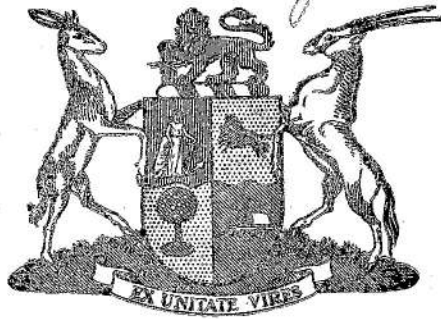


BUITENGEWONE



EXTRAORDINARY

Staatskoerant

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THE UNION OF SOUTH AFRICA

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DEPARTEMENT VAN JUSTISIE.

DEPARTMENT OF JUSTICE.

Derstaande Wetsontwerp word ter algemene inligting
opgelees.

The following Bill is published for general information.

WETSONTWERP

Tot wysiging van die Wapens- en Ammunisiewet, 1937.

(Ingedien te word deur die MINISTER VAN JUSTISIE.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

Wysiging van artikel 2 van Wet 28 van 1937, soos gewysig deur artikel 15 van Wet 32 van 1952.

1. Artikel twee van die Wapens- en Ammunisiewet, 1937 (hieronder die Hoofwet genoem), word hiermee gewysig deur sub-artikels (2), (3), (4) en (5) deur die volgende sub-artikels te vervang:

„(2) 'n Invoerpermit kragtens sub-artikel (1) uitgereik aan 'n persoon wat die Unie binnekom en in besit is van die wapen in die permit beskryf, het gedurende 'n tydperk van agt-en-twintig dae vanaf die datum van uitreiking daarvan, ook regskrag asof dit 'n lisensie is wat kragtens sub-artikel (2) van artikel vier vir bedoelde wapen uitgereik is.

(3) 'n Magistraat of ander voormelde amptenaar kan aan iemand wat die Unie binnekom om tydelik daarin te ver- toef, 'n besoekersinvoerpermit uitreik, wat aan die houer daarvan die reg verleen om enige in die permit beskrewe wapen en ammunisie in die Unie in te voer en wat gedurende die tydperk van die houer se wettige verblyf in die Unie, dog nie langer nie as twaalf maande vanaf die datum van uit- reiking van die permit, ook regskrag het asof dit—

(a) 'n lisensie is wat kragtens sub-artikel (2) van artikel vier vir bedoelde wapen uitgereik is; en

(b) 'n permit is wat kragtens sub-artikel (1) van hierdie artikel uitgereik is vir die uitvoer van bedoelde wapen en ammunisie:

Met dien verstande dat bedoelde permit verval wanneer die houer daarvan die Unie verlaat.

(4) 'n Magistraat of ander voormelde amptenaar kan aan enigiemand 'n retoer-uitvoerpermit uitreik wat aan die houer daarvan die reg verleen om enige in die permit beskrewe wapen en ammunisie uit die Unie uit te voer en wat, gedurende 'n tydperk van twaalf maande vanaf die datum van uitreiking daarvan, ook regskrag het asof dit 'n permit is wat kragtens sub-artikel (1) van hierdie artikel 35 uitgereik is vir die invoer van bedoelde wapen en ammunisie.

(5) 'n Magistraat of ander voormelde amptenaar kan 'n aansoek om enige permit wat in hierdie artikel vermeld word, volgens goeëdunke weier, maar as hy dit doen, kan die applikant hom op die Minister beroep wat die weiering kan bekragtig of die betrokke magistraat of ander ampte- naar kan gelas om die aangevraagde permit uit te reik of onvoorwaarlik of op die voorwaardes wat die Minister mag bepaal.

(5)bis. Elke in hierdie artikel vermelde permit word 45 kosteloos uitgereik, moet in die voorgeskrewe vorm wees, moet die tipe, kaliber, fabrikaat en fabrikantsvervolg- nommer van elke wapen en die hoeveelheid, kaliber en soort van alle ammunisie wat daarkragtens in- of uitgevoer mag word, aangee en moet enige ander gegewens wat voorge- skryf mag wees, bevat.

(5)ter. Die Minister kan te eniger tyd 'n permit kragtens hierdie artikel uitgereik, intrek.”

Wysiging van artikel 4 van Wet 28 van 1937.

2. Artikel vier van die Hoofwet word hiermee gewysig deur in sub-artikel (2) die uitdrukking „sub-artikel (3)” deur die uitdrukking „sub-artikel (5)” te vervang.

Invoeging van artikels 25bis en 25ter in Wet 28 van 1937.

