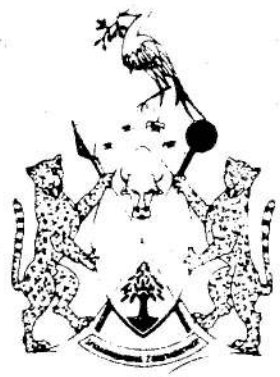


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Umq. 11	eBISHO 05 08 1983	No. 58	Vol. 11	BISHO 05 08 1983	No. 58
ISEBE LOKHUSELEKO LWELIZWE ISAZISO SIKARHULUMENTE SAMA-51 NGOKWENJENJE KUYAZISWA UKUBA UMONGAMELI UWUVUMILE UMTHETHO OLANDELAYO NOBHENGE- ZWAYO APHA KUSAZISWA ULUTNU NGOKUBANZI:- UMTHETHO OSISIHLOMELO WEZIXHOBO NEEMBUMBULU, 1983 UMTHETHO NOMBOLO 17 WOVE-1983			DEPARTMENT OF STATE SECURITY GOVERNMENT NOTICE NO. 51 IT IS HEREBY NOTIFIED THAT THE PRESIDENT HAS ASSENTED TO THE FOLLOWING ACT WHICH IS HEREBY PUBLISHED FOR GENERAL INFORMATION:- <u>ARMS AND AMMUNITION AMENDMENT ACT,</u> 1983 ACT NO. 17 OF 1983		

UMTHETHO OSISIHLOMELO WEZIXHOB NEEMBUMBULU. 1983

UMTHETHO

Ehlomelo uMthetho weZixhobo neMbumbulu, 1969.

(Okubhalwe ngesiNgesi kusayinwe nguMongameli. Kwavunywa ngomhla wama 29 Juni 1983).

MAKWENZIWE UMTHETHO yiNdlu yeNdibano yeSizwe yeRiphabliki yeCiskei ngolu hlobo lulandelayo

Ukuhlonyelwa kwe-candelo 1 loMthetho 45 wowe-1969 nje-ngoko lihlonyelwe licandelo 1 loMthetho 16 wowe-1978 nesaziso sikaRhulumente uNo. R2407 sowe-1978.

1. Icandelo 1 loMthetho wezixhobo neembumbulu, 1969 (ekuthi emva koku kusingiselwe kuwo njengo-Mthetho oyiNtloko), ukwenjenje liyahlonyelwa.
 - (a) Ngokufakela endaweni yengcaciso ka "isixhobo" le ngcaciso-magama ilandelayo:

" 'isixhobo' kuthethwa nawuphina umpu ngele kwenkanunu okanye, ngaphandle kwangeenjongo ze Sahluko II neengcandelo 37, 38, nele 39 (1) (i) ngele kompu ongumashini okanye irayifile, engumashini yaye kubandakanywa, -

 - (a) ngokulawulwa ngamalungiselelo eengcandelwana (2) nelesi (3) -
 - (i) irayifile yegesi engu .22 we-intshi okanye engumhlobo omkhudlwana, okanye ipistoli yegesi okanye ivolovolo;
 - (ii) irayifile engu .22 ye intshi okanye engumhlobo omkhudlwana okanye iepistoli ngele kwe-pistoli yokudlala;
 - (iii) ipistoli yokulumkisa okanye ivolovolo;
 - (iv) irayifile yegesi okanye irayifile engu .177 weintshi okanye umhlobo omkhudlwana
 - (b) intonga yesixhobo;"
 - (b) ngokufakela endaweni yengcaciso-magama "yomKhomishinari" le ngcaciso-magama ilandelayo:

" 'iKhomanda Jikelele' kuthethwa iKhomanda Jikelele yoKhuseleko lweSizwe;"
 - (c) ngokufakela endaweni yengcaciso-magama ka "UMphathiswa" le ngcaciso-magama ilandelayo:

" 'UMphathiswa' kuthethwa ilungu lesiGqeba esiLawulayo elinikwe amagunya okusebenzisa amalungiselelo alo Mthetho;"
 - (d) ngokufakela endaweni yengcaciso-magama ka "IRiphabliki" le ngcaciso-magama ilandelayo:

" 'IRiphabliki' kuthethwa iRiphabliki yeCiskei;" kananjalo
 - (e) ngokucinywa kweengcaciso-magama zika "Mbuso," "Ummandla" kunye "nomntu omhlophe."

