

In the Name of Allah

The Republic of Yemen

(Yemen Logo)

The Parliament

The Report of the Defense &
Security Committee on the
Draft Amendment of Law No
(40) of 1992 Regulating
Carrying Firearms &
Ammunitions & Their Trade

No: (2/2007)

Date: 26/5/1428

Corresponding to: 12/6/2007

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Dear/ Chairman & Members of the Parliament Chairmanship, Sirs,

Dear/ Members of the Parliament, Sirs,

Peace be upon you:

Based on the referral of the Chairmanship of the Parliament dated 2/6/2007 for the draft amendment of the aforementioned law to the Defense & Security Committee to study and discuss the same law and report to the Parliament. In the light of this, the Committee held several meetings to discuss the law article by article, in the attendance of Major General Yahya Ali Al Raei, Vice Chairman of the Parliament and was attended from the government side by:

- 1- Major General Dr. Rashad Mohammed Al Alimi, Vice Prime Minister and Minister of Interior
- 2- Brigadier General, Saeed Abdo Al Khameri, General Manager of Legal Affairs at the Ministry of Interior

Therefore, the Committee is pleased to provide its report to the esteemed Parliament as follows:

This law included (62) articles distributed on 7 Chapters as follows:

- Chapter One: Names & Definitions
- Chapter Two: General Provisions
- Chapter Three: Holding, Carrying & Trading in Firearms
- Chapter Four: Trade in Arms
- Chapter Five: Explosives
- Chapter Six: Penalties
- Chapter Seven: Final Provisions

Chapter One

Names & Definitions

Article (1): stated in the original law as follows:

Article(1): This law shall be named (the Law Regulating Carrying Firearms, Ammunitions & their Trade).

Stated in the draft amendment as follows:

Article(1): This law shall be named (the Law Regulating Possession & Carrying Firearms, Ammunitions & their Trade).

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*** On this article: the Committee did not agree to this amendment and endorsed that the original text remains as it was as follows:**

Article(1): This law shall be named (The Law Regulating Carrying Firearms, Ammunitions & their Trade).

Article (2): stated in the original law as follows:

Article (2): For the purposes of this law, the following words and expressions shall bear their corresponding meanings unless the context suggests otherwise:

1. **The Republic:** the Republic of Yemen
2. **The Ministry:** Ministry of Interior & Security
3. **The Minister:** Minister of Interior & Security
4. **Licensing Authority:** the minister or his deputy or whom he gives the authority of issuing licenses through a decision from him in accordance with the provisions of this law.
5. **Arms:** A. every personal firearm, no matter what type it is, and every part thereof or part of its spare parts. This includes rifles, machine guns, revolvers and hunting rifles.

B- Every firearm not included in item (A) is a firearm of the military and security institutions of the State.
6. **Explosives:** all explosives no matter what type they are and their explosion device, explosive capsule, equipment and solutions and all that relates to them or that is part of their manufacture.
7. **License:** the valid document issued from the competent authority in accordance with this law, its executive regulation and implementing decisions.

8. **Warehouses:** the places designated for storing arms and explosives.
9. **Ammunitions:** all subjects designed for the purposes of using personal firearms.

* **The Committee supported the stated in the draft amendment after crossing off, the statement (or his deputy) mentioned in item (4) Licensing Authority, so that the item becomes as follows:**

(4- Licensing Authority: the minister or whom he gives the authority of issuing licenses through a decision from him in accordance with the provisions of this law.)

* **Justification: because of changing the definition of the minister and crossing off the phrase (& Security)**

* **Thus the article becomes after amendment as follows:**

Article (2): For the purposes of this law, the following words and expressions shall bear their corresponding meanings unless the context suggests otherwise:

1. **The Republic:** the Republic of Yemen
2. **The Ministry:** Ministry of Interior

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3. **The Minister:** Minister of Interior
4. **Licensing Authority:** the minister or whom he gives the authority of issuing licenses through a decision from him in accordance with the provisions of this law.
5. **Firearm:** A. every personal firearm, no matter what type it is, and every part thereof or part of its spare parts. This includes rifles, machine guns, revolvers and hunting rifles.

B- Every firearm not included in item (A) is a firearm of the military and security institutions of the State.
6. **Explosives:** all explosives no matter what type they are and their explosion device, explosive capsule, equipment and solutions and all that relates to them or that is part of their manufacture.
7. **License:** the valid document issued from the competent authority in accordance with this law, its executive regulation and implementing decisions.
8. **Warehouses:** the places designated for storing arms and explosives.
9. **Ammunitions:** all subjects designed for the purposes of using personal firearms.

Chapter Two

General Provisions

Article: (3): stated in the original law as follows:

Article (3) :This law aims at the following:

- 1- Regulating carrying personal firearms in the capitals of governorates and cities and their trade in the Republic.
- 2- Regulating importing, storing, and trading in explosives used in development field in the Republic with the purpose of keeping public security and protecting citizens from disasters resulting from misuse of these items.

*** And its amended text in the draft amendment of the government as follows:**

Article (3): This Law shall regulate the following:

- a. Possession of personal arms in the capital city and other cities specified in the executive regulation.
- b. Carrying firearms in the capitals of the governorates and other cities which are specified in the executive regulation.
- c. Importation, sales, purchase and maintenance of personal firearms and their ammunitions.

