



# Regulation of Ammunition

China • Egypt • Germany • Iran  
Japan • Thailand • Turkey

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## CHINA

### New Regulation

When the major law regulating firearms in the People's Republic of China was enacted in 1981, it replaced a regulation from 1951.<sup>1</sup> At that time, the Temporary Provisions Governing the Control and Use of Guns and Bullets for Sport of 1958 remained unamended. In May of 1992, however, Rules for Management of Firearms and Ammunition for Shooting Events were adopted.<sup>2</sup> Article 1 of these new rules states that they have been formulated under the 1981 Law.

The scope of the new rules is limited to sports rifles and pistols, hunting rifles, and army weapons used in shooting events, together with the ammunition for these guns. Procedures are outlined for their development, production, supply, purchase, possession, transfer, management, and destruction. All of these activities may be undertaken only with the approval of the State Physical Culture and Sports Commission or, in some cases, with the permission of the local or provincial body equivalent to it. Individuals are not allowed to purchase or possess sports rifles and ammunition at all (art. 9); work units of various types can be given permission to have them. Foreign sports teams that wish to carry firearms into China for training or contests must obtain approval from the State Physical Culture and Sports Commission and must declare the firearms at customs in order to receive a license (art. 22). (*See Appendix*).

### Statistics

In 1989, 17,566 cases of weapons offenses, including those involving firearms as well as other weapons such as knives, were reported in China. Of these 17,439 were seriously investigated. A total of 19,745 persons were punished for these offenses. In comparison with the previous year, these figures represented an increase of 78.68% in total cases, 78.66% in cases investigated, and 59.79% in persons punished.<sup>3</sup>

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<sup>1</sup> Procedures for the Supervision of Firearms, effective Apr. 25, 1981.

<sup>2</sup> Chinese text appeared in *Fazhi ribao* (Legal System Daily), May 10, 1992, at 2. An English translation appeared in Joint Publications Research Service, *China*, July 29, 1992, at 61.

<sup>3</sup> *Zhongguo falü nianjian 1990* (China Law Yearbook 1990) 997 (Chengdu, China Law Yearbook Publishers, 1990).

## EGYPT

Ammunition for weapons such as handguns, machineguns, and rifles are allocated to arms dealers according to their category: 20,000 bullets and 200 handguns for the first category; 10,000 bullets and 100 handguns for the second category; and 5,000 bullets and 50 handguns for the third category, all on a yearly basis. The Public Safety Administration may allow each dealer to sell an additional quantity of bullets provided that it does not exceed three times the quantities allocated in the rules published in *3 al-Mawsu'ah al-Tashri'iyah al-Hadithah* [3 Modern Legislative Encyclopaedia for the United Arab Republic], Section: Weapons and Ammunition, Ministerial Decree No. 431 of 1975, as amended, Official Gazette No. 81 of April 18, 1975 at 34/R, Cairo, 1975 [in Arabic].

Subsequently, Public Security Decree No. 2095 of 1975, above source at 37/H eliminated the third category of dealers and restricted the first and second categories to observe carefully the requirements for warehousing the ammunition allocated for hand and machine guns on the premises (Official Gazette No. 261 of October 3, 1977 at 37/R). The Minister of Housing expressed his concern that the shops storing ammunition, explosives, gunpowder, etc., should take every precaution to protect them from fire hazards and from radiation that may constitute a danger to the public and to the environment according to the Housing Minister's Decree No. 5 of 1978 (Official Gazette No. 158 of May 17, 1978, same source at 39/R). This decree emphasizes that the premises must be built to avoid any accident that may cause damage to the industrial and commercial areas.

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## GERMANY

In Germany, ammunition for portable firearms is as tightly regulated as the firearms themselves.<sup>4</sup> In essence, the manufacture and sale of ammunition is controlled so as to ensure that ammunition is used only by persons with a valid license to use firearms. This is accomplished through the Weapons Law<sup>5</sup> and its implementing regulations. Although the Law and its regulations are federal, they are applied by the administrative authorities of the *Länder* (states).

