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ALGEMENE KENNISGEWING

KENNISGEWING 764 VAN 1987 SUID-AFRIKAANSE POLISIE

KONSEPWYSIGINGWETSONTWERP OP DIE WET OP WAPENS EN AMMUNISIE, 1969 (WET 75 VAN 1969)

Die volgende konsepwysigingwetsontwerp op die Wet op Wapens en Ammunisie, 1969 (Wet 75 van 1969), word hierby ter algemene inligting en vir kommentaar gepubliseer.

Kommentaar moet aan die Kommissaris van die Suid-Afrikaanse Polisie, Privaatsak X94, Pretoria, 0001, gestuur word en moet hom nie later as drie weke vanaf datum van hierdie kennisgewing bereik nie.

Ingedien deur die Minister van Wet en Orde

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

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

1. Artikel 1 van die Wet op Wapens en Ammunisie, 1969 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur in subartikel (1) na die omskrywing van “ammunisie” die volgende omskrywing in te voeg:

“ ‘Appèlraad’ die Appèlraad by artikel 14A ingestel;”;

(b) deur in subartikel (1) na die omskrywing van “besit” die volgende omskrywings in te voeg:

“ ‘bevoegde persoon’ ’n persoon van 16 jaar en ouer wat ingevolge hierdie Wet bevoeg verklaar is om ’n wapen en ammunisie te besit of daarin handel te dryf;”;

GENERAL NOTICE

NOTICE 764 OF 1987 SOUTH AFRICAN POLICE

DRAFT AMENDMENT BILL ON THE ARMS AND AMMUNITION ACT, 1969 (ACT 75 OF 1969)

The following draft amendment bill on the Arms and Ammunition Act, 1969 (Act 75 of 1969) is hereby published for general information and comment.

Comments should be sent to the Commissioner of the South African Police, Private Bag X94, Pretoria, 0001, and must reach him not later than three weeks after the date of this notice.

Introduced by the Minister of Law and Order

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

Amendment of section 1 of Act 75 of 1969, as amended by section 1 of Act 16 of 1978, Government Notice R. 2407 of 8 December 1978 and section 1 of Act 19 of 1983

1. Section 1 of the Arms and Ammunition Act, 1969 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion in subsection (1) after the definition of “ammunition” of the following definition:

“ ‘Appeal Board’ means the Appeal Board established by section 14A;”;

(b) by adding to the definition of “arm” in subsection 1 of the following stipulation:

(c) “the frame and receiver of an arm;”;

(c) by the insertion in subsection (1) after the definition of “arm” of the following definition:

“ ‘authorization’ means an authorization issued under section 3 (5);”;

(d) by the insertion in subsection (1) after the definition of “authorized manufacturer” of the following definition:

“bevoegdheidsertifikaat” die sertifikaat ingevolge artikel 2A uitgereik;”;

(c) deur in subartikel (1) die omskrywing van “handel-dryf” te skrap;

(d) deur in subartikel (1) na die omskrywing van “lisensie om ’n wapen te besit” die volgende omskrywing in te voeg:

“ ‘magtiging’ ’n magtiging kragtens artikel 3 (5) uitgereik;”;

(e) deur in subartikel (1) die omskrywing van “Minister” deur die volgende omskrywing te vervang:

“ ‘Minister’ die Minister van [Polisie] Wet en Orde;”

(f) deur in subartikel (1) in die omskrywing van “vervaardiging” te skrap;

(g) deur in subartikel (1) by die omskrywing van “wapen” die volgende bepaling by te voeg:

“(c) die raam en loop- verlengstuk van ’n wapen;”;
en

(h) deur in subartikel (1) die omskrywing van “wapensmid” deur die volgende omskrywing te vervang:

“ ‘wapensmid’ ’n persoon wat sake doen deur wapens te herstel, te verander of te verbeter maar nie vervaardig nie;”.

