



Expat Counsel

By James Finch and Nilobon Tangprasit

Several readers have asked whether it is legal to own a gun in Thailand. Although the law relating to weapons discussed last week would also apply to firearms, there is a law that applies specifically to firearms. It is the Firearms, Ammunition, Explosive Articles, Fireworks and Imitation of Firearms Act — or, the act. The act prohibits the making, buying, possessing, using or importing of guns or ammunition without a licence from the local registrar. In Bangkok, the registrar would be the director-general of the provincial administration, under the Ministry of the Interior.

In the provinces outside Bangkok, the registrar would be the sheriff, otherwise known as *nai amphur*.

This means that even if you have a gun or ammunition in your house and never take it out, you are violating the law unless you have a licence. Any of the above offences, including just keeping an unlicensed gun in your house, subjects you to imprisonment of up to 10 years and a fine.

Gun licences are personal to the gun owner. If you borrow or buy a gun, even if it's licensed by its owner or the person from who you bought it, it is crime to possess it.

Likewise, it's a crime even if you just keep it in your house for self-defence. This would subject you to imprisonment of up to five years and a fine unless you get a licence for it yourself.

There are additional penalties for taking an unlicensed gun to a town or village or in a public way — up to five years' imprisonment.

Also, if you take an unlicensed gun to a public gathering such as for worship, entertainment or political purposes, you

could face up to five years in jail.

This offence carries with it a minimum sentence of six months in jail.

Even if you have a licence, by the way, taking a gun to a public gathering, including a political rally or protest, subjects you to imprisonment of up to a year and a fine.

The act prohibits certain people from getting a gun licence. They are:

- Anyone who has been convicted of an imprisonable offence under the act or the Criminal Code;
- anyone who has been convicted of certain offences other than those above more than twice in the five-year period before applying for the licence;
- anyone who is not able to properly use a gun due to physical disability or infirmity. Such a person may, however, own certain guns, but not shoot them;
- anyone adjudged incompetent or quasi-incompetent by a court or who appears to the registrar, discussed above, to be of unsound mind or have a mental infirmity;
- anyone unemployed and without income;
- anyone without a permanent residence;
- a person who has been guilty of gross misconduct that might affect the public order. The registrar has wide discretion in connection with this item and might, for example, deny a licence

to someone who appeared to be in a violent frame of mind or whose behaviour was erratic;

- anyone who cannot produce a house registration document pursuant to the Civil Registration Act that has contained his or her name for more than six months.


This means, of course, that a Thai person must have had his or her name in a blue house book for more than six months. Likewise, a foreigner must have had his or her name in a yellow house book for more than six months. But see below.

The law does not prohibit a foreigner from licensing a gun, and many foreigners have gun licences. Foreigners' applications are now, however, much more strictly scrutinised than those of Thai nationals.

We believe it is fair to say that few, if any, gun licences will be issued to foreigners in the near future. More about this next time. ■

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CRIMINAL LAW IN THAILAND

Part XXI: Owning a gun in Thailand