

REGISTRATION OF FIRE ARMS
IN COMMUNIST COUNTRIES

A. Communist China (People's Republic of China) requires the registration of fire arms. For details, please see Articles 10, 11, 14, 15 and 18 of the Provisional Measures Governing the Control of Guns, which are given below. These Measures were promulgated by the Ministry of Public Security of the People's Republic of China on June 27, 1951; and the gist of the pertinent provisions is as follows:

Article 1 provides that the guns specified under this measure include rifles, pistols, and guns of all sizes and types.

Article 2 provides that guns and ammunition are military goods. Other than state arsenals and weapon repair factories, and weapon repair factories entrusted by the state, no individual, group, or enterprise is allowed to manufacture or rebuild guns or ammunition.

Article 3 provides that, other than organs designated by the state, no individual, group, enterprise, or other organ is allowed to buy or sell guns or ammunition.

Article 4 provides that the guns or ammunition confiscated or found by any individual, group, organ, or armed forces personnel must be reported directly to their superior organs or the local people's government. They cannot be disposed of without authorization.

Article 5 provides that guns and ammunition left by the enemy and puppet regimes in the newly liberated areas must be reported

and submitted to the designated organs within the specified period, in accordance with the provisions of the local people's government or the Military Control Committee.

Article 6 provides that guns and ammunition stored and deposited in various places by the People's Liberation Army should be recorded by the local people's governments, and that such information should be transmitted to the military area administration for disposition.

Article 7 provides that, other than in-service personnel of the armed forces, only the personnel in the following categories may carry guns;

- a) Cadres who are section heads and above in the people's government of municipality and hsien level and above whose work requires it and who are approved by their organs;
- b) The main responsible cadres in the ch'ü level people's government whose work requires it and who are approved by the head of the hsien (mayor);
- c) Public security personnel of various levels whose work requires it and who are approved by the heads of the people's public security organs of municipality and hsien level and above.
- d) The transportation personnel, correspondence personnel, and guards for the heads of the various organs; and these cadres who do not fall into a) and b) categories whose

work requires it and who are approved by the appropriate organs of municipality and hsien level and above.

e) Higher level cadre schools and training institutes of a military nature which are so required by their work and which have the approval of the responsible personnel of the school and the consent of the local people's public security organs of municipality and hsien level and above.

Article 8 provides that the following personnel, unless they are so required by their work and approved by the organs of the provincial or municipal people's government or above, are not allowed to carry guns:

a) Personnel of the publicly-operated factories, stores, enterprises, and mass organizations;

b) Cadets and teachers in the non-military schools.

Article 9 provides that guns presently possessed by the personnel of the organs, organizations, and enterprises which do not fall into the categories of Articles 7 and 8 must be reported and submitted to the people's government of hsien level or above. They cannot be disposed of without authorization.

Article 10 provides that guns possessed by privately operated enterprises must be reported to and registered with the local people's public security organs within the designated period. Licenses will be issued to those who, in the opinion of the public

security organs, have a need to possess guns. The guns will be confiscated if the public security organs consider that there is no need for them.

Article 11 provides that those who carry guns must get a license.*

Article 14 provides that armed forces who are not separated from production are not allowed to be equipped with automatic weapons or small cannons. Such weapons, if currently possessed, should be recalled by the armed forces units.

Article 15 provides that, after the promulgation of this measure, the local people's public security organs, assisted by other organs, should check and record all the guns currently in existence, so that licenses will be issued to those who are allowed to possess guns.*

Article 18 provides that guns owned by the inhabitants of the minority nationality areas will be governed by other measures, which are to be prepared by the various administrative regions, taking into consideration the concrete situations of the various areas. Such measures are to be reported to the Ministry of Public Security of the Central People's Government.

This law is included in the Collections of Laws and Regulations concerning Public Security Work of the People's Republic of China, compiled and published by the Mass Publishers in 1957.

* Articles 12, 13, 16 and 17 are not directly related to the right to possess fire arms and therefore are omitted.

B. The Communists took over Mainland China in 1949. Prior to that time the Chinese mainland was governed by the laws of the Republic of China. According to Section 7 of Article 54 of the Law Governing the Punishment for Police Violations, any person who carries weapons without the authorization of the government, shall be punished with detention for not more than 7 days or by a fine of not more than 50 yuan. This law was promulgated on September 3, 1943, and became effective on October 1, of the same year. This indicates that China had a requirement for the registration of fire arms before the Communists took over.

C. Not pertinent.

Prepared by: Dr. Tao-tai Hsia
Chief, Far Eastern Law Division
Law Library
Library of Congress