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GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

No. 1257.

29 Junie 1988

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 60 van 1988: Wysigingswet op Wapens en Ammunition, 1988.

STATE PRESIDENT'S OFFICE

No. 1257.

29 June 1988

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 60 of 1988: Arms and Ammunition Amendment Act, 1988.

Wet No. 60, 1988

WYSIGINGSWET OP WAPENS EN AMMUNISIE, 1988

ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeningen aan.

WET

Tot wysiging van die Wet op Wapens en Ammunisie, 1969, ten einde sekere uitdrukings te skrap, te omskryf of nader te omskryf; die uitreiking van lisensies, magtigings en permitte verder te reël; die besit van wapens met die toestemming van die lisensiehouer opnuut te reël; voorsiening te maak vir die instelling van 'n Appèlraad; voorsiening te maak dat die Minister kan bepaal dat wapens in die Republiek besit en daarmee handel gedryf mag word op sterkte van magtigings wat buite die Republiek uitgereik is; voorsiening te maak vir beheer oor die vernietiging van wapens; die verhoging van strawwe vir, en die skepping van, sekere misdrywe; voorsiening te maak vir die neem van vingerafdrukke van applikante ingevolge genoemde Wet; die delegering van werkzaamhede van die Minister en die Kommissaris opnuut te reël; en om voorsiening te maak dat wapens net met die toestemming van 'n persoon wat op gesag van die Kommissaris handel, deur 'n persoon sonder 'n lisensie daarvoor vervoer of geberg mag word; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 17 Junie 1988.)

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 75 van 1969, soos gewysig deur artikel 1 van Wet 16 van 1978, Goewermentskennisgewing No. R.2407 van 8 Desember 1978 en artikel 1 van Wet 19 van 1983

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1. Artikel 1 van die Wet op Wapens en Ammunisie, 1969 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur in subartikel (1) na die omskrywing van "ammunisie" die volgende omskrywing in te voeg:
"Appèlraad" die Appèlraad by artikel 14A ingestel;"
 - (b) deur in subartikel (1) na die omskrywing van "besit" die volgende omskrywings in te voeg:
"bevoegde persoon" 'n ander persoon as 'n persoon onder die leeftyd van 16 jaar wat ingevolge hierdie Wet bevoeg verklaar is om 'n wapen en ammunisie te besit of daarin handel te dryf;
 - (c) deur in subartikel (1) na die omskrywing van "lisensie om 'n wapen te besit" die volgende omskrywing in te voeg:
"magtiging" 'n magtiging kragtens artikel 3 (5) uitgereik;"
 - (d) deur in subartikel (1) die omskrywing van "Minister" deur die volgende omskrywing te vervang:
"Minister" die Minister van [Polisie] Wet en Orde;"
 - (e) deur in subartikel (1) die omskrywing van "vervaardig" te skrap; en

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ARMS AND AMMUNITION AMENDMENT ACT, 1988

Act No. 60, 1988

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Arms and Ammunition Act, 1969, so as to delete, define or further define certain expressions; to regulate further the issue of licences, authorizations and permits; to regulate anew the possession of arms with the consent of the licence holder; to provide for the institution of an Appeal Board; to provide that the Minister may determine that arms may be possessed and dealt in in the Republic on the authority of authorizations issued outside the Republic; to provide for control over the destruction of arms; to create, and to increase penalties for, certain offences; to provide that the fingerprints of applicants in terms of the said Act be taken; to regulate anew the delegation of functions of the Minister and the Commissioner; and to provide that arms may only be conveyed or stored by a person not holding a licence for the possession thereof if he has the permission of a person acting under the authority of the Commissioner; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 17 June 1988.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 75 of 1969, as amended by section 1 of Act 16 of 1978, Government Notice No. R.2407 of 8 December 1978 and section 1 of Act 19 of 1983

- 5 1. Section 1 of the Arms and Ammunition Act, 1969 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the insertion in subsection (1) after the definition of "ammunition" of the following definition:
“Appeal Board” means the Appeal Board established by section 14A;”;
- 10 (b) by the insertion in subsection (1) after the definition of “arm” of the following definition:
“authorization” means an authorization issued under section 3 (5);”;
- (c) by the insertion in subsection (1) after the definition of “authorized manufacturer” of the following definition:
“certificate of competence” means the certificate issued in terms of section 2A;”;
- 15 (d) by the insertion in subsection (1) after the definition of “Commissioner” of the following definition:
“competent person” means any other person than a person under the age of 16 years who has been declared competent in terms of this Act to possess an arm and ammunition or to deal therein;”;
- 20 (e) by the substitution in subsection (1) for the definition of “gunsmith” of the following definition:
“gunsmith” means any person who carries on the business of repairing, altering or improving arms, but not the manufacturing thereof;”;
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Wet No. 60, 1988**WYSIGINGSWET OP WAPENS EN AMMUNISIE, 1988**

- (f) deur in subartikel (1) die omskrywing van "wapensmid" deur die volgende omskrywing te vervang:
 "wapensmid" 'n persoon wat sake doen deur wapens te herstel, te verander of te verbeter maar nie te vervaardig nie;".

**Vervanging van artikel 2 van Wet 75 van 1969, soos vervang deur artikel 1 van Wet 5
35 van 1973**

2. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

**"Verbod op besit van wapens, rame, rompe, magasyne van wapens, of
silinders van rewolwers sonder licensie**

2. Behoudens die bepalings van artikels 1 (4), 3 (5), 4 **[6]**, 8, 27, 37 10
 (2) en 45, mag geen persoon 'n wapen, raam, romp of magasyn van 'n
wapen, of silinder van 'n rewolwer in sy besit hê nie, tensy hy 'n licensie
hou om daardie wapen te besit, of 'n licensie, permit of magtiging hou
waarmee daardie raam, romp, magasyn of silinder gebruik kan word
nie.".

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Invoeging van artikel 2A in Wet 75 van 1969

3. Die volgende artikel word hierby in die Hoofwet na artikel 2 ingevoeg:

**"Handelaarslisensie of licensie om 'n wapen te besit aan bevoegde persoon
uitgereik**

2A. (1) Behoudens die bepaling van Dele IV en V van hierdie Wet, 20
 word geen handelaarslisensie of licensie om 'n wapen te besit, behalwe 'n
 licensie om 'n gaspistol of -rewolwer, 'n windpistol, 'n alarmpistol of
 -rewolwer, 'n gasgeweer, of 'n windgeweer van 'n kaliber van hoogstens
 .177 van 'n duim, te besit, aan enige persoon uitgereik nie tensy so 'n
 persoon deur die Kommissaris tot 'n bevoegde persoon verklaar is.

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(2) Op aansoek op die voorgeskrewe wyse, na suksesvolle aflegging
 van die voorgeskrewe toets, en by betaling van die voorgeskrewe geld,
 kan die Kommissaris na goeddunke 'n persoon tot 'n bevoegde persoon
 verklaar, en die voorgeskrewe bevoegdheidsertifikaat aan daardie per-
 soon uitrek.".

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**Wysiging van artikel 3 van Wet 75 van 1969, soos gewysig deur artikel 2 van Wet 35
van 1973, artikel 2 van Wet 16 van 1978 en artikel 2 van Wet 19 van 1983**

4. Artikel 3 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Op aansoek op die voorgeskrewe wyse en by betaling van die 35
 voorgeskrewe lisensiegeld op bedoelde wyse deur **[ander persoon as 'n**
persoon onder die leeftyd van 16 jaar of 'n onbevoegde] bevoegde persoon,
 kan die Kommissaris na goeddunke, maar behoudens die bepaling van
 subartikels (3) **[4]** en (6) en artikels 7 en 33 (2), aan bedoelde persoon 'n
 licensie uitrek om die in daardie lisensie omskreve wapen te besit.";

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- (b) deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Wanneer die Kommissaris **[bedoelde]** die aansoek bedoel in subar-
 tikkel (1) of artikel 2A (2) weier, kan die applikant, binne 60 dae na die
 datum waarop die Kommissaris die aansoek geweier het, na die Minister
 appelleer, wat die weiering kan bekratig of die Kommissaris kan gelas om 45
 die aangevraagde bevoegdheidsertifikaat of lisensie uit te reik.";

- (c) deur subartikel (4) te skrap;

- (d) deur subartikel (5) deur die volgende subartikel te vervang:

"(5) Die Kommissaris kan na goeddunke aan 'n persoon **[wat ingevolge**
subartikel (1) aansoek gedoen het om 'n lisensie om 'n wapen te besit] 50
 kosteloos 'n magtiging in die voorgeskrewe vorm uitrek om **[daardie]** 'n
 wapen te besit vir die voorgeskrewe tydperk wat in die magtiging vermeld
 word en kan 'n aldus uitgerekte magtiging te eniger tyd op die voorge-
 skreve wyse intrek.";

- (e) deur subartikel (6) deur die volgende subartikel te vervang:

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Act No. 60, 1988

- (f) by the deletion in subsection (1) of the definition of "manufacture"; and
 - (g) by the substitution in subsection (1) for the definition of "Minister" of the following definition:
- "Minister" means the Minister of [Police] Law and Order,".

