



SAUDI ARABIA
Department of State

TELEGRAM
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JUS 02, TRSY 08, AID 10, RSR 01, RSC 01, E 15, COM 08, /080 W

R 171306Z JUN 68
FM AMEMBASSY JIDDA
TO SECSTATE WASHDC 3823
INFO AMCONSUL DHAHRAN
CHUSMTM DHAHRAN

LEGAL ADVISER

JUN 7 1968

DEPARTMENT OF STATE

UNCLAS JIDDA 4421

SUBJECT: GUN CONTROL LAWS

REF: SECSTATE 179593 (NOTAL)

1. SAUDI GUN-CONTROL REGULATIONS PROMULGATED 1949 SPECIFICALLY AIMED AT HUNTING WEAPONS BUT IN PRACTICE APPLIED TO ALL TYPES FIREARMS. TO BEST OUR KNOWLEDGE, NO MORE RECENT REGULATIONS ON BOOKS.
2. ANY PERSON DESIRING CARRY FIREARM MUST OBTAIN LICENSE FROM SAUDI AUTHORITIES. LICENSE ISSUED ON PAYMENT SR 20 FEE AND MUST BE RENEWED ANNUALLY AT SAME FEE. APPLICANT MUST BE SAUDI SUBJECT (ALTHOUGH IN PRACTICE EXCEPTIONS MADE FOR DIPLOMATS AND EMPLOYEES FOREIGN FIRMS), NOT LESS THAN TWENTY YEARS OF AGE, AND MUST NOT HAVE BEEN CONVICTED OF CRIME OR MISDEMEANOR. USE OF LICENSE BY ANY PERSON OTHER THAN INDIVIDUAL TO WHOM ISSUED IS PROHIBITED.
3. FIREARMS MAY BE IMPORTED ONLY BY LICENSED MERCHANTS REGISTERED WITH CHAMBER OF COMMERCE, OF SAUDI NATIONALITY, NOT CONVICTED OF CRIME OR MISDEMEANOR. IMPORTER MAY SELL ONLY AT WHOLESALE, TO RETAILERS WHO MUST ALSO BE LICENSED. IN BOTH CASES LICENSES RENEWABLE ANNUALLY. QUANTITIES WEAPONS AUTHORIZED FOR IMPORT AND SALE STRICTLY LIMITED AND SPECIFIED IN LICENSE. RETAILERS MAY SELL ONLY TO HOLDERS OF PERMITS TO CARRY FIREARMS. ALL SALES MUST BE REPORTED BY DEALER TO INTERNAL SECURITY AUTHORITIES WITH FULL DETAILS RE

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TYPE WEAPON AND IDENTITY PURCHASER. ARMS IN HANDS OF DEALERS MAY BE MOVED FROM CITY TO CITY WITHIN COUNTRY ONLY BY GOVERNMENT PERMIT. (WHILE LAW DOES NOT SPECIFICALLY PROHIBIT MAIL-ORDER PURCHASE, REPORTING DUTIES INCUMBENT UPON DEALER WOULD MAKE SUCH TRANSACTIONS IMPRACTICABLE.)

4. GOVERNMENT RESERVES RIGHT REVOKE ANY OR ALL PERMITS FOR IMPORT, SALE OR POSSESSION FIREARMS IF PUBLIC INTEREST REQUIRES.

5. CRIMES IN SAUDI ARABIA NOT CLASSIFIED OR REPORTED IN MANNER PERMITTING CAREFUL ANALYSIS AND COMPARISON. INCIDENCE OF CRIME REPUTEDLY AS LOW AS IN ANY COUNTRY IN WORLD. FULLER INFORMATION RE DEATHS AND CRIMES INVOLVING FIREARMS REQUESTED FROM SAUDI INTERIOR MINISTRY WILL BE FORWARDED IF AND WHEN RECEIVED. EILTS

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SENEGAL

Department of State

TELEGRAM

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DODE 00, JUS 02, TRSY 08, RSR 01, /041 W

P 111730Z JUN 68
FM AMEMBASSY DAKAR
TO SECSTATE WASHDC PRIORITY 2528

LEGAL ADVISER

UNCLAS DAKAR 3045

JUN 13 1968

SUBJ: GUN CONTROL LAWS

DEPARTMENT OF STATE

REF: STATE'S 179593

1. BY LAW NO. 66-03 OF JAN. 18, 1966 AND EXECUTIVE DECREE NO. 66-889 OF NOV. 17, 1966, SENEGAL PROMULGATED FAR-REACHING AND COMPREHENSIVE GUN CONTROL LAW, PRINCIPAL ELEMENTS OF WHICH FOLLOW.

A. POSSESSION IN SENEGAL OF ALL ARMS AND MUNITIONS DEFINED AS WAR MATERIAL IS STRICTLY FORBIDDEN. OTHER ARMS, INCLUDING ASSORTED SWORDS, SABRES, KNIVES, BRASS KNUCKLES, ETC. AS WELL AS FIREARMS, CAN BE IMPORTED, EXPORTED, CARRIED, HELD, ACQUIRED, OR DISPOSED OF ONLY WITH PRIOR WRITTEN AUTHORIZATION OF INTERIOR MINISTER. THIS MINISTRY KEEPS PERMANENT RECORD OF ALL FIREARMS AND OTHER WEAPONS IN COUNTRY. OWNERS OF WEAPONS REQUIRED PAY ANNUAL TAX ON SUCH POSSESSIONS.

B. AUTHORIZED HANDGUNS CAN ONLY BE CARRIED BY (1) OFFICERS ON ACTIVE DUTY OR IN RESERVE, (2) CARRIERS OF VALUABLES OR FUNDS FROM PUBLIC OR PRIVATE ESTABLISHMENTS, AND (3) CERTAIN PERSONS EXPOSED BY THEIR PROFESSION TO "RISKS OF AGGRESSION".

C. SPORTING GUNS REQUIRE SAME PERMITS FROM INTERIOR MINISTER AS OTHER WEAPONS.

D. GOS PERMITS LIMITED NUMBER OF AUTHORIZED LOCAL BUSINESSES TO IMPORT FIREARMS. ANY IMPORTS, HOWEVER, MUST BE AUTHORIZED BY MIN OF INTERIOR WHICH LIMITS NUMBERS AND REQUIRES STRICT CONTROL OF IMPORTS BEFORE SALE. REPLACEMENT OF STOCKS CANNOT BE AUTHORIZED UNTIL AT LEAST HALF OF INVENTORIES SOLD.

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D. ALTHOUGH ACCURATE STATISTICS UNAVAILABLE, INFORMED SOURCE IN INTERIOR MINISTRY TOLD EMBOFF THAT HOMICIDES AND ACCIDENTAL DEATHS DUE FIREARMS OVER LAST FIVE YEARS VIRTUALLY NIL IN SENEGAL. ALTHOUGH THERE HAVE BEEN REGISTERED SMALL NUMBER OF SUICIDES INVOLVING FIREARMS, MOSTLY AMONG EUROPEAN POPULATION. SAME SOURCE INDICATED THAT ROBBERIES AND ASSULTS WITH FIREARMS VIRTUALLY UNKNOWN IN SENEGAL WHERE POPULATION IS GENERALLY EASY-GOING AND NOT GIVEN TO VIOLENCE. EMBASSY ATTESTS TO ACCURACY THESE STATEMENTS.

