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OKTOBER 1994

No. 16034

GOVERNMENT NOTICE

MINISTRY OF SAFETY AND SECURITY

No. R. 1799

14 October 1994

ARMS AND AMMUNITION ACT, 1969
(ACT No. 75 OF 1969)

SURRENDERING OF UNLICENSED ARMS AND AMMUNITION

Under subsection (1) of section 4 of the Arms and Ammunition Act, 1969 (Act No. 75 of 1969), I, Fholisani Sydney Mufamadi, Minister of Safety and Security, hereby provide that any person who is in possession of any arm or ammunition contrary to the provisions of section 2 or 36 of the said Arms and Ammunition Act, 1969, shall surrender that arm or ammunition within the period from **15 October 1994 to 21 October 1994** at any place and to any person mentioned in the Schedule.

Attention is directed to the provisions of subsection (4) of the said section 4 of the Arms and Ammunition Act, 1969, in terms of which no person who has surrendered any arm or ammunition in terms of the said subsection (1) of section 4 shall be prosecuted for a contravention of the said Arms and Ammunition Act, 1969, 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.

F. S. MUFAMADI,

Minister of Safety and Security.

29896—A

GOEWERMENSKENNISGEWING

MINISTERIE VAN VEILIGHEID EN SEKURITEIT

No. R. 1799

14 Oktober 1994

WET OP WAPENS EN AMMUNISIE, 1969
(WET No. 75 VAN 1969)

OORHANDIGING VAN ONGELISENSIEERDE WAPENS EN AMMUNISIE

Kragtens subartikel (1) van artikel 4 van die Wet op Wapens en Ammunisie, 1969 (Wet No. 75 van 1969), bepaal ek, Fholisani Sydney Mufamadi, Minister van Veiligheid en Sekuriteit, hierby dat iemand wat 'n wapen of ammunisie in stryd met die bepalings van artikel 2 of 36 van genoemde Wet op Wapens en Ammunisie, 1969, in sy besit het, daardie wapen of ammunisie binne die tydperk van **15 Oktober 1994 tot 21 Oktober 1994** by 'n plek en aan enige persoon vermeld in die Bylae moet oorhandig.

Die aandag word gevestig op die bepalings van subartikel (4) van genoemde artikel 4 van die Wet op Wapens en Ammunisie, 1969, ingevolge waarvan geen persoon wat 'n wapen of ammunisie ingevolge die bepalings van genoemde subartikel (1) van artikel 4 oorhandig het, weens 'n oortreding van genoemde Wet op Wapens en Ammunisie, 1969, vervolgd word nie omdat hy daardie wapen of ammunisie voor 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.

F. S. MUFAMADI,

Minister van Veiligheid en Sekuriteit.

16034—1

SCHEDULE REGULATIONS

1. In these regulations, unless the context otherwise indicates—

“**Chairman**” means the Chairman of the Commission;

“**Commission**” means the Commission of Inquiry into the Alleged Arms Transactions between Armscor and one Eli Wazan and other Related Matters referred to in this Proclamation;

“**document**” includes any book, pamphlet, record, list, circular, plan, placard, poster, publication, drawing, photograph or picture;

“**inquiry**” means the inquiry conducted by the Commission;

“**member**” means a member of the Commission;

“**officer**” means a person in the full-time service of the State who has been appointed or designated to assist the Commission in the execution of its functions;

“**premises**” includes any land, building, structure, part of a building or structure, vehicle, conveyance, vessel or aircraft.

2. The proceedings of the Commission shall be recorded in the manner determined by the Chairman.

3. (1) Any person appointed or designated to take down or record the proceedings of the Commission in shorthand or by mechanical means or to transcribe such proceedings which have been so taken down or recorded shall at the outset take an oath or make an affirmation in the following form:

I, **A.B.**, declare under oath/affirm and declare—

(a) that I shall faithfully and to the best of my ability take down/record the proceedings of the Commission of Inquiry into the Alleged Arms Transactions between Armscor and one Eli Wazan and other Related Matters in shorthand/by mechanical means as ordered by the Chairman of the Commission;

(b) that I shall transcribe fully and to the best of my ability any shorthand notes/mechanical record of the proceedings of the said Commission made by me or by any other person.

(2) No shorthand notes or mechanical record of the proceedings of the Commission shall be transcribed except by order of the Chairman.