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- d. Importation, storage and sales of explosives used for the purposes of implementing development projects.
- e. Supervision, monitoring and licensing the transport of firearms and explosives and confirmation that they are used for the licensed for purposes.

*** On this article: the Committee endorsed this as mentioned in the draft amendment and considered the crossing off of (the capital and other cities specified in the executive regulation) and replacement of the same by (the capital city and capitals of governorates) by the end of item (a) and also added (fire-) to the word 'arms' in the beginning of the item.**

In item (b), the Committee added (Capital City) before the phrase (capitals of governorates) and crossed off (other cities to be specified in the executive regulation) mentioned at the end of the item and replace the same by the phrase (to be specified by a decision from the Minister of Interior).

*** Thus the article becomes read as follows:**

Article (3): This Law shall regulate the following:

- a. Possession of personal firearms in the capital city and capitals of governorates.

- b. Carrying firearms in the capital city and capitals of the governorates and other cities to be specified by a decision from the Minister of Interior.
- c. Importation, sales, purchase and maintenance of personal firearms and their ammunitions.
- d. Importation, storage and sales of explosives used for the purposes of implementing development projects.
- e. Supervision, monitoring and licensing the transport of firearms and explosives and confirmation that they are used for the licensed for purposes.

Articles (4, 5, 6) mentioned in the original Law have no comments and their texts are as follows:

Article (4): This law shall not apply to arms, ammunitions, explosives and warehouses of the military and security institutions in the Republic which are used for implementing the security and defense tasks they are assigned in accordance with the laws, systems, regulations and decisions regulating their work. In addition, antiques and memorial arms shall be excluded from the provisions of this law.

Article (5): The relevant authorities shall implement this law through issuing the necessary instructions and guidelines for all managers and workers in public institutions, industrial and commercial enterprises, other projects and citizens with the objective of raising security awareness level and adherence to what this law and its executive regulation states.

Article (6): Dealing with fireworks used in celebrations and different occasions and sports guns shall be subject to the provisions of this law. The executive regulation of this law shall specify the detailed rules in this regards.

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Article (7) stated in the original law a follows:

Article (7): Managers of factories and enterprises shall have the right, in coordination with the Ministry, to specify ways of securing the enterprises, buildings and institutions with the necessary means and dealing with arms, ammunitions and shooting devices and cartridges in order to secure buildings, mechanical machines and systems of electronic and electric surveillance for factories and enterprises through arranging internal guarding for the facilities.

*** Amended text by the government as follows:**

Article (7): The Ministry, in coordination with factories and enterprises, shall specify ways of securing the enterprises, buildings and institutions with the necessary means and dealing with arms, ammunitions and shooting devices and cartridges in order to secure buildings, mechanical machines and systems of electronic and electric surveillance for factories and enterprises through arranging internal guarding for the facilities.

*** On this article: the Committee agreed to the original text except for replacing the phrase (shall have the right to) by the word (shall) at the beginning of the article.**

*** Thus the text becomes stated as follows:**

Article (7): Managers of factories and enterprises shall, in coordination with the Ministry, specify ways of securing the enterprises, buildings and institutions with the necessary means and dealing with arms, ammunitions and shooting devices and cartridges in order to secure buildings, mechanical machines and systems of electronic and electric surveillance for factories and enterprises through arranging internal guarding for the facilities.

Article (8): The Committee approved it as mentioned in the original law as follows:

Article (8): Modern and sophisticated arms whose specifications match firearms and shooting devices shall be subject to the provisions of this law.

Chapter Three

Holding, Carrying, Transporting & Trading in Firearms

Article (9): stated in the original law as follows:

Article (9): The citizens of the Republic shall have the right to hold the necessary rifles, machine guns, revolvers, and hunting rifles for their personal use with an amount of ammunitions for the purpose of legitimate defense.

Article (9): The Committee agreed to the article as stated in the draft amendment which reads as follows:

Article (9): In accordance with the provisions of this law, the citizens of the Republic shall have the right to hold the necessary rifles, machine guns, revolvers, and hunting rifles for their personal use with an amount of ammunitions for the purpose of legitimate defense.

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Article (10) stated in the original law as follows:

Article (10): Any person holding a firearm shall be prohibited from carrying it in the Capital Sana'a, capitals of governorates and cities which are specified through a decision from the Minister except through a valid license issued from the licensing authority in accordance with the provisions of this law.

*** The text of the article as stated draft amendment:**

Article (10): Any person holding a firearm shall be prohibited from carrying it in the Capital Sana'a, capitals of governorates and the cities specified by this law or its executive regulation except through a valid license issued from the licensing authority.

*** On this article, the Committee considered the replacement of the phrase (Capital Sana'a) with (capital city) and crossed off the phrase (which are specified through a decision from the Minister) and added the phrase (in such a way that does not conflict with the provisions of this law) at the end of the article and considered splitting the article into two articles as follows:**

Article (10): Every person holding a personal firearm in the capital city and capitals of governorates must register it at the licensing authority.

Article (10 repeated): Any person holding a firearm shall be prohibited from carrying it in the capital city, capitals of governorates and the cities specified through a decision from the Minister except through a valid license issued from the licensing authority and in such a way that does not conflict with the provisions of this law.

Article (11): no comment on the article which is stated in the original law as follows:

Article (11): Any person or entity shall be prohibited to transfer or trade in firearms, ammunitions, and explosives within the lands of the Republic except in compliance with the provisions of this law.

