

## ARMS AND EXPLOSIVES (AMENDMENT) BILL 2006

### Frequently Asked Questions

Q1	Why is MHA amending the Arms and Explosives Act?
A1	<p>Increasingly, terrorists are using certain industrial chemicals (known as explosive precursors) such as ammonium nitrate which, when mixed with certain other substances, can become substitutes for explosives. In view of the security risk, police have taken over the control of 13 chemicals from the National Environment Agency and added 2 more chemicals for control.</p> <p>The local Jemaah Islamiyah network that ISD disrupted in 2001 and 2002 had planned to procure 17 tonnes of ammonium nitrate for the manufacture of truck bombs to carry out attacks in Singapore. Overseas, the Jemaah Islamiyah successfully used explosive precursors, nitrate-based chemicals and potassium chlorate mixtures respectively, to carry out the Bali and Jakarta Marriot bombings in Indonesia. The seizure of large quantities of ammonium nitrate stolen from storage facilities in other countries further reinforces the need to control explosive precursors in Singapore.</p>

Q2	What are explosive precursors and what are those to be controlled?		
A2	<p>Explosive precursors are oxidizing agents with legitimate industrial usage and are essentially safe in their original properties. However under certain circumstances, either when reacted in certain controlled conditions or mixed with other products, these could be converted into explosives and have the potential to be used as hazardous materials for terrorist purposes.</p> <p>15 precursors that are widely used for research, industrial and agricultural purposes have been identified for control under the Arms and Explosives Act.</p>		
	S/No	Chemical	Uses
	1	Ammonium Nitrate	Fertilizers, matches, explosives and pyrotechnics, oxidiser in solid rock propellants.
	2	Ammonium Perchlorate	Propellants, explosives and pyrotechnics.
	3	Barium Nitrate	Glass, ceramics, pyrotechnics for green fire, green signal light.
	4	Guanidine Nitrate	Disinfectants, photographic chemicals.
	5	Hydrogen Peroxide	Antiseptic, disinfectant, bleaching, electroplating, plasticizers, refining and cleaning metals.
	6	Potassium Chlorate	Bleaching, dyes, explosives, pyrotechnics, fireworks, matches, printing and dyeing cotton and wool black.
	7	Potassium Nitrate	Glass manufacturing, preservatives, matches, fertilizer, tobacco treatment, steel tempering, pyrotechnics, toothpastes, fireworks.
	8	Potassium Nitrite	Food additives, corrosion, nutrients for aquarium plants, antidote for cyanide poisoning.
	9	Potassium Perchlorate	Photography, explosives and pyrotechnics.
	10	Sodium Chlorate	Herbicides, bleaching (pulp industry), dyes, leather, explosives, matches, fireworks, bleach for paper pulp, leather tanning and finishing, weed killer.
	11	Sodium Nitrate	Fertilizer, refrigerant, matches, pharmaceuticals, preservatives, glass manufacturing, metallurgy, steel tempering, corrosion, dyes.
	12	Sodium Nitrite	Rubber accelerators, preservatives, medicine, metallurgy, corrosion, dyes, printing textile and fabrics, photography, glass lubricants
	13	Sodium Perchlorate	Explosives, matches.
	14	Perchloric Acid	Electropolishing, explosives.
	15	Tetranitromethane	Petrochemicals, propellants and explosives.

Q3	How was the list of 15 explosive precursors determined?
A3	<p>The Police was designated as the National Authority for the control of explosive precursors in Aug 2002. The Department of Chemistry, of the National University of Singapore, was engaged to conduct a comprehensive industry study and make recommendations on the critical chemicals that needed to be controlled. The list of 15 chemicals to be controlled have been incorporated into the Arms &amp; Explosives Act (see Annex A).</p> <p>Industry based focus group meetings were held between Oct 2003 to Feb 2004, and a final briefing was conducted in May 2006 to seek inputs on the proposed control regime. About 140 industry players attended the briefing. In general, the industry is supportive of the need to have regulatory control of the explosive precursors in the heightened security environment after 9-11.</p> <p>Other countries such as UK (Northern Ireland) and Australia (New South Wales) have similar controls over the explosive precursors. For example, Northern Ireland controls 6 of the 15 explosive precursors which SPF will control.</p>

