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GENERAL NOTICE

NOTICE 1036 OF 1995

GENERAL NOTICE

by the

President

of the Republic of South Africa

WITHDRAWAL OF AUTHORIZATIONS FOR THE POSSESSION OF CERTAIN ARMS AND AMMUNITION BY CERTAIN PERSONS TO HOLD POSSESSION THEREOF FOR PURPOSES OF PROTECTING STATE PROPERTY OR SELF-DEFENCE

I, Nelson Rolihlahla Mandela, President of the Republic of South Africa, hereby issue the General Notice of Withdrawal of Authorizations for the Possession of certain Arms and Ammunition by certain persons to hold possession thereof for purposes of protecting State property or self-defence, as set out in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-first day of September, One thousand Nine hundred and Ninety-five.

N. R. MANDELA,
President.

By Order of the President-in-Cabinet:

F. S. MUFAMADI,
Minister of the Cabinet.

ALGEMENE KENNISGEWING

KENNISGEWING 1036 VAN 1995

ALGEMENE KENNISGEWING

deur die

President

van die Republiek van Suid-Afrika

INTREKKING VAN MAGTIGINGS VIR DIE BESIT VAN SEKERE WAPENS EN AMMUNISIE DEUR SEKERE PERSONE OM BESIT DAARVAN TE HOU VIR DOELEINDES VAN BESKERMING VAN STAATSEIENDOM OF VIR SELFVERDEDIGING

Ek, Nelson Rolihlahla Mandela, President van die Republiek van Suid-Afrika, vaardig hierby die Algemene Kennisgewing op die Intrekking van Magtigings vir die Besit van sekere Wapens en Ammunisie deur sekere persone om besit daarvan te hou vir doeleindes van beskerming van Staatseiendom of vir selfverdediging, soos uiteengesit in die Bylae, uit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, hierdie Een-en-twintigste dag van September Eenduisend Negehonderd Vyf-en-negentig.

N. R. MANDELA,
President.

Op las van die President-in-Kabinet:

F. S. MUFAMADI,
Minister van die Kabinet.

SCHEDULE**NOTICE OF WITHDRAWAL OF AUTHORIZATIONS FOR THE POSSESSION OF CERTAIN ARMS AND AMMUNITION BY CERTAIN PERSONS TO HOLD POSSESSION THEREOF FOR PURPOSES OF PROTECTING STATE PROPERTY OR SELF-DEFENCE****Definitions****1. In this Notice -**

"Act" means the Arms and Ammunition Act, 1969 (Act No. 75 of 1969), of the Republic of South Africa;

"arm" and "ammunition" means any arm and ammunition as respectively defined in section 1(1) of the Act;

"Constitution" means the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

"former States" means the former States of Transkei, Bophuthatswana, Venda and Ciskei including the governments of former self-governing territories;

"machine gun" or "machine rifle" means any machine gun or machine rifle as defined in section 1(1) of the Act;

"Minister" means the Minister of Safety and Security;

"police official" means any member of the South African Police Service contemplated in section 214, read with section 236(7), of the Constitution;

"Transitional Regulation Act" means the Arms, Ammunition and Armament Laws Transitional Regulation Act, 1995 (Act No. 8 of 1995).

Introductory

2. The Transitional Regulation Act has come into operation on 1 September 1995. In terms of the provisions of this Act the laws relating to arms and ammunition of the former States are repealed, and anything done under, in terms of or by virtue of a provision of any such law is deemed to have been done under, in terms of or by virtue of the corresponding provision of the Act. The Transitional Regulation Act expresses the clear intention that henceforth the Act shall apply in the whole of the national territory of the Republic, and provides for necessary consequential provisions.
3. The Act provides in section 45(1) that its provisions shall not apply to the possession of arms (which in this section includes machine guns and machine rifles) and ammunition by any person on behalf of or in his or her capacity as a person in the service of the State. Similar provisions applied in terms of provisions of the said repealed laws.