Ukuhlonyelwa kwe-candelo 3 loMthetho 75 wowe-1969, nje-ngoko lihlonyelwe licandelo 2 loMthetho 35 wowe-1973 necandelo 2 loMthetho 16 wowe-1978.

2. Icandelo 3 loMthetho oyiNtloko ukwenjenje liyahlonyelwa -
 - (a) ngokufakela endaweni yecandelwana (1) eli candelwana lilandelayo:

"(1) Xa kucelwa ngendlela emiselweyo kuhlululwe nomrhumo omiselweyo welayisenisi nguye nawuphina umntu ngele komntu obudala bungaphantsi kweminyaka elishumi elinesithandathu okanye umntu ongavumelekanga, iKhomanda Jikelele ingathi ngokokubona kwayo kodwa ilawulwa ngamalungiselelo eengcandelwana (3) (4) nele (6) zeli candelo, neengcandelo 7 nele 33 (2), inike loo mntu ilayisenisi yokuba nesixhobo esichazwe kuloo layisenisi;"
 - (b) ngokufakela endaweni yecandelwana (4) eli candelwana lilandelayo:

"(4) ngaphandle kokuba uMphathiswa uyalele ngenye indlela, akukho sicelo phantsi kweli candelo esenziwe nguye nawuphina umntu ngele komntu ongumntu siya kuvunywa ngaphandle kwangemvume yoMphathiswa;" kananjalo
 - (c) ngokongezwa kweli candelwana lilandelayo:

"(6) Ngaphandle kwangegunya elibhaliweyo loMphathiswa eliya kunikwa kuphela kwimeko anokuyithatha njengemeko eyodwa, akukho mntu iya kuthi ngokwecandelwana (1) anikwe ilayisenisi okanye ilayisenisi ezinika amalungelo okuba loo mntu abe nezixhobo ezingaphezu kwe-12."

Ukuhlonyelwa kwe-candelo 8 loMthetho 75 wowe-1969.

3. Icandelo loMthetho oyiNtloko ukwenjenje liyahlonyelwa -
 - (a) Ngokufakela endaweni yecandelwana (1) eli candelwana lilandelayo:

"(1) Nawuphina umntu ongekho ngaphantsi kobudala obuminyaka eli-16 okanye ongengomntu walwelweyo ukuba abe nesixhobo angathi ngemvume yangaphambili yomnini-layisenisi yokuba nesixhobo nangelo thuba anokuthi loo mnini-layisenisi alivumele, abe naso eso sixhobo engenayo nayiphina ilayisenisi, phantsi kwento ethi;

 - (a) (i) loo mvume yomnini-layisenisi iqulathwe kwingxelo ebhaliweyo nesayinwe ngumnini-layisenisi lowo, nexela elo thuba anikelwe lona imvume neenkukacha azaneleyo ezichaza eso sixhobo; yaye

(ii) ukuba elo xesha kuthethwe ngalo lingaphezu kweentsuku ezili-14, loo ngxelo kuthe thwe ngayo ithe yaphehlelelwa ngumntu osebenza phantsi kwegunya leKhomanda Jikelele, okanye

(b) loo mntu unaso kuye eso sixhobo

(i) kummandla osondele kakhulu kowomnini-layisenisi okanye ngethuba akuwo nawu phina umhlaba ongowomnini-layisenisi okanye ahlala kuwo umnini-layisenisi ngokusemthethweni, okanye

(ii) ngenjongo zokukhusela nayiphina impahla okanye intendelezo okanye naziphina izilwanyana ezikumhlaba ongowomnini-layisenisi okanye ophantsi kolondolozo okanye ugcino lomnini-layisenisi okanye ahlala kuwo umnini-layisenisi ngokusemthethweni, kunye