Article (12) stated in the original law as follows:

Article (12): The carrying, transfer and trade in arms licenses shall be issued from the licensing authority on the preset forms for these purposes. All data of these licenses shall be recorded in special records to be kept at the licensing authority.

Stated in the draft amendment as follows:

Article (12): Certificates of possessions and licenses for carrying, transport and trade in arms shall be issued from the licensing authority on the preset forms for this purpose. All data of these licenses and certificates shall be recorded in special records to be kept at the licensing authority.

*** On this article, the Committee considered splitting it into two items (a, b) and added in item (a) the phrase (for one time freely) and also added at the end of item (b) the phrase (in such a way that does not conflict with the provisions of this law).**

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*** So the text of the article becomes as follows:**

Article (12): A. The possession certificate shall be issued for one time freely.

B. The carrying, transport and trade in arms licenses shall be issued from the licensing authority on the preset forms for these purposes. All data of such licenses shall be recorded in special records to be kept at the licensing authority in such a way that does not conflict with the provisions of this law.

Articles (13 to 21) have no comments and they read in the original law as follows:

Article (13): Licenses are personal and are in the name of those to whom they are issued and within the limits of what is licensed for. In all cases, a license may not be assigned to or transferred to others. In addition, a licensed firearm may not be handed over to another person before the latter party obtains a license to this end.

Article (14): A person may not be licensed to carry more than one piece of arms. The exempted persons shall be excluded from the provisions of this article in accordance with the provisions of the law. The executive regulation shall determine those who shall have the right, for security reasons, to accompany escorts.

Article (15): A person may not obtain more than one license. The licensed person shall be obliged to keep the license and show it immediately as requested by the competent authorities.

Article (16): With due consideration of the text of article (12) of this law, the licenses shall be issued within maximum one month from the date of presenting the application.

Article (17): The arms carrying licenses shall be valid for three renewable years. The licensing authority shall have the right to temporarily withdraw the licenses or cancel them before their expiry provided that the decision in all cases is justified in accordance with the provisions of this law and its executive regulation.

Article (18): The license can be withdrawn for a limited period in case of violating effective laws and regulations or in case of violating the tasks linked to granting the license. The license may also be cancelled when the conditions for granting it are no more met by the licensee.

Article (19): A person who has been denied the license or whose license has been withdrawn or cancelled may appeal against such decision to the Minister within one month. If the decision of the appealing person is issued from the Minister, the appeal shall be forwarded to court within one month from the date of issuing the decision. The licensing authorities shall have the right to cancel its decision through withdrawal or cancellation in case the justifications or special circumstances for granting the personal license are negated.

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Article (20): Every person who loses a weapon or a license for carrying arms shall report the incident to the licensing authority or the closest police station within 24 hours from the date of losing it or from the date of his knowledge of the loss.

Article (21): The licenses stated in this law may not be granted to the following persons:

1. Who is younger than 18 years old.
2. Who has been convicted in a serious crime or imprisonment of no less than 7 months in one of the crimes of assault to a human being, money or honor, as well as who has been convicted twice no matter what is the sentence served in any of these crimes if they occur within one year.
3. Who has been convicted for and sentenced for a crime that he used a firearm when committing it.

4. The persons proven to be drinking, intoxicants users and users of dangerous drugs.
5. Persons that have a mental or psychological disability or who have had this disability before.

Article (22): stated in the original law as follows:

Article (22): The following persons shall be exempted from obtaining a license to carry the firearms indicated in article (10) of this law:

1. X- Presidents of the Republic and their vice presidents.
2. Members of Presidential Council
3. Current and x- chairmen of Parliament.
4. Current and x- Prime Ministers and Vice Prime Ministers.
5. Current and x- Members of Shura Council.
6. X-members of the Presidency of Supreme People Council.
7. Current and x-MPs
8. Current and x-Ministers & Vice Ministers.
9. Current and x-governors of governorates.
10. Working government staff appointed through a presidential decree
11. Current and x-officers of armed military and security forces
12. Current and x-law enforcement officers and members of prosecution.
13. Members of the diplomatic and consular corps approved in our country conditional on reciprocal treatment.

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*** Stated in the draft amendment as follows:**

Article (22): A. The following persons shall be exempted from obtaining the stated licenses in article (10) of this law:

1. X- Presidents of the Republic and their vice presidents.
2. Current and x- chairmen of Parliament.
3. Current and x- Prime Ministers and Vice Prime Ministers.

B. The following persons shall be granted an exemption certificate for obtaining the stated licenses in article (10) of this law:

1. Current and x-Ministers & Vice Ministers.
2. Current MPs
3. Current members of the Shura Council.
4. Current governors of governorates.
5. Leaderships of armed forces (commander major general and above) security leadership (security commander of governorate and above)
6. Judicial people (court judge and above and prosecution deputy and above)
7. Members of the diplomatic and consular corps approved in our country conditional on reciprocal treatment. They have to submit to the Ministry of Foreign Affairs detailed statement of the number of arms, their descriptions and amount of ammunition before they obtain them. The Ministry of Foreign Affairs shall inform the licensing authority to have a certificate including the exemption provision.