2. COPIES OF CITED LEGISLATION BEING POUCHED UNDER COVER AIRGRAM.
BROWN

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Loi n° 66-03 du 18 Janvier 1966.

- CABINET -

PROJET DE LOI SUR LE REGIME

GENERAL DES ARMES ET DES MUNITIONS

L'Assemblée Nationale a délibéré et adopté,
en sa séance du, la loi dont la teneur suit :

- ARTICLE 1er. - La fabrication, l'importation, l'exportation, le commerce, l'entrepôtage, la cession, l'acquisition, la détention, le transport et le port d'armes et de munitions, de leurs pièces détachées ainsi que du matériel spécialisé pouvant servir à leur fabrication, sont interdits, sauf dans les cas où sous les conditions déterminées par la présente loi.
- ARTICLE 2. - Les armes et munitions, les pièces détachées et matériels spécialisés servant à leur fabrication à l'usage des troupes et des autres forces publiques concourant à la sécurité de l'Etat, ne sont pas soumises aux dispositions de la présente loi.
- ARTICLE 3. - Les armes et munitions sont classées dans les catégories suivantes :
- 1° catégorie - armes à feu et leurs munitions ainsi que le matériel les accompagnant ou destiné à les transporter, conçues pour la guerre terrestre, navale ou aérienne.
 - 2° catégorie - armes à feu dites de défense et leurs munitions.
 - 3° catégorie - armes de chasse et leurs munitions.
 - 4° catégorie - armes à feu de tir et de foire et leurs munitions.
 - 5° catégorie - armes blanches
 - 6° catégorie - armes à feu dites de traite.
 - 7° catégorie armes et munitions de collection.
- ARTICLE 4. - La fabrication, l'importation, l'exportation, la cession, le commerce, l'entrepôtage, le port des armes de la sixième catégorie sont strictement interdits.
- ARTICLE 5. - La fabrication, l'importation, l'exportation, le commerce, l'entrepôtage, la cession, l'acquisition, la détention et le transport des armes et munitions de la 7ème catégorie sont libres.

.../2

ARTICLE 6. - Tout individu, toute entreprise qui désire se livrer à la fabrication, l'importation, l'exportation, la cession, le commerce et l'entreposage des armes et munitions des cinq premières catégories ne peut le faire, et l'activité de ses intermédiaires ou agents de publicité ne peut s'exercer qu'après autorisation de l'administration et sous son contrôle.

ARTICLE 7k. - Tout individu qui, pour son propre compte ou celui d'une entreprise, aura fabriqué une arme des trois premières catégories, ses munitions ou pièces détachées sans l'autorisation ou hors du contrôle administratif, sera puni d'un emprisonnement de deux ans au moins et de cinq ans au plus et d'une amende de cent mille à un million cinq cents mille francs.

Le coupable sera, en outre, frappé de l'interdiction de séjour de cinq à dix ans et privé des droits mentionnés à l'article 42 du Code Pénal, pendant le même nombre d'années.

ARTICLE 8. - Tout individu qui, pour son propre compte ou celui d'une entreprise, aura fabriqué une arme de la 4ème catégorie, ses munitions ou pièces détachées ou une arme de la 5ème catégorie, sans l'autorisation ou hors du contrôle administratif, sera puni d'un emprisonnement d'un an au moins et de cinq au plus et d'une amende de cinquante mille à un million cinq cents mille francs ou à l'une de ces peines.

Le coupable pourra, en outre, être frappé d'une interdiction de séjour de cinq ans au plus et privé des droits mentionnés à l'article 42 du Code Pénal pendant le même nombre d'années.

ARTICLE 9. - Tout individu qui, pour son propre compte ou pour celui d'une entreprise aura importé, exporté, fait le commerce, la cession ou le transport ou l'entreposage d'une ou plusieurs armes, munitions ou pièces détachées des cinq premières catégories sans l'autorisation ou hors de contrôle administratif, sera puni des peines prévues à l'article 8 ci-dessus.

Les mêmes peines seront applicables aux individus qui auront fabriqué, importé, exporté, fait le commerce ou le transport d'une ou plusieurs armes de la sixième catégorie.

ARTICLE 10. - Dans tous les cas prévus aux articles 7 à 9 ci-dessus, le Tribunal ordonnera la confiscation des armes, munitions ou pièces détachées.

La tentative de fabrication, d'importation, d'exportation, de commerce, de cession, de transport et d'entreposage sera punie de la même peine que le délit consommé.

ARTICLE 11. - L'achat, la détention et le port des armes de la 1ère et 6ème catégories sont interdits.

Le port des armes de la 7ème catégorie est interdit.

ARTICLE 12. - Tout individu qui aura contrevenu aux dispositions de l'article 11 ci-dessus, sera puni des peines prévues aux articles 7 et 10 de la présente loi.

- ARTICLE 13.** - Pourront seules être autorisées par l'Administration à acquérir à titre onéreux ou gratuit et à détenir une ou plusieurs armes de la 2ème, 3ème, et 4ème catégorie et leurs munitions, de la 5ème catégorie, les personnes majeures, sénégalaises ou non, n'ayant subi aucune condamnation et d'une moralité reconnue.
- ARTICLE 14.** - Tout individu qui aura contrevenu aux dispositions de l'article 13 sera puni des peines prévues aux articles 8 et 10 de la présente loi.
- ARTICLE 15.** - L'importation d'armes et de munitions est fonction d'un contingent fixé annuellement par l'Administration.
- ARTICLE 16.** - Toute personne autorisée à détenir une ou plusieurs armes doit les présenter à toute réquisition de l'autorité administrative. L'autorisation de détention peut être enlevée si les nécessités de l'ordre public ou la sûreté de l'Etat l'exigent.
- ARTICLE 17.** - Tout individu qui aura contrevenu aux dispositions de l'article 16, sera puni des peines prévues aux articles 8 et 10 de la présente loi.
- ARTICLE 18.** - Sauf les cas déterminés par décret, il est interdit aux détenteurs d'armes de la 2ème à la 5ème catégorie de les porter hors de leur domicile.
- Tout individu qui aura contrevenu à ces dispositions sera puni des peines prévues aux articles 8 et 10 de la présente loi.
- ARTICLE 19.** - Les permis d'importation, d'entreposage et de détention d'armes et munitions délivrés avant la promulgation de la présente loi restent en vigueur jusqu'à la date de leur expiration.
- ARTICLE 20.** - Les personnes en possession d'armes des six premières catégories et qui ne sont pas titulaires d'un permis d'importation ou de détention devront présenter les-dites armes à la Préfecture de leur résidence ou, à Dakar et à Saint-Louis, aux services de la Région du Cap Vert et du Fleuve, ceci dans le délai de six mois après la promulgation de la présente loi. Il leur sera donné récépissé de dépôt et l'arme sera conservée jusqu'à délivrance d'un permis de détention, sauf pour les armes de la première catégorie qui deviennent propriété de l'Etat.
- ARTICLE 21.** - Un décret fixera les détails d'application de la présente loi, notamment en ce qui concerne les articles 3, 6, 13, 15 et 16.
- ARTICLE 22.** - Sont et demeurent abrogées toutes dispositions contraires à la présente loi et notamment le décret du 4 Avril 1925 fixant le régime des armes et munitions en AOF, modifié par les décrets du 10 Juin 1931 et du 10 Octobre 1938, l'arrêté n° 3645/BP du 14 Novembre 1930, fixant les détails d'application du décret du 4 Avril 1925 sur le régime de armes perfectionnées et de leurs munitions ; le décret du 25 Mai 1912 interdisant le port des armes offensives secrètes.