(b) nokutakela endaweni yecandelwana (2) eli candelwana lilandelayo

“(2) Naninina apho nawuphina umntu ongekho ngaphantsi kobudala beminyaka eli-16 aqeshwelwe iinjongo zokukhusela nayiphina impahla okanye naziphina izilwanyana ezikumhlaba ongowomnini-layisenisi okanye ophantsi kolondolozo okanye kgcino lomnini-layisenisi okanye ahlala kuwo umnini-layisenisi ngokusemthethweni yokuba nesixhobo, angathi ngemvume yomnini-layisenisi naphantsi kwegunya nangokulawulwa yimiqathango yemvume ebhaliweyo ekhutshwe ngumntu osebenza phantsi kwegunya le Khomanda-Jikelele, angathi abe naso isixhobo esinjalo ngazo naziphina ezinye zeenjongo ezikhankanywe ngaphambili, ngaphandle kokuba abe unayo loo layisenisi

Ukuhlonyelwa kwe-candelo 4 loMthetho 75 wowe 1969 nje ngoku lihlonyelwa icandelo 3 loMthetho 35 wowe 1973

4 Icandelo 11 loMthetho oyintloko ukwenjenje liyahlonyelwa -

(a) ngokufakela endaweni yecandelwana (1) eli candelo lilandelayo

“(1) Ukuba iKhomanda-Jikelele inezimvo zokuba, phantsi kwengcaciso ekhutshwe phantsi kwesifungo, kukho isizathu sokuba kokholelwe ukuba nawuphina umntu ngumntu

(a) ekuthi oko kuba nesixhobo kwakhe kudale ingozi eluxolweni, okanye kuye yena loo mntu okanye kuye nawuphina umntu

(b) odubule ngesixhobo kuye okanye ejolise kuye buqu okanye kuye nawuphina omnye umntu okanye uthe woyikisa okanye wabonakalisa iinjongo zokufuna ukuzibulala okanye ukuzenzakalisa okanye ukwenzakalisa omnye umntu, ngesixhobo, okanye

(c) othe ngokusebenzisa isixhobo wabulala okanye wenzakalisa nawuphina omnye umntu ngenxa yokungakhathali okanye ngaphandle kwesizathu okanye othe ngenxa yokungakhathali wafaka engozini ubomi okanye ilungu lomzimba lakhe nawuphina omnye umntu, okanye

(d) othe ngethuba anesixhobo ngokwasemthethweni ngalo wasilahla isixhobo esi ngenxa yokungakhathali, okanye

(e) othe ngethuba enemvume yokuba nesixhobo ngokwasemthethweni, wasilela ekusigcineni isixhobo esinjalo ngokhuseleko,

ingathi ngesaziso esibhaliweyo esihanjiswe okanye esinikwe umntu onjalo lipolisa, imbiza umntu onjalo ukuba avele phambi kwe Khomanda-Jikelele ngelo xesha nendawo linokuthi likhankanywe kwisaziso, khon'ukuze kubekwe izizathu ukuba kutheni loo mntu kungenakuthiwa akafanelekanga ukuba abe naso nasiphina isixhobo kuyo nayiphina imihlaba ekhankanywe ngolo hlobo apha ngasentla.”

(b) ngokufakelwa endaweni yecandelwana (4) eli candelwana lilandelayo

“(4) Xa kukho ubungqina bokuba isaziso sihanjiswe sanikezelwa kumntu ebesibhalwe yena, iKhomanda-Jikelele inokuthi nangaliphina ixesha elilandela ixesha elicacisiweyo kwisaziso, nokuba ngaba loo mntu uyasithobela isaziso okanye akasithobeli, koko ngokulawulwa ngamalungiselelo ecandelwana (5), yazise ukuba loo mntu akafanelekanga ukuba anganaso nasiphina isixhobo nangaliphina ixesha okanye ngethuba elikhankanyiweyo elingekho ngaphantsi kweminyaka emithathu, ukuba, ngokubhekiselele kuzo naziphina izizathu eziphakanyisiweyo nguye okanye endaweni yakhe loo mntu ukhankanyiweyo kwaye kulo naliphina ulwaziso oluphambi kweKhomanda-Jikelele olukhutshwe phantsi kwesifungo, iKhomanda-Jikelele yanelisekile ukuba loo mntu ngumntu ekujongwe kuye kumhlathi (a), (b), (c), (d) okanye (e) wecandelwana (1).”; kwaye

(c) nangokufakelwa endaweni yecandelwana (5) kweli candelwana lilandelayo.