*** On this article: the Committee added the word (current) before the word ‘previous or X-’ in item (1) of paragraph (A) and also crossed off the phrase (vice ministers) mentioned in item (3) and added a new item (4) for the paragraph (A) (current and x-chairmen of Shura Council). It also added in items (1), (2) and (4) of paragraph (B) the word ‘previous or X-’ and replaced the word (and above) by the word (and higher) in items (5, 6) of paragraph (B).**

Thus the article reads after amendment as follows:

Article (22): A. The following persons shall be exempted from obtaining the stated license in article (10 repeated) of this law:

1. Current and x-Presidents of the Republic and their vice presidents.
2. Current and x-chairmen of Parliament.
3. Current and x-Prime Ministers.
4. Current and x-chairmen of Shura Council.

B. The following persons shall be exempted from obtaining the license stated in article (10 repeated) of this law and shall be granted an exemption certificate:

1. Current and x-Ministers & Vice Ministers.
2. Current and x-MPs
3. Members of the Shura Council.
4. Current and x-governors of governorates.
5. Leaderships of armed forces (commander major general and higher) security leadership (security commander of governorate and higher)
6. Judicial people (court judge and higher and prosecution deputy and higher)
7. Members of the diplomatic and consular corps approved in our country conditional on reciprocal treatment. They have to submit to the Ministry of Foreign Affairs detailed statement of the number of arms, their descriptions and amount of ammunition before they obtain them. The Ministry of Foreign Affairs shall inform the licensing authority to have a certificate for the same including the exemption provision.

Article (23) stated in the original law as follows:

Article (23):

- A. A personal firearm may not be carried or taken to go around with even if it is licensed in the following cases and places:
 1. During meeting the chairman and members of the presidential council and the places in which they are available.
 2. During secret balloting, referendum, demonstrations, parades, official celebrations, sports and youth festivals.
 3. Within official departments.
- B. The license to carry firearm shall be considered expired in the following cases:
 1. Death.
 2. Handing over the firearm to another person who is unlicensed to carry firearm.
 3. Losing the firearm forever.
 4. Availability of any of the cases stated in article (21) of this law.

*** It is stated in the draft amendment as follows:**

Article (23): A. Carrying and going around with firearms shall be prohibited in the following cases and places even if they are licensed or exempted:

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1. During meeting the President of the Republic, Vice President or those occupying higher authority positions in the State and in the places in which they are available.
 2. During secret balloting, referendum, demonstrations, parades, official celebrations, sports and youth festivals.
 3. Within official departments.
 4. Within public places and stores.
 5. Mosques and schools and the like and in markets, weddings and public transport means.
 6. Any other places determined by a decision from the Minister.
- B. The license or exemption certificate to carry firearms shall be considered cancelled in the following cases:
1. Death.
 2. Losing the firearm forever.
 3. Acting upon the firearm in such a way that transfers its ownership to others.
 4. Handing over the firearm to another person who is unlicensed to carry arms.
 5. Not applying for the renewal of the license or exemption certificate in the specified time in article (24) of this law.
 6. If the licensee loses one of the conditions stated in article (21) of this law, he/she or one of their heirs or who legally represent them shall act upon the weapon in accordance with this law.

*** On this article: The Committee considered crossing off item (5) of paragraph (A) and adding the phrase (in such a way that does not contradict with the provisions of this law) to the end of item (6)**

*** Thus the article's text shall be after amendment as follows:**

Article (23): A. Carrying and going around with firearms shall be prohibited in the following cases and places even if they are licensed or exempted:

1. During meeting the President of the Republic, Vice President or those occupying higher authority positions in the State and in the places in which they are available.
2. During secret balloting, referendum, demonstrations, parades, official celebrations, sports and youth festivals.
3. Within official departments.
4. Within public places and stores.

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5. Any other places determined by a decision from the Minister in such a way that does not contradict with the provisions of this law.

B. The license or exemption certificate to carry firearms shall be considered cancelled in the following cases:

1. Death.
2. Losing the firearm forever.
3. Acting upon the firearm in such a way that transfers its ownership to others.
4. Handing over the weapon to another person who is unlicensed to carry arms.
5. Not applying for the renewal of the license or exemption certificate in the specified time in article (24) of this law.
6. If the licensee loses one of the conditions stated in article (21) of this law, he/she or one of their heirs or who legally represent them shall act upon the firearm in accordance with this law.

Added Article (23 repeated): The Committee approved it as stated in the draft amendment as follows:

Article (23 repeated): No amendment shall take place in the main parts of the licensed firearm for possession or carrying except through a license from the licensing authority.

Added Article (23) repeated (1): stated in the draft amendment as follows:

Added Article (23) repeated (1): The Ministry alone shall work to allocate a depository in the entrance of the Capital and cities determined through a decision from the Minister to keep and store firearms

carried by VIPs until they leave the Capital or the indicated cities. Every person who deposited a firearm shall be given an official receipt including the following data:

- 1- Name of the depositor and a picture of his ID.
- 2- Type & number of firearm.
- 3- Number of license or registration certificate.

*** On this article the Committee considered replacing the phrase (shall work to allocate) by (shall allocate) and also added word (City) after Capital and the phrase (and capitals of governorates) instead of (indicated cities), and also crossed off item (3), thus the text becomes read as follows:**

Added Article (23) repeated (1): The Ministry alone shall allocate a depository in the entrance of the Capital City and capitals of governorates through a decision from the Minister to keep and store firearms carried by VIPs until they leave the Capital City or the capitals of governorates. Every person who deposited a firearm shall be given an official receipt including the following data:

- 1- Name of the depositor and a picture of his ID.
- 2- Type & number of firearm.

