



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

## STAATSKOERANT

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KAAPSTAD, 18 JUNIE 1969.

#### DEPARTMENT OF THE PRIME MINISTER.

No. 994.

18th June, 1969.

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

No. 75 of 1969: Arms and Ammunition Act, 1969.

#### DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 994.

18 Junie 1969.

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

No. 75 van 1969: Wet op Wapens en Ammunisie, 1969.

Act No. 75, 1969

## ARMS AND AMMUNITION ACT, 1969.

**ACT**

**To consolidate and amend the laws relating to arms and ammunition.**

(*English text signed by the State President.*)  
*(Assented to 3rd June, 1969.)*

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**BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

**Definitions.**

1. (1) In this Act, unless the context otherwise indicates—
  - (i) “ammunition” means any cartridge or percussion cap intended for use in the discharge of an arm; (i)
  - (ii) “arm” means any firearm other than a cannon, machine gun or machine rifle, and includes—
    - (a) subject to the provisions of subsections (2) and (3)—
      - (i) a gas rifle of .22 of an inch or larger calibre or a gas pistol or revolver;
      - (ii) an air rifle of .22 of an inch or larger calibre or an air pistol other than a toy pistol;
      - (iii) an alarm pistol or revolver;
    - (b) any barrel of an arm; (xxi)
    - (iii) “authorized manufacturer” means any person authorized under Part V to manufacture arms or ammunition; (vi)

## WET OP WAPENS EN AMMUNISIE, 1969.

Wet No. 75, 1969

**WET****Tot samevatting en wysiging van die wetsbepalings met betrekking tot wapens en ammunisie.***(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 3 Junie 1969)***INDELING VAN INHOUD.****DEEL I.**

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**DEEL II.**

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**DEEL VI.**

Diverse Bepalings . . . . Artikels 32 tot 48.

**D**AAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, Woordomskrywing.
  - (i) „ammunisie” 'n patroon of slagdoppie bestem om by die afskiet van 'n wapen gebruik te word; (i)
  - (ii) „blanke” 'n persoon wat volgens voorkoms klaarblyklik 'n blanke is of wat gewoonlik daarvoor deurgaan; (xxii)
  - (iii) „besit” ook „bewaring” en het „besit” in werkwoordlike sin 'n dienooreenkomsige betekenis; (xv)
  - (iv) „gebied” die gebied Suidwes-Afrika; (xx)
  - (v) „gelisensieerde handelaar” 'n persoon wat 'n kragtens Deel III uitgereikte lisensie hou; (x)
  - (vi) „gemagtigde vervaardiger” 'n persoon wat kragtens Deel V gemagtig is om wapens of ammunisie te vervaardig; (iii)

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- (iv) "Commissioner" means the Commissioner of the South African Police; (x)
- (v) "deal", in relation to arms or ammunition, includes the acceptance of any arm or ammunition as security for the fulfilment of an obligation, if the person accepting the arm or ammunition does so in the course of his or his employer's business and the carrying on of business by any person by inducing or attempting to induce any other person other than a licensed dealer to acquire any arm or ammunition from such person or any other person; (viii)
- (vi) "dealer's licence" means a licence issued under Part III; (vii)
- (vii) "disqualified person" means any person prohibited under section 15 (2) from having an arm in his possession; (xiv)
- (viii) "gunsmith" means any person who carries on the business of repairing arms; (xxii)
- (ix) "licence to possess an arm" means a licence to possess an arm issued under Part I; (xii)
- (x) "licensed dealer" means any person holding a licence issued under Part III; (v)
- (xi) "magistrate" includes an additional or assistant magistrate; (xi)
- (xii) "manufacture", in relation to arms, includes the assembling of arms; (xix)
- (xiii) "Minister" means the Minister of Police; (xiii)
- (xiv) "policeman" means any member of a police force established under any law; (xv)
- (xv) "possession" includes "custody" and "possess" shall be construed accordingly; (iii)
- (xvi) "prescribed" means prescribed by regulations made under this Act; (xx)
- (xvii) "Republic" includes the territory; (xvi)
- (xviii) "supply" includes "to give possession" and used as a noun shall be construed accordingly; (xviii)
- (xix) "State" includes the Administration of the territory; (xvii)
- (xx) "territory" means the territory of South-West Africa; (iv)
- (xxi) "this Act" includes any regulation made thereunder; (ix)
- (xxii) "white person" means any person who in appearance obviously is or who by general acceptance and repute is a white person. (ii)

(2) The Minister may from time to time by notice in the *Gazette* amend paragraph (a) of the definition of "arm" by including therein any instrument or class of instruments described in the notice, capable of being used for propelling any substance or article or by excluding from the said paragraph any instrument or class of instruments mentioned in such notice.

(3) Any notice issued under subsection (2) may limit the application thereof to such areas or classes of persons or provisions of this Act as may be specified in the notice.

(4) If at the date of publication of any notice under subsection (2) any person is in possession of an instrument which is an arm by virtue of such notice, such person shall for a period of two months from the said date be deemed to hold a licence to possess that arm.

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- (vii) „handelaarslisensie” 'n lisensie kragtens Deel III uitgereik; (vi)
- (viii) „handeldryf”, met betrekking tot wapens of ammunisie, ook die aanname van 'n wapen of ammunisie as sekuriteit vir die nakoming van 'n verbintenis, indien die persoon wat die wapen of ammunisie aanneem dit by die uitoefening van sy of sy werkewer se sakebedryf doen en handeldryf deur 'n persoon deur 'n ander persoon as 'n gelisensierde handelaar oor te haal of poog om oor te haal om 'n wapen of ammunisie van bedoelde persoon of 'n ander persoon te verkry; (v)
- (ix) „hierdie Wet” ook 'n regulasie kragtens hierdie Wet uitgevaardig; (xxi)
- (x) „Kommisaris” die Kommissaris van die Suid-Afrikaanse Polisie; (iv)
- (xi) „landdros” ook 'n addisionele of assistent-landdros; (xi)
- (xii) „lisensie om 'n wapen te besit” 'n kragtens Deel I uitgerekte lisensie om 'n wapen te besit; (ix)
- (xiii) „Minister” die Minister van Polisie; (xiii)
- (xiv) „onbevoegde persoon” 'n persoon wat ingevolge artikel 15 (2) verbied word om 'n wapen in sy besit te hê; (vii)
- (xv) „polisieman” 'n lid van 'n by wet ingestelde polisiemag; (xiv)
- (xvi) „Republiek” ook die gebied; (xvii)
- (xvii) „Staat” ook die Administrasie van die gebied; (xix)
- (xviii) „verskaf” ook „in besit stel” en het „verskaffing” 'n dienooreenkomsstige betekenis; (xviii)
- (xix) „vervaardig”, met betrekking tot wapens, ook die inmekarsit van wapens; (xii)
- (xx) „voorgeskrewe” of „voorgeskryf” voorgeskrewe by regulasies kragtens hierdie Wet uitgevaardig; (xvi)
- (xxi) „wapen” 'n ander vuurwapen as 'n kanon of masjiengeweer, en ook—
  - (a) behoudens die bepalings van subartikels (2) en (3)—
    - (i) 'n gasgeweer van .22 van 'n duim of groter kaliber of 'n gaspistol of -rewolwer;
    - (ii) 'n windgeweer van .22 van 'n duim of groter kaliber of 'n ander windpistol as 'n speelgoedpistol;
    - (iii) 'n alarmpistol of -rewolwer;
  - (b) die loop van 'n wapen; (ii)
- (xxii) „wapensmid” 'n persoon wat sake doen deur wapens te herstel. (viii)
- (2) Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* paragraaf (a) van die omskrywing van „wapen” wysig deur daarby in te sluit die in die kennisgewing omskreve instrumente of klas instrumente wat gebruik kan word om 'n stof of voorwerp aan te dryf, of deur 'n in die kennisgewing vermelde instrument of klas instrumente uit bedoelde paragraaf uit te sluit.
- (3) 'n Kragtens subartikel (2) uitgevaardigde kennisgewing kan die toepassing daarvan beperk tot dié gebiede of klasse persone of bepalings van hierdie Wet wat in die kennisgewing vermeld word.
- (4) Indien 'n persoon op die datum van afkondiging van 'n kennisgewing kragtens subartikel (2), in besit is van 'n instrument wat uit hoofde van daardie kennisgewing 'n wapen is, word daardie persoon vir 'n tydperk van twee maande vanaf bedoelde datum geag 'n lisensie te hou om daardie wapen te besit.

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## ARMS AND AMMUNITION ACT, 1969.

## PART I.

## LICENCES TO POSSESS ARMS.

Prohibition of possession of arms without licence.

2. Subject to the provisions of sections 1 (4), 4 (6), 8, 27, 37 (2) and 45, no person shall have any arm in his possession unless he holds a licence to possess such arm.

General provisions relating to applications for licences to possess arms and the issuing of such licences.

3. (1) On application in the prescribed manner and payment of the prescribed licence fee in the said manner by any 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) and (4) and sections 7 and 33 (2), issue to such person a licence to possess the arm described in such licence.

(2) Whenever the Commissioner refuses such application, the applicant may appeal to the Minister, who may confirm the refusal or direct the Commissioner to issue the licence applied for.

(3) The Minister may instruct the Commissioner to refer to him for consideration particular applications under this section or all such applications or all such applications belonging to any category specified by the Minister and may direct the Commissioner to grant or refuse any application so referred to him.

(4) Unless the Minister otherwise directs, no application under this section by any person other than a natural or white person shall be granted, except with the approval of the Minister.

Special provisions relating to applications for licences to possess arms in the possession of persons at commencement of Act and the issuing of such licences.

4. (1) Every person who, at the commencement of this Act, is in possession of any arm for the possession of which he requires a licence by virtue of the provisions of section 2, shall not later than twelve months after such commencement apply in the prescribed manner for a licence to possess such arm and, if he is not the holder of or is unable to produce a licence to possess such arm issued under any law repealed by this Act, surrender such arm and any ammunition for such arm in his possession, to the person to whom the application is to be submitted.

(2) If any person applying under this section for a licence to possess an arm satisfies the Commissioner that he is the holder of a licence to possess such arm issued under any law repealed by this Act, and that he in fact possesses the arm to which such licence relates, the Commissioner shall, subject to the provisions of section 7, issue to such person the licence applied for free of charge and such person shall upon receipt of the licence forthwith surrender the licence issued under the repealed law, to an officer in charge of a police station, unless it has been lost and cannot be found or has been stolen or destroyed.

(3) If the Commissioner has not so been satisfied the application shall be dealt with as if it were an application under section 3.

(4) 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.

(5) 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 thirty 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.

## WET OP WAPENS EN AMMUNISIE, 1969.

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## DEEL I.

## LISENSIES OM WAPENS TE BESIT.

**2.** Behoudens die bepalings van artikels 1 (4), 4 (6), 8, 27, Verbod op besit van wapens sonder tensy hy 'n lisensie hou om daardie wapen te besit.

**3.** (1) Op aansoek op die voorgeskrewe wyse en by betaling van die voorgeskrewe lisensiegeld op bedoelde wyse deur 'n ander persoon as 'n persoon onder die leeftyd van 16 jaar of 'n onbevoegde persoon, kan die Kommissaris na goeddunke, maar behoudens die bepalings van subartikels (3) en (4) en artikels 7 en 33 (2), aan bedoelde persoon 'n lisensie uitreik om die in daardie lisensie omskrewe wapen te besit.

Algemene bepalings met betrekking tot aansoeke om lisensies om wapens te besit en die uitreiking van bedoelde lisensies.

(2) Wanneer die Kommissaris bedoelde aansoek weier, kan die applikant na die Minister appelleer, wat die weierung kan bekratig of die Kommissaris kan gelas om die aangevraagde lisensie uit te reik.

(3) Die Minister kan aan die Kommissaris opdrag gee om bepaalde aansoeke ingevolge hierdie artikel of al sodanige aansoeke of al sodanige aansoeke wat tot 'n deur die Minister vermelde kategorie behoort na hom vir oorweging te verwys en kan die Kommissaris gelas om 'n aansoek wat aldus na hom verwys is, toe te staan of te weier.

(4) Tensy die Minister anders gelas, word geen aansoek ingevolge hierdie artikel deur 'n ander persoon as 'n natuurlike persoon of 'n blanke toegestaan nie, behalwe met goedkeuring van die Minister.

**4.** (1) Elke persoon wat by die inwerkingtreding van hierdie Wet in besit is van 'n wapen vir die besit waarvan hy uit hoofde van die bepalings van artikel 2 'n lisensie moet hê, moet nie later nie as twaalf maande na bedoelde inwerkingtreding op die voorgeskrewe wyse aansoek doen om 'n lisensie om bedoelde wapen te besit, en, indien hy nie die houer is van 'n lisensie om daardie wapen te besit, wat kragtens 'n by hierdie Wet herroepe wet uitgereik is nie of nie in staat is om so 'n lisensie te toon nie, bedoelde wapen en enige ammunisie vir daardie wapen in sy besit, oorhandig aan die persoon by wie die aansoek ingediend moet word.