Manufacturers and sellers of ammunition must be licensed. To obtain a license, an applicant must not only be technically qualified but also have an unblemished reputation. In addition, the authorities have the discretion to deny the license to aliens and non-residents.<sup>6</sup>

Manufacturers and sellers must live up to detailed record keeping and labelling requirements that allow the tracing of all ammunition to ensure that it is only distributed to persons who are licensed to purchase ammunition.<sup>7</sup> The sale of ammunition will be permitted only if each retail package or cartridge is labelled so as to show the manufacturer and the production series.<sup>8</sup>

A license to purchase ammunition will be granted by the authorities only under the same restrictive conditions that apply to the granting of licenses for the acquisition or the carrying of firearms. The authorities will investigate the character of the applicant and his need for the ammunition. The license will specify exactly what type of ammunition can be purchased, and the licensee in turn is responsible for not letting the ammunition get into unauthorized hands.<sup>9</sup>

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<sup>4</sup> For a detailed description of the licensing system, see "Federal Republic of Germany," in *Firearms Regulation in Various Countries* (Law Library of Congress, 1990). There has been no substantial change in the German licensing system since the publication of that report. This brief summary merely explains how the control regime applies to ammunition. The only noteworthy changes since 1990 are the extension of the West German Weapons Law to former East Germany and a revision of the regulation dealing with the proofing of firearms and the technical requirements for ammunition to be admitted to trading (Dritte Verordnung zum Waffengesetz (3. WaffV.) repromulgated September 2, 1991, *Bundesgesetzblatt* (BGBl., official law gazette of Germany) I, p. 1872).

<sup>5</sup> Waffengesetz (WaffG.), repromulgated March 8, 1976 BGBl. I, p. 432, as last amended by Gesetz, September 25, 1990, BGBl. I, 2106.

<sup>6</sup> WaffG., § 7.

<sup>7</sup> WaffG., §§ 12 and 13.

<sup>8</sup> 3. WaffV., § 19.

<sup>9</sup> WaffG., §§ 29-32.

Persons who are licensed to own or carry firearms are entitled to acquire ammunition for the weapons they own. The exact specifications of the weapons owned by a licensee are inscribed in his license, and the seller of ammunition must ascertain that the purchaser is in fact entitled to acquire a particular type of ammunition.<sup>10</sup>

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<sup>10</sup> *Id.*

## IRAN

The Law on Aggravation of the Punishment of Smuggling of Arms and Ammunition and Armed Smugglers of January of 1972, bans importation and exportation of weapons and warfare munitions, explosives, incendiaries, bullets and shotguns unless permitted by the government.<sup>1</sup> Violations are punishable by imprisonment from three months to fifteen years.

According to a notice of the Ministry of Defense in January 1973, arms and ammunition are listed under the following categories:

- A. Various types of war sidearms
  - 1. All types of bayonets mounted on rifles;
  - 2. All types of dashers used in bunkers and common in the armed forces.
- B. All types of hunting weapons
  - 1. All types of short carbine rifles;
  - 2. All types of rifles used for hunting;
  - 3. All types of rifles used for water hunting.

Purchase and sale, possession, transportation and concealing of any of the said weapons is prohibited unless permission is obtained. Punishment for any of the above acts is from three months to ten years depending on the category of the weapons.

Engaging in the business of manufacturing, repair, purchase and sale of any kind of the permissible arms is possible only by permission of the Ministry of Defense. Military courts have jurisdiction to try such offenders.

According to *The Law Authorizing the Gendarmerie to Issue Permits for Carrying Weapons of 1973*<sup>2</sup> in locations where the army has no garrison the Gendarmerie [national police] is allowed to issue permits to hunters and persons of trust. Such permits must be confirmed by the Revolution Corps. The Gendarmerie is also authorized to issue licenses with the approval of the Corps to the local repairmen of arms and weapons.

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<sup>1</sup> *Majmu'ah Kamili Qavanin va Muqarara'ti Jaza'i* [Complete Compilation of the Criminal Laws and Regulations], M.H. Vatani, comp., Tehran, 1974, 712-715 [in Persian].

<sup>2</sup> *Id.* 809.