ou cachées, autres que les armes à feu, dans toute l'étendue de l'AOF ; le décret du 9 Décembre 1937 réglementant en AOF l'exportation du matériel de guerre; l'arrêté général n° 394/AP du 28 Janvier 1938 fixant les conditions d'application du décret du 8 Décembre 1937 ; le décret n° 47 2 212 du 19 Novembre 1947 portant interdiction de la fabrication des armes perfectionnées et des armes de traite en AOF ; l'arrêté général n° 4 088 du 20 Avril 1957 fixant pour chaque territoire de la Fédération un contingent annuel d'importation d'armes de chasse ; la loi n° 64-52 du 10 Juillet 1964 réprimant l'importation, la fabrication, la détention et le transport des explosifs ainsi que tous engins meurtriers ou incendiaires en ce qui concerne ses dispositions relatives aux munitions./.

REPUBLIQUE DU SENEGAL

MINISTERE DE L'INTERIEUR

C A B I N E T

DAKAR, le 21 Mai 1965

RAPPORT DE PRESENTATION DU PROJET DE LOI
SUR LE REGIME DES ARMES ET DES MUNITIONS.

Le présent projet de loi et le décret qui viendra le compléter sont destinés à se substituer aux textes suivants :

- décret du 4 Avril 1925 fixant le régime des armes et munitions en AOF (J.O.-AOF 1925, p.369), modifié par le décret du 16 Juin 1931 (JO-AOF 1931, p.644) et par le décret du 18 Octobre 1938 (JO-AOF 1939 p.466) ;
- arrêté n° 3 645 BP du 14 Novembre 1930 fixant les détails d'application du décret du 4 Avril 1925 sur le régime des armes perfectionnées et de leurs munitions ;
- décret du 25 Mai 1912 interdisant le port des armes offensives secrètes ou cachées , autres que les armes a feu, dans toute l'étendue de l'A.O.F. (JO-AOF 1912, p. 384) ;
- décret du 8 Décembre 1937 réglementant en AOF l'exportation du matériel de guerre (JO-AOF, 1928 p. 218) ;
- arrêté général n° 394 AP du 28 Janvier 1938 fixant les conditions d'application du décret du 8 décembre 1937 (JO-AOF 1938 , p.299).
- décret n° 47-2 212 du 19 Novembre 1947 portant interdiction de la fabrication des armes perfectionnées et des armes de traite en AOF (JO-AOF 1947 , p. 1 129) ;

- arrêté général n° 178 AP du 20 Janvier 1955 habilitant le Délégué du Haut-Commissariat de l'AOF à Paris à délivrer des permis de port d'armes fédéraux et des permis de chasse (JO-AOF 1955 , p.219) ;
- arrêté général n° 4 088 du 20 Avril 1957 fixant pour chaque territoire de la Fédération un contingent annuel d'importation d'armes de chasse (JO-AOF 1957 , p.916 et 1.700) ;

La simple énumération de ces décrets et arrêtés montre qu'il est tout à fait souhaitable de condenser une matière qui se dilue en un nombre important de règlements. Mais il convient, également, de rajeunir des dispositions qui, pour certaines, sont incompatibles avec la souveraineté nationale et la dignité des citoyens sénégalais . C'est ainsi que l'on ne peut guère continuer à appliquer l'article 3 du décret du 4 Avril 1925 (modifié par D. du 18 Octobre 1938) prévoyant que l'importation des armes à feu perfectionnées est accordée "à titre exceptionnel aux indigènes ayant rendu des services spéciaux au pays".

Tenant compte de ce double but, le projet a pour objet de créer des sujétions imposées aux citoyens par la défense nationale et l'ordre public. Il touche à certains principes fondamentaux du régime de la propriété. Il détermine, enfin, des crimes et délits ainsi que les peines qui leur sont applicables. En ce sens, les dispositions qui sont ici présentées semblent bien être du domaine de la loi.

Après avoir posé le principe général de l'interdiction de la fabrication, du commerce, de la détention et du port des armes (art.1er), l'on a prévu une exception générale pour celles destinées aux forces publiques (art.2). Puis l'article 3 classe les armes en sept catégories.

Les armes de traite sont interdites (art.4) et tandis que sont autorisées les armes de collection(art.5). Le projet soumet ensuite la fabrication, l'importation, l'exportation, le commerce et l'entreposage des armes des autres catégories a une autorisation et a un contrôle administratifs (art.6) . L'achat, la détention et le port d'armes de guerre sont formellement interdits (art.11). Pourront seuls être autorisés à acquérir et détenir des armes de défense, de chasse, de tir et des armes blanches les personnes majeures n'ayant encouru aucune condamnation et d'une moralité reconnue (art.13).

L'importation des armes est fonction d'un contingent annuel, Toute personne autorisée à détenir une arme doit la présenter à la réquisition de l'autorité administrative laquelle peut lever l'autorisation si les circonstances l'exigent.

Les pénalités sont prévues aux articles 7, 8, 9, 10, 12, 14 et 17.

Les armes de traite sont interdites (art.4) et tandis que sont autorisées les armes de collection(art.5). Le projet soumet ensuite la fabrication, l'importation, l'exportation, le commerce et l'entreposage des armes des autres catégories a une autorisation et a un contrôle administratifs (art.6) . L'achat, la détention et le port d'armes de guerre sont formellement interdits (art.11). Pourront seuls être autorisés à acquérir et détenir des armes de défense, de chasse, de tir et des armes blanches les personnes majeures n'ayant encouru aucune condamnation et d'une moralité reconnue (art.13).



Amadou CISSE DIA

AIRGRAM

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22 A-315 UNCLASSIFIED HANDLING INDICATOR

TO : Department of State

16.650~

FROM : Amembassy DAKAR

DATE: 12 June 68

SUBJECT : Gun Control Laws; Transmittal of Pertinent Senegalese Legislation

REF : State's 179593
Dakar's 3045

Transmitted as enclosures to this airgram are (1) a copy of the bill (projet de loi) regarding the control of arms and munitions in Senegal which became Law No. 66-03 of January 18, 1966, and (2) a copy of Decree No. 66-889 of November 17, 1966 on the same subject.