Spesiale bepalings met betrekking tot aansoeke om lisensies om wapens te besit, wat by inwerkingtreding van Wet in besit van persone is en die uitreiking van bedoelde lisensies.

(2) Indien 'n persoon wat ingevolge hierdie artikel aansoek doen om 'n lisensie om 'n wapen te besit, die Kommissaris oortuig dat hy die houer is van 'n lisensie om daardie wapen te besit, wat kragtens 'n by hierdie Wet herroepe wet uitgereik is, en dat hy inderdaad die wapen besit waarop sodanige lisensie betrekking het, reik die Kommissaris, behoudens die bepalings van artikel 7, die aangevraagde lisensie kosteloos aan daardie persoon uit en bedoelde persoon moet by ontvangs van die lisensie onverwyld die kragtens die herroepe wet uitgereikte lisensie aan 'n bevelvoerende beampete van 'n polisiestasie oorhandig, tensy dit verloor is en nie gevind kan word nie of gesteel of vernietig is.

(3) Indien die Kommissaris nie aldus oortuig word nie, word die aansoek behandel asof dit 'n aansoek ingevolge artikel 3 is.

(4) 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 daarmee oorhandig is, onverwyld aan bedoelde persoon terugbesorg word.

(5) 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 weierung van sy aansoek of vanweë versuum om die verskuldigde lisensiegeld te betaal binne dertig dae nadat hy deur 'n polisieman in opdrag van die Kommissaris daarom gevra is, beskik die Kommissaris oor die wapen en enige ammunisie wat saam daarmee oorhandig is, op die wyse wat die Minister gelas.

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(6) Any licence to possess an arm issued under any law repealed by this Act to any person who has submitted an application in respect of such arm in terms of subsection (1), shall, for the period from the commencement of this Act until the date on which such licence shall be surrendered in terms of subsection (2), be deemed, for the purposes of the provisions of this Act other than the provisions of this section, to be a licence to possess such arm issued under this Part.

(7) 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.

**Duration of licence.**

5. Any licence to possess an arm shall remain valid—

- (a) until the possession of the arm is permanently transferred by the holder thereof to any other person; or
- (b) until the licence ceases to be a valid licence in terms of the provisions of section 15 (1); or
- (c) until the arm is forfeited to the State by order of a competent court or is expropriated in terms of any law.

**Issue of copy of licence to possess arm.**

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

**No arm without identification marks to be licensed.**

7. No licence to possess an arm shall be issued unless the arm has the manufacturer's serial number or any other number by which it may be identified, stamped or engraved on the metal of the arm, excluding the barrel in the case of a pistol.

**Possession of arms with consent of licence holder permitted in certain circumstances.**

8. (1) Any white person not being under the age of sixteen years or 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) 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 fourteen 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 belonging to or lawfully occupied by the licence holder; or
  - (ii) for the purpose 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.

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(6) 'n Licensie om 'n wapen te besit, wat kragtens 'n by hierdie Wet herroep wet uitgereik is aan 'n persoon wat 'n aansoek ten opsigte van daardie wapen ingevolge subartikel (1) ingedien het, word, vir die tydperk vanaf die inwerkingtreding van hierdie Wet tot die datum waarop daardie licensie ingevolge subartikel (2) oorhandig moet word, by die toepassing van die ander bepalings van hierdie Wet as dié van hierdie artikel, geag 'n licensie te wees om bedoelde wapen te besit, wat kragtens hierdie Deel uitgereik is.

(7) Geen persoon wat 'n wapen of ammunisie ingevolge subartikel (1) oorhandig het, of wat in gebreke gebly het om ingevolge subartikel (2) die Kommissaris te oortuig dat hy inderdaad 'n wapen besit waarop 'n licensie 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 licensie 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.

## 5. 'n Licensie om 'n wapen te besit bly geldig—

Duur van licensie.

- (a) totdat die besit van die wapen deur die houer daarvan vir goed aan 'n ander persoon oorgedra word; of
- (b) totdat die licensie ingevolge die bepalings van artikel 15(1) ophou om 'n geldige licensie te wees; of
- (c) totdat die wapen op bevel van 'n bevoegde hof aan die Staat verbeurd verklaar word of ingevolge 'n wet onteien word.

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

Uitreiking van afskrif van licensie om wapen te besit.

7. Geen licensie om 'n wapen te besit word uitgereik nie tensy die wapen die vervaardiger se reeksnommer of 'n ander nommer waaraan dit uitgeken kan word, op die metaaldeel van die wapen, met uitsondering van die loop in die geval van 'n pistool, gestempel of gegraveer het.

Geen wapen sonder identifikasieberme word gelisensieer nie.

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

Besit van wapens met toestemming van lisensiehouer onder sekere omstandighede toegelaat.

- (a) (i) die toestemming van die lisensiehouer vervat word in 'n skriftelike verklaring deur hom onderteken, waarin vermeld word die tydperk waarvoor toestemming verleen is en voldoende besonderhede waaraan die wapen uitgeken kan word; en
- (ii) indien bedoelde tydperk langer as veertien dae is, bedoelde verklaring deur 'n persoon wat op gesag van die Kommissaris handel, geëndosseer is; of
- (b) bedoelde blanke die wapen in sy besit het—
  - (i) in die onmiddellike omgewing van die lisensiehouer of terwyl hy hom bevind op grond 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 lisensiehouer behoort of onder sy sorg of in sy bewaring is of regmatiglik deur hom geokkupeer word, te beskerm.

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- (2) (a) Whenever any person not being under the age of sixteen years nor a white person is employed for the purpose 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 holder of a licence to possess an arm, he may, with the consent of the licence holder and under the authority and subject to the conditions of a permit in writing issued by a person acting under the authority of the Commissioner, have such arm in his possession for any purpose aforesaid, without holding a licence.
- (b) For the purposes of paragraph (a) any Bantu living on land owned by the South African Bantu Trust shall be deemed to be employed by that trust for the purposes referred to in that paragraph.
- (3) Any permit referred to in subsection (2) may be cancelled at any time by any person acting under the authority of the Commissioner.
- (4) Any consent or permission of a licence holder required under this section may, in the case of a corporate body, be given by an official authorized by that body.

Production of  
arm by licence  
holder or of licence  
or authority by  
person having an  
arm in his  
possession.

9. (1) The holder of a licence to possess an arm shall at the request of a policeman produce the licence and the arm within such reasonable time and to such person and at such place as the policeman may specify.

(2) Any person having an arm in his possession shall 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.

Minister may  
require persons in  
possession of  
arms to furnish  
particulars.

10. The Minister may from time to time by notice in the *Gazette* require all persons required to hold licences issued under this Part in respect of arms in their possession, to furnish in writing within such period as may be specified in the notice, to such officer as may be so specified, their addresses and such particulars relating to such arms as may be so specified.

## PART II.

## DECLARATION OF PERSONS TO BE UNFIT TO POSSESS ARMS.

Declaration of  
person by  
Commissioner to  
be unfit to possess  
arms.

11. (1) If the Commissioner is of the opinion that on the ground of information given under oath, there is reason to believe that any person is a person—

- (a) whose possession of any arm constitutes a danger to the peace or to such person himself or any other person; or
- (b) who has discharged an arm at or in the direction of himself or any other person or has threatened or expressed the intention to kill or injure himself or any other person by means of an arm; or
- (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; or
- (d) who while in lawful possession of an arm, has lost such arm through gross negligence,

he may, by notice in writing delivered or tendered to such person by a policeman, call upon such person to appear before the Commissioner at such time and place as may be specified in the notice, in order to advance reasons why such person shall not be declared unfit to possess any arm on any ground aforesaid so specified.

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(2) (a) Wanneer 'n persoon, wat nie onder die leeftyd van sestien jaar of 'n blanke is nie, in diens is met die doel om eiendom of 'n perseel, of wild op grond, wat aan die houer van 'n lisensie om 'n wapen te besit, behoort of onder sy sorg of in sy bewaring is of regmatiglik deur hom geokkupeer word, te beskerm, kan hy, met toestemming van die lisensiehouer en op gesag en behoudens die voorwaardes van 'n skriftelike permit uitgereik deur 'n persoon wat op gesag van die Kommissaris handel, bedoelde wapen vir 'n voormalde doel in sy besit hê, sonder dat hy 'n lisensie hou.

(b) By die toepassing van paragraaf (a) word 'n Bantoe wat woon op grond wat aan die Suid-Afrikaanse Bantoetrust behoort, geag by daardie trust in diens te wees vir die doeleinnes in daardie paragraaf vermeld.

(3) 'n Permit in subartikel (2) vermeld, kan te eniger tyd deur 'n persoon wat op gesag van die Kommissaris handel, ingetrek word.

(4) Die toestemming van of 'n vergunning deur 'n lisensiehouer, wat ingevolge hierdie artikel vereis word, kan, in die geval van 'n regspersoon, deur 'n beampete deur die regspersoon gemagtig, verleen word.

9. (1) Die houer van 'n lisensie om 'n wapen te besit, moet Vertoning van wapen deur lisensiehouer of van lisensie of magtiging deur persoon wat 'n wapen in sy besit het.

(2) 'n Persoon wat 'n wapen in sy besit het, moet op versoek van 'n polisieman die lisensie en die wapen toon binne dié redelike tyd en aan dié persoon en op dié plek wat die polisieman bepaal.

10. Die Minister kan van tyd tot tyd by kennisgewing in die Minister kan persone in besit van wapens verplig om besonderhede te verstrek.

*Staatskoerant* alle persone wat kragtens hierdie Deel uitgereikte lisensies moet hou ten opsigte van wapens in hul besit, verplig om binne die tydperk wat in die kennisgewing vermeld word, hul adresse en die aldus vermelde besonderhede met betrekking tot bedoelde wapens skriftelik aan 'n aldus vermelde beampete te verstrek.

## DEEL II.

## VERKLARING VAN PERSONE AS ONBEVOEG OM WAPENS TE BESIT.

11. (1) Indien daar na die oordeel van die Kommissaris op grond van beëdigde inligting rede is om te vermoed dat 'n persoon 'n persoon is—

(a) wie se besit van 'n wapen vir die rus en vrede of vir daardie persoon self of 'n ander persoon gevaar inhou; of

(b) wat 'n wapen op of in die rigting van homself of 'n ander persoon afgeskiet het of gedreig het of sy voorname te kenne gegee het om homself of 'n ander persoon deur middel van 'n wapen dood te maak of te beseer; of

(c) wat deur middel van 'n wapen 'n ander persoon deur nalatigheid gedood of beseer het, of deur moedswilligheid of nalatigheid aan lewensgevaar of liggaaamlike letsel blootgestel het; of

(d) wat terwyl hy in regmatige besit van 'n wapen was, daardie wapen as gevolg van growwe nalatigheid verloor het,

kan hy by skriftelike kennisgewing deur 'n polisieman aan bedoelde persoon oorhandig of aangebied daardie persoon aansê om op die in die kennisgewing vermelde plek en tyd voor die Kommissaris te verskyn om redes aan te voer waarom bedoelde persoon nie op 'n voormalde grond aldus vermeld onbevoeg verklaar moet word om 'n wapen te besit nie.

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(2) The Commissioner may, if he has reason to believe that the person to whom the said notice has been addressed, has an arm in his possession, issue a warrant for the search and seizure thereof.

(3) Any person appearing in pursuance of a notice issued under subsection (1) shall be entitled to be represented by counsel or an attorney.

(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) of subsection (1).

(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 section (1) (d).

(6) The Commissioner shall by notice in writing sent by post or delivered to him inform any person in respect of whom a declaration has been made under subsection (4), of the tenor of and reason for the declaration.

**Declaration of an accused person to be unfit to possess arms.**

**12.** (1) The judge or magistrate presiding at the trial in any criminal proceedings may, if satisfied at the conclusion of the trial that the accused person is a person contemplated in section 11 (1), and whether or not such person has been convicted at the trial, declare him to be unfit to possess an arm at any time or during a specified period of not less than three years.

(2) The judge or magistrate may, if he has reason to believe that the person so declared to be unfit, has an arm in his possession, issue a warrant for the search and seizure thereof.

**Execution of warrants issued under section 11 or 12.**

**13.** Any warrant issued under section 11 (2) or 12 (2) shall be executed in the manner provided in section 42 of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), and any arm seized in pursuance of such a warrant shall be handed over to such holder of an office in the South African Police as the Commissioner may designate.