Q4	Is the list of explosive precursors to be controlled comprehensive enough?
A4	<p>The 15 explosive precursors that have been identified are widely used for research, industrial and agricultural purposes. However, despite their legitimate uses in different industries, they pose a security risk should it fall into the wrong hands. Explosive precursors were assessed based on their chemical properties and their widespread use in Singapore and also on their potential for use by terrorist in improvised explosive devices. However, in determining effective enforcement controls over these substances, security was balanced against the need not to overly stifle the commercial and research activities related to their usage.</p> <p>As new chemicals will be introduced into the market, and new synthesis methods will be developed with the advancement of technology, we will constantly review the list of explosive precursors and make appropriate changes when necessary.</p>
Q5	How does our law/ regulations compared with that of other countries?
A5	Our approach is consistent with other developed countries with similar legislation i.e. UK

	(Northern Ireland) and Australia (New South Wales) have regulatory control over explosive precursors too.				
Q6	Some of the precursors listed in the Schedule are common components of fertilizers. In this regard, are people who possess these fertilizers liable under the Arms and Explosives Act and are they required to get themselves registered? How does the amendment affect bulk users and home users?				
A6	<p>The focus of this Act is to monitor and regulate the use and movement of explosive precursors within Singapore. As such, anyone who uses the explosive precursors listed in the schedule will have to be licenced.</p> <p>However, not everyone who uses fertilizers and the related chemicals of interest will have to be licenced. Exclusions from regulation were based on concentration levels which determined the explosive precursors' explosive hazard. To illustrate, only ammonium nitrate fertilizers with nitrogen concentrations of more than 28% will be controlled.</p> <p>Common fertilisers normally come by in concentrations which are below the controlled level. Thus retailers of common fertilizers or home users will not normally require a licence to deal-in or to possess explosive precursors. However, retailers or home users are advised to check on the Material Safety Data Sheet (MSDS) or the labeling on the original packaging to know the concentration level of the fertilizers that they are purchasing. The labeling will indicate the nitrogen contents of the mixture which will then determine whether a licence is required or otherwise. Home users are advised to refrain from purchasing if the packaging does not indicate any concentration level or where the concentration of the fertilizers could not be verified.</p> <p>The following are the different threshold levels,</p> <table border="0"> <thead> <tr> <th style="text-align: center;"><u>Substance</u></th> <th style="text-align: center;"><u>Exclusions</u></th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">1. Ammonium Nitrate</td> <td style="vertical-align: top;">           a. aqueous solutions containing less than 60% weight in weight<sup>3</sup> of ammonium nitrate             b. any mixture, including a fertilizer, which contains ammonium nitrate and in which any part of the nitrogen content having a chemically determined ammonium equivalent constitutes, together with that         </td> </tr> </tbody> </table>	<u>Substance</u>	<u>Exclusions</u>	1. Ammonium Nitrate	a. aqueous solutions containing less than 60% weight in weight <sup>3</sup> of ammonium nitrate  b. any mixture, including a fertilizer, which contains ammonium nitrate and in which any part of the nitrogen content having a chemically determined ammonium equivalent constitutes, together with that
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		equivalent, less than 28%, by weight of the said mixture
2.	Ammonium Perchlorate	-
3.	Barium nitrate	Preparations and solutions containing less than 10%, weight in weight, of barium nitrate
4.	Guanidine nitrate	-
5.	Hydrogen peroxide	Preparations and solutions containing not more than 20%, weight in weight, of hydrogen peroxide
6.	Potassium chlorate	-
7.	Potassium nitrate	Preparations and solutions containing less than 5%, weight in weight, of potassium nitrate or a combination of both potassium nitrate and sodium nitrate
8.	Potassium nitrite	Aqueous solutions containing less than 5% weight in weight, of potassium nitrite
9.	Potassium perchlorate	-
10.	Sodium chlorate	-
11.	Sodium nitrate	Preparations and solutions containing less than 5%, weight in weight, of sodium nitrate or a combination of both sodium nitrate and potassium nitrate
12.	Sodium nitrite	Aqueous solutions containing less than 5%, weight in weight, of sodium nitrite
13.	Sodium perchlorate	-
14.	Perchloric acid	-
15.	Tetranitromethane	-
	<sup>3</sup> Weight in weight: the concentration levels of the controlled chemicals cannot exceed the stipulated threshold limit.	

