



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## STAATSKOERANT

### VAN DIE REPUBLIEK VAN SUID-AFRIKA

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#### OFFICE OF THE PRESIDENT

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No. 704.

10 May 1995

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

No. 7 of 1995: Arms and Ammunition Amendment Act, 1995.

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#### KANTOOR VAN DIE PRESIDENT

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No. 704.

10 Mei 1995

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

No. 7 van 1995: Wysigingswet op Wapens en Ammunisie, 1995.

**GENERAL EXPLANATORY NOTE:**

Words underlined with a solid line indicate insertions in existing enactments.

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**ACT**

**To amend the Arms and Ammunition Act, 1969, in order to regulate anew the granting of indemnity in respect of the unlawful possession of arms, ammunition and armament which are surrendered to the State; and to provide for incidental matters.**

*(Afrikaans text signed by the President.)*  
*(Assented to 3 May 1995.)*

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Repeal of section 4 of Act 75 of 1969, as substituted by section 5 of Act 60 of 1988**

**1.** Section 4 of the Arms and Ammunition Act, 1969, is hereby repealed.

**Insertion of section 45A in Act 75 of 1969**

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**2.** The following section is hereby inserted after section 45 of the Arms and Ammunition Act, 1969:

**“Special provisions relating to the surrender of arms, ammunition and armament in unlawful possession to the State**

**45A.** (1) The Minister may from time to time by notice in the Gazette determine a period during which any person who is in possession of any arm, ammunition or armament in contravention of the provisions of this Act, may surrender that arm, ammunition or armament at a place and to a person or the holder of an office mentioned in that notice. 10

(2) No person—

- (a) who has surrendered any arm, ammunition or armament in terms of a notice referred to in subsection (1), shall be prosecuted for a contravention of a provision of this Act for having been in possession of such arm, ammunition or armament prior to such surrender, without having held a licence or permit for such possession or, in respect of ammunition, without having been in lawful possession of an arm capable of firing such ammunition;
- (b) shall, after the surrender of any armament, be prosecuted for a

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**ALGEMENE VERDUIDELIKENDE NOTA:**

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

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**WET**

**Tot wysiging van die Wet op Wapens en Ammunisie, 1969, ten einde die verlening van vrywaring ten opsigte van die onwettige besit van wapens, ammunisie en wapentuig wat aan die Staat oorhandig word, opnuut te reël; en om voorsiening te maak vir bykomstige aangeleenthede.**

*(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 3 Mei 1995.)*

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:

**Herroeping van artikel 4 van Wet 75 van 1969, soos vervang deur artikel 5 van Wet 60 van 1988**

5   **1.** Artikel 4 van die Wet op Wapens en Ammunisie, 1969, word hierby herroep.

**Invoeging van artikel 45A in Wet 75 van 1969**

10   **2.** Die volgende artikel word hierby ingevoeg na artikel 45 van die Wet op Wapens en Ammunisie, 1969:

15   **"Spesiale bepalings met betrekking tot oorhandiging aan die Staat van wapens, ammunisie en wapentuig in onwettige besit**

20   **45A.** (1) Die Minister kan van tyd tot tyd by kennisgewing in die Staatskoerant 'n tydperk bepaal waartydens iemand wat in besit is van enige wapen, ammunisie of wapentuig in stryd met die bepalings van hierdie Wet, daardie wapen, ammunisie of wapentuig mag oorhandig by die plek en aan die persoon of bekleer van 'n amp in daardie kennisgewing vermeld.

25   (b) Geen persoon—  
 (a) wat ingevolge 'n kennisgewing bedoel in subartikel (1) enige wapen, ammunisie of wapentuig oorhandig het, word weens oortreding van 'n bepaling van hierdie Wet vervolg nie omdat hy of sy voor die oorhandiging, daardie wapen, ammunisie of wapentuig in sy of haar besit gehad het sonder dat hy of sy 'n lisensie of permit gehou het vir sodanige besit of, ten opsigte van ammunisie, sonder dat hy of sy in regmatige besit was van 'n wapen waaruit sodanige ammunisie afgevuur sou kon word;

contravention of a provision of this Act for not having reported to a policeman that he or she had knowledge of the unlawful possession of such armament by any other person or the presence of such armament in or on any premises.

(3) If a person who has surrendered any such arm in terms of a notice referred to in subsection (1), having made application, obtains a licence under this Act to possess such arm, that arm and any ammunition surrendered with it shall on production of such licence be returned to that person.

(4) The Commissioner shall, in such manner as the Minister may direct, dispose of any arm, ammunition or armament surrendered in terms of any such notice, except an arm in respect of which a licence has not been finally refused and any ammunition surrendered with that arm.".

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**Short title and commencement**

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**3.** This Act shall be called the Arms and Ammunition Amendment Act, 1995, and shall be deemed to have come into operation on 1 December 1994.

of sy nie aan 'n polisiebeampte gerapporteer het nie dat hy of sy kennis gedra het van die onwettige besit van enige sodanige wapentuig deur enige ander persoon, of van die aanwesigheid van enige sodanige wapentuig in of op enige perseel.

5 (3) Indien 'n persoon wat enige sodanige wapen ingevolge 'n kennisgewing bedoel in subartikel (1) oorhandig het, nadat hy of sy aansoek gedoen het, 'n lisensie kragtens hierdie Wet bekom om so 'n wapen te besit, word daardie wapen en enige ammunisie wat daarmee saam oorhandig is, by voorlegging van sodanige lisensie, 10 aan daardie persoon terugbesorg.

15 (4) Die Kommissaris beskik op die wyse wat die Minister mag gelas, oor enige wapen, ammunisie of wapentuig oorhandig ingevolge sodanige kennisgewing, uitgesonderd 'n wapen ten opsigte waarvan 'n lisensie nie finaal geweier is nie en enige ammunisie wat saam met daardie wapen oorhandig is.

#### Kort titel en inwerkingtreding

3. Hierdie Wet heet die Wysigingswet op Wapens en Ammunisie, 1995, en word geag in werking te getree het op 1 Desember 1994.