**Powers of Minister on appeal or after effluxion of time.**

**14.** (1) Any person declared by the Commissioner under this Part to be unfit to possess an arm may, within thirty days from the date on which he was notified of the declaration by the Commissioner, appeal in writing to the Minister who may confirm, vary or set aside such declaration.

(2) The Minister may, after the expiration of a period of three years from the date of declaration under this Part of any person to be unfit to possess an arm, declare in writing that such declaration shall cease to be of force and effect, from such date as he may determine.

**Effect of declaration of unfitness.**

**15.** (1) All licences to possess arms 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 set aside on appeal.

(2) Subject to the provisions of section 45, no person declared under this Part to be unfit to possess an arm, shall have an arm in his possession at any time while the declaration is of force and effect.

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(2) Die Kommissaris kan, indien hy rede het om te vermoed dat die persoon aan wie bedoelde kennisgewing gerig is, 'n wapen in sy besit het, 'n lasbrief uitrek vir die soek na en beslaglegging op die wapen.

(3) 'n Persoon wat ter nakoming van 'n kragtens subartikel (1) uitgevaardigde kennisgewing verskyn, is daarop geregtig om deur 'n advokaat of prokureur verteenwoordig te word.

(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 daaraan 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) van subartikel (1) beoogde persoon is.

(5) Die Kommissaris verklaar nie sonder goedkeuring van die Minister 'n persoon op die in artikel (1) (d) bedoelde grond onbevoeg om 'n wapen te besit nie.

(6) Die Kommissaris moet by skriftelike kennisgewing deur die pos gestuur of aan hom oorhandig, 'n persoon ten opsigte van wie 'n verklaring kragtens subartikel (4) uitgevaardig is, die strekking van en rede vir die verklaring meegeel.

**12.** (1) Die regter of landdros wat by die verhoor in 'n strafsaak voorsit, kan, indien hy aan die einde van die verhoor oortuig is dat die beskuldigde persoon 'n in artikel 11 (1) beoogde persoon is, hom onbevoeg verklaar om 'n wapen te besit eniger tyd of gedurende 'n bepaalde tydperk van minstens drie jaar te besit, hetsy bedoelde persoon by die verhoor skuldig bevind is al dan nie.

(2) Die regter of landdros kan, indien hy rede het om te vermoed dat die persoon wat aldus onbevoeg verklaar is, 'n wapen in sy besit het, 'n lasbrief uitrek vir die soek na en beslaglegging op die wapen.

**13.** 'n Lasbrief kragtens artikel 11 (2) of 12 (2) uitgereik, word op die in artikel 42 van die Strafproseswet, 1955 (Wet No. 56 van 1955), bepaalde wyse ten uitvoer gelê en 'n wapen waarop daar kragtens so 'n lasbrief beslag gelê is, word oorhandig aan dié bekleer van 'n amp in die Suid-Afrikaanse Polisie wat die Kommissaris aanwys.

**14.** (1) 'n Persoon wat kragtens hierdie Deel deur die Kommissaris onbevoeg verklaar is om 'n wapen te besit, kan binne dertig dae vanaf die datum waarop hy van die verklaring deur die Kommissaris in kennis gestel is, skriftelik appelleer na die Minister wat bedoelde verklaring kan bekratig, wysig of ter syde stel.

(2) Die Minister kan, na verstryking van 'n tydperk van drie jaar vanaf die datum van die verklaring van 'n persoon kragtens hierdie Deel as onbevoeg om 'n wapen te besit, skriftelik verklaar dat bedoelde verklaring vanaf die datum deur hom bepaal, ophou om van krag te wees.

**15.** (1) Alle lisensies om wapens te besit, wat kragtens Deel I of 'n by hierdie Wet herroope 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 lisensies geag word om wapens te besit, hou op om vanaf die datum van die verklaring geldige lisensies of permitte te wees, tensy die verklaring by appèl ter syde gestel is.

(2) Behoudens die bepalings van artikel 45, mag geen persoon wat kragtens hierdie Deel onbevoeg verklaar is om 'n wapen te besit, te eniger tyd terwyl die verklaring van krag is, 'n wapen in sy besit hê nie.

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**Disposal of arms in possession of or taken from persons dealt with under section 11 or 12.**

**16.** (1) Subject to the provisions of section 45, any person shall, as soon as possible after having been notified that he has been declared under this Part to be unfit to possess an arm, surrender to the officer in charge of a police station—

- (a) all licences or permits to possess arms or ammunition issued to him under Part I or section 45 (2) (a) (iii) or any law repealed by this Act;
- (b) all permits issued to him which are deemed under section 27 to be licences to possess arms;
- (c) all arms in respect of which such licences or permits have been issued;
- (d) all ammunition in his possession belonging to him.

(2) The Commissioner shall—

- (a) at the request of a disqualified person within such period as the Minister may fix, hand over any arm seized under section 11 (2) or 12 (2) belonging to such person or any arm or ammunition surrendered by him in terms of subsection (1) of this section, to the holder of a licence issued under section 3 to possess that arm or to a licensed dealer;
- (b) after the expiration of the said period, sell, in such manner as the Minister may direct, any arm or ammunition referred to in paragraph (a), which has not been handed over as aforesaid, and shall pay over the proceeds of the sale, after deduction of the expenses incidental thereto, to the disqualified person.

(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 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.

**Proof of declaration of unfitness.**

**17.** A certificate purporting to have been signed by the Commissioner or the clerk of a magistrate's court or a registrar of any division of the Supreme Court of South Africa, stating that a person mentioned in the certificate has under this Part been declared to be unfit to possess an arm on a date and for a period so mentioned, shall upon its mere production by any person be *prima facie* proof of the facts stated in such certificate.

**PART III.****DEALERS IN ARMS AND AMMUNITION.**

**Prohibition of dealing in arms or ammunition without licence.**

**18.** (1) Subject to the provisions of subsection (3), no person shall deal in arms or ammunition otherwise than under the authority of a dealer's licence.

(2) Any such licence shall be in addition to any licence required under any other law.

(3) The provisions of subsection (1) shall not apply—

(a) to the sale of arms or ammunition by an auctioneer on instructions given by an officer in the public service in the execution of his duties or given by the executor or administrator in a deceased estate or the trustee in an insolvent estate or the liquidator of a company, for the purpose of administering or winding up that estate or company;

(b) to the sale of arms or ammunition by any officer of a court of law in the execution of his duties;

(c) to the sale by any person of arms or ammunition held in stock by any person whose dealer's licence or

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**16.** (1) Behoudens die bepalings van artikel 45, moet 'n persoon so spoedig moontlik nadat hy in kennis gestel is dat hy kragtens hierdie Deel onbevoeg verklaar is om 'n wapen te besit, aan die bevelvoerende beampete van 'n polisiestasie oorhandig—

- (a) alle lisensies 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) alle aan hom uitgereikte permitte wat ingevolge artikel 27 geag word lisensies te wees om wapens te besit;
- (c) alle wapens ten opsigte waarvan bedoelde lisensies of permitte uitgereik is;
- (d) alle ammunisie in sy besit wat aan hom behoort.

(2) Die Kommissaris moet—

- (a) op versoek van 'n onbevoegde persoon binne dié tydperk wat die Minister bepaal, 'n wapen waarop kragtens artikel 11 (2) of 12 (2) beslag gelê is en wat aan bedoelde persoon behoort of 'n wapen of ammunisie deur hom ingevolge subartikel (1) van hierdie artikel oorhandig, aan die houer van 'n kragtens artikel 3 uitgereikte lisensie om daardie wapen te besit of aan 'n gelisensieerde handelaar oorhandig;
- (b) na verstryking van bedoelde tydperk 'n wapen of ammunisie in paragraaf (a) bedoel, wat nie soos voormeld oorhandig is nie, verkoop op die wyse wat die Minister gelas, en moet die opbrengs van die verkoping na aftrekking van uitgawes daaraan verbonde, aan die onbevoegde persoon betaal.

(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 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 of ammunisie, hy ingevolge die bepalings van hierdie Wet bedoelde wapens of ammunisie in sy besit mag hê.

**17.** 'n Sertifikaat wat deur die Kommissaris of die klerk van 'n landdroshof of 'n griffier van 'n afdeling van die Hooggereghof van Suid-Afrika onderteken heet te wees, en waarin vermeld word dat 'n persoon daarin vermeld op 'n datum en vir 'n tydperk aldus vermeld, kragtens hierdie deel onbevoeg verklaar is om 'n wapen te besit, is by blote oorlegging daarvan deur enige persoon *prima facie*-bewys van die feite in die sertifikaat vermeld.

## DEEL III.

## WAPEN- EN AMMUNISIEHANDELAARS.

**18.** (1) Behoudens die bepalings van subartikel (3), mag geen persoon in wapens of ammunisie handel dryf nie, behalwe op gesag van 'n handelaarslisensie.

(2) So 'n lisensie word vereis benewens 'n lisensie wat kragtens 'n ander wet vereis word.

(3) Die bepalings van subartikel (1) is nie van toepassing nie—

- (a) op die verkoop van wapens of ammunisie deur 'n afslaer op las van 'n beampete in die staatsdiens by die nakoming van sy pligte of op las van die eksekuteur of administrateur in 'n bestorwe boedel of die kurator in 'n insolvente boedel of die likwidateur van 'n maatskappy, ten einde daardie boedel of maatskappy te beredder of te likwideer;
- (b) op die verkoop van wapens of ammunisie deur 'n hofbeampete by die nakoming van sy pligte;
- (c) op die verkoop deur 'n persoon van wapens of ammunisie in voorraad gehou deur 'n persoon wie se han-

Beskikking oor  
wapens in-besit  
van of weggenem  
van persone ten  
opsigte van wie  
daar kragtens  
artikel 11 of 12  
opgetree is.

Beweys van onbe-  
voegdheidsver-  
klaring.

Verbod op  
handeldryf in  
wapens of  
ammunisie sonder  
lisensie.

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permit to manufacture arms or ammunition has been cancelled or has ceased to be valid in terms of the provisions of this Act or whose application for renewal of a dealer's licence has been refused, if such sale takes place under the authority of a permit issued by the Minister or a person designated by the Minister and in accordance with such conditions as may be stated in the permit;

- (d) to the sale by an authorized manufacturer to a licensed dealer of arms or ammunition manufactured by that manufacturer.

**Licences to deal in arms and ammunition.**

**19.** (1) On application in the prescribed manner and payment of the prescribed licence fee in the said manner by any person being a white person or a company not having a director, manager or secretary who is not a white 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.

(2) The Commissioner shall, whenever he refuses an application by the holder of an existing licence to deal in arms and ammunition on the premises to which the application relates, furnish the applicant at his request with the reasons for the refusal.

(3) A dealer's licence shall expire on the thirty-first day of December of the year in which it comes into force.

(4) In the case of a partnership a dealer's licence shall be issued to the partners jointly and shall state the name under which they trade.

(5) A dealer's licence shall subject to the provisions of section 20 (2) (a) cease to be a valid licence as soon as the holder or a joint holder of the licence becomes a disqualified person.

(6) A dealer's licence issued to a company shall cease to be a valid licence as soon as—

- (a) the company has a director, manager or secretary who is not a white person; or
- (b) any managing director or manager of the company becomes a disqualified person.

(7) Any licence to deal in arms and ammunition issued under any law repealed by this Act and which was a valid licence immediately prior to the commencement of this Act, shall be deemed to have been issued under subsection (1).

**Transfer of dealer's licence.**

**20.** (1) On application in the prescribed manner by the holder of a dealer's licence and on payment of the prescribed transfer fee in the said manner the Commissioner may in his discretion, but subject to the provisions of section 22, by endorsement of the licence transfer it to any person to whom he may issue such a licence.

(2) In the case of a dealer's licence issued to persons trading in partnership—

- (a) the licence shall, if any partner retires from the partnership, becomes a disqualified person or dies, be transferred to the remaining partner or to the remaining partners jointly by endorsement of the licence by the Commissioner, on application by the remaining partner or partners and payment of the prescribed transfer fee in the prescribed manner;

- (b) the licence may, if a new partner is admitted to the partnership, so be transferred by the Commissioner in his discretion, but subject to the provisions of section 22.

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delaarslisensie of permit om wapens of ammunisie te vervaardig, ingetrek is of ingevolge die bepalings van hierdie Wet opgehou het om geldig te wees of wie se aansoek om hernuwing van 'n handelaarslisensie geweier is, indien die verkooping plaasvind kragtens 'n permit uitgereik deur die Minister of 'n persoon deur die Minister aangewys en ooreenkomstig die voorwaardes wat in die permit vermeld word;

- (d) op die verkoop deur 'n gemagtigde vervaardiger aan 'n gelisensieerde handelaar van wapens of ammunisie wat deur daardie vervaardiger vervaardig is.