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Chapter Four

Trade in Arms

Articles (24, 25, 26, 27): the Committee approved them as stated in the original law as follows:

Article (24): The government alone shall have the right to import arms and ammunitions of different types from abroad for defense and security purposes and with the knowledge of the competent authorities.

No legal or natural person may import or enter firearms from any entity abroad in all cases except with the approval of the government.

Article (25): With consideration to the provisions of this law, the ownership of personal firearms and their ammunitions may be transferred to another person through buy and sell process which takes place directly between people or through purchase from a commercial shop licensed to practice the profession of trade in arms and their repair in accordance with the conditions and circumstances stated in this law and the regulating instructions for this process.

Article (26): Through a decision from the Minister, the number of commercial shops for arms, ammunition and their repair and their types in each governorate shall be specified. The decision shall also specify the requirements that have to be met by the shop for the mentioned purposes, type and quantity licensed for trade or repair.

Article (27): License applicants to open a commercial arms trade or repair shop must adhere to the conditions stipulated by the licensing authority. In case of cancelling their traders' licenses, considering them expired, or refusing to renew them for violating the provisions of this law or for security reasons, they must initiate selling what they have to another licensed trader.

Article (28): stated in the original law as follows:

Article (28): The licensed trader to open arms trading shop must keep records according to the systems and instructions issued from the licensing authority in which he records the details of:

- A. The available items in his commercial shop.
- B. The sold or bought arms.
- C. The entity or entities from which arms, explosives, spare parts and other materials were bought.

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*** The Committee approved it as stated in the draft amendment as follows:**

Article (28): The licensed trader to open arms trading shop must keep records according to the systems and instructions issued from the licensing authority in which he records the details of:

- A. The available items in his commercial shop.
- B. The sold or bought arms.
- C. The entity or entities from which arms, explosives, spare parts and other materials were bought.

Articles (29, 30, 31, 32): were agreed upon by the Committee as stated in the original law as follows:

Article (29): The licensed trader may not sell or hand over to any other trader any of the materials or arms he trades in unless the latter has a license issued from the licensing authority stating the licensed type and quantity. Each trader shall be obliged to report to the licensing authority every three months the records of what he sold or bought.

Article (30): The trader must record the name of the buyer, his ID No and date of issue, quantity of sold items to him and issue a certificate signed by him and handed over to the buyer which proves that he sold him a weapon, explosives or ammunitions.

Article (31): A trader in arms may not sell arms or any explosives of different types except to those who have a purchase approval issued from the licensing authority.

Article (32): The licensing authority shall have the right to enter the commercial shops trading in arms, ammunitions and their repair, look at their records, inspect the available arms, their parts and ammunitions to verify the implementation of the provisions of this law. The trader must show the records he is keeping to the representative of the licensing authority at least once every four months and on the day specified by this authority for its representative to visit the trader's shop. The representative must mark the records of the trader to establish having seen them. He may inventory the available quantity of the trader to verify they match the records and verify the security precautions that have to be considered for storing and warehousing these materials in accordance with the systems and instructions issued in this regards. The licensing authority may inspect the commercial arms shops in the time it chooses without prior notification to the owners of these shops.

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Article (33): stated in the original law as follows:

Article (33): It shall be conditional for granting an arms trading license for the license applicant to deposit in one of the accredited banks or their branches an insurance amount. The licensing authority shall specify this amount in accordance with the licensed quantity and type of materials.

*** The Committee agreed upon the article as stated in the draft amendment as follows:**

Article (33): It shall be conditional for granting an arms trading license for the license applicant to deposit in one of the accredited banks or their branches an insurance amount. The licensing authority shall specify this amount in accordance with the licensed quantity and type of materials provided that it is not less than twenty-five percent (25%) of the cost of materials to be licensed.

Articles (34, 35, 36, 37): The Committee agreed upon them as stated in the original law:

Article (34): Based on public safety and security requirements, the Minister may assign any arms trader to transfer some or all items available in his trading place to any other place he deems safer and more secure. This authority may not be limited because the trader has a license in accordance with the provisions of this law that allows him holding those items in the place to be transferred from.

Article (35): The trading license shall be considered expired in the following cases:

- A. Transferring the ownership of the arms shop to another person.
- B. If some of the licensed trading items are leaked to others illegitimately and in a way that violates this law.
- C. No adherence to the systems to be followed in keeping records and taking the general safety and security precautions.
- D. The existence of one of the cases stated in article (21) of this law.
- E. Death

Article (36): With consideration of the laws of inheritance and acting upon the properties of the person who lost applicable eligibility, the license is personal and cannot be transferred to a heir. The heirs of the trader whether a guardian, a heir or a custodian must notify the licensing authority of the reality and initiate selling the items of the arms shop in question within the period specified by the Minister through a decision issued from him. Otherwise, the successor shall be obliged to obtain a license in accordance with the provisions of this law.

Article (37): What applies to the person who is licensed to repair personal firearms, rifles or revolvers, shall apply to the person trading in arms in terms of the provisions stated

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in this law except for the financial insurance stated in article (33) of this law.

Article (38): stated in the original law as follows:

Article (38): Manufacture or preparation of explosives shall be prohibited in all cases. The licensing authority may not grant a license to manufacture or prepare explosives except after the approval of the Cabinet. Locally made (dynamite) used for development purposes shall be an exception. However, the armed forces alone may manufacture and prepare explosives with the objective of using them for defense and security purposes based on a proposal from the Minister of Defense and an approval from the Higher Commander of Armed Forces.