3. Die volgende artikels word hiermee na artikel vyf-en-twintig van die Hoofwet ingevoeg:

„Beperkings op vervaar- ding van wapens. 25bis. (1) Niemand mag wapens vervaardig nie, behalwe—

(a) in 'n fabriek wat kragtens die Wet op Fabrieke, Masjinerie en Bouwerk, 1941 (Wet No. 22 van 1941), geregistreer is; en

(b) kragtens skriftelike magtiging van die Minister en in ooreenstemming daarmee.

BILL

To amend the Arms and Ammunition Act, 1937.

(To be introduced by the MINISTER OF JUSTICE.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. Section *two* of the Arms and Ammunition Act, 1937 (hereinafter referred to as the principal Act), is hereby amended by the substitution for sub-sections (2), (3) (4) and (5) of the following sub-sections:

Amendment of section 2 of Act 28 of 1937, as amended by section 15 of Act 32 of 1952.

“(2) An import permit issued in terms of sub-section (1) to a person who enters the Union and is in possession of the arms described in the permit shall, during a period of twenty-eight days as from the date of issue thereof, have effect also as if it were a licence issued in terms of sub-section (2) of section *four* for the said arm.

(3) A magistrate or other officer as aforesaid may issue to a person who enters the Union for temporary sojourn therein, a visitor's import permit which shall entitle the holder thereof to import into the Union any arm and ammunition described in the permit and which shall, during the period of the holder's lawful sojourn in the Union, but not exceeding a period of twelve months as from the date of issue of the permit have effect also as if it were—

(a) a licence issued in terms of sub-section (2) of section *four* for the said arm; and

(b) a permit issued in terms of sub-section (1) of this section for the export of the said arm and ammunition:

Provided that the said permit shall lapse when the holder thereof leaves the Union.

(4) A magistrate or other officer as aforesaid may issue to any person a return export permit which shall entitle the holder thereof to export from the Union any arm and ammunition described in the permit and which shall, during a period of twelve months as from the date of issue thereof, have effect also as if it were a permit issued in terms of sub-section (1) of this section for the import of the said arm and ammunition.

(5) A magistrate or other officer as aforesaid may in his discretion refuse an application for any permit mentioned in this section but if he does so the applicant may appeal to the Minister who may confirm the refusal or direct the magistrate or other officer concerned to issue the permit applied for, either unconditionally or on such conditions as the Minister may determine.

(5)*bis*. Every permit mentioned in this section shall be issued free of charge, shall be in the prescribed form, shall specify the type, calibre, make and manufacturers' serial number of each arm and the quantity, calibre and class of all ammunition which may in terms thereof be imported or exported and shall contain any other particulars which may be prescribed.

(5)*ter*. The Minister may at any time cancel any permit issued in terms of this section.”.

2. Section *four* of the principal Act is hereby amended by the substitution in sub-section (2) for the expression “sub-section (3)” of the expression “sub-section (5)”.

Amendment of section 4 of Act 28 of 1937.

3. The following sections are hereby inserted in the principal Act after section *twenty-five*:

Insertion of sections 25*bis* and 25*ter* in Act 28 of 1937.

“Restrictions on manufacture of arms. 25*bis*. (1) No person shall manufacture arms except—

(a) in a factory registered under the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941); and
(b) under the written authority of the Minister and in accordance therewith.

(2) So 'n magtiging kan onderhewig gemaak word aan sulke bedinge, voorwaardes en beperkings met betrekking tot die vervaardiging, merk, hantering, berging en die van die hand sit van wapens (met inbegrip van bedinge en voorwaardes met betrekking tot die hou van registers en die verstrekking van op- 5 gawes) as wat die Minister wenslik ag.

(3) Die Minister kan te eniger tyd enige magtiging kragtens hierdie artikel verleen, wysig en kan te eniger tyd so 'n magtiging intrek indien hy deur 'n 10 verslag deur 'n magistraat oortuig is dat die houer daarvan nie meer 'n geskikte persoon is om so 'n magtiging te hou nie.

Inspeksie
van ammu-
nisie-
fabrieke
en wapen-
fabrieke.

25ter. Enige magistraat of polisiebeampte en enige ander persoon deur die Minister daartoe gemagtig 15 kan te eniger tyd enige perseel betree wat as 'n fabriek vir die vervaardiging van ammunisie of wapens gebruik word en daarop die handelinge verrig wat nodig mag wees om vas te stel of sodanige vervaardiging in ooreenstemming met die Minister 20 se magtiging ingevolge artikel vyf-en-twintig of vyf-en-twintig bis geskied."