5 Substitution of section 2 of Act 75 of 1969, as substituted by section 1 of Act 35 of 1973

2. The following section is hereby substituted for section 2 of the principal Act:

"Prohibition of possession of arms, frames, receivers, magazines of arms, or cylinders of revolvers without licence

- 10 2. Subject to the provisions of sections 1 (4), 3 (5), 4 [(6)], 8, 27, 37 (2) and 45, no person shall have any arm, frame, receiver or magazine of an arm, or cylinder of a revolver in his possession unless he holds a licence to possess such arm, or a licence, permit or authorization to possess an arm with which that frame, receiver, magazine or cylinder can be used.".

Insertion of section 2A in Act 75 of 1969

- 15 3. The following section is hereby inserted in the principal Act after section 2:

"Dealer's licence or licence to possess an arm issued to competent person

- 20 2A. (1) Subject to the provisions of Parts IV and V of this Act, no dealer's licence or licence to possess an arm, except a licence to possess a gas pistol or a gas revolver, an air pistol, an alarm pistol or alarm-revolver, a gas rifle, or an air rifle of not more than .177 of an inch calibre, shall be issued to any person unless such person has been declared a competent person by the Commissioner.

- 25 (2) On application in the prescribed manner, successful completion of the prescribed test, and payment of the prescribed fee, the Commissioner may in his discretion declare a person a competent person, and issue the prescribed certificate of competence to that person.".

Amendment of section 3 of Act 75 of 1969, as amended by section 2 of Act 35 of 1973, section 2 of Act 16 of 1978 and section 2 of Act 19 of 1983

- 30 4. Section 3 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

"(1) On application in the prescribed manner and payment of the prescribed licence fee in the said manner by any competent person, [other than a person under the age of 16 years or a disqualified person] the Commissioner may in his discretion, but subject to the provisions of subsections (3) [(4)] and (6) and sections 7 and 33 (2), issue to such person a licence to possess the arm described in such licence.";

- (b) by the substitution for subsection (2) of the following subsection:

"(2) Whenever the Commissioner refuses [such] the application referred to in subsection (1) or section 2A (2), the applicant may, within 60 days after the date on which the Commissioner has refused the application, appeal to the Minister, who may confirm the refusal or direct the Commissioner to issue the certificate of competence or licence applied for.";

- 45 (c) by the deletion of subsection (4);

- (d) by the substitution for subsection (5) of the following subsection:

"(5) The Commissioner may in his discretion issue, free of charge, [to a person who has in terms of subsection (1) applied for a licence to possess an arm] an authorization in the prescribed form to a person to possess [that] an arm for the prescribed period specified in the authorization and may at any time in the prescribed manner withdraw an authorization so issued.";

- (e) by the substitution for subsection (6) of the following subsection:

Wet No. 60, 1988**WYSIGINGSWET OP WAPENS EN AMMUNISIE, 1988**

"(6) [Behalwe met die skriftelike magtiging van die Minister, wat slegs verleen word in 'n geval wat hy as buitengewoon beskou, word aan geen persoon 'n lisensie of lisensies ingevolge subartikel (1) uitgereik wat daardie persoon magtig om meer as 12 wapens te besit nie] 'n Licensie ingevolge subartikel (1) kan slegs aan 'n persoon uitgereik word indien hy in besit is van of toegang het tot die voorgeskrewe brandkas, brandkamer, toestel, apparaat of instrument vir die veilige bewaring van 'n wapen." 5

Vervanging van artikel 4 van Wet 75 van 1969, soos gewysig deur artikel 3 van Wet 35 van 1973

5. Artikel 4 van die Hoofwet word hierby deur die volgende artikel vervang: 10

"Spesiale bepalings met betrekking tot die besit van wapens en ammunisie

4. (1) Die Minister kan van tyd tot tyd by kennisgewing in die Staatskoerant bepaal dat iemand wat 'n wapen of ammunisie in stryd met die bepalings van artikel 2 of 36 in sy besit het, daardie wapen of 15 ammunisie by 'n plek, aan enige persoon, en binne 'n tydperk, in die kennisgewing vermeld, moet oorhandig.

[(4)] (2) Indien 'n lisensie om 'n wapen te besit wat ingevolge subartikel (1) deur 'n persoon oorhandig is, aan daardie persoon uitgereik word, moet die wapen en die ammunisie wat saam daarvan 20 oorhandig is, onverwyld aan bedoelde persoon terugbesorg word.

[(5)] (3) Indien 'n lisensie om 'n wapen te besit wat ingevolge subartikel (1) deur 'n persoon oorhandig is, nie aan daardie persoon uitgereik word nie vanweë weiering van sy aansoek of vanweë versuum om die verskuldigde lisensiegeld te betaal binne 30 dae nadat hy deur 'n 25 polisieman in opdrag van die Kommissaris daarom gevra is, beskik die Kommissaris oor die wapen en enige ammunisie wat saam daarvan oorhandig is, op die wyse wat die Minister gelas.

[(7)] (4) Geen persoon wat 'n wapen of ammunisie ingevolge subartikel (1) oorhandig het, **[of wat in gebreke gebly het om ingevolge 30 subartikel (2) die Kommissaris te oortuig dat hy inderdaad 'n wapen besit waarop 'n lisensie betrekking het] word weens 'n oortreding van hierdie Wet **[of 'n deur hierdie Wet herroep wet]** vervolg nie omdat hy daardie wapen of ammunisie vóór die oorhandiging daarvan in sy besit gehad het sonder dat hy 'n lisensie gehou het om bedoelde wapen te besit of sonder dat hy in regmatige besit was van 'n wapen waaruit daardie ammunisie afgeskiet kan word of weens 'n misdryf met betrekking tot die verlies, diefstal of vernietiging van sodanige wapen."** 35

Vervanging van artikel 6 van Wet 75 van 1969

6. Artikel 6 van die Hoofwet word hierby deur die volgende artikel vervang: 40

"Uitreiking van afskrif van lisensie of bevoegdheidsertifikaat

6. Die Kommissaris kan, op aansoek deur 'n persoon wat 'n lisensie **[hou] om 'n wapen te besit of 'n bevoegdheidsertifikaat **hou** en by betaling van die voorgeskrewe geld op die voorgeskrewe wyse, aan 45 daardie persoon 'n afskrif van bedoelde lisensie of bevoegdheidsertifikaat uitrek indien die Kommissaris oortuig is dat daardie lisensie of bevoegdheidsertifikaat verloor is en nie gevind kan word nie of onleesbaar geword het of gesteel of vernietig is."**

Wysiging van artikel 7 van Wet 75 van 1969, soos gewysig deur artikel 4 van Wet 35 van 1973 50

7. Artikel 7 van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (1) te voeg:

"Met dien verstande dat die Kommissaris na goeddunke en behoudens enige voorwaardes deur hom opgelê, kan gelas dat 'n lisensie om 'n wapen te besit aan 'n persoon uitgereik word sonder dat so 'n reeksnommer of ander nommer op die wapen gestempel of gegraveer is." 55

ARMS AND AMMUNITION AMENDMENT ACT, 1988

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"(6) [Except on the written authority of the Minister, which shall be granted only in a case which he may regard as being exceptional, no person shall in terms of subsection (1) be issued with a licence or licences entitling such person to possess more than 12 arms] A licence in terms of subsection (1) shall only be issued to a person if he is in possession of or has access to the prescribed safe, strong-room, device, apparatus or instrument for the safe-keeping of an arm."

Substitution of section 4 of Act 75 of 1969, as amended by section 3 of Act 35 of 1973

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5. The following section is hereby substituted for section 4 of the principal Act:

"Special provisions relating to possession of arms and ammunition

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4. (1) The Minister may from time to time by notice in the *Gazette* provide that any person who is in possession of any arm or ammunition contrary to the provisions of section 2 or 36, shall surrender that arm or ammunition at any place, to any person, and within a period, mentioned in that notice.

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[(4)] (2) If a licence to possess any arm surrendered by any person in terms of subsection (1) is issued to such person, the arm and any ammunition surrendered with it shall forthwith be returned to such person.

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[(5)] (3) If a licence to possess any arm surrendered by any person in terms of subsection (1) is not issued to such person owing to a refusal of his application or owing to failure to pay within 30 days after having been requested to do so by any policeman acting on instructions of the Commissioner, any licence fee which may be payable, the Commissioner shall dispose of the arm and any ammunition surrendered together with the arm, in such manner as the Minister may direct.

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[(7)] (4) No person who has surrendered any arm or ammunition in terms of subsection (1) **[or has failed in terms of subsection (2) to satisfy the Commissioner that he in fact possesses an arm to which a licence relates]** shall be prosecuted for a contravention of this Act **[or any law repealed by this Act]** for having had such arm or ammunition in his possession prior to its surrender, without having held a licence to possess such arm or without having been in lawful possession of an arm capable of firing such ammunition or for any offence relating to the loss or theft or destruction of such arm.".

