

**ARMS & EXPLOSIVES ACT
SECTION 21F(a)**

**GUIDELINES FOR CONSIDERING WHETHER
A PERSON IS FIT AND PROPER
TO HOLD A LICENCE UNDER THE ARMS & EXPLOSIVES ACT, CHAPTER 13**

1. In considering whether a person is fit and proper to hold a licence under the Arms & Explosives Act (Cap. 13) (the “**Act**”), the Licensing Officer (“**LO**”) will take into account whether each of the relevant persons set out in paragraph 3 below satisfies the criteria and requirements in paragraph 4 below.
2. These guidelines provide general guidance and they, in particular the criteria and requirements in paragraph 4 below, are not exhaustive. The LO has the discretion to take into account other factors that he considers to be relevant, when assessing whether a person is fit and proper to hold a licence under the Act.
3. For the purposes of these guidelines, a “relevant person” means:
 - a) The holder of a licence under the Act (“**licensee**”) or the applicant for a licence under the Act or a licensee who is applying to have his licence under the Act renewed (each, an “**applicant**”), as the case may be;
 - b) Each responsible officer of the licensee or applicant (as applicable) i.e.
 - (i) Where the licensee or applicant is a body corporate (other than a limited liability partnership), a director of the body corporate;
 - (ii) Where the licensee or applicant is a partnership, a partner of the partnership; and
 - (iii) Where the licensee or applicant is an unincorporated association registered as such pursuant to the Societies Act (Cap. 311), an officer of the unincorporated association; and
 - c) Any other person having a substantial interest in, or control or direction over, the business of the licensee or applicant (as applicable), including all substantial shareholders (as defined in section 81 of the Companies Act (Cap. 50)) and the chief executive officer, deputy chief executive officer, and/or all other officers by whatever name described, who have similar responsibilities or functions.
4. The criteria and requirements for a person to be considered fit and proper to hold a licence under the Act include, but are not limited to, whether each relevant person has honesty, integrity, a good reputation, competence and capability. To assess whether a person meets these criteria, the LO may consider whether a relevant person:
 - a) has been convicted of any offence, or is under investigation, or being subject to any pending proceedings for such offence, has been detained or placed under supervision under any written law, or is being subject to any pending proceedings which may lead to such detention or supervision, or has accepted any offer of composition under any written law.
 - b) does not have a good track record of, or is a relevant person of any other entity that does not have a good track record of, ensuring compliance with:

- (i) the provisions of the Act or the subsidiary legislation thereunder; and/or
- (ii) the licence conditions of any licence issued to him or the relevant entity under the Act.

In determining whether there is a good track record as stated above, the LO may take into account, *inter alia*, the detection of any breaches by the LO or any alleged breaches of the Act, related subsidiary legislation and/or licence conditions which are under investigation, or pending court proceedings.

- c) has been uncooperative with SPF in respect of any investigations conducted or queries posed in relation to the licence under the Act, or the application for the grant or renewal thereof.
- d) does not have adequate skills, knowledge and experience to handle arms, explosives or explosives precursors (whichever applicable).
- e) has not fulfilled any training requirements as stipulated by the LO.
- f) does not have reasonable grounds for obtaining the licence. In determining whether there are reasonable grounds, the LO will take into account, *inter alia*, if the licence is for any of the following purposes:
 - (i) *in the context of arms*: for sports shooting by members of a duly registered shooting club; for recreation in approved premises; for animal management; for manufacturing; for dealing in arms; for display in approved premises, trade fairs or exhibitions.
 - (ii) *in the context of explosives*: for blasting; for pyrotechnic display; for manufacturing; for dealing in explosives; for industrial research; for training; for disposal in approved facilities (e.g. bunkers or magazines) in approved premises.
 - (iii) *in the context of explosive precursors*: for manufacturing; for dealing in explosive precursors for commerce purposes; for possession and use for industrial, research, blasting and training purposes by laboratories and cleaning companies in approved facilities in approved premises.
- g) has been the subject of any investigations or disciplinary proceedings or been issued a warning or reprimand by any regulatory authority, or any professional body or government agency for any fraud, misrepresentation or dishonesty.
- h) has had any judgment associated with a finding of fraud, misrepresentation or dishonesty entered against him in any civil proceedings.
- i) has been disqualified from acting as a director or disqualified from acting in any managerial capacity for reasons pertaining to fraud, misrepresentation or dishonesty.
- j) has a bankruptcy order or a winding up application made against him, or has made composition or arrangement with his creditors.
- k) has any health condition (whether physical or mental) which may render him unsuitable to hold a licence under the Act.

5. A person will not automatically be held to be not fit and proper to hold a licence under the Act if a relevant person does not meet any of the criteria or requirements set out in paragraph 4 above. The significance of a relevant person failing to satisfy any specific criteria or requirement depends on:

- a. The seriousness of, and surrounding circumstances resulting in, the relevant person not meeting the specific criteria;
- b. The relevance of the failure by the relevant person to meet the specific criteria to the responsibilities that are, or are to be, assumed by the relevant person; and
- c. The passage of time since the failure by the relevant person to meet the specific criteria.

6. The LO may revise these guidelines at any time without notice.

<p>Note: Section 21G(b) of the Arms & Explosives Act, Chapter 13 states that a licence under the Act shall at any time be liable to suspension or cancellation without any reason being given by the LO.</p>