*** The Committee agreed on the article as stated in the draft amendment as follows:**

Article (38): Manufacture or preparation of explosives shall be prohibited in all cases. The licensing authority may not grant a license to manufacture or prepare explosives except after the approval of the Cabinet. The armed forces, alone and not others, may make explosives or prepare them with the objective of using them for defense and security purposes based on a proposal from the Minister of Defense and approval issued from the Higher Commander of armed forces. The executive regulation

shall regulate the provisions of making and preparing locally made (dynamite) used for purposes of development.

Article (39): Stated in the original law as follows:

Article (39): The licensing authority may issue a license to import explosives for the purposes of implementing development projects and what relates to them in terms of civil and military works and constructions provided that such licenses are granted to a limited number of traders residing locally in the capitals of governorates and cities specified by a decision from the Minister. The applicant for explosives importation license for the previous purposes must deposit in one of the accredited banks or their branches an amount of money for insurance for the periods to be specified by the licensing authority. The licensing authority shall determine the amount of insurance in accordance with the quantity of explosives, their value and use.

*** The Committee agreed on the article as stated in the draft amendment and it reads as follows:**

Article (39): The licensing authority may issue a license to import explosives for the purposes of implementing development projects and what relates to them in terms of civil and military works and constructions provided that such licenses are granted to a limited number of traders residing locally in the capitals of governorates and cities specified by a decision from the Minister.

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The applicant for explosives importation license for the previous purposes must deposit in one of the accredited banks or their branches an amount of money for insurance for the periods to be specified by the licensing authority. The licensing authority shall determine the amount of insurance in accordance with the quantity of explosives, their value and use provided that the insurance percentage does not exceed (25%) of the cost of the items to be imported.

Articles (40, 41): The Committee agreed upon them as stated in the original law:

Article (40): With consideration of the previous, a legal or natural person may not import, acquire, sell, transfer or act in any way upon any materials of explosives unless he has a license from the licensing authority for the purposes the license was issued for. The licensing authority shall have the right to grant or reject granting any license. It may also and at any time cancel, amend or suspend the granted license based on any condition it deems correct without being obliged to show the necessitating reasons.

Article (41): The licensing for importation of explosives and selling them for the purposes stated in this law is personal and not subject to assignment. No one shall benefit from this license except for the licensed person in particular. In all cases, the provisions stated in articles (29, 30, 31, 32, 34, 35, 37) of

this law shall apply to it. The Minister shall specify through a decision from him the conditions for importing, transporting, storing and using explosives in such a way that does not conflict with the provisions stated in this law.

Article (42) stated in the original law as follows:

Article (42): With consideration of the text in article (41), the Minister may grant a written permission to the ministries, public authorities and institutions and entities of the public sector in the State to import explosives for the purposes of implementing public projects which they implement directly or through contractors implementing them under their supervision based on an official request signed by the chief executive officer in the entity and sealed by its seal stating therein the purpose and quantity to be imported and the projects in which these explosives are to be used. The Minister shall grant the permission to the official authorities without depositing the insurance amount stated in article (39) of this law.

*** The Committee agreed upon the article as stated in the draft amendment and it reads as follows:**

Article (42): With consideration of the text in article (41), the Minister may grant a written permission to the ministries, public authorities and institutions and entities of the public sector in the State to import explosives for the purposes of implementing public projects which they implement directly or through contractors implementing them under their supervision based on an official request signed by the chief executive officer in the entity and sealed by its seal stating therein the purpose and quantity to be imported and the projects in which these explosives are to be used. The Minister shall grant the permission to the official authorities without depositing the insurance amount stated in article (39) of this law provided that both storage and release of such explosives will take place under the supervision of the Ministry of Interior and the executive regulation shall regulate this.

Articles (43, 44, 45): the Committee agreed on them as stated in the original law as follows:

Article (43):

- A. The Minister shall form special teams to avoid the risks of explosives by their users in order to confront what could happen in such cases.
- B. The Minister shall appoint one or more experts as need be for the explosives who shall have the authority to implement what is stated in this law and the regulations of explosives.
- C. The Minister shall have the right to resort to experts of explosives in armed forced in the cases requiring so.

Article (44): The explosives expert may do the following:

- A. Enter, inspect and examine at any time during night or day any place, ship, aircraft, boat or vehicle that has explosives or what makes one think they had or have explosives in line with the executive laws.
- B. Take any samples of what could be available of explosives in the places he inspects.
- C. Seize, take custody of, remove or destroy – if necessary any explosives he finds.
- D. Inspect warehouses in which explosives will be placed and verify their validity and provide their protection means in accordance with endorsed specifications and followed methods in this respect.
- E. Deactivate the explosives and destroy the damaged ones.

- F. Provide the courts, members of general prosecutions and competent official authorities of all that is required from him in terms of technical reports about explosives and what they made in terms of damage according to their effect and degree of danger and other relevant matters.

Article (45): In case of finding any explosives or occurrence of accidents because of them in any place, ship, aircraft, vehicle or boat, the responsible person must immediately inform the competent authorities and take all necessary measures to stop the occurrence of risks and mitigate them in accordance with the circumstances until the explosives expert come to remove and deactivate them.