In consequence of these provisions the administrative regulation of the possession of the said arms, ammunition and rifles by such persons fell under the executive authority of the Governments of the former Republic of South Africa and of the former States, respectively, including, in the case of the former, the governments of former self-governing territories.

4. (1) Acting by virtue of such authority, certain arms and ammunition (including machine guns and machine rifles) were distributed in the past to certain persons to hold possession thereof on behalf of the relevant State or in his or her capacity as a person in the service of such State, mainly for purposes of protecting State property or self-defence.

- (2) Such persons were not members of organized State administrations, bodies or organizations such as any police force, defence force or prison or correctional services force, or any similar force or organized body of persons, established or operating in terms of any law (including laws of the former provinces), or persons employed as guards by owners of National Key Points in terms of any law relating thereto.
5. Such distribution was effected in terms of administrative authorizations (procedures or permit systems not specifically regulated by law), as determined administratively by the relevant Governments by virtue of common law ownership of the arms, ammunition and rifles. These authorizations were at all times revocable, and lapsed once possession ceased to be on behalf of the State or the person concerned ceased to be in the service of the State.
6. (1) By virtue of the provisions of the Transitional Regulation Act, read with the provisions of the Constitution (particularly section 239(1)(a) thereof), the executive authority as regards the regulation of the possession of the said type of arms, ammunition and rifles covered by the State exemption regulated in section 45(1) of the Act, now vests in the National Government of the Republic. In terms of section 75 of the Constitution the executive authority of the Republic with regard to all matters falling within the legislative competence of Parliament, now vests in the President, who shall exercise and perform his powers and functions subject to and in accordance with the Constitution.
- (2) The President, so acting, has deemed it expedient to revoke all authorizations referred to in paragraph 5, and to make the provisions appearing hereunder. Those provisions shall not apply to the organizations,

forces or groups of persons referred to in paragraph 4(2) above.

Withdrawal of official authorizations

7. All official authorizations for the possession of arms and ammunition, including machine guns and machine rifles, referred to in paragraphs 4 and 5 of this Notice and issued before 22 September 1995 are hereby withdrawn.

Surrender of arms and ammunition

8. (1) Any person in possession of any arm or ammunition, including any machine gun or machine rifle, originally distributed in any manner contemplated in paragraphs 4 and 5 of this Notice, and in respect of which the possessor does not hold a licence, permit or other authorization specifically regulated in the Act, or deemed to be so regulated in terms of the provisions of the Transitional Regulation Act, is hereby required to surrender any such arm, ammunition or rifle before or on 31 October 1995 to any police official on duty at any police station situated at any place in the national territory of the Republic.

- (2) Subject to paragraph 10, any such person shall on so surrendering the arm or ammunition provide the police official concerned with such information as may be deemed necessary by such official as regards his or her identity, and the relevant arm, ammunition or rifle for purposes of determination of whether this Notice is applicable thereto.

Consequences of non-surrender

9. A person contemplated in paragraph 8(1) who has not on or before 31 October 1995 surrendered any relevant arm,

ammunition or rifle shall be regarded by the State as being in unlawful possession thereof, and shall render him- or herself liable to prosecution in terms of the appropriate provisions of the Act.

Functions of Minister

10. The Minister is hereby authorized to take all such administrative steps as may be deemed necessary or expedient by him for the purposes of achieving the objects of this Notice.

BYLAE

KENNISGEWING VAN INTREKKING VAN MAGTIGINGS VIR DIE BESIT VAN
SEKERE WAPENS EN AMMUNISIE DEUR SEKERE PERSONE OM BESIT DAAR-
VAN TE HOU VIR DOELEINDES VAN BESKERMING VAN STAATSEIENDOM OF
VIR SELFVERDEDIGING

Omskrywings

1. In hierdie Kennisgewing beteken -

"Grondwet" die Grondwet van die Republiek van Suid-Afrika,
1993 (Wet No. 200 van 1993);

"masjiengeweer" enige masjiengeweer soos omskryf in artikel
1(1) van die Wet;

"Minister" die Minister van Veiligheid en Sekuriteit;