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ENCLOSURES
1&2 as stated above.

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In Out

FORM 4-62 DS-323

AWM

Drafted by: **ECON:ANWilliams:fey 6/11/68**

Contents and Classification Approved by:
DCM:AWBukens

Clearances:

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S. V.

ENCLOSURE I
to Dakar A - 315

REPUBLIQUE DU SENEGAL

COUR SUPREME

AFFAIRE N° 108/A/66

ASSEMBLEE GENERALE CONSULTATIVE

Séance du Vendredi 21 Octobre 1966

NOTE

sur le projet de décret fixant les modalités d'application de la loi
des
N° 66.03 du 18 Janvier 1966 relative au régime des armes et munitions.

L'Assemblée générale consultative de la Cour Suprême a examiné, en sa séance du 21 Octobre 1966, le projet de décret sus-indiqué, et a émis un avis favorable à son adoption, sous réserve des observations ci-après, et de quelques modifications de pure forme, directement apportées, avec l'accord du commissaire du gouvernement.

I°/- LE TITRE :

Il convient de le remplacer par :

"Projet de décret fixant les modalités d'application de la loi N° 66.03 du 18 Janvier 1966 relative au régime général des armes et des munitions".

II°/- LES VISAS :

Après : "Vu la Constitution"

Mettre : "notamment en ses articles 37 et 65"

Supprimer des visas, les décrets 63.795 du 9 décembre 1963 et 64.282 du 3 avril 1964.

.../...

III°/- LES ARTICLES :

Article 1er. -

1ère catégorie :

Remplacer "Armes conçues pour la guerre terrestre, navale ou aérienne", par "Armes, munitions et matériel, conçus pour la guerre".

Cette formule est plus complète.

2ème catégorie :

Après : "Armes à feu dites de défense"
Ajouter : "Et leurs munitions"

Cette modification est également nécessaire pour la 3ème, la 4ème, la 6ème et la 7ème catégorie.

4ème catégorie :

Au lieu de : "Armes de tir, de foire, de salon et pistolets d'alarme"

Mettre : "Armes à feu de tir, de foire, et leurs munitions"

Si les armes de salon peuvent être assimilées aux armes de tir ou de foire, il n'en est pas de même des pistolets d'alarme et de starter. Maintenir ces 2 dernières armes dans une des catégories prévues par le texte, c'est ajouter à la loi du 18 janvier 1966. C'est créer une nouvelle infraction punie de peines correctionnelles, ce qui ne peut se faire par décret.

Article 2. -

Cet article est illégal. Il permet, en effet, au ministre de l'intérieur, non seulement de qualifier "arme" une nouvelle invention, mais en outre de la ranger dans une des catégories, ce qui ne peut être fait que par la loi.

Il faut donc supprimer l'article 2.

.../...

Article 2 nouveau :

Après : "l'importation"
Ajouter : "l'exportation"

Article 3 nouveau :

Les ministres ne prennent pas de décret. Il faut donc changer la rédaction de l'article 4. Il devient :

"Un décret pris sur le rapport conjoint du ministre de l'intérieur et du ministre chargé de l'industrie, fixera les règles relatives à la fabrication des armes et munitions."

Article 5 nouveau :

Après : "un permis d'importation"
Ajouter : "ou d'achat"

Article 18 nouveau :

Après les termes : "celui-ci pourra prononcer"
Mettre : "le retrait de l'agrément du commerçant intéressé à titre temporaire ou définitif, sans préjudice des sanctions prévues par la loi N° 66.03 du 18 janvier 1966."

Il faut, en effet, prévoir le cas du commerçant qui ne vend les armes que d'une façon accessoire. Il ne serait peut-être pas juste de procéder à la fermeture de son magasin. D'ailleurs, cette fermeture est une sanction trop grave pour être édictée par des dispositions autres que législatives.

Article 24 nouveau :

Supprimer le dernier alinéa. La mesure qu'il prévoit est déjà dans la loi du 18 janvier 1966, dont il suffit de rappeler l'application, en l'espèce par l'adjonction du mot "conformément".

.../...

La présente note et le projet de décret qui y est joint ont été délibérés et adoptés par l'Assemblée générale consultative de la Cour Suprême, en sa séance du 21 octobre 1966, à laquelle étaient présents :

<i>MM. Kéba M'BAYE</i>	<i>Président</i>
<i>Capitaine Mamadou DIOP</i>	<i>Rapporteur</i>
<i>El Habib DIA</i>	<i>Commissaire du gouvernement</i>

Le Président

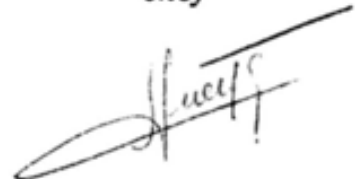
Le Rapporteur

*Le Greffier en
chef*



M. Kéba M'BAYE

*Capitaine
Mamadou DIOP*



*Me Seybatou
GUEYE*

S. V.

REPUBLIQUE DU SENEGAL

MINISTÈRE DE
L'INTÉRIEUR

Decret n° 66- 229 du 17
novembre 1966 - Journal
Officiel 1966, p 1590

PROJET DE DECRET

fixant les modalités d'application de la loi n° 66.03 du 18 janvier 1966 relative au régime général des armes et munitions.

LE PRESIDENT DE LA REPUBLIQUE,

*VU la Constitution, notamment en ses articles 37 et 65 ;
VU la loi n° 66.03 du 18 janvier 1966 relative au régime général des
armes et munitions ;*

La Cour Suprême entendue ;

Sur le rapport du ministre de l'intérieur ;

DECRETE

TITRE I

De la classification des armes et munitions

ARTICLE 1er. -

*Pour la détermination du régime qui leur est applicable,
les armes et munitions sont classées dans les catégories suivantes :*

1ère catégorie - armes, munitions et matériel, conçus pour la guerre -

- pistolets automatiques et révolvers tirant, soit la munition de 7m/m, 65 long ou court, soit une munition d'un calibre supérieur ou dont la longueur du canon est supérieure ou égale à 11 cms, ainsi que leurs canons, culasses mobiles, boîtes à culasses et autres pièces détachées ;

.../...