Invoeging van artikel 2A in Wet 75 van 1969

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

“Handelaarslisensie of lisensie om ’n wapen te besit aan bevoegde persoon uitgereik

2A. (1) Behoudens die bepalings van Dele IV en V van hierdie Wet, word geen handelaarslisensie of lisensie om ’n wapen te besit aan enige persoon uitgereik nie vanaf die inwerkingtreding van artikel 2 van die Wysigingswet op Wapens en Ammunisie, 1988, tensy so ’n persoon deur die Kommissaris tot ’n bevoegde persoon verklaar is.

(2) Op aansoek op die voorgeskrewe wyse, na aflegging van die voorgeskrewe toets, en by betaling van die voorgeskrewe geld, kan die Kommissaris na goeëddunke ’n persoon tot ’n bevoegde persoon verklaar en die voorgeskrewe bevoegdheidsertifikaat aan so ’n persoon uitreik.”.

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

3. Artikel 3 van die Hoofwet word hierby gewysig—

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

“(1) Op aansoek op die voorgeskrewe wyse 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] bevoegde persoon, kan die Kommissaris

“ ‘certificate of competence’ means the certificate issued in terms of section 2A;”;

(e) by the insertion in subsection (1) after the definition of “Commissioner” of the following definition:

“ ‘competent person’ means a person of 16 years and older who has been declared competent in terms of this Act to possess an arm and ammunition or deal therein;”;

(f) by the deletion in subsection (1) of the definition of “deal”;

(g) by the substitution in subsection (1) for the definition of “gunsmith” of the following definition:

“ ‘gunsmith’ means any person who carries on the business of repairing, altering or improving, arms, but not the manufacturing thereof;”;

(h) by the deletion in subsection (1) of the definition of “manufacture”; and

(i) by the substitution in subsection (1) for the definition of “Minister” of the following definition:

“ ‘Minister’ means the Minister of [Police] Law and Order;”.

Insertion of section 2A in Act 75 of 1969

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

“Dealer’s licence or licence to possess an arm issued to competent person

2A. (1) Subject to the provisions of Parts IV and V of this Act, no dealer’s licence or licence to possess an arm shall be issued to any person from the commencement of section 2 of the Arms and Ammunition Amendment Act, 1988, unless such person has been declared a competent person by the Commissioner.

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

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

3. Section 3 of the principal Act is hereby amended—

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

“(1) On application in the prescribed manner and payment of the prescribed licence fee in the said manner by any competent person, [other than a person under the age of 16 years or a disquali-

ondanks dat 'n bevoegde persoon kragtens artikel 2A (2) verklaar is, na goeë dunnke, indien daer 'n noodsaaklikheid vir die besit van 'n wapen bestaan, maar behoudens die bepalings van subartikels (3) [(4)] en (6), en artikels 7 en 33 (2), aan bedoelde persoon 'n lisensie uitreik om die in daardie lisensie omskrewe wapen te besit.”;

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

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

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

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

“(5) Die Kommissaries kan na goeë dunnke aan 'n persoon **[wat ingevolge subartikel (1) aansoek gedoen het om 'n lisensie om 'n wapen te besit]** kosteloos 'n magtiging in die voorgeskrewe vorm uitreik om **[daardie]** 'n wapen te besit vir die voorgeskrewe tydperk wat in die magtiging vermeld word en kan 'n aldus uitgereikte magtiging te eniger tyd op die voorgeskrewe wyse intrek.”; en

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

“(6) **[Behalwe met die skriftelike magtiging van die Minister, wat slegs verleen word in 'n geval wat hy as buitengewoon beskou, word aan geen persoon 'n lisensie of lisensies ingevolge subartikel (1) uitgereik wat daardie persoon magtig om meer as 12 wapens te besit nie.]** 'n Lisensie ingevolge subartikel (1) kan slegs aan 'n persoon uitgereik word indien hy in besit is van die voorgeskrewe brandkas of brandkamer.”.