"Oorgangsreëlingswet" die Oorgangsreëlingswet op Wette
Rakende Wapens, Ammunisie en Wapentuig, 1995 (Wet No. 8 van
1995);

"polisiebeampte" enige lid van die Suid-Afrikaanse Polisie-
diens bedoel in artikel 214, saamgelees met artikel 236(7),
van die Grondwet;

"voormalige State" die voormalige State van Transkei,
Bophuthatswana, Venda en Ciskei met inbegrip van die
regerings van die voormalige selfregerende gebiede;

"wapen" en "ammunisie" enige wapen en ammunisie soos
onderskeidelik omskryf in artikel 1(1) van die Wet;

"Wet" die Wet op Wapens en Ammunisie, 1969 (Wet No. 75 van
1969), van die Republiek van Suid-Afrika.

Inleidend

2. Die Oorgangsreëlingswet het in werking getree op 1 September 1995. Ingevolge die bepalings van hierdie Wet word die wette op wapens en ammunisie van die voormalige State herroep, en word enigiets gedoen kragtens, ingevolge of uit hoofde van 'n bepaling van so 'n wet geag gedoen te wees kragtens, ingevolge of uit hoofde van die ooreenstemmende bepaling van die Wet. Die Oorgangsreëlingswet gee duidelik uitdrukking aan 'n bedoeling dat die Wet voortaan van toepassing sal wees in die geheel van die nasionale grondgebied van die Republiek, en maak voorsiening vir noodsaaklike gevolglike bepalings.

3. Die Wet bepaal in artikel 45(1) dat sy bepalings nie van toepassing is nie op die besit van wapens (wat in hierdie artikel masjiengewere insluit) en ammunisie deur enige persoon namens of in sy of haar hoedanigheid as iemand in diens van die Staat. Soortgelyke bepalings was van toepassing ingevolge die bepalings van genoemde herroepe wette.

As gevolg van hierdie bepalings het die administratiewe regulering van die besit van genoemde wapens, ammunisie en gewere deur sodanige persone geressorteer onder die uitvoerende gesag van, onderskeidelik, die voormalige Republiek van Suid-Afrika en die voormalige State, met inbegrip, in die geval van eersgenoemde, van die regerings van die voormalige selfregerende gebiede.

4. (1) Handelende uit hoofde van sodanige gesag, is sekere wapens en ammunisie (met inbegrip van masjiengewere) in die verlede aan sekere persone versprei om besit daarvan te hou namens die betrokke Staat of in sy of haar hoedanigheid as 'n persoon in diens van die Staat, hoofsaaklik vir doeleindes van beskerming van Staatseiendom of vir selfverdediging.

(2) Sodanige persone was nie lede van georganiseerde Staatsadministrasies, -liggame of -organisasies soos enige polisiemag, verdedigingsmag of gevangenis- of korrektiewe dienste, of van enige soortgelyke mag of georganiseerde liggaam van persone, gestig of handelende ingevolge enige wet (met inbegrip van wette van die voormalige provinsies), of persone in diens geneem as wagte deur eienaars van Nasionale Sleutelpunte ingevolge enige wet met betrekking daartoe nie.

5. Sodanige verspreiding is bewerkstellig ingevolge administratiewe magtigings (prosedures of permitstelsels nie bepaaldelik by wet gereël nie), soos administratief bepaal deur die betrokke Regerings uit hoofde van gemeenregtelike eienaarskap van die wapens, ammunisie en gewere. Hierdie magtigings was te alle tye intrekbaar, en het verval waar besit namens die Staat gestaak het of die betrokke persoon opgehou het om in diens van die Staat te wees.

6. (1) Uit hoofde van die bepalings van die Oorgangsreëlingswet, saamgelees met die bepalings van die Grondwet (in die besonder artikel 239(1)(a) daarvan), vestig die uitvoerende gesag met betrekking tot die reëling van die besit van bedoelde tipes wapens, ammunisie en gewere wat gedek word deur die Staatsvrystelling gereël in artikel 45(1) van die Wet, tans in die Nasionale Regering van die Republiek. Ingevolge artikel 75 van die Grondwet vestig die uitvoerende gesag van die Republiek met betrekking tot alle aangeleenthede binne die wetgewende bevoegdheid van die Parlement tans in die President, wie sy bevoegdhe- de en werksaamhede onderworpe aan en in ooreenstemming met die Grondwet moet uitoefen.