4. Every person employed in the execution of the functions of the Commission, including any person referred to in regulation 3 (1), shall help to preserve secrecy with regard to any matter or information that may come to his knowledge in the performance of his duties in connection with the said functions, except in so far as the publication of such matter or information is necessary for the purposes of the report of the Commission, and every such person, except the Chairman, any member or any officer, shall, before performing any duty in connection with the Commission, take and subscribe before the Chairman an oath of fidelity or secrecy in the following form:

I, **A.B.**, declare under oath/affirm and declare that except in so far as it is necessary in the performance of my duties in connection with the functions of the Commission of Inquiry into the Alleged Arms Transactions between Armscor and one Eli Wazan and other Related Matters, or by order of a competent court, I shall not communicate to any person any matter or information which may come to my knowledge in connection with the inquiry of the said Commission, or suffer or permit any person to have access to any records of the Commission, including any note, record or transcription of the proceedings of the said Commission in my possession or custody or in the possession or custody of the said Commission or any officer.

5. No person shall communicate to any other person any matter or information which may have come to his knowledge in connection with the inquiry of the Commission, or suffer or permit any other person to have access to any records of the Commission, except in so far as it is necessary in the performance of his duties in connection with the functions of the Commission or by order of a competent court.

6.1 Evidence can be taken by the Commission or, with the consent of the Commission, by the Chairman or by one or more members of the Commission designated by the Chairman for that purpose.

6.2 When such a member is or members are so appointed, such a member or members will have the same powers as the Chairman would have had if he was present.

6.3 The Chairman may designate one or more knowledgeable persons to assist the Commission in the performance of some of its functions, in a capacity other than that of a member.

6.4 The Chairman may invite experts and other interested parties to submit representations and to advise on future arms trade policy.

6.5 The Chairman may send members of the Commission abroad if this is necessary to gather evidence material to the investigation.

7. The Chairman or an officer generally or specially authorised thereto by the Chairman shall administer an oath to or accept an affirmation from any witness appearing before the Commission.

8. (1) If any person who gave or is giving evidence before the Commission or who has been summoned so to give evidence so requests the Commission, the Chairman may direct that no person shall publish in any manner whatsoever the name or address of such person or any information likely to reveal his identity.

(2) No person shall contravene any provision of a directive referred to in subregulation (1).

9. Any witness appearing before the Commission may be cross-examined by a person only if the Chairman permits such cross-examination by such person because the Chairman deems it necessary in the interest of the functions of the Commission.

10. Any witness appearing before the Commission may, in the discretion of the Chairman and in such manner as may be determined by him, be assisted by an advocate or an attorney.

11. An officer, attorney or advocate designated thereto by the Chairman may be present at the hearing of evidence at the inquiry and may adduce evidence and arguments relating to the inquiry.

12. Whenever the Commission is satisfied upon evidence or information presented to it that the Commission's inquiry may adversely affect any existing, instituted or pending legal proceedings or any investigation instituted in terms of any law, evidence which is relevant to such legal proceedings or investigation shall be dealt with by the Commission in such a manner as not to affect adversely such legal proceedings or investigation.

13. The Chairman, any member or any officer may, for the purposes of the inquiry, at all reasonable times enter and inspect any premises and demand and seize any document which is on such premises.

14. No person shall without the written permission of the Chairman—

- (a) disseminate any document submitted to the Commission by any person in connection with the inquiry or publish the contents or any portion of the contents of such document; or
- (b) peruse any document, including any statement, which is destined to be submitted to the Chairman or intercept such document while it is being taken or forwarded to the Chairman.

15. No person shall, except in so far as may be necessary in the execution of the terms of reference of the Commission, publish or furnish to any other person the report of the Commission or a copy or a part thereof or information regarding the consideration of evidence by the Commission before the President has released the report for publication or the report has been laid upon the Table in Parliament: Provided that the Chairman may at any time during the course of the Commission's activities refer information or documents to the Office of the Attorney-General for further investigation.

16. No person shall insult, disparage or belittle the Chairman or any member of the Commission or prejudice, influence or anticipate the proceedings or findings of the Commission.

17. Any person who—

- (a) wilfully hinders, resists or obstructs the Chairman, any member or any officer in the exercise of any power referred to in regulation 13; or
- (b) contravenes a provision of regulation 5, 8 (2), 14 or 15; or
- (c) contravenes a provision of regulation 16,

shall be guilty of an offence and liable on conviction—

- (i) in the case of an offence contemplated in paragraph (a) or (b), to a fine, or to imprisonment for a period not exceeding six months; and
- (ii) in the case of an offence contemplated in paragraph (c), to a fine, or to imprisonment for a period not exceeding 12 months.

GOVERNMENT NOTICE

NATIONAL DEFENCE FORCE

No. R. 1801**14 October 1994**

APPOINTMENT OF COMMISSION OF INQUIRY INTO ALLEGED ARMS TRANSACTIONS BETWEEN ARMSCOR AND ONE ELI WAZAN AND OTHER RELATED MATTERS

It is hereby notified for general information that the President has been pleased to appoint the **Honourable Mr Acting Justice Edwin Cameron** as Chairman and **Adv Isaac Vincent Maleka** and **Mr Laurence Neill Nathan** as members of a Commission of Inquiry into Alleged Arms Transactions between Armscor and one Eli Wazan and other Related Matters.