- fusils, mousquetons, carabines de tous calibres, conçus pour l'usage militaire, ainsi que leurs canons, culasses mobiles, boîtes à culasses et autres pièces détachées ;
- pistolets mitrailleurs de tous calibres, ainsi que leurs canons, culasses mobiles et boîtes à culasses et autres pièces détachées ;
- mitrailleuses et fusils mitrailleurs de tous calibres, ainsi que leurs canons, culasses mobiles et boîtes à culasses et autres pièces détachées, les mitrailleuses spéciales d'avions ;
- canons obusiers et mortiers de tous calibres, ainsi que leurs affûts bouches à feu, culasses, traîneaux, freins et récupérateurs, canons spéciaux pour avions ;
- munitions, projectiles et douilles chargés, non chargés, amorçés ou non, des armes énumérées ci-dessus ; artifices et appareils chargés ou non chargés, destinés à faire éclater les projectiles visés au présent clinca ;
- bombes de toutes sortes, torpilles amorcées ou non, grenades et mines de toutes espèces, chargées ou non chargées ; appareils permettant de les lancer ; artifices ou appareils chargés ou non chargés, destinés à les faire éclater ;
- dispositifs de visée, de conduite de tir ou de détection, lunettes à infra-rouges et autres lunettes de tir, y compris télémètres et projecteurs spéciaux pour le tir contre les navires et aéronefs, ainsi que leurs blindages et tourelles ; navires de guerre de toutes espèces, ainsi que leurs blindages, tourelles et casemates, périscopes sous-marins, aéronefs de combat ;
- baïonnettes, sabres et autres armes blanches à usage militaire ;
- matériels de protection contre les gaz de combat et autres armes biochimiques, notamment les masques et vêtements spéciaux ;

2ème catégorie - armes à feu dites de défense et leurs munitions -

- pistolets automatiques et revolvers non classés dans la 1ère catégorie ;
- munitions de tous revolvers et pistolets automatiques classés dans cette catégorie, ainsi que leurs canons, carcasses et autres pièces détachées ;

.../...

3ème catégorie - armes à feu de chasse et leurs munitions -

- armes à feu de tous calibres non comprises dans les 1ère, 2ème et 4ème catégories ;

4ème catégorie - armes à feu de tir, de foire, et leurs munitions -

- armes à feu de tous calibres à percussion annulaire, autres que les pistolets et leurs munitions.

5ème catégorie - armes blanches -

- sabres, épées à usage sportif, poignards, matraques, casse-tête, cannes à épées, cannes plombées et ferrées, sauf celles qui ne sont ferrées qu'à un bout, couteaux à cran d'arrêt, coups de poing américain, ainsi que toutes les armes semblables qui peuvent être tenues secrètes ou cachées.

6ème catégorie - armes à feu, dites de traite, et leurs munitions -

- armes à feu de traite, fusils à pierre ou à piston, ou ceux qui se chargent par la bouche ou qui tirent une cartouche à bouche ;

7ème catégorie - armes et munitions de collection -

- toutes celles qui, de quelque nature qu'elles soient, sont manifestement hors d'usage et présentent un intérêt uniquement artistique, historique, légendaire, folklorique ou scientifique.

TITRE II

*De la délivrance et du contrôle des autorisations en
matière d'armes et de munitions*

Article 2. -

L'importation, l'exportation, le transport, le port, la détention, l'acquisition à titre onéreux ou gratuit, et la cession des armes et munitions de la 2ème, 3ème, 4ème et 5ème catégories, sont soumis, sur toute l'étendue de la République, à une autorisation préalable délivrée, à titre individuel, par le ministre de l'Intérieur.

.../...

ARTICLE 3. -

Un décret pris sur le rapport conjoint du ministre de l'Intérieur et du ministre chargé de l'Industrie fixera les règles relatives à la fabrication des armes et munitions.

ARTICLE 4. -

Toute personne qui désire détenir ou porter une arme en fait la demande au ministre de l'Intérieur, sous couvert des autorités administratives du lieu de sa résidence habituelle, qui doivent donner leur avis dûment motivé.

Le requérant utilise l'imprimé spécial, timbré.

A cet imprimé, doit être joint un extrait de son casier judiciaire.

Au cas où l'intéressé a été traité dans un hôpital psychiatrique, il doit, en outre, joindre à son dossier un certificat médical attestant sa complète guérison.

ARTICLE 5. -

En cas d'acceptation, il est délivré, le cas échéant, un permis d'importation ou d'achat portant indication des prénoms, nom, date et lieu de naissance, résidence, profession du titulaire, des caractéristiques de l'arme et du numéro dont elle est marquée.

Le titulaire a la faculté d'importer ou d'acheter dans les maisons de commerce agréées l'arme dont les caractéristiques doivent correspondre à celles du permis d'importation.

ARTICLE 6. -

Le permis d'importation ne peut être échangé contre le permis de détention ou de port d'arme, qu'après certification par les services des Douanes ou la maison de commerce importatrice de la disponibilité de l'arme.

ARTICLE 7. -

Le permis de détention ou de port d'arme ne peut être

.../...

délivré que sur présentation du récépissé du paiement de la taxe annuelle sur les armes et d'une police d'assurance couvrant la responsabilité civile du titulaire.

ARTICLE 8. -

Le permis de détention ou de port d'arme, la police d'assurance, ainsi que le récépissé de la taxe annuelle, doivent être exhibés à toute réquisition des agents habilités à cet effet.

ARTICLE 9. -

Le permis d'importation est valable pour un an. Il peut être prorogé pour une durée maximum de 6 mois.

ARTICLE 10. -

Le permis de détention ou de port d'arme est valable jusqu'au 31 mars de l'année qui suit celle où il a été délivré.

Sa prorogation d'année en année est constatée, après acquittement par son titulaire de la taxe à laquelle est assujettie l'arme, par l'apposition au verso dudit permis d'un cachet daté de l'année, effectuée dans les départements, par les préfets, dans la région du Cap-Vert, les communes de Saint-Louis et de Thiès, par les gouverneurs de région.

L'autorité administrative est tenue de faire parvenir chaque année avant le 30 avril, au ministère de l'Intérieur (direction des affaires politiques et administratives) le relevé des renouvellements ainsi accordés.

ARTICLE 11. -

En cas de perte du permis, le titulaire pourra se faire délivrer un duplicata par le ministre de l'Intérieur, au vu du certificat de perte.

ARTICLE 12. -

A titre exceptionnel, le port des armes de la 2ème catégorie peut être accordé :

.../...

- 1° - aux officiers d'active ou de réserve,
- 2° - aux agents porteurs ou convoyeurs de valeurs et fonds des établissements publics ou privés,
- 3° - à certaines personnes exposées, de par leurs fonctions, à des risques d'agression.

ARTICLE 13. -

Le ministre de l'Intérieur peut retirer provisoirement ou définitivement le permis de détention ou de port d'arme au titulaire dont la moralité est devenue douteuse, ou lorsque les nécessités de l'ordre public ou la sûreté de l'Etat l'exigent.

TITRE III

De l'entreposage et du commerce des armes et munitions.

ARTICLE 14. -

Un arrêté du ministre de l'Intérieur fixe chaque année le contingent global d'armes et de munitions à importer.

Dans le cadre de ce contingent, il peut, par arrêté, autoriser les commerçants offrant des garanties suffisantes de sécurité à importer des lots d'armes et de munitions.

ARTICLE 15. -

Les armes et munitions doivent être entreposées dans les locaux privés et clos, ou dans les poudrières ne présentant aucun danger pour la sécurité publique, conformément à la réglementation en vigueur sur les établissements dangereux, insalubres ou incommodes.