## JAPAN

In Japan, a separate law, known as the Weapons Manufacture Law of 1953,<sup>11</sup> regulates the manufacture and sale of firearms and ammunition. The 1953 Law is further implemented by an Enforcement Order of the Cabinet<sup>12</sup> and an Enforcement Regulation of the Ministry of International Trade and Industry (MITI)<sup>13</sup>.

The Law consists of thirty-five articles divided into five chapters: general provisions, weapons, hunting guns, miscellaneous provisions, and penal provisions. The aim of this Law is to contribute to the sound development of the national economy by coordinating the manufacture of weapons and to promote public safety by regulating the manufacture and sale of weapons and hunting guns and related activities. The term *weapons* is defined to include pistols, rifles, machine guns, and hunting guns as well as the bullets and shells used in them.

Any person who intends to manufacture weapons must obtain permission from the Minister of the MITI for each factory or workplace after prescribing the kinds of weapons to be manufactured. Any person who manufactures without permission is subject to punishment. The licensed manufacturer must maintain the manufacturing facilities as required by law. In addition, he is to establish rules of safekeeping subject to the MITI's approval.

Any licensed manufacturer who intends to conclude a contract with another person for work on, transfer, or consignment of weapons must report in advance to the MITI about the value of the transfer or payment of such transactions. When the Minister deems that the matters reported to him are so improper that they might hinder the sound development of the national economy, he may issue a warning to the person who reported such matters.

Furthermore, the Minister of MITI may ask the manufacturer to submit a report concerning the operation of the business. In addition, the Minister may have his staff enter the factory, workplace, or warehouse and conduct an inspection of the premises. Any person who refuses to give a report, makes a false report, or refuses the inspection is subject to punishment.

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<sup>11</sup> Law No. 145, Aug. 1, 1953, as last amended by Law No. 23, May 1, 1984. The possession of firearms is governed by the Law Concerning the Possession of Firearms and Swords, Law No. 6, Mar. 10, 1958, as last amended by Law No. 52, May 2, 1991. Provisions of this law were described in detail in the previous Law Library report, "Firearms Regulations in Various Foreign Countries" (1990). It may be noted, however, that some provisions have been changed by the 1991 revision of the law.

<sup>12</sup> Cabinet Order No. 198, Aug. 5, 1953, as last amended by Order No. 59, Mar. 22, 1989.

<sup>13</sup> Regulation No. 43 of the MITI, Sept. 1, 1953, as last amended by Regulation No. 47, May 1, 1971.



Although the separate chapter on hunting guns in the 1953 Law deals with the manufacture and sale of hunting guns (including ammunition), the chapter on weapons (including ammunition) deals only with their manufacture, not their sale. This is because the possession of weapons is in principle prohibited by the Law Concerning the Possession of Firearms and Swords<sup>14</sup>.

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<sup>14</sup> Haruyoshi Nakashima, *Juho token nado shoji torishimari* (Control of Firearms and Swords) 80 (Tokyo, Keisatsu Jihosha, 1974).

## THAILAND

### General background

- Firearms and ammunition in Thailand are governed by the following legislative acts:
- The Firearms, Ammunition, Explosives and Fireworks Act B.E. 2477 (1934);
- The Firearms, Ammunition, Explosives and Fireworks Amendment Act B.E. 2477 (1934);
- The Firearms, Ammunition, Explosives and Fireworks Amendment Act (No. 2) B.E. 2477 (1934);
- The Firearms, Ammunition, Explosives and Fireworks Act (No. 4) B.E. 2479 (1936);
- The Firearms, Ammunition, Explosives and Fireworks Act (No. 5) B.E. 2484 (1941); and
- The Act Controlling Firearms, Ammunition, Explosives, Fireworks and Imitation Firearms of B.E. 2490 (1947).<sup>15</sup>

According to section 3 of the 1947 Act, any provisions in the first five laws mentioned above or in any other laws, by-laws, or regulations that are inconsistent with the provisions of the Act are to be repealed. The 1947 Act has been followed by many amendments and ministerial regulations.<sup>16</sup>