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

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

“*Spesiale bepalings met brekking tot die besit van wapens en ammunisie*

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

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

fied person] the Commissioner may, notwithstanding that a person is declared a competent person under section 2A (2), in his discretion if a necessity exists for the possession of an arm but subject to the provisions of subsections (3) [(4)] and (6), and sections 7 and 33 (2), issue to such person a licence to possess the arm described in such licence.”;

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

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

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

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

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

- (e) by the substitution for subsection (6) 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]** A licence in terms of subsection (1) shall only be issued to a person if he is in possession of the prescribed safe or strong-room.”.

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

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

“*Special provisions relating to the possession of arms and ammunition*

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

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

[(5)] (3) Indien 'n lisensie om 'n wapen te besit wat ingevolge subartikel (1) deur 'n persoon oorhandig is, nie aan daardie persoon uitgereik word nie vanweë weiering van sy aansoek of vanweë versuim om die verskuldigde lisensiegeld te betaal binne 30 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.

[(7)] (4) 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 lisensie betrekking het,]** word weens 'n oortreding van hierdie Wet **[of 'n deur hierdie Wet herroepe wet]** vervolg nie omdat hy daardie wapen of ammunisie vóór die oorhandiging daarvan in sy besit gehad het sonder dat hy 'n lisensie gehou het om bedoelde wapen te besit of sonder dat hy in regmatige besit was van 'n wapen waaruit daardie ammunisie afgeskiet kan word of weens 'n misdryf met betrekking tot die verlies, diefstal of vernietiging van sodanige wapen."

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

5. Artikel 7 vvan 1973

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

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

Wysiging van artikel 8 van Wet 75 van 1969, soos gewysig deur artikel 3 van Wet 19 van 1983

6. Artikel 8 van die Hoofwet word hierby gewysig—

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

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

(a) (i) **bedoelde persoon 'n bevoegde persoon is en** 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 tydindien bedoelde tydperk langer as 14 dae is]** bedoelde verklaring deur 'n persoon wat op gesag van die Kommissaris handel, geëndosseer is; of

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

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

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

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

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

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

6. 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) **such person is a competent person and the permission of the licence holder is contained in a statement in writing signed by him and setting forth the period for which permission has been granted and particulars sufficient for identifying the arm; and**

(ii) **[if the said period exceeds 14 days]** the said statement has been endorsed by a person acting under the authority of the Commissioner; or

(b) bedoelde persoon 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]."; en

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

Vervanging van artikel 9 van Wet 75 van 1969

7. Artikel 9 van die Hoofwet word hierby deur die volgende artikel vervang:

"Vertoning van wapen of van lisensie of magtiging

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

(2) 'n Persoon wat 'n wapen in sy besit het, moet op versoek van 'n polisieman 'n lisensie of ander magtiging om die wapen te besit, onmiddellik toon of binne dié [redelike] tyd en aan dié persoon en op dié plek wat die polisieman bepaal."

Herroeping van artikel 10A van Wet 75 van 1969, soos ingevoeg deur artikel 48 van Wet 94 van 1974

8. Artikel 10A van die Hoofwet word hierby herroep.

Wysiging van artikel 11 van Wet 75 van 1969, soos gewysig deur artikel 4 van Wet 19 van 1983

9. Artikel 11 van die Hoofwet word hierby gewysig—

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

"(a) wat 'n misdryf gepleeg het waarby 'n wapen gebruik is, hetsy bedoelde persoon in 'n strafsak skuldig bevind is al dan nie; of";

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

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

(b) such person has been 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 case or custody of or lawfully occupied by the licence holder]."; and

(b) by the deletion of subsections (2) and (3).

Substitution of section 9 of Act 75 of 1969

7. The following section is hereby substituted for section 9 of the principal Act:

"Production of arm or of licence or authority

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

(2) Any person having an arm in his possession shall at the request of a policeman immediately produce a licence or other authority to possess the arm, or within such [reasonable] time and to such person and at such place as the policeman may specify."

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

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

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

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

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

"(a) who has committed an offence in which an arm was used whether or not that person has been convicted in any criminal proceedings; or";

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

"(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 lives of any other person] whose possession of an arm is not in the interest of that person or any other person as a result of his mental condition, his inclination to violence, whether an arm is used in the violence or not, or his dependence on intoxicating liquor or a drug which has a narcotic effect; or;

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

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

- (d) deur paragraaf (e) van subparagraaf (1) te skrap.