“(5) iKhomanda-Jikelele ayiyi kuthi, ngaphandle kwemvume yoMphathiswa, yazise ukuba nawuphina umntu akafanelekanga ukuba abe naso nasiphina isixhobo ngokwemigago ekubhekiselelwe kuyo kwicandelo (1) (d) okanye (e).”

Ukuhlonyelwa kwe-candelo 19 loMthetho 75 wowe-1969, njengoko uhlonyelwe licandelo 5 lo-Mthetho 35 wowe-1973.

5. Icandelo 19 loMthetho oyintloko ukwenjenje liyahlonyelwa:

(a) ngokufakelwa endaweni yecandelwana (1) eli candelwana lilandelayo:

“(1) Ngokwesicelo ngokwendlela emiselweyo kunye nokuhlalulwa kwentlawulo emiselweyo yelayisenisi ngendlela exeliweyo nguye nawuphina umntu, iKhomanda-Jikelele unokuthi ngokwenqiqo yakhe, kodwa ngokulawulwa yimiyalelo yoMphathiswa nangamalungiselelo ecandelo 22, anikezele kuloo mntu ilayisenisi yokusebenza ngezixhobo neembumbulu kwiintendezezo ezikhankanyiweyo kwilayisenisi, ngokulawulwa yiloo miqathango inokuthi icaciswe ngolo hlobo, okanye, njengoko imeko inokuba njalo, ilayisenisi yokuthengisa ngezixhobo kwezo nteendezezo kwayo ilawulwa yimiqathango ecacisiweyo.”; kwaye

(b) nangokufakelwa endaweni yecandelwana (6) eli candelwana lilandelayo:

“(6) Ilayisenisi yomthengisi enikezelwe kwikhampani iya kuyeka ukuba yilayisenisi esebenzayo ngokusemthethweni nje ukuba nawuphina umlawuli ophetheyo okanye umlawuli waloo khampani abe ngumntu owalelweyo.”.

Ukufakwa kwecandelo 38A kuMthetho 75 wowe-1969.

6. Eli candelo lilandelayo ukwenjenje lifakelwe kuMthetho oyintloko emva kwecandelo 38:

“Iimfuneko yee-pistoli neevolovolo kwiindawo zikawonke-wonke.

38A. (1) Ngokulawulwa zizibonelelo zecandelwana (2), akukho mntu uyakuthi endaweni abe nayo nayiphina ipistoli okanye ivolovolo ngaphandle kokuba loo pistoli okanye ivolovolo uyiphethe epokothweni yakhe ngendlela yokuba igqunywe ngokupheleleyo okanye iphethwe kwisingxobo okanye into yokuphatha enjalo eyenziwe, edalwe okanye elungiselelwe ukuphatha ipistoli okanye ivolovolo kwaye ibotshelelwe kuye okanye kwingxowana ephathwayo okanye ikheyisi yokuphatha amaxwebhu okanye iraksaka okanye into efana nayo yokuphatha, kwaye ngendlela eyakwenza ukuba ngalo lonke ixesha abe nokuba nolawulo ngendlela efanelekileyo kuloo pistoli okanye ivolovolo.

(2) Amalungiselelo ecandelwana (1) akasayi kusebenza ngokuphathelele kwilungu –

(a) lawo nawuphina umkhosi wamapolisa osekwe okanye ophantsi kwawo nawuphina umthetho;

(b) lemikhosi exhotyisiweyo yeRiphabliki; okanye

(c) leCandelo leeNtolongo, ekubhekiselelwe kulo kwicandelo 2 loMthetho woNyanzeliso-Mthetho, 1981 (uMthetho 5 wowe-1981),

elithi ekwenzeni kwalo umsebenzi walo njengelungu elinjalo liphathe ipistoli okanye ivolovolo.

(3) Nawuphina umntu otyeshela icandelwana (1) uya kuba netyala lokwaphula umthetho yaye ekufumanekeni kwakha anetyala kufaneleke ukuba ahlawule ifayini engadiulanga kuma-R500 okanye ukuvalwelwa entolongweni iinyanga ezintandathu okanye kuzo zombini loo fayini noko kuvalwelwa entolongweni.”.

