



LAWS OF MALAYSIA

REPRINT

Act 357

CORROSIVE AND EXPLOSIVE SUBSTANCES AND OFFENSIVE WEAPONS ACT 1958

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**CORROSIVE AND EXPLOSIVE SUBSTANCES
AND OFFENSIVE WEAPONS ACT 1958**

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1958)

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1 December 1988)

PREVIOUS REPRINT

First Reprint 2001

LAWS OF MALAYSIA**Act 357****CORROSIVE AND EXPLOSIVE SUBSTANCES
AND OFFENSIVE WEAPONS ACT 1958**

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LAWS OF MALAYSIA**Act 357****CORROSIVE AND EXPLOSIVE SUBSTANCES
AND OFFENSIVE WEAPONS ACT 1958**

An Act to provide certain penalties relating to the unlawful possession of corrosive and explosive substances and the carrying of offensive weapons.

*[Peninsular Malaysia—1 January 1959, L.N. 384/1958;
Sabah and Sarawak—16 September 1963, L.N. 232/1963]*

Short title and application

1. (1) This Act may be cited as the Corrosive and Explosive Substances and Offensive Weapons Act 1958.
- (2) This Act shall apply throughout Malaysia.

Interpretation

2. In this Act, unless the context otherwise requires—

“corrosive substance” means any of the acids and substances specified in the First Schedule and shall be deemed to include all substances which are capable on application to the human body of causing hurt through corrosive action;

“explosive substance” shall be deemed to include any materials for making any explosive substance and any bomb, grenade, apparatus, machine, implement or material used or intended to be used or adapted for causing or aiding in causing any explosion in or with any explosive substance and any part of such bomb, grenade, apparatus, machine or implement;

“hurt” means hurt as defined in the Penal Code [*Act 574*];

“Minister” means the Minister charged with responsibility for internal security;

“offensive weapon” includes any instrument which if used as a weapon of offence is likely to cause hurt;

“scheduled weapon” means any offensive weapon specified in the Second Schedule.

Possession of corrosive or explosive substance for the purpose of causing hurt

3. Any person who carries or has in his possession or under his control any corrosive or explosive substance in circumstances which raise a reasonable presumption that he intends to use or intends to enable some other person to use such substance for the purpose of causing hurt shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding three years, and to whipping.

Using a corrosive or explosive substance or offensive weapon

4. Any person who unlawfully and maliciously uses or attempts to use any corrosive substance or offensive weapon for the purpose of causing hurt, or causes or attempts to cause by any explosive substance an explosion of a nature likely to cause hurt, shall, whether any hurt has actually been caused or not, be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding seven years, and to whipping.

Consorting with person carrying corrosive or explosive substance

5. Any person who consorts with, or is found in the company of, another person who is carrying or has in his possession or under his control any corrosive or explosive substance in contravention of section 3, in circumstances which raise a reasonable presumption that he knew that such other person was carrying or had in his possession or under his control any such substance shall, unless he shall prove that he had reasonable grounds for believing that such other person was carrying or had in his possession or under his control any such substance for a lawful purpose, be guilty of an offence and shall be liable to the like punishment as that other person with whom he was consorting or in whose company he was found.

Carrying offensive weapons in public places

6. (1) Any person who in any public road or place carries or has in his possession or under his control any offensive weapon otherwise than with lawful authority or for a lawful purpose shall be guilty of an offence and on conviction be liable to imprisonment for a term not exceeding two years, and to whipping.

(2) In any prosecution for an offence under subsection (1) the onus of proving the existence of a lawful purpose shall lie upon the accused.

(3) A weapon shall be presumed to be carried with lawful authority if it is carried—

(a) by a member of the armed forces of Malaysia or of any local force or of the police force or of any visiting force lawfully present in Malaysia under any law relating to visiting forces, or a person in the service of any Government or local authority in Malaysia, and in any such case is carried in or in connection with the performance of his duty as such member or person; or

(b) by any person as part of his official or ceremonial dress on any official or ceremonial occasion.

(4) An offence under subsection (1) shall be deemed to be a seizable and non-bailable offence.

Offences relating to scheduled weapons

7. (1) Any person who, otherwise than for a lawful purpose—

(a) carries or has in his possession or under his control;

(b) manufactures, sells or hires or offers or exposes for sale or hire; or

(c) lends or gives to any other person,

any scheduled weapon shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding two years, or to a fine not exceeding two thousand ringgit or both, and in the case of a second or subsequent offence to imprisonment for a term of not less than one year and not more than three years.

(2) In any prosecution for an offence under subsection (1) the onus of proving the existence of a lawful purpose shall be upon the accused.

(3) An offence under subsection (1) shall be deemed to be a seizable and non-bailable offence.

Consorting with persons carrying offensive weapons in public places

8. (1) Any person who consorts with, or is found in the company of, another person who is carrying or has in his possession or under his control any offensive weapon in contravention of section 6, in circumstances which raise a reasonable presumption that he knew that such other person was carrying or had in his possession or under his control any such weapon shall, unless he shall prove that he had reasonable grounds for believing that such other person was carrying or had in his possession or under his control any such weapon for a lawful purpose, be guilty of an offence and shall be liable to the like punishment as that other person with whom he was consorting or in whose company he was found.

(2) An offence against this section shall be deemed to be a seizable and non-bailable offence.

Powers of search and seizure

9. (1) Any police officer may, without warrant and with or without assistance, stop and search any person or vehicle found in any public road or place if he has reasonable grounds for believing that any evidence of the commission of an offence under this Act is likely to be found on such person or in such vehicle, and may disarm any such person and seize any offensive weapon, article or material or accumulation thereof capable of being used for causing hurt if he has reasonable grounds for believing that it is intended or likely to be used in the commission of an offence under this Act.