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

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

- (f) deur subartikel (5) te skrap.

Vervanging van artikel 12 van Wet 75 van 1969

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

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

12. (1) ’n Persoon wat skuldig bevind word aan oortreding van artikel 39 (1) (i), (j), (k), (l) of (m) en ’n misdryf waarvan geweld teen ’n persoon ’n element is, word geag ingevolge hierdie Deel onbevoeg verklaar te wees om ’n wapen te besit.

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

(3) By ’n aansoek ingevolge subartikel (2) moet so ’n persoon die voorgeskrewe gelde op die voorgeskrewe wyse betaal.”.

Vervanging van artikel 14 van Wet 75 van 1969

11. Artikel 14 van die Hoofwet word hierby deur die volgende artikel vervang:

“Bevoegdheid van Minister by appèl of na tydsverloop

14. (1) ’n Persoon wat kragtens hierdie deel deur die Kommissaris onbevoeg verklaar is om ’n wapen te besit of ingevolge die bepalinge van artikel 12 (1) geag onbevoeg te wees om ’n wapen te besit, kan binne 30 dae vanaf die datum waarop hy van die verklaring deur die Kommissaris in kennis gestel is of, vanaf die datum van sy skuldigbevinding, skriftelik appelleer na die Minister wat bedoelde verklaring kan bekragtig, wysig of tersyde stel.

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

“(d) who [while in lawful possession of an arm, has lost such arm through negligence; or] has been found guilty of committing an offence referred to in Schedule I of the Criminal Procedure Act, 1977 (Act No. 51 of 1977),”;

- (d) by the deletion of paragraph (e);

- (e) 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 Commissioner may at any time subsequent to the time specified in the notice, whether or not such person complies with the notice, [but subject to the provisions of subsection (5),] declare such person to be unfit to possess any arm at any time or during a specified period of not less than three years, if, having regard to any reasons advanced by or on behalf of the said person and to any information at the disposal of the Commissioner given under oath, the Commissioner is satisfied that such person is a person contemplated in paragraph (a), (b), (c), [,] or (d) [, or (e)] of subsection (1).”;

- (f) by the deletion of subsection (5).

Substitution of section 12 of Act 75 of 1969

10. The following section is hereby substituted for section 12 of the principal Act:

“Declaration of person on conviction to be unfit to possess arms

12. (1) A person who is convicted of a contravention of section 39 (1) (i), (j), (k), (l) or (m), and of an offence of which violence against a person is an element, is deemed to be declared unfit to possess an arm under this Part.

(2) The provisions of section 14 are *mutatis mutandis* applicable to a person who has become unfit to possess an arm under subsection (1) from the date of his conviction.

(3) On an application in terms of subsection (2) such a person shall pay the prescribed fee in the prescribed manner.”.

Substitution of section 14 of Act 75 of 1969

11. The following section is hereby substituted for section 14 of the principal Act:

“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 or who is deemed to be unfit to possess an arm in terms of section 12 (1), may within 30 days from the date on which he was notified of the declaration by the Commissioner or, from the date of this conviction, appeal in writing to the Minister who may confirm, vary or set aside such declarations.

(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."

Invoeging van artikel 14A in Wet 75 van 1969

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

"Appèlraad

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

(2) (a) Die Appèlraad bestaan uit een maar nie meer nie as drie lede wat deur die Minister, na oorlegpleging met die Minister van Justisie, aangestel word.

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

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

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

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

(3) Die ampstermyn en ampsvoorwaardes en die besoldiging en toelaes van die lede van die Appèlraad is soos voorgeskryf.

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

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

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

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

Wysiging van artikel 15 van Wet 75 van 1969

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

"(1) Alle bevoegdheidsertifikate, lisensies om wapens te besit, of magtigings wat kragtens Deel I **[of 'n by hierdie Wet herroepe 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]** geldig te wees, tensy die verklaring by appèl tersyde gestel **[is]** word."