The Commission's terms of reference are as follows:

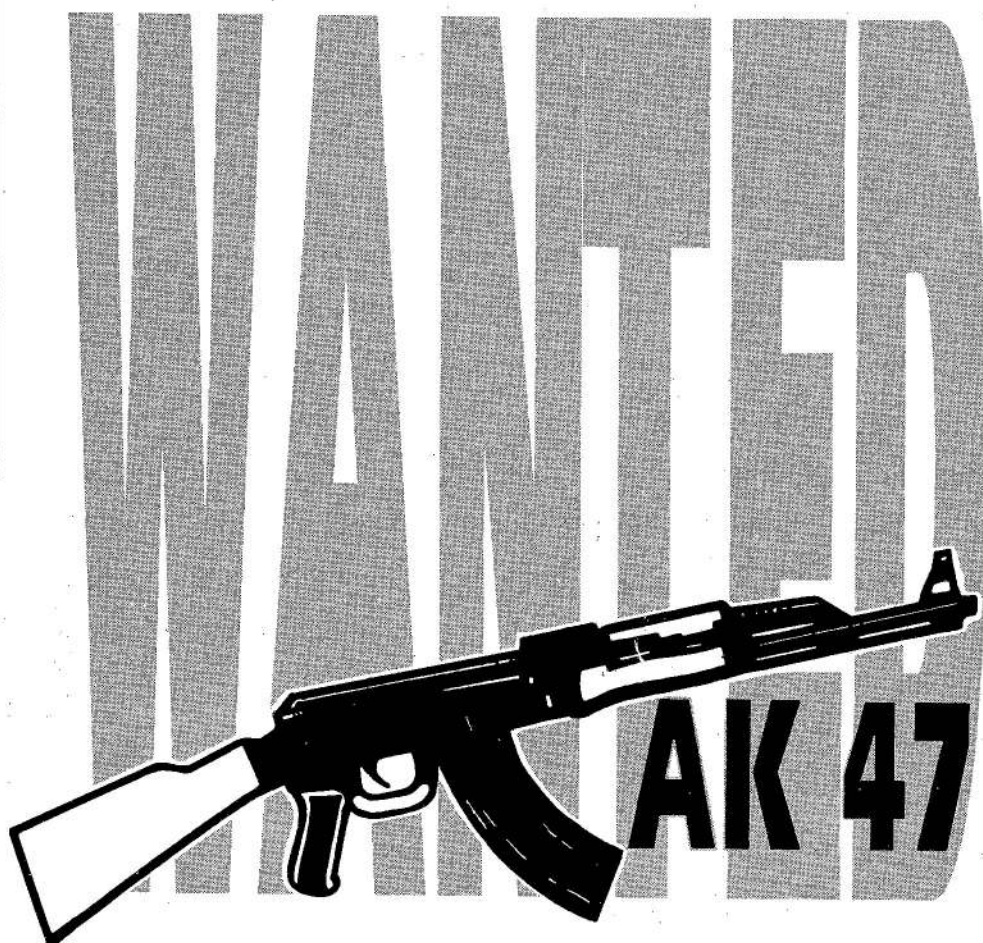
1. To inquire into, consider and report on—

- (a) all aspects and surrounding circumstances of the transaction/s between Armscor and one Eli Wazan for the sale of weapons as well as arms components and related material;
- (b) the facts relating to the said transaction/s as well as details of other arms deals, and other transactions relating to arms components and related material, during the period 2 February 1990 to date hereof with a view to the identification of any possible similarities between such other deals and transactions and the transaction/s referred to in paragraph (a) above;
- (c) the identity of all persons, parties and/or countries involved in such transactions and their antecedents;
- (d) whether there was any connection between such transactions and any other matter;
- (e) whether such transactions violated (a) any law and/or (b) any international embargo;
- (f) whether *prima facie* evidence exists indicating that any person committed—
 - (i) a criminal offence; and
 - (ii) serious misconduct, negligence or impropriety.

2. To comment—in the context of South Africa's national and international obligations and responsibilities—on the appropriateness of—

- (i) South Africa's current trade policy with regard to weapons and components with reference to weapons and related materials; and
- (ii) decision-making processes with regard to such trade.

3. To submit an interim report (and further interim reports) as soon as possible.



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IMPORTANT!!

Placing of languages: *Government Gazettes*

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1994 to 30 September 1995, English is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Act of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*

—oOo—

BELANGRIK!!

Plasing van tale: *Staatskoerante*

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1994 tot 30 September 1995 word Engels EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*



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