(2) Any police officer of or above the rank of Inspector may, without warrant and with or without assistance—

- (a) stop and search any person or vehicle, whether in a public road or place or not;

- (b) enter and search any premises;
- (c) board and search any vessel, vehicle or aircraft not being, or having the status of, a naval, military or air force vessel, vehicle or aircraft,

if he has reasonable grounds for believing that any evidence of the commission or of the preparation for the commission of an offence under this Act is likely to be found on such person or premises or in any such vessel, vehicle or aircraft, and may seize any article or material or accumulation thereof capable of being used for causing hurt if he has reasonable grounds for believing that it is intended or likely to be used for the purpose of causing hurt, and any such evidence so found and any vessel, vehicle or aircraft in which such article, material or evidence is found.

(3) No woman shall be searched under this section except by a woman.

Disposal of property

10. (1) Subject to subsection (2), the Criminal Procedure Code [Act 593] relating to the disposal of property the subject of an offence, shall apply to any article coming into the possession of a police officer under section 9.

(2) Any corrosive or explosive substance or offensive weapon coming into the possession of a police officer under section 9 may be disposed of in such manner as the Minister may order.

(3) Nothing in this section shall be taken to prejudice any right to retain or dispose of property which may exist in law apart from this section.

Presumptions

11. (1) Where any corrosive or explosive substance is found in or on any premises the occupier of such premises shall be deemed to be in possession of such substance unless he shall prove that some other person was in possession thereof, or that he had no knowledge or reasonable means of knowledge that such substance was in or on such premises and that he had taken all reasonable precautions against such substance being kept in or on such premises.

(2) In any prosecution under section 3 or 5 it shall be presumed until the contrary be proved that any substance was intended to be used for the purpose of causing hurt if—

- (a) the quantity of the substance found exceeded the quantity reasonably required to be kept by the accused for ordinary use and consumption in his household or establishment and (in the case of a person carrying on business) exceeded the quantity reasonably required to be kept in the ordinary course of such business;
- (b) such substance was kept concealed or in a place other than that in which it might reasonably be expected to be kept for domestic or in the case of a person carrying on business for business purposes; or
- (c) such substances were kept in containers other than containers of a kind in which such substances are ordinarily kept for domestic or in the case of a person carrying on business, for business purposes.

Power to amend Schedule

12. The Minister may by order add to or amend the Schedules to this Act.

*Corrosive and Explosive Substances and
Offensive Weapons*

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FIRST SCHEDULE

[Sections 2 and 12]

- | | |
|----------------------|------------------------|
| 1. Sulphuric acid | 6. Phenols |
| 2. Nitric acid | 7. Ammonia |
| 3. Hydrochloric acid | 8. Potassium hydroxide |
| 4. Formic acid | 9. Sodium hydroxide |
| 5. Acetic acid | |

SECOND SCHEDULE

[Sections 2 and 12]

1. Any knife, sometimes known as a “flick knife”, which has a blade which opens automatically by hand pressure applied to a button, spring or other device in or attached to the handle of the knife.
 2. Any knife, sometimes known as a “gravity knife”, which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force and which, when released, is locked in place by means of a button, spring, lever or other device.
 3. Any whip manufactured from bicycle or motor cycle chains, or from any similar kind of chainwork.
 4. All kinds of knuckleduster.
 5. Any blade or other instrument attached to or forming part of a bicycle pump, metal-pipe or stick, and concealed therein, which is capable of being used for cutting or stabbing.
 6. Any knife-like instrument with three sharp edges and a sharp pointed tip, sometimes known as a “bearing-scraper”.
 7. Any small axe normally used as a weapon and commonly known as “kapak kecil”.
 8. Any sword, kris, parang or other knife which on any part of it is written, embossed, inscribed with or which otherwise bears any verse, word or character connected with or relating to any religion or belief.
 9. Any sword or parang which is normally meant to be used as a weapon and not as an agricultural implement or household or garden tool.
 10. Any spear or spearhead.
 11. Any cross bow.
 12. Any Patrolite, Stun Gun, Taser, Control Club or any such similar instrument, device or equipment operated by battery or electricity or any form of power.
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Act 357

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LIST OF AMENDMENTS

Amending law	Short title	In force from
Act 16/1961	Corrosive and Explosive Substances and Offensive Weapons (Amendment) Act 1961	25-05-1961
L.N. 232/1963	Modification of Laws (Internal Security and Public Order) (Borneo States) Order 1963	16-09-1963
Act A324	Criminal Procedure Code (Amendment and Extension) Act 1976	10-01-1976
Act A327	Penal Code (Amendment and Extension) Act 1976	31-03-1976
P.U. (A) 294/1978	Offensive Weapons Order 1978	13-10-1978
P.U. (A) 252/1984	Corrosive and Explosive Substances and Offensive Weapons (Amendment of Second Schedule) Order 1984	20-07-1984
P.U. (B) 131/1989	Corrosive and Explosive Substances and Offensive Weapons (Amendment of Second Schedule) Order 1989	10-03-1989
P.U. (A) 23/1992	Corrosive and Explosive Substances and Offensive Weapons (Amendment) Order 1992	31-01-1992

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LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
1	L.N. 232/1963	16-09-1963
2	Act 16/1961	25-05-1961
7	Act 16/1961	25-05-1961
10	Act A324	10-01-1976
11	Act 16/1961	25-05-1961
First Schedule	Act 16/1961	25-05-1961
Second Schedule	P.U. (A) 294/1978	13-10-1978
	P.U. (A) 252/1984	20-07-1984
	P.U. (B) 131/1989	10-03-1989
	P.U. (A) 23/1992	31-01-1992