(2) The Minister may, after the expiration of a period of three years from the date of the 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."

Insertion of section 14A in Act 75 of 1969

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

"Appeal Board

14A. (1) There shall be a board known as the Appeal Board which shall perform the functions and carry out the duties entrusted to or imposed upon it under this Act.

(2) (a) The Appeal Board shall consist of one but not more than three members appointed by the Minister, after consultation with the Minister of Justice.

(b) No person shall be appointed as member of the Appeal Board unless he is qualified—

(i) to be admitted to practise as an attorney under the Attorneys Act, 1979 (Act No. 53 of 1979); or

(ii) to be admitted to practice as an advocate under the Admission of Advocates Act, 1964 (Act No. 67 of 1964); or

(iii) to be appointed as a magistrate under the Magistrates' Court Act, 1944 (Act No. 32 of 1944),

(3) The period and conditions of office and the remuneration and allowances of the members of the Appeal Board shall be as prescribed.

(4) The quorum for, the procedure at and the holding of meetings of the Appeal Board shall be as prescribed.

(5) (a) The Minister may at any time withdraw the appointment of a member if in his opinion there is sufficient reason for doing so.

(b) A member may resign by notice in writing to the Minister.

(6) The administrative work incidental to the performance of the functions of the Appeal Board shall be performed by members of the South African Police designated by the Commissioner for this purpose."

Amendment of section 15 of Act 75 of 1969

13. Section 15 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

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

Wysiging van artikel 16 van Wet 75 van 1969

14. Artikel 16 van die Hoofwet word hierby gewysig—

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

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

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

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

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

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

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

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

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

Wysiging van artikel 32 van Wet 75 van 1969

16. Artikel 32 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

“(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 ammunisie wat bestem is om uit 'n masjiengeweer afgeskiet te word, of 'n granaat, bom of dergelike werptuig,”.

Amendment of section 16 of Act 75 of 1969

14. Section 16 of the principal Act is hereby amended—

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

“(a) all certificates of competence, licences, authorizations or permits to possess arms and ammunition issued to him under Part I or section 45 (2) (a) (iii) or any law repealed by this Act;”;

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

“(c) all arms in respect of which such licences, authorizations or permits have been issued;” and

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

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

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

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

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

Amendment of section 32 of Act 75 of 1969

16. Section 32 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(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 ammunition which is intended to be discharged from a machine-gun, or any grenade, bomb or similar missile.”.

Invoeging van artikel 33A in Wet 75 van 1969

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

“Bevoegdheid wat Minister kan uitoefen tot magtiging van die besit van en handeldryf in wapens en ammunisie

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

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

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

Wysiging van artikel 35 van Wet 75 van 1969, soos ge-wysig deur artikel 5 van Wet 16 van 1978

18. Artikel 35 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die vol-gende paragraaf te vervang:

“(a) 'n wapen verskaf nie, tensy daardie ander per-son aan die verskaffer 'n lisensie of magtiging getoon het om daardie wapen te besit;” en

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

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

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

(bb) die houer van daardie lisensie of magti-ging sy handtekening in die voorgeskrewe register aangebring het teenoor die voor-geskrewe besonderhede wat in bedoelde register aangeteken moet word in verband met die verskaffing; of”

Vervanging van artikel 38 van Wet 75 van 1969

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

“Verlies van wapens moet by 'n polisieman aange-meld word

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

Insertion of section 33A in Act 75 of 1969

17. The following section is hereby inserted in the prin-ci-pal Act after section 33:

“Powers which Minister may exercise to authorize the possession of and dealing in arms and ammuni-tion

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

(2) An authorization in terms of subsection (1) is given subject to the provisions of this Act and any other act of the Republic as well as any further terms, conditions, restrictions or directions which the Minis-ter may deem fit.