Article (46): stated in the original law as follows:

Article (46): The entities owning explosives or any parts thereof shall be obliged to obtain the approval of the Ministry when passing through the Republic and immediately notify the existence of those items before their entrance of the borders of the Republic with identification of the type, quantity, country of origin, and the destination country to the competent authorities in entry points, which in turn shall be obliged to notify the Ministry for preserving them and securing their transit in accordance with applied transit system.

*** The Committee agreed on it as stated in the draft amendment and it reads as follows:**

Article (46):

A. Transport of explosives or any parts thereof may not take place through the territories of the Republic except through a valid license. Such license must include identification of the type, quantity, country of origin, and the destination country of the shipment.

B. The person or entities owning such explosives must notify the points of entry to the Republic and the Licensing Authority prior to the date of their arrival by sufficient time in order to take the necessary action to preserve them and secure their passing in accordance with the applied transit system.

Chapter Six

Penalties

Article (47): The Committee agreed on it as stated in the original law and it reads as follows:

Article (47): The Judiciary alone shall be the competent authority responsible for issuing penalty verdicts for violating the provisions of this law. The general prosecution shall assume investigation and interrogation procedures in accordance with what is stated in the Penal Code and effective laws.

Article (48): it reads in the original law as follows:

Article (48) Without violation of the provisions of Penal Code and other effective laws,

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1. Every person violating the provisions of Chapters Three, Four & Five, shall be fined by a fine that does not exceed ten thousand rials or imprisonment of a period not exceeding one year or both penalties together if the court deems this suitable.
2. The penalty shall be strengthened in the following cases:
 1. Who uses or tries to use explosives in such a way that endangers people's life or properties.
 2. If their use with intention results in a damage to properties. The penalty shall not prevent the judgment of compensation.
 3. If it is intended from their use to change the constitution of the government and its Republican system through force.
 4. If the intention of their use is to stop or change the orders of the government or resist public authority men and hinder the implementation of laws.
 5. If the intention of their use is destroying buildings and public properties assigned to government authorities or public facilities and institutions or buildings and places prepared for the public as well as private buildings and properties.

*** It is stated in the draft amendment as follows:**

Article (48) Without violation of the provisions of Penal Code and other effective laws,

1. Every person violating the provisions of Chapters Three, Four & Five, shall be fined by a fine that not less than one hundred thousand rials, one hundred rials, or imprisonment of a three years period or by a verdict if the court deems this suitable with confiscation of the firearm.
2. The penalty shall be strengthened in the following cases:
 1. Who uses or tries to use explosives in such a way that endangers people's life or properties.
 2. If their use with intention results in a damage to properties. The penalty shall not prevent the judgment of compensation.
 3. If it is intended from their use to change the constitution of the government and its Republican system through force.

4. If the intention of their use is to stop or change the orders of the government or resist public authority men and hinder the implementation of laws.
5. If the intention of their use is destroying buildings and public properties assigned to government authorities or public facilities and institutions or buildings and places prepared for the public as well as private buildings and properties.

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*** On this article: the Committee considered its reformulation as it specified the penalty for each of the following violations:**

- **Every person who fired bullets in places specified in article (10 repeated)**
- **Every person violating the provisions of articles (10, 10 repeated, 13, 15, 20 and item (4) of paragraph (B) of article 23 and articles 27, 28, 29, 30, 31, 34, 38, 40 and item (B) of article (51)**
- **Every person who violated the provisions of this law unless there is a legal text on the violation penalty.**

*** The Committee considered that the penalty be either imprisonment or fine in line with the magnitude of the violation.**

Thus the text of the article becomes read as follows:

Article (48) Without violation of the provisions of Penal Code and other effective laws,

1. Every person who fired bullets in the places specified in article (10) repeated, shall be punished by an imprisonment of a period not less than 10 days and not more than 20 days or fined by a fine that is not less than fifty thousand rials and not exceeding one hundred thousand rials.
2. Every person who violated the provisions of articles (13, 15, 20, 23 paragraph (A) and paragraph (B) item (4)), shall be punished by an imprisonment of a period not less than 7 days and not more than 20 days or fined by a fine that is not less than fifteen thousand rials and not exceeding thirty thousand rials.
3. Every person who violated the provisions of article (10) and article (10) repeated, shall be punished by an imprisonment of a period not less than 7 days and not more than 20 days or fined by a fine that is not less than fifteen thousand rials and not exceeding thirty thousand rials.
4. Every person who violated the provisions of articles (27, 28, 29, 30, 31, 34, 51 item (B)), shall be punished by an imprisonment of a period not less than three months and not more than a year or fined by a fine that is not less than a hundred thousand rials and not exceeding five hundred thousand rials.

5. Every person who violated the provisions of articles (38, 40), shall be punished by an imprisonment of a period not less than a year and not more than five years.
6. Unless the text of the law states its penalty, every person making any violation to the provisions of this law, shall be punished by an imprisonment of a period not less than fifteen days and not more than two months or fined by a fine not less than fifty thousand rials and not exceeding a hundred thousand rials.

*** The Committee also considered adding a new article numbered (48) repeated as follows:**

Article (48 repeated): Entrance to houses for the proposes of searching for personal firearms may not be allowed except it is in accordance with the Procedures Law.

Articles (49, 50, 51, 52): the Committee agreed on them as stated in the original law:

Article (49): A. In all cases, the judgment shall be to confiscate weapons, their parts, ammunitions and explosives used in the implementation of the crime.