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Substitution of section 6 of Act 75 of 1969

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6. The following section is hereby substituted for section 6 of the principal Act:

"Issue of copy of licence or certificate of competence

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6. The Commissioner may, on application by any person holding a licence to possess an arm or a certificate of competence and on payment of the prescribed fee in the prescribed manner, issue to such person a copy of such licence or certificate if the Commissioner is satisfied that such licence or certificate has been lost and cannot be found or has become illegible or has been stolen or destroyed.".

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45 Amendment of section 7 of Act 75 of 1969, as amended by section 4 of Act 35 of 1973

7. Section 7 of the principal Act is hereby amended by the addition to subsection (1) of the following proviso:

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"Provided that the Commissioner may in his discretion and subject to any conditions imposed by him, direct that a licence to possess an arm be issued to a person without such serial number or other number stamped or engraved on the arm."

Wet No. 60, 1988**WYSIGINGSWET OP WAPENS EN AMMUNISIE, 1988****Wysiging van artikel 8 van Wet 75 van 1969, soos gewysig deur artikel 3 van Wet 19 van 1983****8. Artikel 8 van die Hoofwet word hierby gewysig—**

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) 'n Persoon wat nie onder die leeftyd van 16 jaar of 'n onbevoegde persoon is nie kan, met die vooraf verkreeë toestemming van die houer van 'n lisensie om 'n wapen te besit en vir die tydperk wat daardie houer toelaat, bedoelde wapen in sy besit hê sonder dat hy 'n lisensie hou, mits—

(a) (i) (aa) bedoelde persoon 'n bevoegde persoon is; of
(bb) die wapen 'n gaspistool of -rewolwer, 'n windpistool, 'n 10 alarmpistool of -rewolwer, 'n gasgeweer, of 'n windgeweer van 'n kaliber van hoogstens .177 van 'n duim, is en
die toestemming van die lisensiehouer vervat word in 'n skriftelike verklaring deur hom onderteken, waarin vermeld word die tydperk waarvoor toestemming verleent is en vol- 15
doende besonderhede waaraan die wapen uitgeken kan word; en

(ii) indien bedoelde tydperk langer as 14 dae is bedoelde verklaring deur 'n persoon wat op gesag van die Kommissaris handel, geëndosseer is; of

(b) bedoelde persoon die wapen in sy besit het [—

(i) in die onmiddellike omgewing van die lisensiehouer of terwyl hy hom bevind op grond of 'n perseel wat aan die lisensiehouer behoort of regmatiglik deur hom geokkupeer word [; of
(ii) ten einde eiendom of 'n perseel, of wild op grond, wat aan die 25 lisensiehouer behoort of onder sy sorg of in sy bewaring is of regmatiglik deur hom geokkupeer word, te beskerm]."; en

(b) deur subartikels (2) en (3) te skrap.

Vervanging van artikel 9 van Wet 75 van 1969**9. Artikel 9 van die Hoofwet word hierby deur die volgende artikel vervang:** 30**“Vertoning van wapen, lisensie of magtiging**

9. (1) Die houer van 'n lisensie om 'n wapen te besit, 'n magtiging of 'n permit moet op versoek van 'n polisieman die lisensie, magtiging of permit en die wapen toon binne dié redelike tyd en aan dié persoon en op dié redelike plek wat die polisieman bepaal.

(2) 'n Persoon wat 'n wapen in sy besit het, moet die lisensie of ander magtiging om die wapen te besit, en indien hy 'n bevoegde persoon is, sy bevoegdheidsertifikaat, te alle tye in sy daadwerklike besit hê, en moet die lisensie, ander magtiging of bevoegdheidsertifikaat, na gelang van die geval, onverwyld op versoek van 'n polisieman ['n lisensie of ander magtiging om die wapen te besit] toon [binne dié redelike tyd en aan dié persoon en op dié plek wat die polisieman bepaal].”.

Herroeping van artikel 10A van Wet 75 van 1969, soos ingevoeg deur artikel 48 van Wet 94 van 1974**10. Artikel 10A van die Hoofwet word hierby herroep.** 45**Wysiging van artikel 11 van Wet 75 van 1969, soos gewysig deur artikel 4 van Wet 19 van 1983****11. Artikel 11 van die Hoofwet word hierby gewysig—**

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

"(a) wat 'n misdryf gepleeg het waarby 'n wapen gebruik is; of";

(b) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

ARMS AND AMMUNITION AMENDMENT ACT, 1988

Act No. 60, 1988

Amendment of section 8 of Act 75 of 1969, as amended by section 3 of Act 19 of 1983

8. Section 8 of the principal Act is hereby amended—
 (a) by the substitution for subsection (1) of the following subsection:
- “(1) Any person not being under the age of 16 years [or not being a disqualified person] may, with the prior consent of the holder of a licence to possess an arm and for such period as such holder may permit, have such arm in his possession without holding any licence, provided—
 (a) (i) (aa) such person is a competent person; or
 (bb) the arm is a gas pistol or gas revolver, an air pistol, an alarm pistol or alarm revolver, a gas rifle, or an air rifle of not more than .177 of an inch calibre, and the permission of the licence holder is contained in a statement in writing signed by him and setting forth the period for which permission has been granted and particulars sufficient for identifying the arm; and
 (ii) if the said period exceeds 14 days the said statement has been endorsed by a person acting under the authority of the Commissioner; or
 (b) such person has the arm in his possession [—
 (i)] in the immediate vicinity of the licence holder or while on any land or premises belonging to or lawfully occupied by the licence holder [; or
 (ii) for the purposes of protecting any property or premises, or any game on land, belonging to or in the care or custody of or lawfully occupied by the licence holder].”; and
 (b) by the deletion of subsections (2) and (3).

Substitution of section 9 of Act 75 of 1969

9. The following section is hereby substituted for section 9 of the principal Act:
- “Production of arm, licence or authority**
9. (1) The holder of a licence to possess an arm, an authorization or a permit shall at the request of a policeman produce the licence, authorization or permit and the arm within such reasonable time and to such person and at such reasonable place as the policeman may specify.
 (2) Any person having an arm in his possession shall at all times have in his actual possession the licence or other authority to possess the arm, and if he is a competent person, his certificate of competence, and shall produce the licence, authority or certificate of competence, as the case may be, immediately at the request of a policeman [produce a licence or other authority to possess the arm, within such reasonable time and to such person and at such place as the policeman may specify.”.

40 Repeal of section 10A of Act 75 of 1969, as inserted by section 48 of Act 94 of 1974

10. Section 10A of the principal Act is hereby repealed.

Amendment of section 11 of Act 75 of 1969, as amended by section 4 of Act 19 of 1983

11. Section 11 of the principal Act is hereby amended—
 (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
 “(a) who has committed an offence in which an arm was used ; or”;
 (b) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

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“(c) Wat deur middel van 'n wapen 'n ander persoon deur nalatigheid gedood of beseer het, of deur moedwilligheid of nalatigheid aan lewensgevaar of ligmaamlike letsel blootgestel het] wie se besit van 'n wapen nie in belang van daardie persoon self of enige ander persoon is nie as gevolg van sy geestesgesteldheid, sy geneigdheid tot geweld, hetsy 'n wapen by die geweld gebruik is al dan nie, of sy afhanklikheid van drank of 'n verdowingsmiddel wat 'n narkotiese uitwerking het; of”;

(c) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

“(d) wat [terwyl hy in regmatige besit van 'n wapen was, daardie wapen as gevolg van nalatigheid verloor het; of] skuldig bevind is aan die pleging van 'n misdryf bedoel in Bylae I van die Strafproseswet, 1977 (Wet No. 51 van 1977);”;

(d) deur paragraaf (e) te skrap;

(e) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) By bewys daarvan dat die kennisgewing aan die persoon aan wie dit gerig is na behore oorhandig of aangebied is, kan die Kommissaris te eniger tyd na die in die kennisgewing vermelde tyd, hetsy bedoelde persoon daaroor gehoor gee al dan nie, maar behoudens die bepalings van subartikel (5) bedoelde persoon onbevoeg verklaar om te eniger tyd of gedurende 'n bepaalde tydperk van minstens drie jaar 'n wapen te besit, indien die Kommissaris, met inagneming van enige redes deur of namens bedoelde persoon aangevoer en van beëdigde inligting waaroor hy beskik, oortuig is dat bedoelde persoon 'n in paragraaf (a), (b), (c) of (d) [of (e)] van subartikel (1) beoogde persoon is.”;

(f) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Die Kommissaris verklaar nie sonder goedkeuring van die Minister 'n persoon op die in subartikel (1) (d) [of (e)] bedoelde grond onbevoeg om 'n wapen te besit nie.”; en

(g) deur die volgende subartikel na subartikel (5) in te voeg:

“(5A) Die Kommissaris kan na goeddunke die inwerkingtreding van die verklaring bedoel in subartikel (4) opskort vir 'n tydperk van hoogstens drie jaar op enige voorwaarde wat die Kommissaris goedvind.”.