Q7	Why are volatile substances like acetone not covered in the Act?
A7	Materials like acetone are flammable and are already controlled under the Fire Safety Act.
Q8	Will there be any other additional security requirements before the licences can be issued?
A8	Yes, a Threat and Risk Assessment of both the applicants and the site will be conducted by the police prior to the approval and issuance of licences. The security requirements will be set based on site specific requirements.
Q9	What are the security requirements?
A9	Security requirements will generally be protective security measures that include secure locks and perimeter walls, controlled access, installation of motion detectors, CCTVs and alarms, etc. They may also include guard patrols. A combination or all of the above may have to be implemented, and will depend on the location as well as the surroundings. Where necessary, joint inspections with SCDF will be conducted to ensure that the storage of regulated chemicals does not pose a fire-safety risk especially if there are flammable substances within the same storage area.
Q10	How will Police ensure that the licensees adhere to the licence regulations?
A10	Police has a team of officers to ensure compliance with the licensing conditions and that all explosive precursors stored within the premises are accounted for. Any breach of any of the conditions would result in seizure and investigation.
Q11	Any rules for the transportation of these precursors?
A11	The drivers are required to have Hazardous Materials Transport Driver Permit issued by SCDF before they are allowed to transport explosive precursors. We may require vehicle tracking devices and immobilisers to be installed on vehicles conveying EPs in future. We are exploring with SCDF on such implementation.