(2) Die President, handelende aldus, het dit dienstig geag om alle magtigings bedoel in paragraaf 5 in te trek, en om die voorsienings hieronder te maak. Daardie

bepalings is nie van toepassing nie op die organisasies, magte of groepe persone bedoel in paragraaf 4(2) hierbo nie.

Intrekking van amptelike magtigings

7. Alle amptelike magtigings vir die besit van wapens en ammunisie, met inbegrip van masjiengewere, bedoel in paragrawe 4 en 5 van hierdie Kennisgewing en uitgereik voor 22 September 1995, word hierby ingetrek.

Inhandiging van wapens en ammunisie

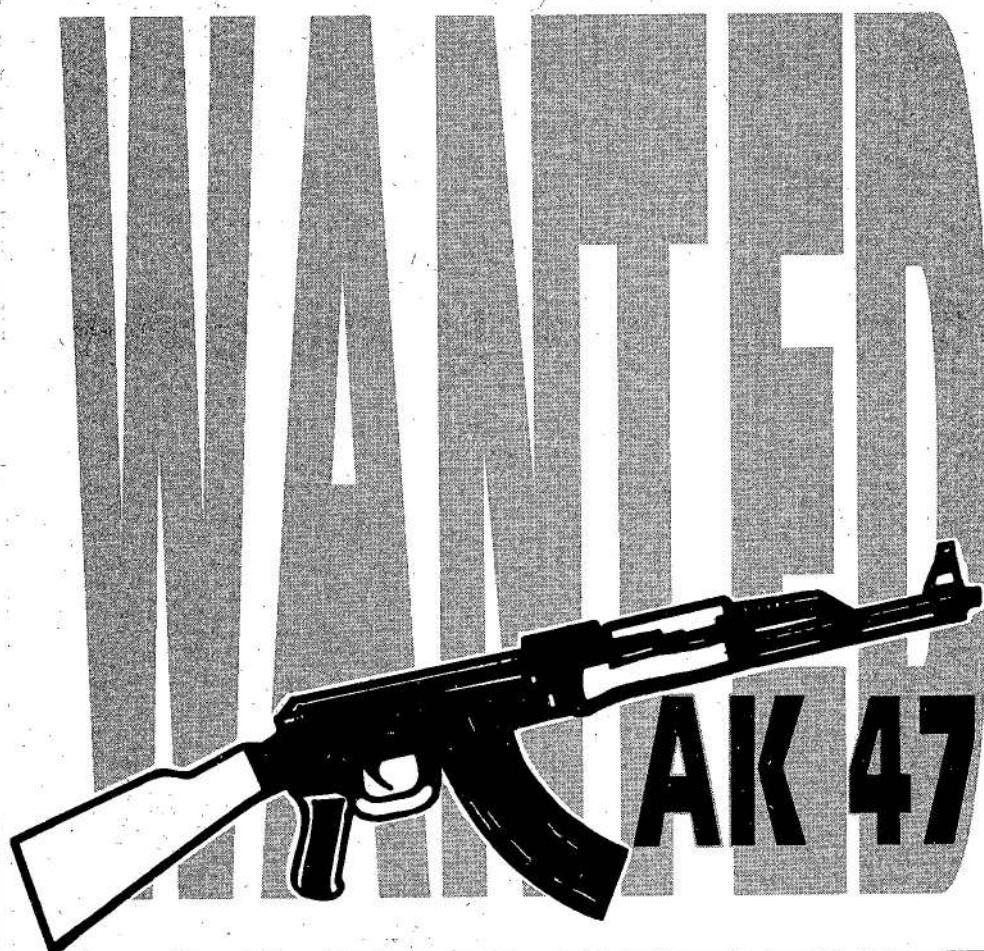
8. (1) Enige persoon in besit van enige wapen of ammunisie, met inbegrip van enige masjiengeweer, wat oorspronklik versprei is op enige wyse beoog in paragrawe 4 en 5 van hierdie Kennisgewing, en ten opsigte waarvan die besitter nie 'n lisensie, permit of ander magtiging bepaaldelik gereël in die Wet, of wat geag word ingevolge die bepalings van die Oorgangsreëlingswet gereël te wees, hou nie, word hierby vereis om sodanige wapen, ammunisie of geweer voor of op 31 Oktober 1995 aan enige polisiebeampte aan diens by enige polisiestasie geleë op enige plek in die nasionale gebied van die Republiek in te handig.
- (2) Behoudens paragraaf 10 moet sodanige persoon by sodanige inhandiging van die wapen, ammunisie of geweer aan die betrokke polisiebeampte die inligting verstrek wat nodig geag word deur sodanige beampte met betrekking tot sy of haar identiteit, en die betrokke wapen, ammunisie of geweer vir doeleindes van bepaling of hierdie Kennisgewing daarop van toepassing is.