Vervanging van artikel 12 van Wet 75 van 1969

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12. Artikel 12 van die Hoofwet word hierby deur die volgende artikel vervang:

“Verklaring van persoon by skuldigbevinding as onbevoeg om wapens te besit

12. (1) 'n Persoon wat skuldig bevind word aan 'n oortreding van artikel 39 (1) (i), (j), (k), (l) of (m), of aan 'n misdryf in Bylae 2 by hierdie Wet bedoel, word geag ingevolge hierdie Deel onbevoeg verklaar te wees om 'n wapen te besit.

(2) Die bepalings van artikel 14 is vanaf die datum van sy skuldigbevinding *mutatis mutandis* van toepassing op 'n persoon wat ingevolge subartikel (1) onbevoeg geraak het om 'n wapen te besit.

(3) By 'n aansoek ingevolge subartikel (2) moet daardie persoon die voorgeskrewe geldte op die voorgeskrewe wyse betaal.”.

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Wysiging van artikel 14 van Wet 75 van 1969

13. Artikel 14 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) 'n Persoon wat kragtens hierdie Deel deur die Kommissaris onbevoeg verklaar is om 'n wapen te besit of ingevolge die bepalings van artikel 12 (1) geag onbevoeg te wees om 'n wapen te besit, kan binne [dertig] 60 dae vanaf die datum waarop hy van die verklaring deur die Kommissaris in kennis gestel is, of vanaf die datum van sy skuldigbevinding, skriftelik appelleer na die Minister, wat bedoelde verklaring kan bekratig, wysig of tersyde stel.”.

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- 5 “(c) [who has by means of an arm killed or injured any other person through negligence or wantonly or through negligence endangered the life or limb of any other person] whose possession of an arm is not in the interest of that person or any other person as a result of his mental condition, his inclination to violence, whether an arm was used in the violence or not, or his dependence on intoxicating liquor or a drug which has a narcotic effect; or”;
- 10 (c) by the substitution for paragraph (d) of subsection (1) of the following paragraph:
- 10 “(d) who [while in lawful possession of an arm, has lost such arm through negligence; or] has been found guilty of committing an offence referred to in Schedule I of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);”;
- 15 (d) by the deletion of paragraph (e);
- 15 (e) by the substitution for subsection (4) of the following subsection:
- 20 “(4) Upon proof that the notice was duly delivered or tendered to the person to whom it was addressed, the Commissioner may at any time subsequent to the time specified in the notice, whether or not such person complies with the notice, but subject to the provisions of subsection (5) declare such person to be unfit to possess any arm at any time or during a specified period of not less than three years, if, having regard to any reasons advanced by or on behalf of the said person and to any information at the disposal of the Commissioner given under oath, the Commissioner is satisfied that such person is a person contemplated in paragraph (a), (b), (c) or (d) [or (e)] of subsection (1).”;
- 25 (f) by the substitution for subsection (5) of the following subsection:
- 30 “(5) The Commissioner shall not, without the approval of the Minister, declare any person to be unfit to possess any arm on the ground referred to in subsection (1) (d) [or (e)].”; and
- 30 (g) by the insertion after subsection (5) of the following subsection:
- 30 “(5A) The Commissioner may in his discretion suspend the operation of the declaration referred to in subsection (4) for a period not exceeding three years on any condition which the Commissioner may deem fit.”.

Substitution of section 12 of Act 75 of 1969

- 35 12. The following section is hereby substituted for section 12 of the principal Act:
- 35 “Declaration of person on conviction to be unfit to possess arms
- 40 12. (1) A person who is convicted of a contravention of section 39 (1) (i), (j), (k), (l) or (m), or of an offence referred to in Schedule 2 of this Act, is deemed to be declared unfit to possess an arm under this Part.
- 40 (2) The provisions of section 14 shall from the date of his conviction *mutatis mutandis* apply to a person who has become unfit to possess an arm in terms of subsection (1).
- 40 (3) On an application in terms of subsection (2) that person shall pay the prescribed fee in the prescribed manner.”.

45 Amendment of section 14 of Act 75 of 1969

- 45 13. Section 14 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
- 50 “(1) Any person declared by the Commissioner under this Part to be unfit to possess an arm or who is deemed to be unfit to possess an arm in terms of section 12 (1), may within [thirty] 60 days from the date on which he was notified of the declaration by the Commissioner, or from the date of his conviction, appeal in writing to the Minister, who may confirm, vary or set aside such declaration.”.

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Invoeging van artikel 14A in Wet 75 van 1969

14. Die volgende artikel word hierby in die Hoofwet na artikel 14 ingevoeg:

"Appèlraad"

14A. (1) Daar is 'n raad bekend as die Appèlraad, wat die werksaamheid verrig en die pligte uitvoer wat kragtens hierdie Wet hom opgelê of aan hom opgedra word. 5

(2) (a) Die Appèlraad bestaan uit een of meer maar hoogstens drie lede wat deur die Minister na oorleg met die Minister van Justisie aangestel word. 10

(b) 'n Persoon kan nie as 'n lid van die Appèlraad aangestel word nie tensy hy bevoeg is— 15

(i) om kragtens die Wet op Prokureurs, 1979 (Wet No. 53 van 1979), toegelaat te word om as 'n prokureur te praktiseer; of

(ii) om kragtens die Wet op die Toelating van Advokate, 1964 (Wet No. 67 van 1964), toegelaat te word om as 'n advokaat te praktiseer; of 20

(iii) om kragtens die Wet op Landdroshewe, 1944 (Wet No. 32 van 1944), as 'n landdros aangestel te word,

en vir 'n tydperk van minstens vyf jaar as 'n prokureur of advokaat gepraktiseer het, of 'n landdros was. 25

(c) Die Minister kan, benewens die lede ingevolge paragraaf (a) aangestel, enige ander persoon wat na die oordeel van die Minister oor besondere kennis of ondervinding van wapenaangeleenthede beskik as 'n addisionele lid van die Appèlraad aanstel. 30

(3) Die ampstermy, ampsvoorraades, besoldiging en toelaes van die lede en addisionele lid van die Appèlraad is soos voorgeskryf. 35

(4) Die kworum vir, die prosedure by en die hou van vergaderings van die Appèlraad is soos voorgeskryf.

(5) (a) Die Minister kan te eniger tyd die aanstelling van 'n lid of die addisionele lid intrek indien daar na sy oordeel voldoende rede is om dit te doen. 40

(b) 'n Lid of die addisionele lid kan by skriftelike kennisgewing aan die Minister bedank.

(6) Die administratiewe werk verbonde aan die verrigting van die werksaamhede van die Appèlraad word verrig deur lede van die Suid-Afrikaanse Polisie wat vir dié doel deur die Kommissaris aangewys word.”. 45

Wysiging van artikel 15 van Wet 75 van 1969

15. Artikel 15 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: 40

“(1) Alle bevoegdheidsertifikate, licensies om wapens te besit, magtigings wat kragtens Deel I [of 'n by hierdie Wet herroep wet] uitgereik is aan 'n persoon wat kragtens hierdie Deel onbevoeg verklaar is om 'n wapen te besit en alle permitte wat aan hom uitgereik is kragtens artikel 45 (2) (a) (iii) of wat ingevolge artikel 27 licensies geag word om wapens te besit, hou op om vanaf die datum van die verklaring [geldige licensies of permitte] geldig te wees, tensy die verklaring by appèl tersyde gestel [is] word.”.

Wysiging van artikel 16 van Wet 75 van 1969

16. Artikel 16 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) alle bevoegdheidsertifikate, licensies, magtigings of permitte om wapens of ammunisie te besit aan hom uitgereik kragtens Deel I of artikel 45 (2) (a) (iii) of 'n by hierdie Wet herroep wet;”;

(b) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

“(c) alle wapens ten opsigte waarvan bedoelde licensies, magtigings of permitte uitgereik is;”; en

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Insertion of section 14A in Act 75 of 1969

14. The following section is hereby inserted in the principal Act after section 14:

"Appeal Board

- 14A.** (1) There shall be a board known as the Appeal Board, which shall perform the functions and carry out the duties entrusted to or imposed upon it under this Act.
- (2) (a) The Appeal Board shall consist of one or more but not more than three members appointed by the Minister after consultation with the Minister of Justice.
- (b) No person shall be appointed as a member of the Appeal Board unless he is qualified—
- (i) to be admitted to practise as an attorney under the Attorneys Act, 1979 (Act No. 53 of 1979); or
 - (ii) to be admitted to practise as an advocate under the Admission of Advocates Act, 1964 (Act No. 67 of 1964); or
 - (iii) to be appointed as a magistrate under the Magistrates' Court Act, 1944 (Act No. 32 of 1944), and has practised as an attorney or advocate, or has been a magistrate for at least five years.
- (c) The Minister may, in addition to the members appointed in terms of paragraph (a), appoint any other person who in the opinion of the Minister has special knowledge of or experience in matters pertaining to arms, as an additional member of the Appeal Board.
- (3) The period and conditions of office, remuneration and allowances of the members and the additional member of the Appeal Board shall be as prescribed.
- (4) The quorum for, the procedure at and the holding of meetings of the Appeal Board shall be as prescribed.
- (5) (a) The Minister may at any time withdraw the appointment of a member or the additional member if in his opinion there is sufficient reason for doing so.
- (b) A member or the additional member may resign by notice in writing to the Minister.
- (6) The administrative work incidental to the performance of the functions of the Appeal Board shall be performed by members of the South African Police designated by the Commissioner for this purpose.”.