Ukuhlonyelwa kwe-candelo 39 loMthetho 75 wowe-1969 njengoko lihlonyelwe licandelo 6 lo-Mthetho 16 wowe-1978.

7. ICandelo 39 loMthetho oyintloko ukwenjenje liyahlonyelwa –

(a) ngokufakela kwicandelwana (1) igama “okanye” ekupheleni komhlathi (1); kunye

(b) nokufakela kwicandelwana (1) emva komhlathi (i) le mhlathi lilandelayo:

“(i) asilele ukulondoloza okanye ukuthabatha amanyathelo afanelekileyo ukulondoloza isixhobo esikuye ngokusemthethweni xa eso sixhobo singekho kuye okanye singekho phantsi kolawulo lwakhe ngqo; okanye

(k) ngethuba eso sixhobo sikuye ngokusemthethweni, asilahle eso sixhobo ngenxa yokungabi nakathalo.”.

Ukuhlonyelwa kwe-candelo 45 loMthetho 75 wowe-1969.

8. Icandelo 45 loMthetho oyintloko ukwenjenje liyahlonyelwa ngokufakela endaweni yecandelwana (4) eli candelwana lilandelayo:

“(4) Nakubeni kungakho nantonina echasayo kulo Mthetho kuya kuvumeleka ukuba nawuphina umntu ominyaka ingaphezu kweminyaka engama-21 onesixhobo ngokusemthethweni, ukuba avumele umntu ominyaka ingaphantsi kwe-16 ukuba asisebenzise eso sixhobo ephantsi kweliso lakhe.”.

*Ukufakela endaweni
yegama elithile.*

9. Kulawula amalungiselelo angaphambili alo Mthetho uMthetho oyiNtloko ukwenjenje uyahlonyelwa ngokufakela endaweni yegama "uMkhomishinari" naninina livela igama "uMkhomishinari-Jikelele."

Intloko emfutshane.

10. Lo Mthetho uya kubizwa ngokuba nguMthetho osisiHlomelo weZixhobo neeMbumbulu, 1983.

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ARMS AND AMMUNITION AMENDMENT ACT, 1983

ACT

To amend the Arms and Ammunition Act, 1969.

(English text signed by the President. Assented to on 29 June 1983).

BE IT ENACTED by the National Assembly of the Republic of Ciskei, as follows:—

Amendment of section 1 of Act 75 of 1969, as amended by section 1 of Act 16 of 1978 and Government Notice No. R2407 of 1978.

1. Section 1 of the Arms and Ammunition Act, 1969 (hereinafter referred to as the principal Act), is hereby amended —
 - (a) by the substitution for the definition of "arm" of the following definition:

" 'arm' means any firearm other than a cannon or, except for the purposes of Part II and sections 37, 38 and 39 (1) (i) other than a 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;
 - (iv) a gas rifle or an air rifle of .177 of an inch or larger calibre;
 - (b) any barrel of an arm;"
 - (b) by the substitution for the definition of "Commissioner" of the following definition:

" 'Commander-General' means the Commander-General of State Security;"
 - (c) by the substitution for the definition of "Minister" of the following definition:

" 'Minister' means the member of the Executive Council to whom the administration of the provisions of this Act has been assigned;"
 - (d) by the substitution for the definition of "Republic" of the following definition:

" 'Republic' means the Republic of Ciskei;"

 and
 - (e) by the deletion of the definitions of "State," "territory" and "white person."

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

2. Section 3 of the principal Act is hereby amended —
 - (a) by the substitution for subsection (1) of the following subsection:

"(1) On application in the prescribed manner and payment of the prescribed licence fee in the said manner by any person other than a person under the age of 16 years or a disqualified person, the Commander-General may at his discretion but subject to the provisions of subsections (3), (4) and (6) of this section and sections 7 and 33 (2), issue to such person a licence to possess the arm described in such licence."
 - (b) by the substitution for subsection (4) of the following subsection:

"(4) Unless the Minister otherwise directs, no application under this section by any person other than a natural person shall be granted, except with the approval of the Minister;"
 - (c) by the addition of the following subsection:

"(6) Except on the written authority of the Minister which shall be granted only in a case which he may regard as being exceptional, no person shall in terms of subsection (1) be issued with a licence or licences entitling such person to possess more than 12 arms."