Wysiging van
artikel 27 van
Wet 28 van 1937.

4. Artikel *sewe-en-twintig* van die Hoofwet word hiermee gewysig—

- (a) deur in sub-artikel (1) na die woord „handelaars” die 25 woorde „of gemagtigde vervaardigers” in te voeg; en
- (b) deur in sub-artikel (2) na die woord „handelaar” die woorde „of gemagtigde vervaardiger” in te voeg.

Wysiging van
artikel 30 van
Wet 28 van 1937.

5. Artikel *dertig* van die Hoofwet word hiermee gewysig—

- (a) deur in paragraaf (e) na die woord „Wet” die woorde 30 „of van 'n regulasie wat kragtens artikel vier-en-dertig uitgevaardig is,” in te voeg en deur aan die end van daardie paragraaf die woord „of” by te voeg;
- (b) deur na paragraaf (e) die volgende paragrawe in te voeg: 35
 - „(f) wetens 'n valse verklaring maak met die doel om, hetsy vir homself of vir iemand anders, 'n lisensie, permit of magtiging kragtens hierdie Wet, te verkry; of
 - (g) 'n gemagtigde vervaardiger is en die bedinge, voor- 40 waardes of beperkings onderhewig waaraan die magtiging om wapens of ammunisie te vervaardig, aan hom verleen is, oortree of in gebreke bly om daaraan te voldoen.”;
- (c) deur in sub-paragraaf (i) die uitdrukking „paragraaf (a) 45 of (b)” deur die uitdrukking „paragraaf (a), (b), (f) of (g)” te vervang; en
- (d) deur in sub-paragraaf (iii) na die woorde „word nie” die woorde „of van 'n regulasie wat kragtens artikel vier-en-dertig uitgevaardig is” in te voeg. 50

Wysiging van
artikel 34 van
Wet 28 van 1937.

6. Artikel *vier-en-dertig* van die Hoofwet word hiermee gewysig deur aan die end daarvan die volgende paragrawe by te voeg:

- „(f) die tydperk waarvoor 'n in artikel twee vermelde permit uitgereik mag word en die omstandighede 55 waaronder so 'n permit ophou om geldig te wees;
- (g) die omstandighede waaronder 'n ingevolge artikel vier uitgereikte lisensie, op versoek van die houer daarvan, ingetrek kan word en die daarvoor betaalde fooi terugbetaal kan word; 60
- (h) die inlewering van en beskikking oor permitte of lisensies wat kragtens hierdie Wet uitgereik is en wat ingetrek of opgeskort is of wat nie meer geldig is nie;
- (i) die registrasie van geweermakers, die hou van registers en die verstrekking van opgawes deur hulle en die 65 voorwaardes waaronder hulle hul beroep mag uitoefen.”.

Wysiging van
artikel 35 van
Wet 28 van 1937,
soos gewysig deur
artikel 19 van
Wet 32 van 1952.

7. Artikel *vyf-en-dertig* van die Hoofwet word hiermee gewysig deur in paragraaf (g) na die woord „ouer” waar dit die tweede en derde keer voorkom die woorde „stiefouer, voog” in 70 te voeg.

Wysiging van
artikel 36 van
Wet 28 van 1937.

8. Artikel *ses-en-dertig* van die Hoofwet word hiermee gewysig—

- (a) deur na die omskrywing van „wapen” die volgende om- 75 skrywing in te voeg:

5 (2) Any such authority may be made subject to such terms, conditions and restrictions relating to the manufacture, marking, handling, storage and disposal of arms (including terms and conditions relating to the keeping of registers and the rendering of returns) as the Minister may deem desirable.

10 (3) The Minister may at any time vary any authority granted under this section and may at any time cancel any such authority if he is satisfied, upon a report by a magistrate, that the holder thereof is no longer a suitable person to hold such an authority.

15 Inspection of ammunition factories and arms factories. 25ter. Any magistrate or policeman and any other person authorized thereto by the Minister may at any time enter any premises used as a factory for the manufacture of ammunition or arms and perform such acts thereon as may be necessary in order to ascertain whether such manufacturing is taking place in accordance with the Minister's authority in terms of section *twenty-five* or *twenty-five bis*."

4. Section *twenty-seven* of the principal Act is hereby amended— Amendment of section 27 of Act 28 of 1937.

25 (a) by the insertion in sub-section (1) after the word "dealers" of the words "or authorized manufacturers"; and

(b) by the insertion in sub-section (2) after the word "dealer" of the words "or authorized manufacturer".