**19.** (1) Op aansoek op die voorgeskrewe wyse en betaling van die voorgeskrewe lisensiegeld op bedoelde wyse deur 'n persoon wat 'n blanke is of 'n maatskappy wat nie 'n direkteur, bestuurder of sekretaris het wat nie 'n blanke is nie, kan die Kommissaris na goeddunke maar behoudens die voorskrifte van die Minister en die bepalings van artikel 22, aan bedoelde persoon 'n lisensie uitrek om in die gebou in die lisensie vermeld, in wapens en ammunisie handel te dryf op die voorwaardes wat aldus vermeld word.

Lisensies om in  
wapens en  
ammunisie handel  
te dryf.

(2) Die Kommissaris moet, wanneer hy 'n aansoek deur die houer van 'n bestaande lisensie om in wapens en ammunisie handel te dryf in die gebou waarop die aansoek betrekking het, weier, op versoek van die applikant die redes vir die weierung aan hom verstrek.

(3) 'n Handelaarslisensie verstryk op die een-en-dertigste dag van Desember van die jaar waarin dit van krag word.

(4) In die geval van 'n vennootskap word 'n handelaarslisensie aan die vennote gesamentlik uitgereik en vermeld dit die naam waaronder hulle handel dryf.

(5) 'n Handelaarslisensie hou op, behoudens die bepalings van artikel 20 (2) (a), om 'n geldige lisensie te wees sodra die houer of 'n gesamentlike houer van die lisensie 'n onbevoegde persoon word.

(6) 'n Handelaarslisensie aan 'n maatskappy uitgereik, hou op om 'n geldige lisensie te wees sodra—

- (a) die maatskappy 'n direkteur, bestuurder of sekretaris het wat nie 'n blanke is nie; of
- (b) 'n besturende direkteur of bestuurder van die maatskappy 'n onbevoegde persoon word.

(7) 'n Lisensie om in wapens en ammunisie handel te dryf, uitgereik kragtens 'n by hierdie Wet herroep wet en wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n geldige lisensie was, word geag kragtens subartikel (1) uitgereik te wees.

**20.** (1) Op aansoek op die voorgeskrewe wyse deur die houer van 'n handelaarslisensie en by betaling van die voorgeskrewe oordraggeld op bedoelde wyse kan die Kommissaris na goeddunke, maar behoudens die bepalings van artikel 22, deur endossering van die lisensie dit oordra aan 'n persoon aan wie hy so 'n lisensie mag uitrek.

Oordrag van  
handelaarslisensie.

(2) In die geval van 'n handelaarslisensie uitgereik aan persone wat in vennootskap handel dryf—

- (a) word die lisensie, indien 'n vennoot uit die vennootskap tree, 'n onbevoegde persoon word of te sterwe kom, aan die oorblywende vennoot of aan die oorblywende vennote gesamentlik oorgedra deur endossering van die lisensie deur die Kommissaris, op aansoek deur die oorblywende vennoot of vennote en by betaling van die voorgeskrewe oordraggeld op die voorgeskrewe wyse;

- (b) kan die lisensie, indien 'n nuwe vennoot tot die vennootskap toegelaat word, deur die Kommissaris na goeddunke, maar behoudens die bepalings van artikel 22, aldus oorgedra word.

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(3) In the event of the death of the holder of a dealer's licence the widow or widower or the executor or administrator of the estate of the deceased or, pending the appointment of an executor, any interim curator appointed to take charge of the estate of the deceased and, in the case of insolvency or assignment of the holder of a dealer's licence, the trustee or assignee of his estate and, in the case of a company in liquidation, the liquidator and, in the case where the holder becomes subject to any legal disability, any *curator bonis* appointed under any order of court, may apply for transfer of the licence in the prescribed manner, to the Commissioner who shall, on payment of the prescribed fee in the said manner, transfer the licence to the applicant by endorsement thereof, if the applicant is a person to whom he may issue such a licence.

Change of licensed premises.

**21.** On application in the prescribed manner by the holder of a licence to deal in arms and ammunition on any premises specified in the licence, the Commissioner may in his discretion, but subject to the directions of the Minister and to the provisions of section 22, endorse such licence without charge, so as to render it valid for other premises instead of the premises so specified, subject to such conditions as the Commissioner may endorse thereon.

Appeal to Minister.

**22.** Whenever the Commissioner has refused an application made under this Part, or has in granting such an application imposed any conditions, the applicant may appeal against the refusal or conditions to the Minister, who may confirm the refusal or conditions or direct the Commissioner to grant the application subject to such conditions as the Minister may determine.

Registers to be kept, documents to be retained and returns to be rendered by licensed dealers.

**23.** (1) Every licensed dealer shall keep at the premises mentioned in his dealer's licence, such registers containing such particulars relating to arms or ammunition acquired or disposed of by him in the course of his business or relating to any licence or permit to be produced to him in terms of this Act, as may be prescribed.

(2) Every licensed dealer shall retain for such period as may be prescribed any signed request and any permit delivered to him in terms of section 35 (1) (b).

(3) Every licensed dealer shall render such returns relating to his business at such times and to such person as may be prescribed.

**24.** Any licensed dealer shall at all reasonable times at the request of any policeman produce for inspection by such policeman any register kept or document retained by such dealer in terms of section 23 and any arms or ammunition he may have in stock.

## PART IV.

## IMPORTATION AND EXPORTATION OF ARMS AND AMMUNITION.

Prohibition of importation or exportation of arms or ammunition without permit.

**25.** (1) Subject to the provisions of subsection (2), no person shall, except on behalf of the State, import into or export from the Republic any arms or ammunition, including any arms or ammunition in transit through the Republic to any place outside the Republic, except under the authority of and in accordance with a permit issued under this Part.

(2) The provisions of subsection (1) shall not apply in respect of any arms or ammunition designed and intended solely for the slaughter of domestic animals.

Issue of permits for importation or exportation of arms or ammunition.

**26.** (1) On application in the prescribed manner by any person, any officer in the service of the State authorized by the Minister, may in his discretion, but subject to the directions of the Minister and the provisions of subsections (2) and (4) and

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(3) In geval van die oorlye van die houer van 'n handelaarslisensie kan die weduwee of, wewenaar of die eksekuteur of administrateur van die boedel van die oorledene, of, in afgawting van die aanstelling van 'n eksekuteur, 'n tussentydse kurator wat aangestel is om die boedel van die oorledene te behartig, en in die geval van insolvensie of boedelafstand van die houer van 'n handelaarslisensie, die kurator van sy boedel of sy boedelredder, en in die geval van 'n maatskappy in likwidasié, die likwidateur, en in die geval waar die houer regsonbevoeg word, 'n *curator bonis* wat ingevolge 'n hofbevel aangestel is, op die voorgeskrewe wyse aansoek om oordrag van die lisensie doen by die Kommissaris wat, by betaling van die voorgeskrewe gelde op bedoelde wyse, die lisensie deur endossering daarvan aan die applikant oordra indien die applikant 'n persoon is aan wie hy so 'n lisensie mag uitrek.

21. Op aansoek op die voorgeskrewe wyse deur die houer van 'n lisensie om in wapens en ammunisie handel te dryf in 'n gebou in die lisensie vermeld, kan die Kommissaris na goed-dunke, maar behoudens die voorskrifte van die Minister en die bepalings van artikel 22, daardie lisensie kosteloos endosseer sodat dit geldig is vir 'n ander gebou in plaas van die aldus vermelde gebou, op dié voorwaardes wat die Kommissaris daarop endosseer.

Verandering van  
gelisensieerde  
gebou.

22. Wanneer die Kommissaris 'n aansoek kragtens hierdie Appèl na Minister. Deel gedoen, weier of by die toestaan van so 'n aansoek voorwaardes opgelê het, kan die applikant teen die weiering of voorwaardes appelleer na die Minister wat die weiering of voorwaardes kan bekragtig of die Kommissaris kan gelas om die aansoek toe te staan op die voorwaardes wat die Minister bepaal.

23. (1) Elke gelisensieerde handelaar moet in die gebou in sy handelaarslisensie vermeld, die voorgeskrewe registers hou met die voorgeskrewe besonderhede met betrekking tot wapens of ammunisie in die loop van sy besigheid deur hom verkry of van die hand gesit of met betrekking tot 'n lisensie of permit wat ingevolge hierdie Wet aan hom getoon moet word.

Registers wat  
gehou, dokumente  
wat behou en  
opgawes wat  
verstrek moet  
word deur geli-  
sensieerde  
handelaars.

(2) Elke gelisensieerde handelaar moet alle ondertekende versoekte en alle permitte wat ingevolge artikel 35 (1) (b) aan hom oorhandig word, vir die voorgeskrewe tydperk behou.

(3) Elke gelisensieerde handelaar moet op die tye en aan die persoon wat voorgeskryf word, die voorgeskrewe opgawes met betrekking tot sy sake-onderneeming verstrek.

24. 'n Gelisensieerde handelaar moet te alle redelike tye op versoek van 'n polisieman alle registers of dokumente deur hom ingevolge artikel 23 gehou of behou en alle wapens of ammunisie wat hy in voorraad het, vir inspeksie deur bedoelde polisieman toon.

Inspeksie van  
registers en  
voorraade van  
gelisensieerde  
handelaars.

## DEEL IV.

## INVOER EN UITVOER VAN WAPENS EN AMMUNISIE.

25. (1) Behoudens die bepalings van subartikel (2), mag geen persoon, behalwe ten behoeve van die Staat, wapens of ammunisie, met inbegrip van wapens of ammunisie wat deur die Republiek na 'n plek buite die Republiek vervoer word, in die Republiek invoer of daaruit uitvoer behalwe kragtens en ooreenkomsdig 'n permit kragtens hierdie Deel uitgereik nie.

Verbod op invoer  
of uitvoer van  
wapens of ammu-  
nisie sonder permit.

(2) Die bepalings van subartikel (1) is nie van toepassing ten opsigte van wapens of ammunisie wat slegs vir die slag van mak diere ontwerp en bestem is nie.

26. (1) Op aansoek op die voorgeskrewe wyse deur 'n persoon, kan 'n deur die Minister daartoe gemagtigde beampete in diens van die Staat, na goed-dunke, maar behoudens die voorskrifte van die Minister en die bepalings van subartikels

Uitreiking van  
permitte vir die  
invoer of uitvoer  
van wapens of  
ammunisie.

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section 33 (2), issue to such person free of charge a permit to import into or export from the Republic any arm or ammunition specified in the permit, at such time or within such period and subject to such conditions as may be so specified.

(2) Unless the Minister otherwise directs, no such permit shall be issued for the importation of any arm, excluding the barrel of a pistol, which has no manufacturer's serial number or any other number by which it may be identified, stamped or engraved on the metal of the arm.

(3) Any permit issued contrary to the provisions of subsection (2), shall be deemed not to have been issued.

(4) Whenever any officer has refused an application made under this section, or has in granting such an application imposed any conditions, the applicant may appeal against the refusal or conditions to the Minister, who may confirm the refusal or conditions or direct such officer to grant the application subject to such conditions as the Minister may determine.

Certain import permits temporarily deemed to be licences to possess arms.

**27.** A permit issued under this Part for the importation of an arm by any person having such arm in his possession on entering the Republic, shall for such period as the officer issuing the permit may, in accordance with the directions of the Minister, endorse on the permit, be deemed to be a licence to possess such arm issued under Part I.

**PART V.****MANUFACTURE OF ARMS AND AMMUNITION.**

Prohibition of unauthorized manufacture of arms.

**28.** 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), or the Factories, Machinery and Building Work Ordinance, 1952 (Ordinance No. 34 of 1952 of the territory); and  
 (b) under the authority of and in accordance with a permit issued under this Part.

Prohibition of unauthorized manufacture of ammunition.

**29.** (1) Subject to the provisions of subsection (2), no person shall manufacture ammunition or any explosive component of ammunition except—  
 (a) in an explosives factory licensed under the Explosives Act, 1956 (Act No. 26 of 1956), or the Explosives Ordinance, 1962 (Ordinance No. 31 of 1962 of the territory); and  
 (b) under the authority of and in accordance with a permit issued under this Part.

(2) Subsection (1) shall not apply to the loading or re-loading of cartridges by the holder of a licence to possess an arm, for use in such arm.

Issue of permits for manufacture of arms or ammunition.

**30.** (1) The Minister may, in his discretion, issue to any person free of charge a permit to manufacture arms or ammunition, subject to such terms, conditions, restrictions or directions (including directions as to the keeping of registers or rendering of returns) as may be specified in the permit.

(2) The Minister may, in his discretion, by notice in writing to the holder of a permit issued under subsection (1), vary the terms, conditions, restrictions or directions specified in the permit or cancel such permit.