Amendment of section 8 of Act 75 of 1969.

3. Section 8 of the principal Act is hereby amended —
 - (a) by the substitution for subsection (1) of the following subsection:

"(1) Any person not being under the age of 16 years or not being a disqualified person may with the prior consent of the holder of a licence to possess an arm and for such period as such holder may permit, have such arm in his possession without holding any licence, provided —

 - (a) (i) the permission of the licence holder is contained in a statement in writing signed by him and setting forth the period for which permission has been granted and particulars sufficient for identifying the arm; and
 - (ii) if the said period exceeds 14 days, the said statement has been endorsed by a person acting under the authority of the Commander-General; 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 purposes of protecting any property or premises, or any game on land, belonging to or in the care or custody of or lawfully occupied by the licence holder"; and

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

"(2) Whenever any person not being under the age of 16 years 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 Commander-General, have such arm in his possession for any purpose aforesaid, without holding a licence."

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

4. Section 11 of the principal Act is hereby amended —

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

"(1) If the Commander-General 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 negligence; or
- (e) who while in lawful possession of an arm, failed to take all reasonable steps for the safe-keeping of such arm,

he may, by notice in writing delivered or tendered to such person by a policeman, call upon such person to appear before the Commander-General 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."

(b) by the substitution for subsection (4) of the following subsection:

"(4) Upon proof that the notice was duly delivered or tendered to the person to whom it was addressed, the Commander-General 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 Commander-General given under oath, the Commander-General is satisfied that such person is a person contemplated in paragraph (a), (b), (c), (d) or (e) of subsection (1)"; and

(c) by the substitution of subsection (5) of the following subsection:

"(5) The Commander-General 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) or (e)."

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

5. Section 19 of the principal Act is hereby amended —

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

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

(b) by the substitution for subsection (6) of the following subsection:

"(6) A dealer's licence issued to a company shall cease to be a valid licence as soon as any managing director or manager of the company becomes a disqualified person."

Insertion of section 38A in Act 75 of 1969.

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

"Requirements as to pistols and revolvers in public place.

38A. (1) Subject to the provisions of subsection (2), no person shall in a public place have with him any pistol or revolver unless such pistol or revolver is carried in his pocket in such a way that it is completely covered or is carried in a holster or similar holder designed, manufactured or adapted for the carrying of a pistol or revolver and attached to his person, or in a handbag or attaché case, or in a rucksack or similar holder, and in such a manner that he at all times has and can exercise effective control over such pistol or revolver

(2) The provisions of subsection (1) shall not apply in respect of a member of -

(a) any police force established by or under any law

(b) the armed forces of the Republic or

(c) the Prisons Division, referred to in section 2 of the Law Enforcement Act 1981 (Act 5 of 1981).

who in the performance of his functions as such a member carries a pistol or revolver

(3) Any person who contravenes subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R500 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment

Amendment of section 39 of Act 75 of 1969, as amended by section 6 of Act 16 of 1978

7. Section 39 of the principal Act is hereby amended

(a) by the insertion in subsection (1) of the word "or" at the end of paragraph (i) and

(b) by the insertion in subsection (1) after paragraph (i) of the following paragraphs

"(j) fails to safeguard or to take reasonable steps to safeguard an arm in his lawful possession when such arm is not carried on his person or is not under his direct control or

(k) while in lawful possession of an arm loses such arm through negligence

Amendment of section 45 of Act 75 of 1969

8. Section 45 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection

(4) Notwithstanding anything to the contrary in this Act contained it shall be permissible for any person over the age of 21 years who is in lawful possession of an arm to allow a person under the age of 16 years to use such arm under his immediate supervision

Substitution of certain word

9. Subject to the foregoing provisions of this Act the principal Act is hereby amended by the substitution for the word "Commissioner" wherever it occurs of the word "Commander General

Short title

10. This Act shall be called the Arms and Ammunition Amendment Act 1983