The 1947 Act defines different kinds of weapons and explosives, including fireworks and imitation firearms. An imitation firearm is defined as anything that has the appearance of a real firearm and that can likely be used to deceive people as being a firearm. The Act sets forth conditions for the possession, use, fabrication, and sale of firearms as well as criteria for various types of licenses. The Minister of the Interior is stipulated as being in charge of the Act's execution. He has the authority to appoint registrars and other officials involved in the control of firearms and has the power to issue ministerial regulations dealing with such matters as:

- decisions on the restriction of the types and number of firearms used by ministries and departments other than the Ministry of Defense and the Police Department;
- procedures for registration and for granting of licenses;
- fees for various licenses; and

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<sup>15</sup> Promulgated on Sept. 3, 1947. For a text in English, see *The Act Controlling Firearms, Ammunition, Explosives, Fireworks and Imitation of Firearms B.E. 2490* (Bangkok, International Translations, [1977?]).

<sup>16</sup> The last amendment to the Act is the Act Controlling Firearms, Ammunition, Explosives, Fireworks and Imitation Firearms (No. 7) B.E. 2522 (1979).

- other matters relating to the execution of the Act.

### **Personal possession, transport, and use**

Under the current law on the control of firearms, it is illegal for any person to purchase, possess, use, or bring into the Kingdom of Thailand firearms and ammunition, unless the person has been issued a license to do so by the competent local registrar.<sup>17</sup> Licenses for the possession and use of firearms and ammunition are only issued for the purpose of defense of life and property, collecting, or use in sport or hunting.<sup>18</sup> In order to obtain a license, an applicant must show the need for it and meet the criteria of physical and mental ability as well as of personal reliability set forth by the Law. Basically, a person has to be twenty years old, have a permanent address, be physically able to handle firearms, and be mentally competent and of fairly good moral character. Personal reliability is to be proven by the absence of a record of conviction for certain offenses stipulated under the Penal Code and under the Firearms, Ammunition, Explosives and Fireworks Act B.E. 2477 (1934) or the absence, within a five-year prior to the date of application, of a record of more than one-time imprisonment for offenses other than petty offenses or offenses of negligence.<sup>19</sup>

There is no specific provision defining the boundaries for the use of firearms and ammunition. However, the Law does make a distinction between a license for possessing or carrying a gun.<sup>20</sup>

In order to bring firearms or ammunition for personal use into Thailand, be it on a permanent or a temporary basis, a person must follow the applicable procedures. According to the 1947 Act, a person must apply in advance for a license before bringing any firearm or ammunition into Thailand. Upon arrival in Thailand, he must register the item(s) with the Customs authority of the first port of entry or with the nearest local registrar and at the same time leave the item(s) with Customs until a temporary or permanent license is issued. If the owner did not obtain a license for the weapon(s) before entering the country, he must choose to apply for a temporary or a permanent license or send the firearms out of the country, depending on the circumstances.<sup>21</sup>

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<sup>17</sup> *Supra* note 1, § 27, at 2.

<sup>18</sup> *Id.* § 9, at 2.

<sup>19</sup> *Id.* § 13, at 2.

<sup>20</sup> "Ministerial Regulations B.E. 2490 (1947), Issued Under the Firearms, Ammunition, Explosives, Fireworks and Imitation of Firearms Act of B.E. 2490," *Thailand Law Directory* (Bangkok, International Translations, 1950).

<sup>21</sup> *Supra* note 1, §§ 16-20, at 3.

## Manufacture and sale

The manufacture and sale of firearms, ammunition, and explosives in Thailand are also governed by the 1947 Act. Any person involved in the manufacture, assembly, repair, transformation, purchase, or import of firearms, ammunition, or explosives (including fireworks and imitation firearms) is required to have a license issued by the local competent authority upon the approval of the Minister of the Interior.<sup>22</sup> The same statutory criteria mentioned above in regard to physical and mental ability and personal reliability are imposed on persons who want to be involved in the commercial manufacture or trade of firearms and ammunition or who deal only in weapons repair.

