enactment	The whole
Johore Enactment No. 56	The Explosives Enactment	The whole
Kedah Enactment No. 3 of 1333	Enactment No. 35 (Explosives)	The whole
Kelantan Enactment No. 4 of 1938	The Arms and Explosives Enactment 1938	The whole in so far as it relates to explosives (as therein defined)
Perlis Enactment No. 6 of 1356	The Explosives Enactment	The whole

Explosives

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<i>No.</i>	<i>Title</i>	<i>Extent of Repeal</i>
Trengganu No. 47 of 1356	The Explosives Enactment 1356	The whole
S.S. Cap. 196	The Arms and Explosives Ordinance	The whole in so far as it relates to explosives (as therein defined)
S.S. Cap. 197	The Explosives Substances Ordinance	The whole
Sabah No. 17 of 1956	The Firearms and Explosives Ordinance	The whole
Sarawak Cap. 135	The Arms and Explosives Ordinance	The whole

LAWS OF MALAYSIA**Act 207****EXPLOSIVES ACT 1957**

LIST OF AMENDMENTS

Amending law	Short title	In force from
L.N. 44/1961	Pending Laws Validation (Explosives Ordinance 1957) Order, 1961	15-02-1961
Act 41/1967	Police Act 1967 (definitions of “Chief Police Officer”, “gazetted police officer”), 13(1), 14, 15(1), 16(1), (4)	29-08-1967
Act A267	Explosives (Amendment) Act 1974	16-08-1974
Act 160	Malayan Currency (Ringgit) Act 1975	29-08-1975
P.U. (A) 260/1977	Arms and Explosives (Extension)	01-09-1977

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Section	Amending authority	In force from
2	Act A267	16-08-1974
4	L.N. 44/1961	15-02-1961
16	L.N. 44/1961	15-02-1961
26	L.N. 44/1961	15-02-1961
27	L.N. 44/1961	15-02-1961
28	L.N. 44/1961	15-02-1961