Ces locaux privés et poudrières sont obligatoirement situés aux chefs-lieux de circonscriptions administratives.

ARTICLE 16. -

Les commerçants agréés doivent tenir des registres d'entrée et des registres de sortie des armes et des munitions dans leurs magasins, dépôts et poudrières.

.../...

Le registre d'entrée mentionne le nom du fabricant, les références de la commande et de l'exploitation, le nombre, la marque et le numéro des armes, la quantité des munitions et les références de l'arrêté ministériel et du permis autorisant l'importation.

Le registre de sortie mentionne le numéro et la date, le nombre d'armes ou la quantité de munitions vendus et les références des permis de détention ou de port d'armes et des permis d'achat de munitions.

ARTICLE 17. -

Les commerçants sont tenus de présenter ces registres à toute réquisition de l'autorité administrative, de fournir la situation détaillée de leurs stocks de toute nature, et de justifier de leur régularité par la présentation de permis d'achats réguliers.

ARTICLE 18. -

Toute irrégularité constatée donnera lieu à l'établissement d'un procès-verbal qui sera transmis sans délai au ministre de l'Intérieur. Celui-ci pourra prononcer le retrait de l'agrément du commerçant intéressé, à titre temporaire ou définitif, sans préjudice des sanctions prévues par la loi n° 66.03 du 18 janvier 1966.

ARTICLE 19. -

Le renouvellement des stocks d'armes et de munitions dans chaque installation ne pourra être autorisé qu'à partir du moment où la moitié au moins du lot importé aura été régulièrement vendu.

ARTICLE 20. -

Les commerçants qui, à la publication du présent décret, auraient un approvisionnement d'armes en vue de la vente sont tenus, dans un délai maximum de deux mois, d'en faire un inventaire complet sous le contrôle des agents habilités à cet effet. Copie de cet inventaire sera adressée au ministre de l'Intérieur.

ARTICLE 21. -

Tout étranger muni d'une autorisation légale d'achat d'armes ou de munitions délivrée par son pays d'origine peut, sous réserve

.../...

du visa du ministre de l'Intérieur, se procurer au Sénégal la quantité d'armes ou de munitions que comporte son autorisation.

ARTICLE 22. -

Une autorisation de transit délivrée par le ministre de l'Intérieur est nécessaire pour tout transit d'armes et de munitions par le Sénégal.

TITRE IV

Dispositions diverses

ARTICLE 23. -

Les permis d'importation, de détention, de port d'arme et d'achat de munitions sont extraits de carnets à souches spéciaux, numérotés et datés.

ARTICLE 24. -

Les infractions aux dispositions du présent décret sont punies conformément à la loi n° 66.03 du 18 janvier 1966.

ARTICLE 25. -

Le ministre de l'Intérieur est chargé de l'exécution du présent décret qui sera publié au Journal Officiel.

Fait à DAKAR, le

Léopold Sédar SENGHOR



SIERRA LEONE
Department of State

TELEGRAM

UNCLASSIFIED 283

**ACTION
COPY**

PAGE 01 FREETO 01994 191657Z

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ACTION L 03

INFO AF 09, CIAE 00, INR 07, NSAE 00, RSC 01, H 02, RSR 01, TRSY 08, GPM 04,
SY 03, MC 01, DODE 00, AID 10, JUS 02, /051 W

R 191537Z JUN 68
FM AMEMBASSY FREETOWN
TO SECSTATE WASHDC 2534

LEGAL ADVISER

UNCLAS FREETOWN 1994

JUN 20 1968

REF: STATE 179593

DEPARTMENT OF STATE

SUBJ: GUN CONTROL LAWS

X 1. SIERRA LEONE HAS COMPREHENSIVE GUN CONTROL LAW DESIGNED MAIN-
TAIN STRICT CONTROL POSSESSION AND CIRCULATION FIREARMS.

2. PERSONS 21 YEARS OF AGE AND OVER MAY BE LICENSED TO POSSESS
SMALL ARMS IF REGISTRAR SATISFIED RE FITNESS OF APPLICANT AND
STATE OF FIREARM. LICENSE VALID TILL END FISCAL YEAR IN WHICH
ISSUED AND MUST BE RENEWED ANNUALLY. LEGISLATION APPLICABLE TO ALL
SMALL ARMS, DEFINED HERE AS "ANY AIR GUN WITH RIFLED
BARREL, OR ANY FIREARM, WHETHER WHOLE OR IN DETACHED PIECES,
WHICH IS NOT AN ARM OF WAR, AND INCLUDES CAP GUN AND FLINT-LOCK
GUN." ONLY LEGAL EXCEPTION TO INDIVIDUAL LICENSING IS IN CASE OF
SMALL ARMS BELONGING TO A RIFLE CLUB APPROVED IN WRITING BY GOV-
ERNOR WITH PROVISION THAT DISTRICT REGISTRAR AND DEPUTY MAY AT
ANY TIME INSPECT SUCH CLUB. IMPORTATION OF GUNS WITH RIFLED
BARRELS AND FLINT-LOCK GUNS WITH RIFLED BARRELS IS PROHIBITED
OTHER SMALL ARMS MAY BE IMPORTED ONLY UNDER IMPORT LICENSE.
SALE OF FIREARMS RESTRICTED TO HOLDERS OF LICENSE TO KEEP PRIVATE
WAREHOUSE. LAW RESTRICTS SALES TO HOLDERS OF PERMITS ISSUED BY
REGISTRAR AND REQUIRES REPORT TO REGISTRAR OF ANY LOSS OF SMALL
ARMS, DEATH OF POSSESSOR OF SMALL ARM, TRANSFER, ETC. OFFENDERS
SUBJECT TO SUMMARY CONVICTION INVOLVING FINE UP TO 400 LEONES
(\$240) AND/OR UP TO SIX MONTHS IMPRISONMENT WITH OR WITHOUT HARD
LABOR. CONVICTION INFORMATION MAY INCREASE PENALTY TO 1000 LEONES
(\$1200) FINE AND 2 YEARS IMPRISONMENT.

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TELEGRAM
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PAGE 02 FREETO 1994 191657Z

2. HAVE REQUESTED STATISTICS FROM CRIMINAL INVESTIGATION DIVISION, BUT DO NOT ANTICIPATE EARLY REPLY, IF IN FACT, SUCH STATISTICS AVAILABLE. MINER

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SINGAPORE



Department of State

TELEGRAM

8

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PAGE 01 SINGAP 02281 210914Z

ACTION COPY LCM
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16
ACTION L 03

INFO EA 10,GPM 04,H 02,SY 03,MC 01,CIAE 00,INR 07,NSAE 00,RSC 01,
DODE 00,JUS 02,TRSY 08,AID 28,RSR 01,/070 W

R 210537Z JUN 68
FM AMEMBASSY SINGAPORE
TO SECSTATE WASHDC 2146

LEGAL ADVISER

UNCLAS SINGAPORE 2281

JUN 21 1968

SUBJ: GUN CONTROL LAWS

DEPARTMENT OF STATE

REF: STATE 179593

UPON RECEIPT REFTEL EMBASSY REQUESTED INFORMATION FROM
MINISTRY INTERIOR AND DEFENSE OFFICIALS. REPLY NOT
YET RECEIVED BECAUSE MID COMPILING DETAILED INFORMATION,
SOME OF WHICH MUST BE FOUND IN LAWS AND REGULATIONS
CURRENT OUT OF PRINT. INFORMATION WILL BE SUBMITTED
AS SOON AS RECEIVED.