Amendment of section 15 of Act 75 of 1969

15. Section 15 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
- (1) All certificates of competence, licences to possess arms, authorizations issued under Part I [or any law repealed by this Act] to any person declared under this Part to be unfit to possess an arm and all permits issued to him under section 45 (2) (a) (iii) or which are deemed under section 27 to be licences to possess arms, shall cease to be valid [licences or permits] as from the date of the declaration, unless the declaration [has been] is set aside on appeal.”.

Amendment of section 16 of Act 75 of 1969

16. Section 16 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- (a) all certificates of competence, licences, authorizations or permits to possess arms and ammunition issued to him under Part I or section 45 (2) (a) (iii) or any law repealed by this Act;”;
- (b) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
- (c) all arms in respect of which such licences, authorizations or permits have been issued;”; and

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(c) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Indien ’n verklaring van ’n persoon as onbevoeg om ’n wapen te besit, by appèl tersyde gestel word, moet wapens, ammunisie, lisensies, [of] permitte of magtigings en alle bevoegdheidsertifikate wat aan so ’n persoon behoort en waarop kragtens hierdie Deel beslag gelê is of wat daarkragtens oorhandig is, onverwyld aan hom terugbesorg word, indien, in die geval van wapens en ammunisie, hy ingevolge die bepalings van hierdie Wet bedoelde wapens of ammunisie in sy besit mag hê.”.

Wysiging van artikel 19 van Wet 75 van 1969, soos gewysig deur artikel 5 van Wet 35 van 1973 en artikel 5 van Wet 19 van 1983

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17. Artikel 19 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Op aansoek op die voorgeskrewe wyse en by betaling van die voorgeskrewe lisensiegeld op bedoelde wyse deur ’n bevoegde persoon, kan die Kommissaris na goeddunke, maar behoudens die voorskrifte van die Minister 15 en die bepalings van artikel 22, aan bedoelde persoon ’n lisensie om in die gebou in die lisensie vermeld en op die voorwaardes wat aldus vermeld word in wapens en ammunisie handel te dryf, of, na gelang van die geval, ’n lisensie om in die gebou en op die voorwaardes aldus vermeld in ammunisie handel te dryf, uitreik.”.

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Wysiging van artikel 32 van Wet 75 van 1969

18. Artikel 32 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Behoudens die bepalings van subartikel (3) mag geen persoon, behalwe ten behoeve van die Staat of kragtens en ooreenkomsdig ’n na 25 goeddunke van die Minister uitgereikte permit, enige wapentuig, met inbegrip van—

(a) ’n kanon, terugslaglose kanon of mortier, vuurpylriger, masjiengeweer of soortgelyke wapentuig, of ’n onderdeel daarvan; of

(b) ’n projektiel, vuurpyl of deel daarvan, wat bestem is om uit ’n kanon, 30 terugslaglose kanon of mortier, of vuurpylriger afgeskiet te word, of ’n stof wat bestem is om so ’n projektiel of vuurpyl wat aldus afgeskiet word, aan te dryf of by die aandrywing daarvan mee te werk, of ’n granaat, bom of dergelike werptuig; of

(c) ’n ploff- of ontbrandingstoestel of ’n onderdeel daarvan; of

(d) ’n namaaksel van enige artikel bedoel in paragrawe (b) en (c), in die Republiek invoer, aan ’n ander persoon verskaf of in sy besit hê nie.”;

(b) deur paragraaf (a) van subartikel (3) te skrap; en

(c) deur die volgende subartikels by te voeg:

“(5) (a) Iemand wat kennis dra of vermoed of rede het om te vermoed dat ’n persoon ’n artikel bedoel in subartikel (1) (a), (b) of (c) strydig met die bepalings van hierdie Deel in sy besit het, of dat so ’n artikel op of in ’n perseel, met inbegrip van ’n gebou, woning, woonstel, kamer, kantoor, winkel, bouwerk, vaartuig, vliegtuig of voertuig of ’n gedeelte daarvan, is, moet dit sodra dit tot sy kennis kom, onverwyld aan ’n polisieman rapporteer of laat rapporteer.

(b) Wanneer daar by ’n vervolging ingevolge subartikel (5) bewys word dat die beskuldigde te eniger tyd in aanraking was met ’n persoon wat in besit is of was van ’n artikel bedoel in paragraaf (a), (b) of (c), of dat die beskuldigde te eniger tyd op of in ’n perseel, met inbegrip van ’n gebou, woning, woonstel, kamer, kantoor, winkel, bouwerk, vaartuig, vliegtuig of voertuig of gedeelte daarvan, was waarop of waarin so ’n artikel gevind is, is dit *prima facie*-bewys dat die beskuldigde—

(i) geweet het dat daardie persoon in besit was van sodanige artikel; of

(ii) geweet het dat sodanige artikel op of in sodanige perseel was; en

(iii) versuum het om die rapportering in paragraaf (a) beoog, te doen.

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- 5 (c) by the substitution for subsection (3) of the following subsection:

“(3) If a declaration of any person to be unfit to possess an arm is set aside on appeal, any arm, ammunition, licence, [or] permit or authorization and all certificates of competence belonging to any such person and seized or surrendered under this Part, shall be returned to him forthwith, if, in the case of an arm or ammunition, he may under the provisions of this Act have such arm or ammunition in his possession.”.

Amendment of section 19 of Act 75 of 1969, as amended by section 5 of Act 35 of 1973 and section 5 of Act 19 of 1983

- 10 17. Section 19 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

15 “(1) On application in the prescribed manner and payment of the prescribed licence fee in the said manner by any competent person, the Commissioner may in his discretion, but subject to the directions of the Minister and to the provisions of section 22, issue to such person a licence to deal in arms and ammunition on the premises specified in the licence, subject to such conditions as may be so specified, or, as the case may be, a licence to deal in ammunition on the premises and subject to the conditions so specified.”.

Amendment of section 32 of Act 75 of 1969

- 20 18. Section 32 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

25 “(1) Subject to the provisions of subsection (3), no person shall, except on behalf of the State or under the authority of and in accordance with a permit issued by the Minister in his discretion, import into the Republic, supply to any other person or have in his possession any armament, including—

(a) any cannon, recoilless gun or mortar, rocket launcher, machine gun or machine rifle or any similar armament, or any part thereof; or

30 (b) any projectile, rocket or part of a projectile or rocket intended to be discharged from a cannon, recoilless gun or mortar, or rocket launcher, or any substance intended to propel or to assist in propelling any such projectile or rocket so discharged, or any grenade, bomb or similar missile; or

(c) any explosive or incendiary device or any part thereof; or

35 (d) an imitation of any article referred to in paragraphs (b) and (c).”;

- (b) by the deletion of paragraph (a) of subsection (3); and

- (c) by the addition of the following subsections:

40 “(5) (a) Any person who has knowledge or suspects or has reason to suspect that a person has in his possession an article referred to in subsection (1) (a), (b) or (c) contrary to the provisions of this Part, or that such an article is on or in any premises, including any building, dwelling, flat, room, office, shop, structure, vessel, aircraft or vehicle or any part thereof, shall, as soon as it comes to his knowledge, immediately report it or cause it to be reported to a policeman.

45 (b) Whenever in any prosecution in terms of this section it is proved that the accused has been in contact with a person who has or had in his possession an article referred to in paragraph (a), (b) or (c), or that the accused has at any time been on or in any premises, including any building, dwelling, flat, room, office, shop, structure, vessel, aircraft or vehicle or any part thereof, on or in which such an article is found, it is *prima facie* proof that the accused—

- (i) knew that that person was in possession of such an article; or
(ii) knew that such an article was on or in such premises; and
(iii) failed to make the report contemplated in paragraph (a).

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(6) 'n Persoon wat aan 'n misdryf ingevolge hierdie Deel skuldig bevind word, is skuldig aan 'n misdryf en strafbaar met gevangenisstraf vir 'n tydperk van hoogstens 25 jaar.

(7) Geen vervolging mag kragtens hierdie artikel ingestel word sonder die skriftelike toestemming van die Prokureur-generaal nie.".

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Invoeging van artikel 33A in Wet 75 van 1969

19. Die volgende artikel word hierby in die Hoofwet na artikel 33 ingevoeg:

"Bevoegdhede wat Minister kan uitoefen tot magtiging van besit van en handeldryf in wapens en ammunisie

33A. (1) Die Minister kan by kennisgewing in die *Staatskoerant* bepaal 10 dat enige magtiging om wapens en ammunisie te besit of daarmee handel te dryf wat in 'n ander land as die Republiek geldig is, geag word 'n geldige magtiging in die Republiek te wees.