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

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

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

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

“(a) any arm, unless such other person has produced to the supplier a licence or authorization to pos-sess that arm;” and

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

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

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

(bb) the holder of that licence or authorization has signed the prescribed register oppo-site the prescribed particulars required to be entered in the said register in connec-tion with the supply; or”

Substitution of section 38 of Act 75 of 1969

19. The following section is hereby substituted for sec-tion 38 of the principal Act:

“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]** twenty-four 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 police-man, furnish him with such particulars relating to the arm, the place, and the time where and when it was lost, stolen or destroyed as the policeman may require.”

Invoeging van artikel 38B in Wet 75 van 1969

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

"Vernietiging van wapens"

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

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

21. Artikel 39 van die Hoofwet word hierby gewysig—

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

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

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

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

- (i) om die wapen in die voorgeskrewe brandkas of brandkamer weg te sluit nie; of
- (ii) om redelike stappe te neem om die verlies of diefstal van die wapen te voorkom terwyl die wapen aan sy persoon of onder sy regstreekse beheer was; of";

- (c) deur in subartikel (1) die volgende paragrawe by te voeg:

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

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

- (d) deur subparagraaf (iii) van paragraaf (a) van subartikel (2) te skrap;

- (e) deur subparagraaf (iii) van paragraaf (b) van subartikel (2) deur die volgende subparagraaf te vervang:

"(iii) 'n in subartikel (1) (a), (b), (e) **[of]** (f), (j) of (k) bedoelde misdryf, met 'n boete van hoogstens **[duisend]** vyfduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens **[twee]** drie

Insertion of section 41A in Act 75 of 1969

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

"Destruction of arms"

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

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

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

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

"(j) fails to **[safeguard or take reasonable steps to safeguard]** lock away in the prescribed safe or strong-room an arm in his lawful possession when such arm is not carried on his person or is when such arm is not carried on his person or is not under his direct control; or";

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

"(k) while in lawful possession of an arm, loses such arm **[through negligence,]** or from whom it gets stolen due to that person's failure—

- (i) in the prescribed safe or strongroom; or
- (ii) to, take reasonable steps to prevent the loss or theft of the arm while the arm was on his person or under his direct control of the arm; or";

- (c) by the addition in subsection (1) of the following paragraphs:

"(l) in a negligent manner discharges an arm and thereby kills, injures, endangers the life or limb of another person, or damages property of any other person, or who handles an arm in any other negligent manner, whether that arm discharges or not; or

"(m) handles an arm while he is under the influence of liquor or a drug which has a narcotic effect, or supplies an arm to a person whom he knows or should reasonably suspect to be under the influence of liquor or a drug which has a narcotic effect;";

- (d) by the deletion of subparagraph (iii) of paragraph (a) subsection (2);

- (e) by the substitution for subparagraph (iii) of paragraph (b) of subsection (2) of the following subparagraph:

"(iii) an offence referred to in subsection (1) (a), (b), (e) **[or]**, (f), (j) or (k), to a fine not exceeding **[one]** five thousand rand or to imprisonment

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]** vyf jaar;";

- (f) deur subparagraaf (ii) van paragraaf (c) van subartikel (2) deur die volgende subparagraaf te vervang:

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

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

"(d) in die geval van 'n oortreding wat nie in paragrafe (a), (b) of (c) vermeld word nie, met 'n boete van hoogstens **[vyfhonderd]** eenduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens **[ses maande]** een jaar."

Wysiging van artikel 40 van Wet 75 van 1969

22. Artikel 40 van die Hoofwet word hierby gewysig—

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

"Wanneer daar by 'n vervolging weens versuim om die verlies, diefstal 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 houër is van 'n lisensie of magtiging om die wapen te besit, word daar vermoed totdat die teendeel bewys word—";

- (b) deur in artikel 40 die volgende subartikel in te voeg:

"(3) Wanneer daar by vervolging weens die verlies of diefstal van 'n wapen strydig met artikel 39 (1) (k) bewys word dat die beskuldigde persoon te enige tyd in besit was van die wapen wat na bewering verloor of gesteel is of die houër is van 'n lisensie om die wapen te besit of magtiging, word daar vermoed totdat die teendeel bewys word—

