

PRESIDENT'S OFFICE

No. 717

15 May 1995

NO. 8 OF 1995: ARMS, AMMUNITION AND ARMAMENT LAWS TRANSITIONAL REGULATION ACT, 1995.

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

ACT

To repeal certain laws relating to arms, ammunition and armament applying in the various areas in the national territory of the Republic; and to introduce certain transitional arrangements necessary for the uniform application of the Arms and Ammunition Act, 1969, in the whole of the national territory of the Republic; and to provide for incidental matters.

(English text signed by the President.)

(Assented to 10 May 1995.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:-

Definitions

1. In this Act "the principal Act" shall mean the Arms and Ammunition Act, 1969 (Act No. 75 of 1969), and any word or expression to which a meaning has been assigned in the principal Act shall, unless the context indicates otherwise or it is clearly inappropriate, have the meaning so assigned to it.

Repeal of certain laws

2. (1) Subject to the provisions of this Act, the laws mentioned in the second column of the Schedule are hereby repealed as indicated in the third column of the Schedule to the extent that such laws were in force in the various areas of the national territory of the Republic, as set out in the fourth column of the Schedule, immediately prior to the commencement of the Constitution. (2) Subject to the provisions of this Act-

(a) any reference in any law or document to any law or provision of a law mentioned in the second column of the Schedule shall be construed as a reference to the principal Act, or to the corresponding provision thereof, as the case may be;

(b) anything done under, in terms of or by virtue of a provision of a law mentioned in the second column of the Schedule shall be deemed to have been done under, in terms of or by virtue of the corresponding provision of the principal Act.

Administrative steps by Commissioner

3. The Commissioner of the South African Police Service shall, subject to the directions of the Minister, take such administrative steps in connection with the issue of, and the maintenance of documents and records pertaining to, any licences, permits or other written official authorisations granted or to be granted in respect of arms, ammunition or armament, as he or she may deem necessary or desirable in order to effect, pursuant to the provisions of section 2, administrative uniformity and rationalisation, particularly as regards-

(a) the transfer to the register kept by him under section 42 of the principal Act of all data recorded in corresponding registers kept under a law mentioned in the second column of the Schedule, and the

maintenance of proper and cost-effective computerised record systems;

(b) ensuring the integrity and reliability of all such data; and

(c) the transfer or training of personnel engaged in the operation and maintenance of such registers and systems.

Powers of Minister in case of illegality or irregularity

4. (1) If anything purporting to have been done under, in terms of or by virtue of a provision of a law mentioned in the second column of the Schedule was not done lawfully or in the manner required by any provision of any such

(2) Notwithstanding the provisions of subsection (1), if it should at any time appear that any licence, permit or other written official authorisation purporting to have been issued under, in terms of or by virtue of a provision of law mentioned in the second column of the Schedule was not lawfully issued or not issued in the manner required by any provision of any such law, the Minister, or a person or the holder of an office authorised thereto by him or her, shall in writing direct the holder of such purported licence, permit or written official authorisation to surrender such purported licence, permit or written official authorisation and any arm, ammunition or armament purporting to be held thereunder, or in terms or by virtue thereof, at such place and to such person or the holder of such office, and within such period as the Minister, or the person or holder of an office who so directs, may specify, and the failure of any such holder to comply with any such direction, shall constitute an offence.

Regulations by Minister

5. The Minister may make regulations-

(a) relating to the furnishing to him within a stipulated period of particulars of any licence, permit or other written official authorisation issued or purporting to have been issued, under, in terms of, or by virtue of a law mentioned in the second column of the Schedule and held by any person in respect of the dealing in, the possession, exhibition, importation, exportation, manufacture, supply or transportation of, or the carrying on of the trade of gunsmith in respect of, any arms, ammunition or armament, and of particulars of the holder of any such authorisation;

(b) generally, regulating any matter which the Minister deems necessary or desirable to regulate in order to achieve the objects of this Act, including any matter contemplated in section 3 of this Act, or which the Minister deems necessary or desirable to regulate in order to promote, establish and maintain in the public interest an efficient and uniform administrative infrastructure for the control and regulation of the possession and use of arms, ammunition and armament by members of the public in the whole of the national territory of the Republic;

(c) providing for penalties which may be imposed-

(i) in respect of an offence in terms of section 4(2); or

(ii) in respect of the contravention of a regulation contemplated in paragraph (a) or (b).

Short title and commencement

6. This Act shall be called the Arms, Ammunition and Armament Laws Transitional Regulation Act, 1995, and shall come into operation on a date fixed by the President by proclamation in the Gazette.

SCHEDULE

LAWS REPEALED

(Section 2)

No. and year of law	Short title	Extent of repeal	Area in which in force
Act No.75 of 1969	Arms and Ammunition Act, 1969 (Bophuthatswana)	The whole	The territory of the former (Bophuthatswana) Republic of
Act No.75 of 1969 (Transkei)	Arms and Ammunition Act, 1969 (Transkei)	The whole	The territory of the former Republic of Transkei
Act No.75 of 1969 (Venda)	Arms and Ammunition Act, 1969 (Venda)	The whole	The territory of the former Republic of Venda
Act No.14 of 1981 (Transkei)	Arms and Ammunition Act, 1981 (Transkei)	The whole	The territory of the former Republic of Transkei
Act No.41 of 1984 (Ciskei)	Arms and Ammunition Act, 1984 Ciskei)	The whole	The territory of the former Republic of Ciskei
Act No.37 of 1992 (Bophuthatswana)	Arms and Ammunition Amendment Act, 1992 Bophuthatswana	The whole	The territory of the former Republic of (Bophuthatswana)