

## Gun Control Legislation of the People's Republic of China

On June 27, 1951, the Ministry of Public Security of the People's Republic of China promulgated the "Provisional Measures Governing the Control of Guns,"<sup>1/</sup> which superseded all previous legislation on gun control. Its Article 1 defines "guns" as referring to all kinds of firearms, with the exception of hunting guns.

Many of the articles of these measures were aimed at identifying and gaining control of the large number of guns which were within the borders of China as a result of the long period of war which preceded the institution of the present government.

Article 15 stipulates:

After these measures are promulgated, the local people's public security organs together with other government organs must take inventory within a defined period of all guns currently in existence so that gun permits may be issued to authorized personnel.

Categories of persons whose members could be authorized to carry guns were specified in Article 7:

In addition to military personnel on active duty, the following personnel may carry guns:

- (1) If it is necessary to their work and after having received permission from the proper organs, those with the rank of section head or above of a people's

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<sup>1/</sup>  
Chung hua jen min kung ho kuo yu kuan kung an kung tso fa hwei hui pien [Collection of laws and regulations relating to public security work in the People's Republic of China], Peking, Ch'in chung ch'u pan she [Mass Press], 1958, pp. 51-56.

government at the level of shih [city] or hsien [county] or above.

- (2) If it is necessary to their work and after having received permission from the head of the hsien, the primary responsible cadres of the people's government at the ch'ü [a subdivision of the hsien] level.
- (3) If it is necessary to their work and after having received permission from the head of the people's public security organ at the shih or hsien level or above, public security personnel at the various levels.
- (4) If it is necessary to their work and after having received permission from the proper organs at the shih or hsien level or above, the guards of the communications and telecommunications personnel of various organs and of the chief of such organs, and other cadres not covered by the provisions of sections 1 and 2.
- (5) If it is necessary to their work or training and after having received permission from responsible persons at the school and moreover the agreement of the people's public security organ at the shih or hsien level or above, higher level cadre schools and classes which have a military nature.

Article 8 provides that without special permission the personnel of publicly operated factories, stores, enterprises and mass organizations; and teachers and students of non-military schools are not allowed to carry guns.

By the provisions of Article 9, guns presently in the possession of personnel of various organs, groups, and enterprises who did not meet the requirements stated in Articles 7 and 8 were

to be surrendered to the people's governments at the hsien level or above. In Article 10 it was ruled that privately operated enterprises having guns must apply for a gun permit for such guns; if this application was denied, the guns were to be confiscated.

Those carrying guns were required by Article 11 to obtain a gun permit, which was to contain the following particulars about its bearer and the gun for which it was issued: name, age, sex, place of birth, residence, organ, occupation, type of gun, serial number, identifying marks [of gun], quantity of ammunition, and expiration date. With the exception of members of the militia, who might substitute a fingerprint, a picture of its bearer was to be displayed on the gun permit.

Article 13 counseled that those carrying guns must: (1) take special care to prevent the loss of their guns; (2) in case of loss report it immediately to the people's public security organ, at which time they were to surrender their gun permit; (3) never lend their gun, give it as a gift, or exchange it; (4) carry their gun permit whenever carrying the gun for which it was issued; (5) show their gun or permit for inspection on demand to public security personnel or armed forces personnel; (6) in case of loss of the gun permit, insert an announcement in the newspaper to invalidate the lost permit, and report to the public security organ for the issuance of a new permit.

Control by the government of guns in the People's Republic of China goes beyond the requirement and issuance of permits to authorized personnel. Article 2 of these measures provides that ammunition and guns can be manufactured and repaired only in state factories and repair shops. Article 3 stipulates that only organs designated by the state may buy or sell guns and ammunition.

Article 19 places responsibility for the enforcement of these measures upon the Ministry of Public Security of the People's Government. Without spelling out definite penalties, Article 16 provides:

In case of violation of these measures, the public security organs of the area must report the case to the local people's government for punitive action in accordance with the seriousness of the offence.

It was provided in Article 18 that different regulations were to be issued for the minority nationality areas.

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