Inspection of arms or ammunition factories.

**31.** Any policeman or any other person authorized by the Minister may at any time enter any arms or ammunition factory and carry out such inspection as he may consider necessary in order to ascertain whether the requirements of a permit issued under section 30 have been or are being complied with.

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(2) en (4) en artikel 33 (2), aan bedoelde persoon 'n permit kosteloos uitrek, om wapens of ammunisie in die permit vermeld in die Republiek in te voer of daaruit uit te voer op dié tydstip of binne dié tydperk en op dié voorwaardes wat aldus vermeld word.

(2) Tensy die Minister anders gelas, word geen sodanige permit uitgereik vir die invoer van 'n wapen, behalwe die loop van 'n pistool, waarop geen vervaardiger se reeksnommer of 'n ander nommer waaraan dit uitgeken kan word, op die metaaldeel daarvan gestempel of graveer is nie.

(3) 'n Permit wat in stryd met die bepalings van subartikel (2) uitgereik is, word geag nie uitgereik te wees nie.

(4) Wanneer 'n beampte 'n aansoek ingevolge hierdie artikel geweier het, of by die toestaan van so 'n aansoek voorwaardes opgelê het, kan die applikant teen die weiering of voorwaardes appelleer na die Minister, wat die weiering of voorwaardes kan bekragtig of bedoelde beampte kan gelas om die aansoek toe te staan op die voorwaardes wat die Minister bepaal.

**27.** 'n Permit wat kragtens hierdie Deel uitgereik is vir die invoer van 'n wapen deur 'n persoon wat daardie wapen by sy binnekoms in die Republiek in sy besit het, word vir die tydperk wat die beampte wat die permit uitrek, ooreenkomsdig die voorskrifte van die Minister op die permit endosseer, geag 'n kragtens Deel I uitgereikte lisensie te wees om daardie wapen te besit.

Sekere invoerpermitte word tydelik geag lisensies te wees om wapens te besit.

## DEEL V.

## VERVAARDIGING VAN WAPENS EN AMMUNISIE.

**28.** Geen persoon mag wapens vervaardig nie, behalwe—

Verbod op ongemagtigde vervaardiging van wapens.

(a) in 'n fabriek geregistreer kragtens die Wet op Fabrieke, Masjinerie en Bouwerk, 1941 (Wet No. 22 van 1941), of die Ordonnansie op Fabrieke, Masjinerie en Bouwerk, 1952 (Ordonnansie No. 34 van 1952 van die gebied); en

(b) kragtens en ooreenkomsdig 'n permit wat kragtens hierdie Deel uitgereik is.

**29.** (1) Behoudens die bepalings van subartikel (2), mag geen persoon ammunisie of 'n ontplofbare bestanddeel van ammunisie vervaardig nie, behalwe—

Verbod op ongemagtigde vervaardiging van ammunisie.

(a) in 'n fabriek van ontplofbare stowwe gelisensieer kragtens die Wet op Ontplofbare Stowwe, 1956 (Wet No. 26 van 1956), of die Ordonnansie op Ontplofbare Stowwe, 1962 (Ordonnansie No. 31 van 1962 van die gebied); en

(b) kragtens en ooreenkomsdig 'n permit wat kragtens hierdie Deel uitgereik is.

(2) Subartikel (1) is nie van toepassing op die laai of herlaai van patronen deur die houer van 'n lisensie om 'n wapen te besit, vir gebruik in daardie wapen nie.

**30.** (1) Die Minister kan na goeddunke aan 'n persoon 'n permit kosteloos uitrek om wapens of ammunisie te vervaardig behoudens die bedinge, voorwaardes, beperkings of voorskrifte (met inbegrip van voorskrifte met betrekking tot die hou van registers of verstrekking van opgawes) wat in die permit vermeld word.

Uitreiking van permitte vir die vervaardiging van wapens of ammunisie.

(2) Die Minister kan na goeddunke by skriftelike kennisgewing aan die houer van 'n kragtens subartikel (1) uitgereikte permit, die bedinge, voorwaardes, beperkings of voorskrifte daarin vermeld, wysig of bedoelde permit intrek.

**31.** 'n Polisieman of 'n ander deur die Minister gemagtigde persoon kan te eniger tyd 'n wapen- of ammunisiefabriek binne gaan en dié inspeksie doen wat hy nodig ag om vas te stel of daar aan die vereistes van 'n kragtens artikel 30 uitgereikte permit voldoen is of word.

Inspeksie van wapens- of ammunisiefabriek.

**Act No. 75, 1969****ARMS AND AMMUNITION ACT, 1969.****PART VI.****MISCELLANEOUS PROVISIONS.**

**Prohibition of unauthorized importation, supply or possession of certain firearms or classes of articles.**

**32.** (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—

- (a) any cannon, machine gun or machine rifle or any part thereof; or
- (b) any projectile or part of a projectile intended to be discharged from a cannon, or any substance intended to propel or to assist in propelling any such projectile so discharged, or any grenade, bomb or similar missile.

(2) Any permit referred to in subsection (1) shall be issued free of charge and may be issued subject to such conditions as may be specified therein.

(3) The provisions of subsection (1) shall not apply in respect of—

- (a) any article referred to therein imported, supplied or possessed solely as a trophy, curiosity or ornament, if such article cannot be discharged or exploded; or
- (b) any gun or part of a gun intended solely for the killing or capture of whales, or any projectile or part of a projectile intended solely to be discharged from such a gun, or any substance intended solely to propel or assist in propelling such a projectile.

(4) Whenever any person having in his possession any article under the authority of a permit issued under this section, becomes a disqualified person, any policeman may without warrant seize such article and shall upon seizure thereof dispose of such article in such manner as the Minister may direct.

**Powers which Minister may exercise in the interests of public safety or the maintenance of law and order or in order to prohibit or restrict importation or possession of certain articles.**

**33.** (1) The Minister may, whenever he considers it to be necessary or expedient in the interests of public safety or the maintenance of law and order—

- (a) by notice in the *Gazette* prohibit, regulate or restrict for any period specified in the notice—
  - (i) the supply of all arms or ammunition or arms or ammunition of a class or other than a class so specified, in any area or elsewhere than in any area so specified;
  - (ii) the transportation or removal of any such arms or ammunition from or to any place or area or any place or area other than a place or area so specified;

(b) by notice in the *Gazette* or, in the case of a particular licensed dealer or authorized manufacturer, by notice in writing, direct any particular licensed dealer or authorized manufacturer or all persons or licensed dealers or authorized manufacturers or persons or licensed dealers or authorized manufacturers of a class or other than a class specified in the notice, at any place or in any area or elsewhere than at any place or in any area so specified, to surrender in accordance with directions contained in the notice, for safe-keeping until such time as the Minister may determine, all arms or ammunition or arms or ammunition of a class or other than a class specified in the notice, which may be in possession of such particular dealer or manufacturer or such persons or dealers or manufacturers.

(2) The Minister may by notice in the *Gazette* prohibit or restrict the importation into the Republic or the possession

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## DEEL VI.

## DIVERSE BEPALINGS.

**32.** (1) Behoudens die bepalings van subartikel (3), mag geen persoon, behalwe ten behoeve van die Staat of kragtens en ooreenkomsdig 'n na goeddunke van die Minister uitgereikte permit—

- (a) 'n kanon, masjiengeweer of 'n onderdeel daarvan; of
- (b) 'n projektiel of deel daarvan, wat bestem is om uit 'n kanon afgeskiet te word, of 'n stof wat bestem is om so 'n projektiel wat aldus afgeskiet word aan te dryf of by die aandrywing daarvan mee te werk, of 'n granaat, bom of dergelyke werptuig,

in die Republiek invoer, aan 'n ander persoon verskaf of in sy besit hê nie.

(2) 'n In subartikel (1) bedoelde permit word kosteloos uitgereik en kan uitgereik word op die voorwaardes wat daarin vermeld word.

(3) Die bepalings van subartikel (1) is nie van toepassing nie ten opsigte van—

- (a) 'n daarin bedoelde artikel wat bloot as 'n trofee, kuriositeit of ornament ingevoer, verskaf of besit word, indien daardie artikel nie afgeskiet of ontploff kan word nie; of
- (b) 'n kanon of onderdeel daarvan, wat slegs vir die doodmaak of vang van walvisse bestem is, of 'n projektiel of deel daarvan, wat bestem is om slegs uit so 'n kanon afgeweiu te word, of 'n stof wat bestem is om slegs so 'n projektiel aan te dryf of by die aandrywing daarvan mee te werk.

(4) Wanneer 'n persoon wat kragtens 'n ingevolge hierdie artikel uitgereikte permit 'n artikel in sy besit het, 'n onbevoegde persoon word, kan 'n polisieman sonder lasbrief op bedoelde artikel beslag lê en moet by beslaglegging daarvan oor daardie artikel beskik op die wyse wat die Minister gelas.

**33.** (1) Die Minister kan, wanneer hy dit in belang van die openbare veiligheid of die handhawing van wet en orde nodig of dienstig ag—

- (a) by kennisgewing in die *Staatskoerant*—
  - (i) die verskaffing van alle wapens of ammunisie of wapens of ammunisie van 'n klas of behalwe van 'n klas in die kennisgewing vermeld, in 'n gebied of elders as in 'n gebied aldus vermeld;
  - (ii) die vervoer of verwydering van sodanige wapens of ammunisie van of na 'n plek of gebied aldus vermeld of 'n ander plek of gebied as 'n aldus vermelde plek, vir 'n aldus vermelde tydperk verbied, reguleer of beperk;
- (b) by kennisgewing in die *Staatskoerant*, of in die geval van 'n bepaalde gelisensieerde handelaar of gemagtigde vervaardiger, by skriftelike kennisgewing 'n bepaalde gelisensieerde handelaar of gemagtigde vervaardiger of alle persone of gelisensieerde handelaars of gemagtigde vervaardigers of persone of gelisensieerde handelaars of gemagtigde vervaardigers van 'n klas of behalwe van 'n klas in die kennisgewing vermeld, op 'n plek of in 'n gebied of elders as op 'n plek of in 'n gebied aldus vermeld, gelas om, ooreenkomsdig die voorskrifte in die kennisgewing vervat, alle wapens of ammunisie of wapens of ammunisie van 'n klas of behalwe van 'n klas in die kennisgewing vermeld, wat in besit is van bedoelde bepaalde handelaar of vervaardiger of bedoelde persone of handelaars of vervaardigers, te oorhandig vir veilige bewaring tot 'n datum wat die Minister bepaal.

(2) Die Minister kan by kennisgewing in die *Staatskoerant* die invoer in die Republiek of die besit of verskaffing van 'n klas

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or supply of any class of arm or any part thereof, or any class of ammunition (including poisoned or other arrows), or any article intended for use in connection with an arm, or any article resembling an arm, or any instrument capable of being used for propelling any substance or article, mentioned in the notice.

(3) The Minister may by like notice amend or cancel any notice issued under this section.

(4) Proclamation No. R.343 of 1960 shall be deemed to be a notice issued under subsection (2) for the Republic including the territory.

**Exemption from certain provisions of laws relating to explosives.**

**34.** The prohibition contained in the Explosives Act, 1956 (Act No. 26 of 1956), or the Explosives Ordinance, 1962 (Ordinance No. 31 of 1962 of the territory), against selling or dealing in or the importation of explosives without being in possession of or obtaining any licence, permit or authority, shall not apply to the sale of or dealing in or importation of ammunition in accordance with a dealer's licence or any permit or authority granted under this Act.

**Prohibition of unauthorized supply of arms or ammunition.**

**35.** (1) Subject to the provisions of sections 8 and 45, no person shall supply to any other person not being a licensed dealer—

(a) any arm, unless such other person has produced to the supplier a licence to possess that arm;

(b) any ammunition—

(i) unless such other person has produced to the supplier a licence to possess an arm capable of firing the ammunition supplied and he has delivered to the supplier a request for the supply of the ammunition, signed by the holder of the licence so produced; or

(ii) unless such other person has delivered to the supplier a permit issued under subsection (2) for the acquisition of the ammunition supplied; or

(iii) unless the ammunition is a reasonable quantity supplied to such other person by any person permitting him, in accordance with the provisions of section 8, to be in possession of an arm capable of firing the ammunition supplied.

(2) Subject to the directions of the Minister, the Commissioner or any person acting under his authority may issue free of charge to any officer in the service of the State, who is in possession of an arm by virtue of his office, a permit to acquire for his own use such quantity of ammunition for such arm as may be specified in the permit.

**Prohibition of possession of ammunition in certain circumstances.**

**36.** Subject to the provisions of sections 37 (2) and 45, no person shall be in possession of any ammunition unless he is in lawful possession of an arm capable of firing that ammunition.

