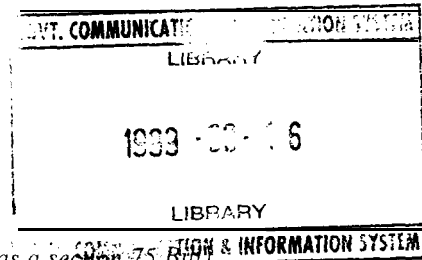


REPUBLIC OF SOUTH AFRICA

ARMS AND AMMUNITION AMENDMENT BILL



(As introduced in the National Assembly as a section 75 Bill)

(MINISTER FOR SAFETY AND SECURITY)

[B 32—99]

REPUBLIEK VAN SUID-AFRIKA

WYSIGINSWETSONTWERP OP WAPENS EN AMMUNISIE

(Soos ingedien in die Nasionale Vergadering as 'n artikel 75-wetsontwerp)

(MINISTER VIR VEILIGHEID EN SEKURITEIT)

[W 32—99]

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GENERAL EXPLANATORY NOTE:

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

BILL

To amend the Arms and Ammunition Act, 1969, so as to further regulate the possession of arms with the consent of licence holders; and to provide for matters connected therewith.

BE IN ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 8 of Act 75 of 1969, as amended by section 3 of Act 19 of 1983 and section 1 of Act 177 of 1993

1. Section 8 of the Arms and Ammunition Act, 1969, is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) (a) A person who holds a licence to possess an arm, may use an arm in respect of which he or she does not hold a licence, if he or she is—
- (i) in possession of written permission to use the arm in question, given by the person who holds the licence to possess that arm; and
 - (ii) on land belonging to or lawfully occupied by the person who gives the permission contemplated in subparagraph (i).
- (b) A person who holds a licence to possess an arm may store an arm in respect of which he or she does not hold a licence, if—
- (i) he or she is in possession of written permission given by the person who holds a licence to possess that arm and which is endorsed by a person acting under the authority of the National Commissioner of the South African Police Service; and
 - (ii) the arm is stored in a prescribed safe at the place mentioned in the permission contemplated in subparagraph (i).
- (c) Only the person who holds a licence to possess an arm may transport that arm to and from the place where that arm is to be stored in terms of paragraph (b).
- (d) Each of the permissions contemplated in paragraphs (a) and (b), shall specify the period for which the person concerned may use or store the arm, as the case may be, and shall contain sufficient particulars to identify the arm in question.”.

Short title and commencement

2. This Act shall be called the Arms and Ammunition Amendment Act, 1999, and shall come into operation on a date determined by the President by proclamation in the *Gazette*.

MEMORANDUM ON THE OBJECTS OF THE ARMS AND AMMUNITION AMENDMENT BILL, 1999

1. Section 8 of the Arms and Ammunition Act, 1969 (Act No. 75 of 1969), deals with cases where a non-licence holder is permitted to be in possession of an arm in certain circumstances. The South African Police Service is aware that this section is being grossly abused to put criminals in unlicensed possession of arms on a large scale, on the pretence that such unlicensed possession is necessary for personal protection.

2. It is therefore necessary to review the existing provision. It is proposed that the present provision, providing that a non-licence holder may possess an arm with the consent of the licence holder in the immediate vicinity of such holder, be deleted. The Bill proposes that only a person who holds a licence to possess an arm may possess another arm with the written consent of the person who holds a licence to possess that arm while on land belonging to or lawfully occupied by the last mentioned person. It is also proposed that only a person who holds a licence to possess an arm may store another arm in a prescribed safe with the written permission of the person who holds a licence to possess such other arm and if the said permission is endorsed by a person acting under the authority of the National Commissioner.

3. PARLIAMENTARY PROCEDURE

The State Law Advisers and the South African Police Service are of the opinion that this Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.