GALBRAITH

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Department of State

TELEGRAM

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PAGE 01 SINGAP: 02385 100841Z

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ACTION L 03

INFO EA 10, GPM 04, H 02, SY 03, MC 01, INR 07, CIAE 00, NSA 02, DODE 00,
JUS 02, TRSY 11, AID 10, FBI 01, RSR 01, RSC 01, /058 W

R: 100818Z JUL 68
FM AMEMBASSY SINGAPORE
TO SECSTATE WASHDC 2201

LEGAL ADVISER

JUL 17 1968

UNCLAS SINGAPORE 2385

DEPARTMENT OF STATE

SUBJ: GUN CONTROL LAWS

REF: STATE 179593, SINGAPORE 2281

1. SINGAPORE HAS GUN CONTROL LAWS EMBODIED IN "ARMS AND EXPLOSIVES ORDINANCE" (CHAPTER 210) DATED DECEMBER 12, 1913, AS AMENDED.

2. ORDINANCE REQUIRES LICENSES FROM MINISTRY OF INTERIOR AND DEFENSE IN ORDER FOR A PERSON TO (A) "HAVE IN HIS POSSESSION OR UNDER HIS CONTROL ANY GUN OR ARMS", (B) IMPORT ANY GUN OR ARMS, (C) EXPORT ANY GUN OR ARMS, OR (D) MANUFACTURE OR "DEAL IN" GUNS OR ARMS.

3. LAW COVERS INTER ALIA "FIREARMS, AIR-GUNS, AIR-PISTOLS, AUTOMATIC GUNS, AUTOMATIC PISTOLS AND GUNS

OR ANY OTHER KIND OF GUN FROM WHICH ANY SHOT, BULLET OR OTHER MISSILE CAN BE DISCHARGED."

4. "DEAL IN" INCLUDES REPAIR, SELL, KEEP OR EXPOSE FOR SALE.

5. EXCEPTIONS APPLY MAINLY TO ARMED FORCES OF SINGAPORE AND OF OTHER COUNTRIES LEGALLY IN SINGAPORE, OTHER GOV. EMPLOYEES SPECIALLY AUTHORIZED TO BEAR ARMS, AND ORDINARY ARMAMENT OF VESSELS AND AIRCRAFT VISITING PORT. NO RPT NO EXCEPTIONS FOR SPORTING GUNS, BUT LICENSE FEE FOR.

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Department of State **TELEGRAM**

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PAGE 02. SINGAPI 02385 100841Z

GUN BELONGING TO "MEMBER OF A SHOOTING CLUB WHICH HAS BEEN DULY REGISTERED...AND WHICH IS USED FOR TARGET PRACTICE" IS ONLY S\$12 INSTEAD OF NORMAL FEE OF S\$60.

6. ACCORDING TO STATISTICS FURNISHED BY GOS, FIREARMS HAVE BEEN INVOLVED ONLY IN FOLLOWING NUMBERS CRIMES:

	1966	1967	1968
MURDER	1	1	1
ROBBERIES	54	55	N.A.
SUICIDES	1	1	-

7. IN OUR EXPERIENCE, SINGAPORE EXERTS LICENSING AND CONTROL OF GUNS ATTENTIVELY AND RIGOROUSLY.
GALBRAITH

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ADMINISTRATOR'S
COMMUNICATIONS CONTROL SLIP

DATE

A 45030

FROM

Frederick S. York

SUBJECT

Embassy-Singapore's Airgram

RFRD

RFRD

RFRD

RFRD

G. Newton

DATE

DATE

DATE

DATE

11-1-68

REPLY DUE

REPLY DISPATCHED

FILE DESIGNATION

ADMINISTRATOR'S MAIL

LOCATOR COPY 1



DEPARTMENT OF STATE

Washington, D.C. 20520


October 30, 1968

Mr. George D. Newton, Jr.,
Co-Director, Weapons Task Force
The National Commission on the Causes
and Prevention of Violence
726 Jackson Place
Washington, D. C. 20506

Dear Mr. Newton:

Attached please find a copy of Embassy-Singapore's
Airgram A-495 dated October 25, 1968.

Sincerely,


Frederick S. York,
Department of State
Liaison Officer

Attachment:

A-495

October 30, 1968

Mr. George D. Newton, Jr.,
Co-Director, Weapons Task Force
The National Commission on the Causes
and Prevention of Violence
726 Jackson Place
Washington, D. C. 20506

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Attached please find a copy of Embassy-Singapore's
Airgram A-495 dated October 25, 1968.

Sincerely,

Frederick S. York,
Department of State
Liaison Officer

Attachment:

A-495

AIRGRAM

FOR RM USE ONLY

5/5-10

RM/R	REP	AF
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A-495 UNCLASSIFIED

TO : Department of State

HANDLING INDICATOR
RECEIVED
 DEPARTMENT OF STATE
 Oct 30 7 17 AM 1968
 RS:AH
 ANALYSIS BRANCH
 DATE: October 25, 1968

FROM : American Embassy SINGAPORE

SUBJECT : The President's National Commission on the Causes and Prevention of Violence
 REF : A. CA-11336, October 4, 1968; B. Singapore's 2385, July 10, 1968

According to information which has been supplied by the Singapore Police Force, Criminal Investigation Department, the total numbers of reported crimes in the categories listed in Paragraph 6 of Ref. B were as follows:

	1966	1967
Murder	43	42
Robberies	183	241
Suicides	103	111

Corresponding information for 1968 was not furnished.