(2) 'n Magtiging ingevolge subartikel (1) word verleen onderhewig aan die bepalings van hierdie Wet en enige ander Wet van die Republiek, 15 sowel as enige verdere bedinge, voorwaardes, beperkings of voorskrifte wat die Minister goeddink.

(3) Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* 'n kennisgewing ingevolge subartikel (1) intrek, wysig, vervang of opskort.".

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Wysiging van artikel 35 van Wet 75 van 1969, soos gewysig deur artikel 5 van Wet 16 van 1978

20. Artikel 35 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

"(a) 'n wapen, raam, romp of magasyn van 'n wapen, of silinder van 'n rewolwer, verskaf nie, tensy daardie ander persoon aan die verskaffer 'n lisensie of magtiging getoon het om daardie wapen te besit, of 'n lisensie hou om 'n wapen te besit waarmee daardie raam, romp, magasyn of silinder gebruik kan word;" en

(b) deur subparagraph (i) van paragraaf (b) van subartikel (1) deur die volgende subparagraph te vervang:

"(i) tensy daardie ander persoon aan die verskaffer 'n lisensie, permit of magtiging getoon het om 'n wapen te besit waaruit die ammunisie wat verskaf word, afgeskiet kan word en—

(aa) hy aan die verskaffer 'n versoek om verskaffing van die ammunisie oorhandig het wat onderteken is deur die houer van die lisensie, permit of magtiging wat aldus getoon is; of

(bb) die houer van daardie lisensie, permit of magtiging sy handtekening in die voorgeskrewe register aangebring het teenoor die voorgeskrewe besonderhede wat in bedoelde register aangeteken moet word in verband met die verskaffing; of".

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Vervanging van artikel 38 van Wet 75 van 1969

21. Artikel 38 van die Hoofwet word hierby deur die volgende artikel vervang:

"Verlies van wapens moet by polisie aangemeld word

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38. Wanneer 'n wapen in die besit van 'n persoon verloor, gesteel of vernietig word, moet hy, binne **[agt-en-veertig]** 24 uur nadat hy van die verlies, diefstal of vernietiging bewus geword het, die verlies, diefstal of vernietiging by 'n polisieman by 'n polisiestasie aan diens aanmeld en, op versoek van daardie polisieman, aan hom die besonderhede met betrekking tot die wapen, die plek waar en die tyd wanneer dit verloor, gesteel of vernietig is, verstrek wat die polisieman vereis."

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(6) Any person convicted of an offence under this Part shall be guilty of an offence and liable to imprisonment for a period not exceeding 25 years.

(7) No prosecution shall be instituted under this section without the written consent of the Attorney-General.”.

5 Insertion of section 33A in Act 75 of 1969

19. The following section is hereby inserted in the principal Act after section 33:

“Powers which Minister may exercise to authorize possession of and dealing in arms and ammunition

10 33A. (1) The Minister may by notice in the *Gazette* determine that any authorization to possess arms and ammunition, or to deal therein, which is valid in a country other than the Republic, be deemed to be a valid authorization in the Republic.

15 (2) An authorization in terms of subsection (1) shall be granted subject to the provisions of this Act and any other Act of the Republic as well as any further terms, conditions, restrictions or directions which the Minister may deem fit.

(3) The Minister may from time to time by notice in the *Gazette* repeal, amend, substitute or suspend a notice in terms of subsection (1).”.

Amendment of section 35 of Act 75 of 1969, as amended by section 5 of Act 16 of 1978

20 20. Section 35 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

25 “(a) any arm, frame, receiver or magazine of an arm, or cylinder of a revolver, unless such other person has produced to the supplier a licence or authorization to possess that arm, or holds a licence to possess an arm with which that frame, receiver, magazine or cylinder can be used;”; and

(b) by the substitution for subparagraph (i) of paragraph (b) of subsection (1) of the following subparagraph:

30 (i) unless such other person has produced to the supplier a licence, permit or authorization to possess an arm capable of firing the ammunition supplied and—

35 (aa) he has delivered to the supplier a request for the supply of the ammunition signed by the holder of the licence, permit or authorization so produced; or

(bb) the holder of that licence, permit or authorization has signed the prescribed register opposite the prescribed particulars required to be entered in the said register in connection with the supply; or”.

Substitution of section 38 of Act 75 of 1969

40 21. The following section is hereby substituted for section 38 of the principal Act:

“Loss of arms to be reported to police

45 38. Whenever any arm in the possession of any person is lost, stolen or destroyed, he shall within [forty-eight] 24 hours after having become aware of the loss, theft or destruction, report such loss, theft or destruction to a policeman on duty at a police station, and shall, at the request of such policeman, furnish him with such particulars relating to the arm, the place where and the time when it was lost, stolen or destroyed as the policeman may require.”.

Wet No. 60, 1988

WYSIGINGSWET OP WAPENS EN AMMUNISIE, 1988

Invoeging van artikel 38B in Wet 75 van 1969

22. Die volgende artikel word hierby in die Hoofwet na artikel 38A ingevoeg:

"Vernietiging van wapens"

38B. 'n Wapen mag slegs vernietig word met die skriftelike toestemming van die Kommissaris en op die wyse wat hy bepaal.' 5

Wysiging van artikel 39 van Wet 75 van 1969, soos gewysig deur artikel 6 van Wet 16 van 1978 en artikel 7 van Wet 19 van 1983

23. Artikel 39 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (j) van subartikel (1) deur die volgende paragraaf te vervang: 10

"(j) versuim om 'n wapen in sy regmatige besit [**veilig te bewaar of redelike stappe te doen om dit veilig te bewaar**] weg te sluit in die voorgeskrewe brandkas, brandkamer, toestel, apparaat of instrument vir die veilige bewaring van 'n wapen wanneer hy nie sodanige wapen aan sy persoon dra of dit onder sy regstreekse beheer het nie; of"; 15

(b) deur paragraaf (k) van subartikel (1) deur die volgende paragraaf te vervang: 15

"(k) terwyl hy in regmatige besit van 'n wapen is, daardie wapen [**as gevolg van sy nalatigheid**] verloor, of van wie dit gesteel word wens so 'n persoon se versuim— 20

(i) om die wapen in die voorgeskrewe brandkas, brandkamer, toestel, apparaat of instrument vir die veilige bewaring van 'n wapen weg te sluit; of

(ii) om redelike stappe te doen om die verlies of diefstal van die wapen te voorkom terwyl die wapen aan sy persoon of onder sy regstreekse beheer was; of"; 25

(c) deur in subartikel (1) die volgende paragrawe na paragraaf (k) in te voeg:

"(l) ''n wapen laat afgaan en daardeur nalatiglik 'n ander persoon dood, beseer, aan liggaamlike letsel blootstel of die eiendom van 'n ander persoon beskadig, of wat 'n wapen op enige nalatige wyse hanteer, hetsy daardie wapen afgaan al dan nie; of' 30

(m) ''n wapen hanteer terwyl hy onder die invloed is van drank of 'n verdowingsmiddel wat 'n narkotiese uitwerking het, of 'n wapen verskaf aan 'n persoon wat hy weet of redelikerwys behoort te vermoed onder die invloed is van drank of 'n verdowingsmiddel wat 'n narkotiese uitwerking het,";' 35

(d) deur subparagrawe (ii) en (iii) van paragraaf (a) van subartikel (2) te skrap;

(e) deur in paragraaf (b) van subartikel (2) subparagraaf (iii) en die woorde wat daarop volg, deur die volgende subparagraaf en woorde te vervang:

"(iii) ''n in subartikel (1) (a), (b), (e) [**of**], (f), (j) of (k) bedoelde misdryf, met 'n boete van hoogstens [**duisend rand**] R5 000 of met gevengenisstraf vir 'n tydperk van hoogstens [**twee**] drie jaar, of met sowel daardie boete as daardie gevengenisstraf, of, in die geval van 'n tweede of daaropvolgende skuldigbevinding weens 'n in hierdie paragraaf bedoelde misdryf, met gevengenisstraf vir 'n tydperk van hoogstens [**drie**] vyf jaar;"'; 45

(f) deur in paragraaf (c) van subartikel (2) subparagraaf (ii) en die woorde wat daarop volg, deur die volgende subparagraaf en woorde te vervang:

"(ii) ''n in subartikel (1) (c), (l) of (m) bedoelde misdryf, met 'n boete van hoogstens [**vyfhonderd rand**] R3 000 of met gevengenisstraf vir 'n tydperk van hoogstens [**ses maande**] een jaar of met sowel daardie boete as daardie gevengenisstraf;"; en 50

(g) deur paragraaf (d) van subartikel (2) deur die volgende paragraaf te vervang:

"(d) in die geval van 'n oortreding wat nie in paragrawe (a), (b) of (c) vermeld word nie, met 'n boete van hoogstens [**vyfhonderd rand**] R1 000 of met gevengenisstraf vir 'n tydperk van hoogstens [**ses maande**] een jaar."'; 55

ARMS AND AMMUNITION AMENDMENT ACT, 1988

Act No. 60, 1988

Insertion of section 38B in Act 75 of 1969

22. The following section is hereby inserted in the principal Act after section 38A:

"Destruction of arms

38B. An arm shall only be destroyed with the written consent of the Commissioner and in the manner he may determine.”.