**Possession of arms or ammunition by juveniles.**

**37.** (1) No person shall permit or enable a juvenile under the age of sixteen years to be in possession of an arm or ammunition.

(2) Whenever any such juvenile is in possession of any arm or ammunition, it may be seized by any policeman or by any person over the age of twenty-one years who or whose employer is the owner or lawful occupier of the land on which the juvenile is in possession of the arm or ammunition.

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wapen of onderdeel daarvan, of 'n in die kennisgewing vermelde klas ammunisie (met inbegrip van gifpyle of ander pyle), of 'n artikel bestem vir gebruik in verband met 'n wapen, of artikel wat na 'n wapen lyk, of instrument wat gebruik word om 'n stof of artikel aan te dryf, verbied of beperk.

(3) Die Minister kan 'n kennisgewing kragtens hierdie artikel uitgevaardig, by dergelyke kennisgewing wysig of intrek.

(4) Proklamasie No. R.343 van 1960 word geag 'n kennisgewing te wees wat kragtens subartikel (2) vir die Republiek met inbegrip van die gebied uitgereik is.

**34.** Die verbod vervat in die Wet op Ontplofbare Stowwe, 1956 (Wet No. 26 van 1956), of die Ordonnansie op Ontplofbare Stowwe, 1962 (Ordonnansie No. 31 van 1962 van die gebied), op die verkoop van of handeldryf in of invoer van ontplofbare stowwe sonder die besit van of verkryging van 'n lisensie, permit of magtiging, is nie op die verkoop van of handeldryf in of invoer van ammunisie ooreenkomsdig 'n handelaarslisensie of 'n kragtens hierdie Wet toegestane permit of magtiging van toepassing nie.

Vrystelling van sekere bepalings van wette met betrekking tot ontplofbare stowwe.

**35.** (1) Behoudens die bepalings van artikels 8 en 45, mag geen persoon aan 'n ander persoon wat nie 'n gelisensieerde handelaar is nie—

Verbod op ongemagtige verskaffing van wapens of ammunisie.

(a) 'n wapen verskaf nie, tensy daardie ander persoon aan die verskaffer 'n lisensie getoon het om daardie wapen te besit;

(b) ammunisie verskaf nie—

(i) tensy daardie ander persoon aan die verskaffer 'n lisensie getoon het om 'n wapen te besit, waaruit die ammunisie wat verskaf word, afgeskiet kan word en hy aan die verskaffer 'n versoek om verskaffing van die ammunisie oorhandig het, wat onderteken is deur die houer van die lisensie wat aldus getoon is; of

(ii) tensy daardie ander persoon aan die verskaffer 'n permit oorhandig het, wat kragtens subartikel (2) uitgereik is vir die verkryging van die ammunisie wat verskaf word; of

(iii) tensy die ammunisie 'n redelike hoeveelheid is wat aan daardie ander persoon verskaf word deur 'n persoon wat hom ooreenkomsdig die bepalings van artikel 8 toelaat om in besit te wees van 'n wapen waaruit die ammunisie wat verskaf word, afgeskiet kan word.

(2) Behoudens die voorskrifte van die Minister, kan die Kommissaris of 'n persoon wat op sy gesag handel, aan 'n beampte in diens van die Staat, wat uit hoofde van sy amp in besit van 'n wapen is, kosteloos 'n permit uitreik om vir eie gebruik die in die permit vermelde hoeveelheid ammunisie vir daardie wapen te verkry.

**36.** Behoudens die bepalings van artikels 37 (2) en 45, mag geen persoon in besit van ammunisie wees nie tensy hy in regmatige besit is van 'n wapen waaruit daardie ammunisie afgeskiet kan word.

Verbod op die besit van ammunisie onder sekere omstandighede.

**37.** (1) Geen persoon mag 'n jeugdige onder die leeftyd van sestien jaar toelaat of in staat stel om in besit van wapens of ammunisie te wees nie.

Besit van wapens of ammunisie deur jeugdiges.

(2) Wanneer so 'n jeugdige in besit is van 'n wapen of ammunisie, kan daarop beslag gelê word deur 'n polisieman of deur 'n persoon bo die leeftyd van een-en-twintig jaar wat of wie se werkewer, die eiennaar of regmatige okkupererder is van grond waarop die jeugdige in besit van die wapen of ammunisie is.

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(3) Any arm or ammunition so seized shall be delivered forthwith by the person seizing it, to the officer in charge of a police station and shall be forfeited to the State, unless the owner thereof has, within a period of three months from the date it was so delivered, satisfied the Commissioner that he was unable to prevent the juvenile from obtaining possession of the arm or ammunition or that the seizure was contrary to the provisions of this section.

(4) If in any proceedings arising from the application of this section—

(a) it is alleged that any person was in possession of any arm or ammunition at any particular time when he was under the age of sixteen years, such person shall, upon proof of possession by him of such arm or ammunition, be presumed then to have been under the age of sixteen years, until the contrary is proved;

(b) it is alleged that any person permitted or enabled any juvenile under the age of sixteen years to be in possession of an arm or ammunition, such person shall, upon proof of possession by the juvenile of such arm or ammunition, be presumed to have permitted or enabled the juvenile to be in possession of such arm or ammunition, until it is proved that he was unable to prevent the juvenile from obtaining possession of the arm or ammunition.

(5) The provisions of this section shall not apply with reference to a juvenile under the age of sixteen years who is the holder of a licence to possess an arm issued under Part I or any law repealed by this Act.

(6) Notwithstanding anything in this section contained the Minister may at any time order that any arm or ammunition seized under this section shall be returned to the owner thereof.

**Loss of arms to be reported to policeman.**

38. Whenever any arm in the possession of any person is lost, stolen or destroyed, he shall within forty-eight 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 as the policeman may require.

**Offences and penalties.**

39. (1) Any person who—

(a) forges or utters, knowing it to be forged, or makes any unauthorized alteration in any licence, permit, certificate, authority or other document issued under or provided for in this Act; or

(b) makes any false entry in any register to be kept under section 23 or furnishes any false information in any return to be rendered under that section; or

(c) obstructs or hinders any person in the performance of any duty under this Act; or

(d) contravenes or fails to comply with any provision, direction or requirement of any notice issued under this Act; or

(e) fails to comply with or performs any act contrary to the terms, conditions, restrictions or directions subject to which any licence, permit or authority has been issued or granted to him under this Act; or

(f) for the purpose of obtaining, whether for himself or for any other person, any licence, permit or authority under this Act, makes any statement or representation

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(3) 'n Wapen of ammunisie waarop aldus beslag gelê is, moet onverwyld deur die persoon wat daarop beslag lê, aan die bevelvoerende beampete van 'n polisiestasie oorhandig word en word aan die Staat verbeurd verklaar, tensy die eienaar daarvan, binne 'n tydperk van drie maande vanaf die datum waarop dit aldus oorhandig is, die Kommissaris oortuig het dat hy nie in staat was om te verhoed dat die jeugdige besit van die wapen of ammunisie verkry nie of dat die beslaglegging strydig met die bepalings van hierdie artikel was.

(4) Indien by 'n geding wat uit die toepassing van hierdie artikel ontstaan—

- (a) daar beweer word dat 'n persoon in besit was van 'n wapen of ammunisie op 'n bepaalde tydstip toe hy onder die leeftyd van sestien jaar was, word daardie persoon, by bewys van besit deur hom van daardie wapen of ammunisie, geag toe onder die leeftyd van sestien jaar te gewees het, totdat die teendeel bewys word;
- (b) daar beweer word dat 'n persoon 'n jeugdige onder die leeftyd van sestien jaar toegelaat of in staat gestel het om in besit van 'n wapen of ammunisie te wees, word daardie persoon, by bewys van besit deur die jeugdige van daardie wapen of ammunisie, geag die jeugdige toe te gelaat of in staat te gestel het om in besit van daardie wapen of ammunisie te wees, totdat daar bewys word dat hy nie in staat was om te verhoed dat die jeugdige besit van die wapen of ammunisie verkry nie.

(5) Die bepalings van hierdie artikel is nie van toepassing nie met betrekking tot 'n jeugdige onder die leeftyd van sestien jaar wat die houer is van 'n lisensie om 'n wapen te besit, uitgereik kragtens Deel I of 'n deur hierdie Wet herroope wet.

(6) Ondanks andersluidende bepalings van hierdie artikel kan die Minister te eniger tyd gelas dat 'n wapen of ammunisie waarop daar kragtens hierdie artikel beslag gelê is, aan die eienaar daarvan terugbesorg word.

**38.** Wanneer 'n wapen in die besit van 'n persoon verloor, gesteel of vernietig word, moet hy, binne agt-en-veertig 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 verstrek wat die polisieman vereis.

Verlies van wapens moet by polisieman aangemeld word.

**39. (1)** 'n Persoon wat—

- (a) 'n lisensie, permit, sertifikaat, magtiging of ander dokument wat kragtens hierdie Wet uitgereik is of waarvoor daar in hierdie Wet voorsiening gemaak word, vervals of uitgee met die wete dat dit vervals is, of 'n ongemagtigde verandering daarin aanbring; of
- (b) 'n valse inskrywing maak in 'n register wat ingevolge artikel 23 gehou moet word of valse inligting verstrek in 'n opgawe wat ingevolge daardie artikel verstrek moet word; of
- (c) 'n persoon by die nakoming van 'n plig ingevolge hierdie Wet, dwarsboom of belemmer; of
- (d) 'n bepaling, voorskrif of vereiste van 'n kragtens hierdie Wet uitgereikte kennisgewing oortree of versuim om daaraan te voldoen; of
- (e) versuim om aan die bedinge, voorwaardes, beperkings of voorskrifte onderworpe waaraan 'n lisensie, permit of magtiging aan hom kragtens hierdie Wet uitgereik of toegestaan is, te voldoen of 'n handeling in stryd daarmee verrig; of
- (f) ten einde 'n lisensie, permit of magtiging kragtens hierdie Wet te verkry, hetsy vir homself of vir 'n ander persoon, 'n verklaring afle of iets voorgee wat

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knowing it to be false or not knowing or believing it to be true; or

(g) fails to comply with a request made under section 9, 24 or 38; or

(h) contravenes or fails to comply with any provision of this Act,  
shall be guilty of an offence.

(2) Any person convicted of an offence under this Act shall, subject to the provisions of subsection (3), be liable—

(a) in the case of—

(i) a contravention of section 2, on account of being in possession of more than one arm other than an arm referred to in paragraph (a) or (b) of the definition of "arm" or an arm of a calibre not exceeding .22 of an inch or a shotgun of a calibre not exceeding .410 of an inch;

(ii) a contravention of section 32;

(iii) a contravention of section 35, on account of supplying any arm or ammunition to a person other than a white person or a company of which every director and manager and the secretary is a white person;

(iv) a contravention of section 36, on account of being in possession of more than one hundred rounds of ammunition intended for firing in an arm contemplated in paragraph (a) (i) of this subsection,

to imprisonment for a period not exceeding ten years;

(b) in the case of—

(i) a contravention of or failure to comply with any provision of section 2 (not being a contravention referred to in paragraph (a) (i) of this subsection), 18, 25, 28, 29, 35 (not being a contravention referred to in paragraph (a) (iii) of this subsection) or 36 (not being a contravention referred to in paragraph (a) (iv) of this subsection);

(ii) a contravention or failure to comply with any provision, direction or requirement of a notice issued under section 33;

(iii) an offence referred to in subsection (1) (a), (b), (e) or (f),

to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding two 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 years;

(c) in the case of—

(i) a contravention of or failure to comply with any provision of or request made under section 9, 15 (2), 23, 24 or 38;

(ii) an offence referred to in subsection (1) (c), to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment;

(d) in the case of an offence not mentioned in paragraph (a), (b) or (c), to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months.

(3) The court convicting any person of an offence under this Act may, in addition to any punishment imposed for such offence—

(a) declare the convicted person's rights to any article in respect of which the offence has been committed, to be forfeited to the State;

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na sy wete vals is of sonder dat hy weet of glo dat dit waar is; of

(g) versuim om aan 'n versoek te voldoen wat kragtens artikel 9, 24 of 38 aan hom gerig is; of

(h) 'n bepaling van hierdie Wet oortree of versuim om daaraan te voldoen,  
is aan 'n misdryf skuldig.