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- B. All arms, their parts, ammunitions and explosives that enter Yemen's lands after the issue of this law through illegal ways or which have not been issued a license from the competent official authorities.

Article (50): The provisions of this law shall not apply to the government arms handed to personnel in armed forces and security who are authorized, according to the nature of their work, to hold and carry them within the limits of applicable laws, regulations and systems.

Article (51):

- A. Persons who desire to obtain licenses for carrying arms must apply, within six months from the date of issuing this law, to the licensing authority to obtain the necessary licenses in accordance with the conditions stated in this law, its executive regulations and the implementing decisions.
- B. Persons who do repair arms, trade in them, or desire to import explosives for the purposes stated in article (39) of this law other than ministries, public institutions and government agencies whose works or the works of those whom it contracts with for the importation of explosives to apply within six months from the date of issue of this law to the licensing authority to register their holding and request the necessary licenses in accordance with the conditions and situations stated in this law and the regulating decisions and regulations. Otherwise, they shall be exposed to the penalties stated in this law and the stronger penalties stated in other effective laws.

Chapter Seven

Final Provisions

Article (52): Ministries, public institutions and government agencies whose work or the work of whom it contracts to implement their works requires the importation and holding of explosives must:

- A. Apply to the licensing authority within a period of maximum forty five days from the date of issuing this law to obtain a permission of importation accompanied with a detailed list including what they have, places of their storage and in another list of what it desires to import and a detailed statement of the type and, quantity and source of those items.
- B. The name of the approved expert to maintain and preserve what they have or with their authorized persons and the proofing documents that verifies his expertise in this respect.

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Article (53): and it is stated in the original law as follows:

Article (53): Licenses issued in accordance with this law and fees to be levied for obtaining them shall be divided as follows:

- 1- A license for carrying arms to be granted to the natural person, a fee of (50) rials shall be collected for it.
- 2- A license for practicing the profession of repairing arms which shall be granted the natural and legal person, a fee of (1000) rials shall be collected for it.
- 3- A license for trading in arms, a fee of (5000) Yemeni rials shall be collected for it.
- 4- A license for importing explosives which shall be granted to the natural and legal person, a fee of (2%) of the cost of the importation license.
- 5- A license for selling explosives to be granted to the natural and legal person, a fee of (5000) rials shall be collected for it.

These licenses shall be considered personal and cannot be used except by the person in the name of who they were issued. As a rule, they shall expire by the death of the natural person or removal of the legal person. The heirs or their guardian must amend their situations in accordance with the provisions of this law within three months from the date of death.

As for the legal person, the general rules applied to institutions and companies shall apply to him.

*** It is stated in the draft amendment as follows:**

Article (53): Licenses and certificates issued in accordance with this law and fees to be levied for obtaining them shall be divided as follows:

- 1- A certificate of possession of a license for carrying arms to be granted to the natural person, a fee of (500) rials shall be collected for it.
- 2- A license for practicing the profession of repairing arms which shall be granted the natural and legal person, a fee of (5000) rials shall be collected annually for it.
- 3- A license for trading in arms, a fee of (100,000) Yemeni rials shall be collected annually for it.
- 4- A license for importing explosives which shall be granted to the natural and legal person, a fee of (5%) five percent of the value of the importation license.
- 5- A license for selling explosives to be granted to the natural and legal person, a fee of (50,000) rials shall be collected for it.

These licenses shall be considered personal and cannot be used except by the person in the name of who they were issued. As a rule, they shall expire by the death of the natural person or

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removal of the legal person. The heirs or their guardian must amend their situations in accordance with the provisions of this law within three months from the date of death.

*** On this article: the Committee considered splitting item (1) into two items: one on the possession and the other on carrying arms. It also considered increasing the fees in line with the increase of prices of arms.**

*** Thus the text of the article becomes read as follows:**

Article (53): Licenses and certificates issued in accordance with this law and fees to be levied for obtaining them shall be divided as follows:

- 1- A certificate of possession a personal firearm to be issued free of charge.
- 2- A license for carrying arms to be granted to the natural person, a fee of (1000) rials shall be collected for it.

- 3- A license for practicing the profession of repairing arms which shall be granted the natural, a fee of (5000) rials shall be collected for it.
- 4- A license for trading in arms, a fee of (100,000) Yemeni rials shall be collected for it.
- 5- A license for importing explosives which shall be granted to the natural and legal person, a fee of (500,000) Yemeni rials.
- 6- A license for selling explosives to be granted to the legal person, a fee of (200,000) rials shall be collected for it.

These certificates and licenses shall be considered personal and cannot be used except by the person in the name of who they were issued. They shall expire by the death of the natural person or removal of the legal person. The heirs or their guardian must amend their situations in accordance with the provisions of this law within three months from the date of death.

Article (54): the Committee agreed on it as stated in the original law and it reads as follows:

Article (54): Trade and repair licenses shall be annually renewed by paying a fee of (300) three hundred rials. The carrying license shall be renewed every three years and fee of (150) rials shall be collected upon renewal or replacement of a lost license. For every lost license, a fee of (150) rials shall be collected and a delay fine of five rials shall be imposed for every day on every one who delays initiating the renewal or obtaining replacement for the lost license.

Article (55) stated in the original law as follows:

Article (55): The executive regulation of this law shall determine the principles and criteria according to which licenses of carrying arms are granted in the capitals of governorates.