5

Amendment of section 39 of Act 75 of 1969, as amended by section 6 of Act 16 of 1978 and section 7 of Act 19 of 1983

23. Section 39 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (j) of subsection (1) of the following paragraph:
 - “(j) fails to [safeguard or to take reasonable steps to safeguard] lock away in the prescribed safe, strong-room, device, apparatus or instrument for the safe-keeping of an arm in his lawful possession when such arm is not carried on his person or is not under his direct control; or”;
- (b) by the substitution for paragraph (k) of subsection (1) of the following paragraph:
 - “(k) while in lawful possession of an arm, loses such arm [through negligence], or from whom it is stolen owing to that person's failure
 - (i) to lock the arm away in the prescribed safe, strong-room, device, apparatus or instrument for the safe-keeping of an arm; or
 - (ii) to take reasonable steps to prevent the loss or theft of the arm while the arm was on his person or under his direct control; or”;
- (c) by the insertion after paragraph (k) of subsection (1) of the following paragraphs:
 - “(l) discharges an arm and thereby negligently kills, injures, endangers the life or limb of another person or damages property of any other person, or who handles an arm in any negligent manner, whether that arm discharges or not; or
 - “(m) handles an arm while he is under the influence of liquor or a drug which has a narcotic effect, or supplies an arm to a person whom he knows or should reasonably suspect to be under the influence of liquor or a drug which has a narcotic effect;”;
- (d) by the deletion of subparagraphs (ii) and (iii) of paragraph (a) of subsection (2);
- (e) by the substitution for subparagraph (iii) and the words following upon subparagraph (iii) of paragraph (b) of subsection (2) of the following subparagraph and words:
 - “(iii) an offence referred to in subsection (1) (a), (b), (e) [or], (f), (j) or (k), to a fine not exceeding [one thousand rand] R5 000 or to imprisonment for a period not exceeding [two] three years or to both such fine and such imprisonment, or, in the case of a second or subsequent conviction for an offence referred to in this paragraph, to imprisonment for a period not exceeding [three] five years;”;
- (f) by the substitution for subparagraph (ii) and the words following upon subparagraph (ii) of paragraph (c) of subsection (2) of the following subparagraph and words:
 - “(ii) an offence referred to in subsection (1) (c), (l) or (m), to a fine not exceeding [five hundred rand] R3 000 or to imprisonment for a period not exceeding [six months] one year or to both such fine and such imprisonment;”;
- (g) by the substitution for paragraph (d) of subsection (2) of the following paragraph:
 - “(d) in the case of an offence not mentioned in paragraph (a), (b) or (c), to a fine not exceeding [five hundred rand] R1 000 or to imprisonment for a period not exceeding [six months] one year.”.

55

Wet No. 60, 1988

WYSIGINGSWET OP WAPENS EN AMMUNISIE, 1988

Wysiging van artikel 40 van Wet 75 van 1969

24. Artikel 40 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (2) al die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Wanneer daar by 'n vervolging weens versuim om die verlies, diefstal 5 of vernietiging van 'n wapen aan te meld soos deur artikel 38 vereis, bewys word dat die beskuldigde persoon te eniger tyd in besit was van die wapen wat na bewering verloor, gesteel of vernietig is of die houer is van 'n lisensie of magtiging om die wapen te besit, word daar vermoed totdat die teendeel bewys word—”; en 10

- (b) deur die volgende subartikel by te voeg:

“(3) Wanneer daar by vervolging weens die verlies of diefstal van 'n wapen ingevolge artikel 39 (1) (k) bewys word dat die beskuldigde persoon die houer is van 'n magtiging of 'n lisensie om die wapen te besit wat na bewering verloor of gesteel is, word daar vermoed totdat die teendeel 15 bewys word—

- (a) dat daardie wapen verloor of gesteel is indien daar bewys word dat hy versuim het om die wapen op versoek van 'n polisieman te toon;
 (b) dat die verlies of diefstal te wyte is aan—
 (i) sy versuim om die wapen in die voorgeskrewe brandkas, brandkamer, toestel, apparaat of instrument vir die veilige bewaring van 'n wapen weg te sluit; of
 (ii) sy versuim om terwyl die wapen aan sy persoon of onder sy regstreekse beheer was, redelike stappe te doen om die verlies of diefstal daarvan te voorkom.”. 25

Invoeging van artikel 41A in Wet 75 van 1969

25. Die volgende artikel word hierby in die Hoofwet na artikel 41 ingevoeg:

“Vingerafdrukke

41A. Iemand wat 'n aansoek ingevolge hierdie Wet doen, moet sy vingerafdrukke op die voorgeskrewe wyse laat neem indien die Kommissaris dit nodig ag.”.

Wysiging van artikel 43 van Wet 75 van 1969, soos gewysig deur artikel 25 van Wet 80 van 1971, artikel 7 van Wet 35 van 1973 en artikel 7 van Wet 16 van 1978

26. Artikel 43 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te 35 vervang:

“(a) die wyse waarop daar ingevolge hierdie Wet aansoek gedoen moet word om 'n bevoegdheidsertifikaat of lisensie of 'n afskrif of oordrag daarvan of om endossering van 'n handelaarslisensie in geval van verandering van die gelisensieerde gebou of om 'n permit, met 40 inbegrip van die besonderhede of inligting wat in die aansoek verstrekk moet word, dokumente wat so 'n aansoek moet vergesel of wat getoon moet word wanneer so 'n aansoek gedoen word, die vertoning vir identifikasiedoeleindes van 'n wapen waarop 'n aansoek betrekking het, die afskiet van ammunisie vir identifikasiedoeleindes en die persoon by wie 'n aansoek ingediend moet word.”;

- (b) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

“(b) die geldige betaalbaar vir bevoegdheidsertifikate en lisensies vir verskillende klasse wapens kragtens Deel I uitgereik, [of vir afskrifte van daardie lisensies] of vir handelaarslisensies of oordragte daarvan, of by aansoeke ingevolge artikel 12 (3), of vir permitte ingevolge artikel 45 (2) (a) (iii), of vir afskrifte daarvan, en die wyse waarop bedoelde geldige betaal moet word.”;

- (c) deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te 55 vervang:

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Amendment of section 40 of Act 75 of 1969**24. Section 40 of the principal Act is hereby amended—**

- (a) by the substitution in subsection (2) for all the words preceding paragraph (a) of the following words:

5 “Whenever in any prosecution for failure to report the loss, theft or destruction of any arm as required by section 38, it is proved that the accused person was at any time in possession of or is the holder of a licence or authorization to possess the arm alleged to have been lost, stolen or destroyed, it shall be presumed, until the contrary is proved—”; and

- 10 (b) by the addition of the following subsection:

15 “(3) Whenever in any prosecution on account of the loss or theft of an arm in terms of section 39 (1) (k) it is proved that the accused person is the holder of an authorization or a licence to possess the arm alleged to have been lost or stolen, it shall be presumed, until the contrary is proved—

- 20 (a) that such arm has been lost or stolen, if it is proved that the accused failed to produce the arm at the request of a policeman;
- 25 (b) that the loss or theft is due to—
- (i) the accused's neglect to lock the arm away in the prescribed safe, strong-room, device, apparatus or instrument for the safe-keeping of an arm; or
- (ii) his neglect, while the arm was on his person or under his direct control, to take reasonable steps to prevent the loss or theft thereof.”.

25 Insertion of section 41A in Act 75 of 1969**25. The following section is hereby inserted in the principal Act after section 41:****“Fingerprints**

30 **41A. Any person who makes any application in terms of this Act shall have his fingerprints taken in the prescribed manner if the Commissioner deems it necessary.”.**

Amendment of section 43 of Act 75 of 1969, as amended by section 25 of Act 80 of 1971, section 7 of Act 35 of 1973 and section 7 of Act 16 of 1978**26. Section 43 of the principal Act is hereby amended—**

- 35 (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

40 “(a) the manner in which application shall be made under this Act for any certificate of competence or licence or for a copy or transfer thereof or for endorsement of a dealer's licence in the event of change of licensed premises or for any permit, including the particulars or information to be furnished in the application, any documents which shall accompany any such application or shall be produced when making any such application, the production of any arm to which any application relates for the purpose of identification, the firing of ammunition for identification purposes, and the person to whom an application shall be submitted;”;

- 45 (b) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

50 “(b) the fees payable for certificates of competence and licences for different classes of arms issued under Part I, [or for copies of such licences] or for dealers' licences or transfers thereof, or on application in terms of section 12 (3), or for permits in terms of section 45 (2) (a) (iii), or for copies thereof, and the manner in which such fees shall be paid;”;

- 55 (c) by the substitution for paragraph (f) of subsection (1) of the following paragraph:

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- (f) die oorhandiging van en besikking oor kragtens hierdie Wet uitgereikte permitte, [of] lisencies, bevoegdheidcertifikate of magtigings wat ingetrek of opgeskort is of opgehou het om geldig te wees;”; en
- (d) deur na paragraaf (k) van subartikel (1) die volgende paragrawe in te voeg:
- “(l) die ampstermyn, ampsvoorraad, besoldiging en toelaes van die lede van die Appèlraad;
- (m) die kworum vir, die prosedure by en die hou van vergaderings van die Appèlraad;
- (n) die vereistes waaraan brandkaste, brandkamers, toestelle, apparate of instrumente vir die veilige bewaring van ‘n wapen in artikels 3 (6) en 39 (1) (j), (k) en (l) beoog, moet voldoen;
- (o) alle aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet of kan word.”.