- (a) dat daardie wapen verloor of gesteel is, indien daar bewys word dat hy versuim het om die wapen op versoek van 'n polisieman te toon;

- (b) dat die verlies of diefstal te wyte is aan—

(i) sy versuim om die wapen behoorlik in die voorgeskrewe brandkas of brandkamer weg te sluit; of

(ii) sy versuim om terwyl die wapen aan sy persoon of onder se regstreekse beheer is, redelike stappe te neem om die verlies of diefstal daarvan te voorkom."

for a period not exceeding **[two]** three years or to both such fine and such imprisonment, or, in the case of a second or subsequent conviction for an offence referred to in this paragraph, to imprisonment for a period not exceeding **[three]** five years;";

- (f) by the substitution for subparagraph (ii) of paragraph (c) of subsection (2) of the following subparagraph:

"(ii) an offence referred to in subsection (1) (c), (l) or (m), to a fine not exceeding **[five hundred]** one thousand rand or to imprisonment for a period not exceeding **[six months]** one year or to both such fine and such imprisonment;" and

- (g) by the substitution of paragraph (d) of subsection (2) by the following paragraph:

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

Amendment of section 40 of Act 75 of 1969

22. Section 40 of the principal Act is hereby amended—

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

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

- (b) by the addition in section 40 of the following subsection:

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

- (a) that such arm has been lost or stolen, if it is proved that he failed to produce the arm at the request of a policeman;

- (b) that the loss or theft is due to—

(i) his neglect to lock the arm away properly in the prescribed safe or strong-room; or

(ii) his neglect to, while the arm was on his person or under his direct control, take reasonable steps to prevent the loss or theft thereof."

Invoeging van artikel 41A in Wet 75 van 1969

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

“Vingerafdrukke

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

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

24. Artikel 43 van die Hoofwet word hierby gewysig—

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

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

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

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

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

“(f) die oorhandiging van en beskikking oor kragtens hierdie Wet uitgereikte perमितte **[of]** lisensies, bevoegdheidsertifikate of magtigings wat ingetrek of opgeskort is of opgehou het om geldig te wees;”;

(d) deur in subartikel (1) die volgende paragrawe by te voeg:

“(l) die ampstermyn en ampsvoorwaardes, en die besoldiging en toelaes van die lede van die Appèlraad;

(m) die kowrum vir, die prosedure by en die hou van vergaderings van die Appèlraad;

(n) die vereistes waaraan brandkaste en brandkamers, soos beoog in artikel 3 (6) en artikel 39 (i), (j) en (k), moet voldoen;

Insertion of section 41A in Act 75 of 1969

23. The following section is hereby inserted in the principal Act after section 41:

“Fingerprints

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

Amendment of section 43 of Act 75 of 1969, as amended by section 25 of Act 80 of 1971, section 7 of Act 35 of 1973 and section 7 of Act 16 of 1978

24. Section 43 of the principal Act is hereby amended—

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

“(a) the manner in which application shall be made under this Act for any certificate of competence or licence or for a copy or transfer thereof or for any endorsement of a dealer's licence in the event of change of licensed premises or for any permit, including the particulars of 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) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

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

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

“(f) the surrender and disposal of permits, **[or]** licences, authorizations or certificates of competence issued under this Act which have been cancelled or suspended or have ceased to be valid;”;

(d) by the addition in subsection (1) of the following paragraphs:

“(l) the period and conditions of office, and remuneration and allowances of the members of the Appeal Board;

(m) the quorum for, the procedure at and the holding of meetings by the Appeal Board;

(n) the requirements which safes and strongrooms, as contemplated in section 3 (6) and section 39 (i), (j) and (k), shall comply with;

(o) alle aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet of kan word."

Vervanging van artikel 44 van Wet 75 van 1969

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

"Delegering van bevoegdhede en opdrag van werksaamhede"

44. [Die Kommissaris kan met goedkeuring van die Minister aan 'n beampte in die voltydse diens van die Staat 'n bevoegdheid deleger wat deur die Wet aan hom verleen word.]