(2) 'n Persoon wat aan 'n misdryf ingevolge hierdie Wet skuldig bevind word, is behoudens die bepalings van subartikel (3), strafbaar—

(a) in die geval van—

(i) 'n oortreding van artikel 2, weens die besit van meer as een wapen, uitgesonderd 'n in paragraaf (a) of (b) van die omskrywing van „wapen” bedoelde wapen of 'n wapen met 'n kaliber van hoogstens ·22 van 'n duim of 'n haelgeweer met 'n kaliber van hoogstens ·410 van 'n duim;

(ii) 'n oortreding van artikel 32;

(iii) 'n oortreding van artikel 35, weens die verskaffing van 'n wapen of ammunisie aan 'n ander persoon as 'n blanke of 'n maatskappy waarvan elke direkteur en bestuurder en die sekretaris 'n blanke is;

(iv) 'n oortreding van artikel 36, weens besit van meer as honderd ammunisiepatrone bestem om afgeskiet te word uit 'n wapen wat in paragraaf (a) (i) van hierdie artikel beoog word,

met gevangenisstraf vir 'n tydperk van hoogstens tien jaar;

(b) in die geval van—

(i) 'n oortreding van of versuim om te voldoen aan 'n bepaling van artikel 2 (behalwe 'n in paragraaf (a) (i) van hierdie subartikel bedoelde oortreding), 18, 25, 28, 29, 35 (behalwe 'n in paragraaf (a) (iii) van hierdie subartikel bedoelde oortreding) of 36 (behalwe 'n in paragraaf (a) (iv) van hierdie subartikel bedoelde oortreding);

(ii) 'n oortreding van of versuim om te voldoen aan 'n bepaling, voorskrif of vereiste van 'n kennisgewing wat kragtens artikel 33 uitgereik is;

(iii) 'n in subartikel (1) (a), (b), (e) of (f) bedoelde misdryf,

met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met sowel daardie boete as daardie gevangenisstraf, of, in die geval van 'n tweede of daaropvolgende skuldigbevinding weens 'n in hierdie paragraaf bedoelde misdryf, met gevangenisstraf vir 'n tydperk van hoogstens drie jaar;

(c) in die geval van—

(i) 'n oortreding van of versuim om te voldoen aan 'n bepaling van of versoek gerig kragtens artikel 9, 15 (2), 23, 24 of 38;

(ii) 'n in subartikel (1) (c) bedoelde misdryf,

met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel daardie boete as daardie gevangenisstraf;

(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 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(3) Die hof wat 'n persoon skuldig bevind aan 'n misdryf ingevolge hierdie Wet, kan benewens 'n straf vir daardie misdryf opgelê—

(a) die veroordeelde persoon se regte op 'n artikel ten opsigte waarvan die misdryf gepleeg is, aan die Staat verbeurd verklaar;

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- (b) if the convicted person is the holder or joint holder of a dealer's licence, cancel such licence.

**Presumptions.**

**40.** (1) Whenever in any prosecution for being in possession of any article contrary to the provisions of this Act, it is proved that such article 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, any person who at that time was on or in or in charge of or present at or occupying such premises, shall be presumed to have been in possession of that article at that time, until the contrary is proved.

(2) 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 to possess the arm alleged to have been lost, stolen or destroyed, it shall be presumed, until the contrary is proved—

- (a) that such arm has been lost, stolen or destroyed, if it is proved that he failed to produce the arm at the request of a policeman;
- (b) that he has failed to report the loss, theft or destruction of the arm as so required, if it is proved that such arm has been lost, stolen or destroyed.

**Powers of policeman to search and seize.**

**41.** (1) If any policeman has reason to believe—

- (a) that an offence under this Act has been committed by means of or in respect of any article which he has reason to believe to be in or at or on any place, including any premises, building, dwelling, flat, room, office, shop, structure, vessel, aircraft or vehicle or any part thereof, or to be in possession of any person;
- (b) that any person whom he has reason to believe to be a person contemplated in section 11 (1), is in possession of or has, at any place as aforesaid, access to any arm or ammunition;
- (c) that any arm or ammunition he has reason to believe to be required for the investigation of any offence or alleged offence, is in or at or on any place as aforesaid or in the possession of any person,

such policeman may at any time without warrant enter upon and search such place or search such person and seize any such article or arm or ammunition.

(2) In searching a woman the provisions of section 36 (3) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall *mutatis mutandis* apply.

(3) Any article or arm or ammunition seized—

- (a) under subsection (1) (a) shall be dealt with as if it has been seized under the provisions of the said Criminal Procedure Act or, if seized in the territory, the Criminal Procedure Ordinance, 1963 (Ordinance No. 34 of 1963 of the territory);
- (b) under subsection (1) (b) shall be dealt with as if it had been seized in pursuance of a warrant issued under section 11 (2);
- (c) under subsection (1) (c) may be retained by any policeman for a period not exceeding thirty days, whereupon it shall be returned to the person entitled thereto or be dealt with as provided in paragraph (a) of this subsection.

**Register to be kept by Commissioner and proof of entries in register.**

**42.** (1) The Commissioner shall keep a register in which he shall cause to be recorded such particulars as may be prescribed or as may from time to time be determined by the Minister, in respect of such matters to which this Act applies or relating

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- (b) indien die beskuldigde persoon die houer of gesamentlike houer van 'n handelaarslisensie is, daardie lisensie intrek.

**40.** (1) Wanneer daar by 'n vervolging weens die besit van Vermoedens. 'n artikel in stryd met die bepalings van hierdie Wet bewys word dat daardie artikel te eniger tyd op of in 'n perseel, met inbegrip van 'n gebou, woning, woonstel, kamer, kantoor, winkel, bouwerk, vaartuig, vliegtuig of voertuig of 'n gedeelte daarvan was, word 'n persoon wat op daardie tydstip op of in of in beheer van of aanwesig by of okkupeerder van daardie perseel was, geag toe in besit van bedoelde artikel te gewees het, totdat die teendeel bewys word.

(2) Wanneer daar by 'n vervolging weens versuim om die verlies, diefstal 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 om die wapen te besit, word daar vermoed totdat die teendeel bewys word—

- (a) dat daardie wapen verloor, gesteel of vernietig is, indien daar bewys word dat hy versuim het om die wapen op versoek van 'n polisieman te toon;
- (b) dat hy versuim het om die verlies, diefstal of vernietiging van die wapen aan te meld soos aldus vereis, indien daar bewys word dat daardie wapen verloor, gesteel of vernietig is.

**41.** (1) Indien 'n polisieman rede het om te vermoed—

- (a) dat 'n misdryf ingevolge hierdie Wet gepleeg is deur middel van of ten opsigte van 'n artikel waaromtrent hy rede het om te vermoed dat dit in of by of op 'n plek, met inbegrip van 'n perseel, gebou, woning, woonstel, kamer, kantoor, winkel, bouwerk, vaartuig, vliegtuig of voertuig of 'n gedeelte daarvan is, of dat dit in besit van 'n persoon is;
- (b) dat 'n persoon omrent wie hy rede het om te vermoed dat hy 'n in artikel 11 (1) beoogde persoon is, in besit is van 'n wapen of ammunisie of by voormalde plek daartoe toegang het;
- (c) dat 'n wapen of ammunisie waaromtrent hy rede het om te vermoed dat dit vir die ondersoek van 'n misdryf of beweerde misdryf, benodig is, in of by of op voormalde plek is of in die besit van 'n persoon is, kan bedoelde polisieman te eniger tyd sonder lasbrief bedoelde plek binnegaan en deursoek of bedoelde persoon deursoek en op so 'n artikel of wapen of ammunisie beslag lê.

Bevoegdheid van  
polisieman om  
te soek en in  
beslag te neem.

(2) By die deursoeking van 'n vrou is die bepalings van artikel 36 (3) van die Strafproseswet, 1955 (Wet No. 56 van 1955), *mutatis mutandis* van toepassing.

(3) 'n Artikel of wapen of ammunisie waarop beslag gelê is—

- (a) kragtens subartikel (1) (a), word mee gehandel asof daarop beslag gelê is kragtens die bepalings van bedoelde Strafproseswet of, indien daarop in die gebied beslag gelê is, die Strafprosesordonnansie, 1963 (Ordonnansie No. 34 van 1963 van die gebied);
- (b) kragtens subartikel (1) (b), word mee gehandel asof daarop beslag gelê is ingevolge 'n lasbrief wat kragtens artikel 11 (2) uitgerek is;
- (c) kragtens subartikel (1) (c), kan deur 'n polisieman gehou word vir 'n tydperk van hoogstens dertig dae, waarna dit aan die persoon wat daarop geregtig is, terugbesorg moet word of daarvan gehandel moet word soos in paragraaf (a) van hierdie subartikel bepaal.

**42.** (1) Die Kommissaris hou 'n register waarin hy laat Register wat deur aanteken die voorgeskrewe of van tyd tot tyd deur die Minister Kommissaris bepaalde besonderhede ten opsigte van die voorgeskrewe of gehou moet word aldus bepaalde aangeleenthede waarop hierdie Wet van toe- en bewys van inskrywings in register.

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to the forfeiture or disposal of arms or ammunition under any other law or relating to arms or ammunition in general as may be prescribed or as may be so determined.

(2) A certificate purporting to be signed by the Commissioner or any person acting under his authority stating any fact recorded in the register referred to in subsection (1), shall for all purposes be *prima facie* proof of the fact so stated.

**Regulations.**

**43.** (1) Subject to the provisions of subsection (2), the Minister may make regulations relating to—

- (a) the manner in which application shall be made under this Act for any 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;
- (b) the fees payable for licences for different classes of arms issued under Part I or for copies of such licences or for dealers' licences or transfers thereof and the manner in which such fees shall be paid;
- (c) the registers to be kept by licensed dealers, the particulars to be entered in such registers and the period for which licensed dealers shall retain such registers or any documents to be retained in terms of section 23 (2);
- (d) the returns to be rendered by licensed dealers and the times at which and persons to whom such returns shall be rendered;
- (e) the particulars to be recorded in the register to be kept by the Commissioner under this Act and the matters in respect of which such particulars shall be recorded;
- (f) the surrender and disposal of permits or licences issued under this Act which have been cancelled or suspended or have ceased to be valid;
- (g) the registration of and the keeping of registers and the rendering of returns by gunsmiths and the conditions subject to which they may carry on their trade, and generally, relating to all matters which the Minister considers it to be necessary or expedient to prescribe for achieving the objects of this Act.

(2) Any regulation under subsection (1) (b) shall be made by the Minister acting in consultation with the Minister of Finance.

(3) Different regulations, other than regulations under subsection (1) (b), may be made with reference to different areas in the Republic.

**Delegation of powers.**

**44.** 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.

**Savings.**

**45.** (1) The foregoing provisions of this Act shall not apply to the possession or supply of arms or ammunition—

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passing is of met betrekking tot die verbeurdverklaring of beskikking oor wapens of ammunisie kragtens 'n ander wet of met betrekking tot wapens of ammunisie oor die algemeen.

(2) 'n Sertificaat wat deur die Kommissaris of 'n persoon wat op sy gesag handel, onderteken heet te wees en waarin 'n feit vermeld word wat in die in subartikel (1) bedoelde register aangeteken is, is vir alle doeleindeste *prima facie*-bewys van die aldus vermelde feit.

**43.** (1) Behoudens die bepalings van subartikel (2), kan die Regulasies Minister regulasies uitvaardig met betrekking tot—

- (a) die wyse waarop daar ingevolge hierdie Wet aansoek gedoen moet word om 'n 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 inbegrip van die besonderhede of inligting wat in die aansoek verstrek moet word, dokumente wat so 'n aansoek moet vergesel of wat getoon moet word wanneer so 'n aansoek gedoen word, die vertoning vir identifikasiedoeleindeste van 'n wapen waarop 'n aansoek betrekking het, die afskiet van ammunisie vir identifikasiedoeleindeste en die persoon by wie 'n aansoek ingedien moet word;
- (b) die gelde betaalbaar vir lisensies vir verskillende klasse wapens kragtens Deel I uitgereik of vir afskrifte van daardie lisensies of vir handelaarslisensies of oordrage daarvan en die wyse waarop bedoelde gelde betaal moet word;
- (c) die registers wat deur gelisensieerde handelaars gehou moet word, die besonderhede wat in daardie registers aangeteken moet word en die tydperk waarvoor gelisensieerde handelaars bedoelde registers of dokumente wat ingevolge artikel 23 (2) behou moet word, moet behou;
- (d) die opgawes wat deur gelisensieerde handelaars verstrek moet word en die tye waarop en die persone aan wie bedoelde opgawes verstrek moet word;
- (e) die besonderhede wat in die register wat die Kommissaris ingevolge hierdie Wet hou, aangeteken moet word en die aangeleenthede ten opsigte waarvan bedoelde besonderhede aangeteken moet word;
- (f) die oorhandiging van en beskikking oor kragtens hierdie Wet uitgereikte permitte of lisensies wat ingetrek of opgeskort is of opgehou het om geldig te wees;
- (g) die registrasie van en die hou van registers en die verstrekking van opgawes deur wapensmede en die voorwaardes waarop hulle hul beroep mag uitoefen, en in die algemeen, met betrekking tot alle aangeleenthede wat die Minister nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.