5. Section *thirty* of the principal Act is hereby amended— Amendment of section 30 of Act 28 of 1937.

30 (a) by the substitution in paragraph (e) for the word "Act", of the words "Act or of any regulation made under section *thirty-four*; or";

(b) by the insertion after paragraph (e) of the following paragraphs:

35 "(f) knowingly makes any false statement for the purpose of procuring, whether for himself or for any other person, a licence, permit or authority under this Act; or

40 (g) being an authorized manufacturer, contravenes or fails to comply with the terms, conditions or restrictions subject to which the authority to manufacture arms or ammunition was granted to him,";

45 (c) by the substitution in sub-paragraph (i) for the expression "paragraph (a) or (b)" of the expression "paragraph (a), (b), (f) or (g)"; and

(d) by the insertion in sub-paragraph (iii) after the expression "paragraph (i) or (ii)" of the words "or of any regulation made under section *thirty-four*".

50 6. Section *thirty-four* of the principal Act is hereby amended by the addition at the end thereof of the following paragraphs: Amendment of section 34 of Act 28 of 1937.

"(f) the period for which any permit mentioned in section *two* may be issued and the circumstances in which any such permit shall cease to be valid;

55 (g) the circumstances in which a licence issued in terms of section *four* may, at the request of the holder thereof, be cancelled and the fee paid therefor refunded;

(h) the surrender and disposal of permits or licences issued under this Act which have been cancelled or suspended or have ceased to be valid;

60 (i) the registration of gunsmiths, the keeping of registers and the rendering of returns by them, and the conditions subject to which they may carry on their trade."

7. Section *thirty-five* of the principal Act is hereby amended by the insertion in paragraph (g) after the word "parent" wherever it occurs of the words "step-parent, guardian". Amendment of section 35 of Act 28 of 1937, as amended by section 19 of Act 32 of 1952.

8. Section *thirty-six* of the principal Act is hereby amended— Amendment of section 36 of Act 28 of 1937.

(a) by the insertion after the definition of "arm" of the following definition:

- „gemagtigde vervaardiger' iemand wat ooreenkomstig hierdie Wet gemagtig is om wapens of ammunisie te vervaardig;”;
- (b) deur aan die end van die omskrywing van „handel dryf” die woorde „en enige oorhaling van iemand, of enige poging om iemand oor te haal, om 'n wapen of ammunisie te verkry, hetsy van die persoon van wie die oorhaling of poging uitgaan of van iemand anders, as die oorhaling of poging as besigheid verrig word” by te voeg; 5 10
- (c) deur na die omskrywing van „handelaarslisensie” die volgende omskrywing in te voeg:
„geweermaker' iemand wat die herstel van wapens as besigheid onderneem;” en
- (d) deur na die omskrywing van „magistraat” die volgende omskrywing in te voeg: 15
„vervaardig' met betrekking tot wapens, ook die montering van wapens;”.

Inwerkingtreding
van sekere
artikels.

9. Artikels *drie* en *vier*, paragraaf (b) van artikel *vyf* (vir sover dit voorsiening maak vir die invoeging van paragraaf (g) in artikel *dertig* van die Hoofwet), paragraaf (c) van artikel *vyf* (vir sover dit na paragraaf (g) van artikel *dertig* van die Hoofwet verwys) en paragraawe (a) en (d) van artikel *agt* tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal. 20 25

Kort titel.

10. Hierdie Wet heet die Wysigingswet op Wapens en Ammunisie, 1956.

“‘authorized manufacturer’ means a person authorized in accordance with this Act to manufacture arms or ammunition;”;

5 (b) by the addition at the end of the definition of “deal” of the words “and any inducement of any person or any attempt to induce any person to acquire any arm or ammunition, whether from the person making the inducement or attempt or from any other person, if the inducement or attempt is made as a business”;

10 (c) by the insertion after the definition of “dealer’s licence” of the following definition:

“‘gunsmith’ means a person who undertakes the repair of arms as a business;” and

15 (d) by the insertion after the definition of “magistrate” of the following definition:

“‘manufacture’, in relation to arms, includes the assembling of arms;”.

9. Sections *three* and *four*, paragraph (b) of section *five* (in so far as it provides for the insertion of paragraph (g) in section *thirty* of the principal Act), paragraph (c) of section *five* (in so far as it refers to paragraph (g) of section *thirty* of the principal Act) and paragraphs (a) and (d) of section *eight* shall come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*. Commencement of certain sections.

25 10. This Act shall be called the Arms and Ammunition Amendment Act, 1956. Short title.