(1) Die Minister kan enige bevoegdheid, plig of werksaamheid kragtens hierdie Wet aan hom verleen, opgelê of opgedra, aan die appèlraad, die Kommissaris of enige lid van die Suid-Afrikaanse Polisie deleger.

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

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

(4) Enige bevoegdheid, plig of werksaamheid wat deur die persoon aan wie die Minister of die Kommissaris gedelegeer het, na gelang van die geval, uitgeoefen of verrig word, en wat nog nie afgehandel is nie, en wat verwys na 'n bevoegdheid, plig of werksaamheid wat deur die Minister of Kommissaris uitgeoefen word, verval, tensy en tot die mate wat die Minister of Kommissaris gelas."

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

26. Artikel 45 van die Hoofwet word hierby gewysig—

(a) deur subartikel (iii) van paragraaf (a) van subartikel (2) deur die volgende subparagraaf te vervang.

"(iii) ten opsigte waarvan daar bewys word dat dit besit of verskaf word slegs trofee, kuriositeite of ornamente, indien die wapens of ammunisie nie afgeskiet of ontplof kan word nie of, in die geval van ammunisie, indien besit of verskaf kragtens 'n permit uitgereik, na goedgekeurde en by betaling van die voorgeskrewe gelde op die voorgeskrewe wyse, deur die Kommissaris of 'n persoon wat op sy gesag handel;"

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

"(i) deur 'n persoon in die gewone loop van sy besigheid of die besigheid van sy werkgever as gelisensieerde handelaar, gemagtigde vervaardiger, of wapensmid [vervoerder of bergingskontrakteur];"

(o) all matters which in terms of this Act are required or permitted to be prescribed."

Substitution of section 44 of Act 75 of 1969

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

"Delegation of powers and assignment of functions"

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.]

(1) The Minister may delegate any power, duty or function conferred, imposed upon or assigned to him under this Act to the Appeal Board, the Commissioner or a member of the South African Police.

(2) The Commissioner may, with the approval of the Minister, delegate any power, duty or function conferred, imposed upon or assigned to him by or under this Act to any member of the South African Police or to any person in the full-time service of the State;

(3) Any delegation under subsection (1) and (2) shall not prevent the exercise of the relevant power, duty or function by the Minister or the Commissioner, as the case may be, himself.

(4) Any power, duty or function performed or carried out by the person delegated by the Minister or the Commissioner, as the case may be, which has not been disposed of, and which relates to a power, duty or function performed or carried out by the Minister or the Commissioner, lapses, unless and to the extent to which the Minister or the Commissioner may otherwise determine."

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

26. Section 45 of the principal Act is hereby amended—

(a) by the substitution for subparagraph (iii) of paragraph (a) of subsection (2) of the following subparagraph:

"(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, in the case of ammunition, if possessed or supplied under the authority of a permit issued in his discretion and on payment of the prescribed fee in the prescribed manner, by the Commissioner or any person acting under his authority;"

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

"(i) by any person in the ordinary course of his business or the business of his employer as licensed dealer, authorized manufacturer or gunsmith [carrier of storage contractor];"

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

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

(d) deur subparagraaf (iv) van paragraaf (b) van subartikel (2) te skrap.

Kort titel en inwerkingtreding

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

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

(c) by the substitution for subparagraph (ii) of paragraph (b) of subsection (2) by the following subparagraph:

“(ii) by any person [to whom the arms or ammunition have been entrusted by a person entitled to possess such arms or ammunition, for conveyance from one place to another or for storage] or persons who convey or store arms under the written consent of the Commissioner and in the manner he may determine;” and

(d) by the deletion of subparagraph (iv) of paragraph (b) of subsection (2).

Short title and commencement

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

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

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Hierdie publikasie word uitgegee as ’n geïllustreerde reeks, baie na die aard van Curtis se “Botanical Magazine”. Die doel van die werk is om die skoonheid en variasie van vorm van die flora van Afrika aan die leser bekend te stel, om belangstelling in die studie en kweek van die inheemse plante op te wek, en om plantkunde in die algemeen te bevorder.

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