(2) 'n Regulasie kragtens subartikel (1) (b) word uitgevaardig deur die Minister wat in oorleg met die Minister van Finansies optree.

(3) Verskillende regulasies behalwe regulasies kragtens subartikel (1) (b) kan met betrekking tot verskillende gebiede in die Republiek uitgevaardig word.

**44.** Die Kommissaris kan met goedkeuring van die Minister aan 'n beampete in die voltydse diens van die Staat 'n bevoegdheid deleger wat deur die Wet aan hom verleen word. Delegering van bevoegdhede.

**45.** (1) Die voorafgaande bepalings van hierdie Wet is nie Voorbehouded van toepassing nie op die besit of verskaffing van wapens of ammunisie—

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- (a) by any person on behalf of the State;
- (b) by any person in his capacity as a person in the service of the State;
- (c) by any person for the purposes of the Defence Act, 1957 (Act No. 44 of 1957).
- (2) The provisions of sections 2, 35 and 36 shall not apply—
  - (a) to the possession or supply of any arm or ammunition—
    - (i) by any person in his capacity as a person in the service of such State-aided body or institution as the Minister may from time to time determine;
    - (ii) designed and intended solely for the slaughter of domestic animals;
    - (iii) proved to be possessed or supplied solely as a trophy, curiosity or ornament, if the arm or ammunition cannot be discharged or exploded, or if possessed or supplied under the authority of a permit issued by the Commissioner or any person acting under his authority;
  - (b) to the possession of arms or ammunition—
    - (i) by any person in the ordinary course of his business or the business of his employer as licensed dealer, authorized manufacturer, gunsmith, carrier or storage contractor;
    - (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;
    - (iii) by any person in his capacity as executor, administrator, trustee or liquidator of the estate of the former owner thereof;
    - (iv) by any person who has inherited the arms or ammunition, during a period of three months from the date on which he acquired possession of such arms or ammunition;
    - (v) by the seller for the purposes of any sale contemplated in section 18 (3);
    - (vi) by any person under the authority of a permit issued by the Minister;
  - (c) to the supply of arms or ammunition to any person who may by virtue of the provisions of paragraph (b) have such arms or ammunition in his possession.
- (3) The foregoing provisions of this Act shall not apply to the possession, supply, importation, export or manufacture of or dealing in arms or ammunition or any explosive component of ammunition or any object referred to in section 32 (1) in the performance of its or his functions or duties by the Armaments Board referred to in the Armaments Act, 1964 (Act No. 87 of 1964), or by the Armaments Development and Production Corporation of South Africa, Limited, referred to in the Armaments Development and Production Act, 1968 (Act No. 57 of 1968), or by any company promoted by the said corporation or by any member, director, officer, employee or agent of the said board, corporation or company.
- (4) Notwithstanding anything to the contrary in this Act contained it shall be permissible for any white person over the age of twenty-one years who is in lawful possession of an arm, to allow a white person under the age of sixteen years to use such arm under his immediate supervision.

## Repeal of laws

**46.** (1) Subject to the provisions of subsections (2) and (3), the laws specified in the Schedule are hereby repealed to the extent shown in the third column thereof.

(2) Any person declared to be unfit to possess an arm under the provisions of any law repealed by this Act, shall be deemed to have been declared unfit to possess an arm under Part II of this Act.

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- (a) deur 'n persoon ten behoeve van die Staat;
  - (b) deur 'n persoon in sy hoedanigheid as 'n persoon in diens van die Staat;
  - (c) deur 'n persoon vir die doeleindes van die Verdedigingswet, 1957 (Wet No. 44 van 1957).
- (2) Die bepalings van artikel 2, 35 en 36 is nie van toepassing nie—
- (a) op die besit of verskaffing van wapens of ammunisie—
    - (i) deur 'n persoon in sy hoedanigheid as 'n persoon in diens van dié Staatsondersteunde liggaaam of inrigting wat die Minister van tyd tot tyd bepaal;
    - (ii) ontwerp en bestem slegs vir die slag van mak diere;
    - (iii) ten opsigte waarvan daar bewys word dat dit besit of verskaf word slegs as trofeeë, kuriositeite of ornamente, indien die wapens of ammunisie nie afgeskiet of ontploff kan word nie, of indien besit of verskaf kragtens 'n permit uitgereik deur die Kommissaris of 'n persoon wat op sy gesag handel;
  - (b) op die besit van wapens of ammunisie—
    - (i) deur 'n persoon in die gewone loop van sy besigheid of die besigheid van sy werkewer as gelicenseerde handelaar, gemagtigde vervaardiger, wapensmid, vervoerder of bergingskontrakteur;
    - (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 bering;
    - (iii) deur 'n persoon in sy hoedanigheid as eksekuteur, administrateur, kurator of likwidateur van die boedel van die vorige eienaar daarvan;
    - (iv) deur 'n persoon wat die wapens of ammunisie geërf het, vir 'n tydperk van drie maande vanaf die datum waarop hy besit van daardie wapens of ammunisie verkry het;
    - (v) deur die verkoper vir die doeleindes wat in artikel 18 (3) beoog word;
    - (vi) deur 'n persoon kragtens 'n permit deur die Minister uitgereik;
  - (c) op die verskaffing van wapens of ammunisie aan 'n persoon wat uit hoofde van die bepalings van paraagraaf (b) daardie wapens of ammunisie in sy besit mag hê.

(3) Die voorafgaande bepalings van hierdie Wet is nie van toepassing nie op die besit, verskaffing, invoer, uitvoer of vervaardiging van of handeldryf in wapens of ammunisie of 'n ontplofbare bestanddeel van ammunisie of 'n in artikel 32 (1) bedoelde voorwerp, by die verrigting van sy werksaamhede of pligte deur die Krygstuigraad in die Krygstuigwet, 1964 (Wet No. 87 van 1964), bedoel, of deur die Krygstuigontwikkelings-en vervaardigingskorporasie van Suid-Afrika, Beperk, in die Wet op Krygstuigontwikkeling en -vervaardiging, 1968 (Wet No. 57 van 1968), bedoel of deur 'n maatskappy deur bedoelde korporasie gestig of deur 'n lid, direkteur, beampete, werknemer of agent van bedoelde raad, korporasie of maatskappy.

(4) Ondanks andersluidende bepalings van hierdie Wet, word dit veroorloof dat 'n blanke bo die leeftyd van een-en-twintig jaar wat in regmatige besit van 'n wapen is, 'n blanke, onder die leeftyd van sestien jaar toelaat om daardie wapen onder sy onmiddellike toesig te gebruik.

**46. (1)** Behoudens die bepalings van subartikels (2) en (3) word die wette in die Bylae vermeld hierby herroep in die mate wat in die derde kolom daarvan aangedui word. Herroeping van wette.

(2) 'n Persoon wat kragtens die bepalings van 'n by hierdie Wet herroep wet onbekwaam verklaar is om 'n wapen te besit, word geag kragtens Deel II van hierdie Wet onbevoeg verklaar te wees om 'n wapen te besit.

**Act No. 75, 1969****ARMS AND AMMUNITION ACT, 1969.**

(3) Any permit issued under any provision of any law repealed by this Act shall be deemed to have been issued under the corresponding provision of this Act.

**Application of Act to South-West Africa.**

**47.** This Act shall apply also in the territory, including the Eastern Caprivi Zipfel.

**Short title and date of commencement.**

**48.** This Act shall be called the Arms and Ammunition Act, 1969, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

**Schedule.**

No. and year of law.	Short title.	Extent of repeal.
Act No. 28 of 1937	Arms and Ammunition Act, 1937	The whole.
Act No. 28 of 1948	Finance Act, 1948 .. ..	Section 5.
Act No. 32 of 1952	General Law Amendment Act, 1952	Sections 15 to 19.
Act No. 2 of 1956	Arms and Ammunition Amendment Act, 1956	The whole.
Act No. 68 of 1957	General Law Amendment Act, 1957	Sections 33 to 35.
Act No. 39 of 1961	General Law Amendment Act, 1961	Sections 1 to 3.
Act No. 93 of 1962	General Law Further Amendment Act, 1962	Sections 16 to 22.
Act No. 80 of 1964	General Law Amendment Act, 1964	Section 3.
Act No. 64 of 1965	Arms and Ammunition Amendment Act, 1965	The whole.
SOUTH-WEST AFRICA.		
Proclamation No. 28 of 1938	Arms and Ammunition Proclamation, 1938	The whole.
Proclamation No. 32 of 1938	Arms and Ammunition Supplementary Proclamation, 1938	The whole.
Proclamation No. 20 of 1940	Arms and Ammunition Amendment Proclamation, 1940	The whole.
Proclamation No. 9 of 1941	Arms and Ammunition Amendment Proclamation, 1941	The whole.
Proclamation No. 22 of 1943	Arms and Ammunition Amendment Proclamation, 1943	The whole.
Proclamation No. 27 of 1950	Arms and Ammunition Amendment Proclamation, 1950	The whole.
Ordinance No. 11 of 1954	General Laws Amendment Ordinance, 1954	Sections 22 and 23.
Ordinance No. 4 of 1955	South-West Africa Native Affairs Administration Ordinance, 1955	Item (3) of Part II of the Second Schedule.
Ordinance No. 20 of 1956	Arms and Ammunition Amendment Ordinance, 1956	The whole.
Ordinance No. 22 of 1958	General Law Amendment Ordinance, 1958	Sections 25, 26 and 27.
Ordinance No. 13 of 1962	General Law Amendment Ordinance, 1962	Sections 4 and 5.
Ordinance No. 20 of 1966	Arms and Ammunition Amendment Ordinance, 1966	The whole.

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(3) 'n Permit uitgereik kragtens 'n bepaling van 'n by hierdie Wet herroep wet, word geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgereik te wees.

47. Hierdie Wet is ook van toepassing in die gebied, met Toepassing van Wet op Suidwes-Afrika.

48. Hierdie Wet heet die Wet op Wapens en Ammunisie, Kort titel en datum van inwerkingtreding. 1969, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

## Bylae.

No. en jaar van wet.	Kort titel.	In hoeverre herroep.
Wet No. 28 van 1937	Wapens- en Ammunisiewet, 1937	Die geheel.
Wet No. 28 van 1948	Finansiewet, 1948 .. ..	Artikel 5.
Wet No. 32 van 1952	Algemene Regswysigingswet, 1952	Artikels 15 tot 19.
Wet No. 2 van 1956	Wysigingswet op Wapens en Ammunisie, 1956	Die geheel.
Wet No. 68 van 1957	Algemene Regswysigingswet, 1957	Artikels 33 tot 35.
Wet No. 39 van 1961	Algemene Regswysigingswet, 1961	Artikels 1 tot 3.
Wet No. 93 van 1962	Verdere Algemene Regswysigingswet, 1962	Artikels 16 tot 22.
Wet No. 80 van 1964	Algemene Regswysigingswet, 1964	Artikel 3.
Wet No. 64 van 1965	Wysigingswet op Wapens en Ammunisie, 1965	Die geheel.
SUIDWES-AFRIKA.		
Proklamasie No. 28 van 1938	Wapens en Ammunisie Proklamasie, 1938	Die geheel.
Proklamasie No. 32 van 1938	Wapens en Ammunisie Aanvullingsproklamasie, 1938	Die geheel.
Proklamasie No. 20 van 1940	Wapens en Ammunisie Wysigingsproklamasie, 1940	Die geheel.
Proklamasie No. 9 van 1941	Wapens en Ammunisie Wysigingsproklamasie, 1941	Die geheel.
Proklamasie No. 22 van 1943	Wysigingsproklamasie betreffende Wapens en Ammunisie, 1943	Die geheel.
Proklamasie No. 27 van 1950	Wysigingsproklamasie op Wapens en Ammunisie, 1950	Die geheel.
Ordonnansie No. 11 van 1954	Algemene Regswysigingsordonnansie, 1954	Artikels 22 en 23.
Ordonnansie No. 4 van 1955	Ordonnansie op die Administrasie van Naturellesake in Suidwes-Afrika, 1955	Item (3) van Deel II van die Tweede Bylae.
Ordonnansie No. 20 van 1956	Wysigingsordonnansie op Wapens en Ammunisie, 1956	Die geheel.
Ordonnansie No. 22 van 1958	Algemene Regswysigingsordonnansie, 1958	Artikels 25, 26 en 27.
Ordonnansie No. 13 van 1962	Algemene Regswysigingsordonnansie, 1962	Artikels 4 en 5.
Ordonnansie No. 20 van 1966	Wysigingsordonnansie op Wapens en Ammunisie, 1966	Die geheel.