Q12	Is there a need for person with a “Licence to Possess”, “Licence to Deal” or “Licence to Manufacture” to apply for a “Licence to Store”?																					
A12	A licence holder with a ‘Licence to Possess’, ‘Licence to Deal’ or ‘Licence to Manufacture’ will also be issued with a licence to store the chemicals in a designated storage area. Thus a licence holder with a ‘Licence to Possess’, ‘Licence to Deal’ or ‘Licence to Manufacture’ is not required to apply separately for a ‘Licence to Store’ as long as he is storing in one designated storage area. Any additional storage area will require a separate ‘Licence to Store’. (Annex B charts the different types of licences that are required for different users.)																					
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A13	<p>The licence fees are as follows:</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 70%; text-align: center;"><b>Type of Licence</b></th> <th style="width: 25%; text-align: center;"><b>Amount of Fees</b></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1.</td> <td>Deal in (and store) Explosive Precursors</td> <td style="text-align: right;">\$260.00 for 2 years</td> </tr> <tr> <td style="text-align: center;">2.</td> <td>Manufacture (and store) Explosive Precursors</td> <td style="text-align: right;">\$130.00 for 2 years</td> </tr> <tr> <td style="text-align: center;">3.</td> <td>Store Explosive Precursors</td> <td style="text-align: right;">\$130.00 for 2 years</td> </tr> <tr> <td style="text-align: center;">4.</td> <td>Possess (and store) Explosive Precursors</td> <td style="text-align: right;">\$60.00 for 2 years</td> </tr> <tr> <td style="text-align: center;">5.</td> <td>Import/export Explosive Precursors</td> <td style="text-align: right;">\$20.00 valid for 14 days per consignment</td> </tr> <tr> <td style="text-align: center;">6.</td> <td>Replacement of Licence (duplicate)</td> <td style="text-align: right;">\$10.00 per application</td> </tr> </tbody> </table>		<b>Type of Licence</b>	<b>Amount of Fees</b>	1.	Deal in (and store) Explosive Precursors	\$260.00 for 2 years	2.	Manufacture (and store) Explosive Precursors	\$130.00 for 2 years	3.	Store Explosive Precursors	\$130.00 for 2 years	4.	Possess (and store) Explosive Precursors	\$60.00 for 2 years	5.	Import/export Explosive Precursors	\$20.00 valid for 14 days per consignment	6.	Replacement of Licence (duplicate)	\$10.00 per application
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Q14	Can licence holders of 'Arms & Explosives' be exempted from getting licences for explosive precursors?
A14	No. Explosive Precursors and explosives are distinct entities and hence there is a need to have separate licences for better regulation and control. Different licensing conditions are attached to explosives vis-à-vis explosive precursors as explosive precursors have widespread use in the industrial and commercial sector.
Q15	Will there be a system to allow dealers to check and confirm that their customers have valid Licences?
A15	Yes. Verification of licences can be done through the <u>P</u> olice <u>L</u> icensing <u>C</u> omputerized <u>S</u> ystem (PLUS).
Q16	Will the authority consider having a single licence that covers all types of hazardous goods rather than separate licences issued by various agencies?
A16	The nature and control for each class of hazardous goods are different and are regulated by their respective National Authorities. For example, the control of toxic materials and flammable materials comes under the purview of NEA and SCDF, respectively. As each of the classes is by itself huge domains, specific expert knowledge is required for effective control and regulation. This also benefits industry in that measures imposed are tailored to meet specific threats, and takes into account the different infrastructure and trading dynamics of the various hazardous materials. There is thus a need to have separate categories of licences issued by the respective authorities. The respective domain experts would be better able to regulate the materials under their charge.
Q17	If I am exporting the explosive precursors to another country that does not require any licence to import the chemicals, can I still sell the chemicals to them? Must I insist that the foreign company has a 'Licence to Possess'?
A17	The licence regulations and conditions will only apply in Singapore i.e. dealers based in Singapore will need a 'Licence to Deal' to trade and a 'Licence to Export' to export. Likewise, the 'Licence to Possess' and 'Licence to Store' is only applicable for buyers residing and storing the explosive precursors in Singapore. It will not affect activities outside Singapore. Also, any conveyance of explosive precursors which is merely transiting Singapore, without disembarkation, will not require a licence.

Q18	Is there a limit to the amount of chemicals allowed to be bought? Is the cap based on per transaction or cumulative?
A18	The Police will consider licensees' usage requirements before setting the amount that licensees can possess. The amount would vary based on the legitimate needs of different licensees.
Q19	Will there be situations where licences will be issued to the same applicant for two or more precursors? Will this change the security requirements?
A19	A single licence will cover all explosive precursors dealt with by the licensee. The licence will contain the description of the explosive precursors as well as their quantity cap. Thus a licensee will not have more than one licence of the same type. However, a licensee may possess another licence of a different type. Example: A licensee holding a dealer's licence can also be holding a storage licence for additional storage area.
Q20	What are the types of industries affected? Has any feedback been gathered from them and what are their comments so far?
A20	The industries affected are mainly agriculture and fertilizers providers. During the industry based focus group meetings, industry indicated that they were supportive of the need to have regulatory control of the explosive precursors in the heightened security environment after 9-11.
Q21	Who is responsible for enforcing the Act?
A21	The Singapore Police Force is responsible for enforcing the Act.
Q22	How long does it take to obtain approval for the 3 different types of licences, ie the Licence to Possess, Licence to Deal and Licence to Store?
A22	Processing for these licences will take about 2 weeks for approval.
Q23	Is there a quota on each type of licences that are issued each year?
A23	There is no quota on any type of licences issued.
Q24	How to apply for a licence?
A24	Applications can be made online at <a href="http://www.spf.gov.sg/licence">www.spf.gov.sg/licence</a> .