Gevolge van nie-inhandiging

9. 'n Persoon beoog in paragraaf 8(1) wat nie voor of op 31 Oktober 1995 'n betrokke wapen, ammunisie of geweer ingehandig het nie, sal deur die Staat geag word in onwet-tige besit daarvan te wees, en stel hom- of haarself bloot aan vervolging ingevolge die toepaslike bepalings van die Wet.

Werksaamhede van Minister

10. Die Minister word hierby gemagtig om alle administratiewe stappe te doen wat hy nodig of dienstig mag ag ten einde die oogmerke van hierdie Kennisgewing te bereik.



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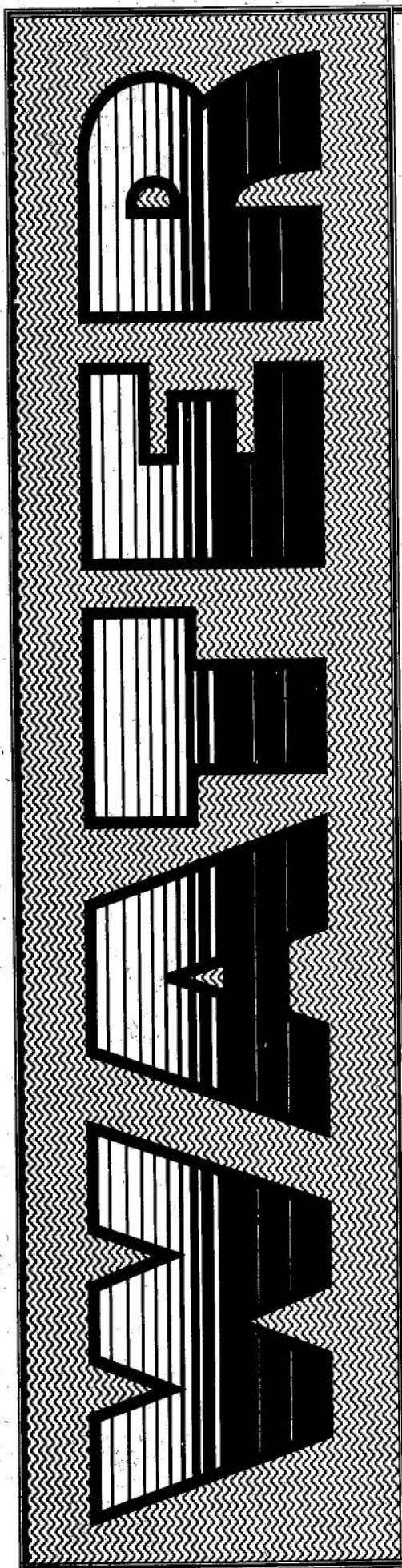
**Possession of
illegal weapons
could condemn**

you to:

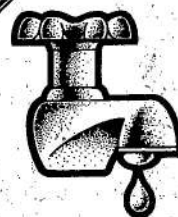
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