Firearms dealers must follow additional requirements set forth under the law and by ministerial regulations regarding such business activities as keeping records of stock, keeping accounts, and submitting monthly reports to the local registrar. Furthermore, holders of licenses to manufacture, trade, or repair firearms and ammunition are required by law only to sell to or make repairs for those who hold licenses to purchase or to own firearms.<sup>23</sup>

## Types of licenses

Under the 1947 Act, licenses are to be issued to the holder in person and separately for each particular firearm.<sup>24</sup> There are many types of licenses, but most must contain the following kinds of information:

- the type of license;
- information about the holder;
- information about the firearm, including the registered number, the maker, and the registered marks (Under sec. 10 of the Act, when a weapon is registered, the registrar should make special marks on it as prescribed by ministerial regulations);
- date and place of issuance;
- the date when the firearm was brought into the country; and
- the expiration date, etc.

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<sup>22</sup> *Supra* note 1, §§ 7, 24, 38, 47, 52, and 55, at 2, 4, 5, 6.

<sup>23</sup> *Id.* §§ 33-34, at 6.

<sup>24</sup> *Id.*, §§ 9 and 58, at 2 and 6, respectively.

In the case of licenses to carry a gun on the person of the holder, the license must bear the picture and signature of the holder.

The duration of a license also varies in accordance with the type of license. Thus, a license to purchase is valid for six months; a license for possession is valid as long as the holder owns the licensed firearms; a license to carry firearms is valid for one year from the date of issuance; a license to bring firearms and ammunition into Thailand is generally valid for a year (but the duration of a temporary license is six months); licenses for commercial trade and repair of firearms are valid for one year.<sup>25</sup> A person may apply to the local registrar to obtain a special license for entrusting his firearms or ammunition to another person to possess, use, or carry for the purpose of protecting property, where such protection by that other person is deemed necessary.<sup>26</sup>

Applications for licenses can be denied by the licensing authority; licenses can also be suspended, cancelled, or revoked upon the death of the holder or because the latter for some reason becomes disqualified.<sup>27</sup> Under the 1947 Act, the government also reserves the power to forbid possession, to limit the granting of licenses for, to confiscate temporarily or permanently from private owners, or to buy at a reasonable price from dealers all firearms and ammunition and other explosives in the case of an emergency, in order to preserve public peace and order in certain localities or throughout the kingdom.<sup>28</sup>

## Offenses and penalties

Penalties applied for violation of provisions of the Act Controlling Firearms, Ammunition, Explosives, Fireworks and Imitation Firearms of 1947 vary from monetary fines to imprisonment for up to twenty years and a fine.<sup>29</sup> The two gravest offenses under the Act are the manufacture, trade, import, or possession of explosives for any purpose without a license (sec. 38) and the manufacture, trade, possession, or engagement in other activities involving any kind of firearms, ammunition, or explosives for use exclusively in warfare (sec. 55). These offenses are punishable by a maximum sentence of imprisonment for up to twenty years and a fine.<sup>30</sup> Legal traders who sell to or repair firearms for unauthorized persons or license holders who fail to carry out requirements prescribed by regulations may face a penalty of up to five or ten years of imprisonment. Other penalties are fines for violation of requirements relating mostly to standard business activities.

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<sup>25</sup> *Id.*, §§ 23 and 36, at 4 and 5.

<sup>26</sup> *Id.* § 14, at 3.

<sup>27</sup> *Supra* note 1, §§ 63-65, at 7.

<sup>28</sup> *Id.* § 57, at 6.

<sup>29</sup> *Id.* §§ 72-85, at 7.

<sup>30</sup> *Id.* §§ 74, 78, at 7.

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## **TURKEY**

In Turkey firearms and ammunition are regulated by the same laws and regulations. The restrictions imposed on the arms and the penalties for illegal possession applies also to their ammunition.<sup>31</sup> Only those who are permitted to possess guns can buy ammunition for their firearms. They have to prove to the seller with their licenses that they legally own the gun for which the ammunition is needed.<sup>32</sup>

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<sup>31</sup> Firearms Regulations in Various Foreign Countries, report of 1990.

<sup>32</sup> Regulation No. 89/14238 of May 6, 1989 in *T.C. Resmi Gazete* No. 20199 of June 18, 1989.