Vervanging van artikel 44 van Wet 75 van 1969

27. Artikel 44 van die Hoofwet word hierby deur die volgende artikel vervang: 15

“Delegering van werksaamhede

44. (1) [Die Kommissaris kan met goedkeuring van die Minister aan ‘n beampete in die voltydse diens van die Staat ‘n bevoegdheid deleer wat deur die Wet aan hom verleen word] Die Minister kan enige werksaamheid, bevoegdheid of plig kragtens hierdie Wet aan hom verleen, opgelê of opgedra, aan die Appèlraad, die Kommissaris of enige lid van die Suid-Afrikaanse Polisie deleer.

(2) Die Kommissaris kan met die goedkeuring van die Minister enige werksaamheid, bevoegdheid of plig by of kragtens hierdie Wet aan hom verleen, opgelê of opgedra, aan enige lid van die Suid-Afrikaanse Polisie of ‘n beampete in die voltydse diens van die Staat deleer.

(3) ‘n Delegering kragtens subartikel (1) of (2) belet nie die uitoefening van die betrokke werksaamheid, bevoegdheid of plig deur die Minister of Kommissaris, na gelang van die geval, nie.

(4) Enige werksaamheid, bevoegdheid of plig wat uitgeoefen of verrig word deur die persoon aan wie die Minister of Kommissaris, na gelang van die geval, dit gedelegeer het en wat nog nie afgehandel is nie, en wat betrekking het op ‘n werksaamheid, bevoegdheid of plig wat deur die Minister of Kommissaris uitgeoefen word, verval, tensy en in die mate wat die Minister of Kommissaris anders gelas.”. 35

Wysiging van artikel 45 van Wet 75 van 1969, soos gewysig deur artikel 8 van Wet 19 van 1983

28. Artikel 45 van die Hoofwet word hierby gewysig—

(a) deur subparagraaf (i) van paragraaf (b) van subartikel (2) deur die volgende subparagraaf te vervang:

“(i) deur ‘n persoon in die gewone loop van sy besigheid of die besigheid van sy werkgewer as gelisensieerde handelaar, gemagtigde vervaardiger of wapensmid [vervoerder of bergingskontrakteur];”;

(b) deur subparagraaf (ii) van paragraaf (b) van subartikel (2) deur die volgende subparagraaf te vervang:

“(ii) deur ‘n persoon [aan wie die wapens of ammunisie deur ‘n persoon wat daarop geregtig is om dit te besit, toevertrou is vir vervoer van die een plek na ‘n ander of vir berging] of persone wat wapens vervoer of berg kragtens die skriftelike toestemming van die Kommissaris en op die wyse wat hy bepaal;”;

(c) deur subparagraaf (iv) van paragraaf (b) van subartikel (2) te skrap; en

(d) deur die volgende subartikel by te voeg:

“(5) Die bepalings van artikels 35 en 36 is nie van toepassing nie op die besit of verskaffing van ammunisie indien dit besit of verskaf word kragtens ‘n permit uitgereik na goeddunke van die Kommissaris en by betaling van die voorgeskrewe geldie.”. 55

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- 5 “(f) the surrender and disposal of permits, [or] licences, authorizations or certificates of competence issued under this Act which have been cancelled or suspended or have ceased to be valid;”; and
- (d) by the insertion after paragraph (k) of subsection (1) of the following paragraphs:
- 10 “(l) the period and conditions of office, remuneration and allowances of the members of the Appeal Board;
- (m) the quorum for, the procedure at and the holding of meetings of the Appeal Board;
- (n) the requirements with which safes, strong-rooms, devices, apparatuses or instruments for the safe-keeping of an arm as contemplated in sections 3 (6) and 39 (1) (j), (k) and (l) shall comply;
- (o) all matters which in terms of this Act are required or permitted to be prescribed.”.

15 Substitution of section 44 of Act 75 of 1969

27. The following section is hereby substituted for section 44 of the principal Act:

“Delegation of functions

- 20 **44. (1) [The Commissioner may, with the approval of the Minister, delegate to any person in the full-time service of the State any power conferred on him by this Act]** The Minister may delegate any function, power or duty conferred, imposed upon or assigned to him under this Act to the Appeal Board, the Commissioner or a member of the South African Police.
- 25 (2) The Commissioner may, with the approval of the Minister, delegate any function, power or duty conferred, imposed upon or assigned to him by or under this Act to any member of the South African Police or to any person in the full-time service of the State.
- 30 (3) Any delegation under subsection (1) or (2) shall not prevent the exercise of the relevant function, power or duty by the Minister or the Commissioner, as the case may be.
- 35 (4) Any function, power or duty performed or carried out by the person delegated by the Minister or the Commissioner, as the case may be, which has not been disposed of, and which relates to a function, power or duty performed or carried out by the Minister or the Commissioner, lapses, unless and to the extent to which the Minister or the Commissioner may otherwise determine.”.

Amendment of section 45 of Act 75 of 1969, as amended by section 8 of Act 19 of 1983

- 40 28. Section 45 of the principal Act is hereby amended—
- (a) by the substitution for subparagraph (i) of paragraph (b) of subsection (2) of the following subparagraph:
- 45 “(i) by any person in the ordinary course of his business or the business of his employer as licensed dealer, authorized manufacturer or gunsmith [carrier or storage contractor];”;
- (b) by the substitution for subparagraph (ii) of paragraph (b) of subsection (2) of the following subparagraph:
- 50 “(ii) by any person [to whom the arms or ammunition have been entrusted by a person entitled to possess such arms or ammunition, for conveyance from one place to another or for storage] or persons who convey or store arms under the written consent of the Commissioner and in the manner which he may determine;”;
- (c) by the deletion of subparagraph (iv) of paragraph (b) of subsection (2); and
- (d) by the addition of the following subsection:
- 55 “(5) The provisions of sections 35 and 36 shall not apply to the possession or the supply of ammunition if it is possessed or supplied under a permit issued in the discretion of the Commissioner and on payment of the prescribed fee.”.

Wet No. 60, 1988**WYSIGINGSWET OP WAPENS EN AMMUNISIE, 1988****Byvoeging van Bylae 2 by Wet 75 van 1969**

29. Die Hoofwet word hierby gewysig deur die volgende Bylae by te voeg, terwyl die bestaande Bylae Bylae 1 word:

"Bylae 2**ARTIKEL 12**

Hoogverraad
Sedisie
Terrorisme
Subversie
Sabotasie
Openbare geweldpleging
Intimidasie
Moord
Opsetlike saakbeskadiging met 'n wapen
Verkragting
Aanranding
Roof
Wilddiefstal

Inbraak by of betreding van 'n perseel, hetsy ingevolge die gemene reg of 'n statutêre bepaling, met die opset om 'n misdryf te pleeg.

Menseroof
Kinderdiebstal

'n Sameswering, uitlokking of poging om 'n misdryf in hierdie Bylae bedoel, te pleeg."

Kort titel en inwerkingtreding

5

30. (1) Hierdie Wet heet die Wysigingswet op Wapens en Ammunisie, 1988, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan aldus vasgestel word ten opsigte van die verskillende bepalings van hierdie Wet.

10

ARMS AND AMMUNITION AMENDMENT ACT, 1988

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Addition of Schedule 2 to Act 75 of 1969

29. The principal Act is hereby amended by the addition of the following Schedule, the existing Schedule becoming Schedule 1:

“Schedule 2
SECTION 12

High treason
Sedition
Terrorism
Subversion
Sabotage
Public violence
Intimidation
Murder
Malicious injury to property with an arm
Rape
Assault
Robbery
Theft of game

Breaking or entering any premises, whether under the common law or a statutory provision, with the intent to commit an offence.

Kidnapping
Childstealing

Any conspiracy, incitement or attempt to commit any offence referred to in this Schedule.”

5 Short title and commencement

30. (1) This Act shall be called the Arms and Ammunition Amendment Act, 1988, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be so fixed in respect of the different provisions of this 10 Act.