Q25	What should licensees do when approached by someone without a licence who seeks to buy regulated chemicals?
A25	Licensees should refrain from selling EPs to unlicensed individuals or companies. They should inform the Police Licensing Division of any suspicious attempts at purchasing EPs. For example, if approached by the same individual over several weeks to purchase EPs, or attempt by a licence holder to purchase EPs beyond the authorised amount.
Q26	For the 13 chemicals previously regulated by NEA, what will the impact be come 1 July when regulation comes under the Police?
A26	Traders will still need to access the Tradenet system which is currently used. However they will have to use product codes assigned by the Police. These codes can be found in the circular sent by the Police and also on the Tradenet system.
Q27	How would these changes affect the general public?
A27	This change in the regulatory authority, from NEA to SPF will have no impact on home users. Members of public who are still in doubt may call the Arms & Explosives Branch at 6835 0000 or visit <a href="http://www.spf.gov.sg/licence">www.spf.gov.sg/licence</a> .
Q28	Will traders holding a licence issued by NEA need to apply for a new licence from the Police?
A28	Existing licences will still be recognised till their expiry. Afterwhich, they will have to apply for a licence from the Police. Those currently without licence will be given a grace period of 6 months to apply for one.
Q29	Would a licence be required for trans-shipment of explosive precursors?
A29	<p>Yes. An import as well as export licence from Police would be required for the trans-shipment of explosive precursors. The Shipping Agent is required to make and submit a Trans-shipment Declaration through the TradeNet System which can be accessed via <a href="http://www.tradexchange.gov.sg">http://www.tradexchange.gov.sg</a>.</p> <p>Along with making the Trans-shipment Declaration, the declarant will also be required to submit the relevant supporting documents such as the packing list and End User Certificate to support their declaration. In instances where the End User Certificate is not available, the declarant can submit the Bill of Lading, invoices or purchase orders instead. Police will insist on the End User Certificate to be produced unless the designated country does not regulate explosive precursors.</p> <p>Following the submission of the Trans-shipment Declaration, Police will assess the declaration. Upon approval, Police will issue the import and export licences for the trans-shipment to proceed. If approval is not granted, the goods will have to be returned to the country of origin.</p>

Q30	Why should explosive precursors be stored in the Free Trade Zone during trans-shipment?
A30	Explosive precursors should be stored in the Free Trade Zone pending trans-shipment as per practice with arms and explosives. This is because explosive precursors, like arms and explosives, are items which pose a high security risk if they fall into the hands of criminals or terrorists. Thus, their placement in the Free Trade Zone would afford greater security against theft. This would save businesses the worry of having to account for their stock of explosive precursors meant for trans-shipment if any of these materials were to be stolen.

## LIST OF EXPLOSIVE PRECURSORS

<u>Substance</u>	<u>Exceptions</u>
1. Ammonium Nitrate	a. aqueous solutions containing less than 60% weight in weight of ammonium nitrate  b. any mixture, including a fertilizer, which contains ammonium nitrate and in which any part of the nitrogen content having a chemically determined ammonium equivalent constitutes, together with that equivalent, less than 28%, by weight of the said mixture
2. Ammonium Perchlorate	
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7. Potassium Nitrate	Preparations and solutions containing less than 5%, weight in weight, of potassium nitrate or a combination of both potassium nitrate and sodium nitrate
8. Potassium Nitrite	Aqueous solutions containing less than 5% weight in weight, of potassium nitrite
9. Potassium Perchlorate	
10. Sodium Chlorate	
11. Sodium Nitrate	Preparations and solutions containing less than 5%, weight in weight, of sodium nitrate or a combination of both sodium nitrate and potassium nitrate
12. Sodium Nitrite	Aqueous solutions containing less than 5%, weight in weight, of sodium nitrite
13. Sodium Perchlorate	

	<u>Substance</u>	<u>Exceptions</u>
14.	Perchloric Acid	
15.	Tetranitromethane	

Types of Licences Required by the Different Types of Users

Type of Users	Purpose	Type of Licence Required
End User	For Personal Consumption	Licence to Possess (and Store)
Storage Agent	Owens or operates a storage area	Licence to Store
Dealers / Traders / Businessmen	Owens or operates more than one storage area	Licence to Store
Dealers / Traders / Businessmen	Involve in the buying and selling of chemicals	Licence to Deal (and Store)