For the purpose of determining per capita incidence of crime, official estimates of Singapore's population were as follows:

Mid-1966	1,913,500
Mid-1967	1,955,600

GALBRAITH
axf

FORM 4-62 DS-323

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 In Out

Drafted by: A/DCM--AKLudy:gfh

Contents and Classification Approved by:

Clearances:

OCT 30 1968 *wk*

DEPARTMENT OF STATE, U. S. A.
WASHINGTON, D. C. 20520

OFFICIAL BUSINESS

Frederick S. York
Department of State
Liaison Officer
S/S-S Room 1417

POSTAGE AND FEES PAID
DEPARTMENT OF STATE

Mr. George D. Newton, Jr.,
Co-Director, Weapons Task Force
The National Commission on the Causes
and Prevention of Violence
726 Jackson Place
Washington, D. C. 20506



SOUTH AFRICA

Department of State

TELEGRAM

21

UNCLASSIFIED 881

PAGE 01 CAPE T 01490 121641Z

53
ACTION L 03

ACTION COPY

INFO AF 09, GPM 04, H 02, SY 03, MC 01, CIAE 00, INR 07, NSAE 00, RSC 01,
DOE 00, JUS 02, TRSY 08, RSR 01, /041 W

P R 121530Z JUN 68
FM AMEMBASSY CAPE TOWN
TO SECSTATE WASHDC PRIORITY 1126
INFO AMEMBASSY PRETORIA

LEGAL ADVISER

JUN 17 1968

DEPARTMENT OF STATE

UNCLAS CAPE TOWN 1490
SUBJECT: GUN CONTROL LAW

REF: STATE 179593

1. BASIC SA LAW (ARMS & AMMO ACT 1937 NO. 28) PROVIDES FOR STRICT CONTROL OVER IMPORT, EXPORT, MANUFACTURE AND POSSESSION ALL TYPES ARMS AND AMMO. DEPT SHOULD HAVE COPY OF LAW (NO. 28/37) PLUS AMENDMENTS 2/56, 39/61, 93/62, 80/64, 64/65 (93/62 OUT OF PRINT, OTHERS BEING POUCHED).

2. CONTROL EXERCISED BY DISTRICT MAGISTRATES (WHO ISSUE IMPORT PERMITS AND LICENSES), POLICE (WHO HAVE SEARCH AND SEIZURE POWER IF BELIEVING ANY OFFENSE COMMITTED AND TO WHOM LOSS, THEFT OR DESTRUCTION MUST BE REPORTED WITHIN 7 DAYS), MINISTER (TO WHOM APPEALS FROM MAGISTRATE LIE), AND STATE PRESIDENT (WHO MAY BE PROCLAMATION STOP SUPPLY OF ARMS BY AREA, IMPORT INTO GIVEN AREA, TRANSPORT FROM PLACE TO PLACE, IMPORT BY CLASS OF WEAPON, OR REQUIRE LICENSEES TO SURRENDER LICENSES).

3. MAGISTRATE MAY DECLARE PERSON UNFIT TO POSSESS ON INFO GIVEN UNDER OATH THAT POSSESSION THREATENS PEACE OR OTHER PERSON, THAT PERSON HAS UNLAWFULLY USED ARMS THREATENED WITH ARM OR ENDANGERED ANYONE THROUGH NEGLIGENCE WITH ARM.

4. LICENSES ISSUED ONLY TO WHITES OVER 14 YEARS OF AGE.

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Department of State

TELEGRAM

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PAGE 02 CAPE T 01490 121641Z

5. DEALERS (WHITES ONLY) MUST BE LICENSED, KEEP REGISTERS AND RETURNS, SELL ONLY TO LICENSED INDIVIDUALS.

6. EXCEPTION: MILITARY AND NAVAL SERVICES, POLICE, GOVT, COLLECTORS (WITH WRITTEN PERMISSION FOR OPERATIVE ARMS), DEALERS' STOCKS.

7. PENALTIES FOR CONTRAVENTION RANGE FROM \$140 FINE AND 6 MONTHS OR BOTH, TO \$560 FINE AND 2 YEARS OR BOTH.

8. ONLY STATISTICAL INFO PRESENTLY AVAILABLE (WHICH WE SEEKING SUPPLEMENT) IN ANNUAL 1955-6 (ENDING JUNE 30) REPORT OF SA POLICE COMMISSIONER. SHOWS FOLLOWING ANNUAL FIGURES: 2,783 FIREARMS LOST OR STOLEN, 3,087 RECOVERED. REPORTED CONTRAVENTIONS OF ACT TOTALED 4,887, OF WHICH 1,416 CONVICTED OUT OF 2,196 PROSECUTED. ROUNTREE

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SOUTH AFRICA
Department of State

Gibson

TELEGRAM
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UNCLASSIFIED 653

PAGE 01 CAPE T 01498 132305Z

82
ACTION L 03

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INFO AF 09, GPM 04, H 02, SY 03, MC 01, CIAE 00, INR 07, NSAE 00, RSC 01,
DODE 00, JUS 02, TRSY 08, AID 10, RSR 01, /051 W

P R 131331Z JUN 68
FM AMEMBASSY CAPE TOWN
TO SECSTATE WASHDC PRIORITY 1129
INFO AMEMBASSY PRETORIA

LEGAL ADVISER

UNCLAS CAPE TOWN 1498

JUN 14 1968

SUBJECT: GUN CONTROL LAW

DEPARTMENT OF STATE

REF: STATE 179593, CAPE TOWN 1490

1. ATTENTION INVITED TO 1965 AMENDMENT LAW DESCRIBED
REFTEL, WHICH PROVIDED FOR CENTRALIZED REGISTRY OF
FIREARMS. THIS CONSIDERED IMPORTANT CONTROL MEASURE.

2. HOPE FORWARD ADDITIONAL STATISTICS IN DAY OR TWO. ROUNTREE
BT

NNN

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REPUBLIC OF SOUTH AFRICA.

ACT

TO

Amend the Arms and Ammunition Act, 1937.

REPUBLIEK VAN SUID-AFRIKA.

WET

TOT

Wysiging van die Wapens- en Ammunisiewet, 1937.

No. 64, 1965.

Price/Prys R0.05
Overseas/Oorsee R0.10

ACT

To amend the Arms and Ammunition Act, 1937.

(English text signed by the State President.)
(Assented to 19th May, 1965.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 2 of Act 28 of 1937, as amended by section 15 of Act 32 of 1952, section 1 of Act 2 of 1956, section 33 of Act 68 of 1957, section 1 of Act 39 of 1961 and section 16 of Act 93 of 1962.

1. Section *two* of the Arms and Ammunition Act, 1937 (hereinafter referred to as the principal Act), is hereby amended by the substitution for sub-section (7)*bis* of the following sub-section:

“(7)*bis* Any prohibition contained in sub-section (6) or (7) shall not apply to the barrel of a pistol.”

Substitution of section 6 of Act 28 of 1937.

2. The following section is hereby substituted for section *six* of the principal Act:

“Issue of copy of licence to possess arm.

6. The commanding officer referred to in section *twenty-four* or any person acting under his authority may, upon application in the prescribed form by or on behalf of the holder of a licence issued under section *three* or *four*, and on payment of the prescribed fee in the prescribed manner, issue to the applicant a copy of such licence in the prescribed form, provided such officer is satisfied that such licence has been lost and cannot be found or has become illegible or has been stolen or destroyed.”

Insertion of section 7*bis* in Act 28 of 1937.

3. The following section is hereby inserted after section *seven* of the principal Act:

“Loss, theft or destruction of arms or ammunition to be reported to policeman.

7*bis*. Whenever any arm or ammunition in the possession of any person is lost, stolen or destroyed, he shall within seven days after becoming aware of the loss, theft or destruction, report such loss, theft or destruction to a policeman on duty at a police station, and furnish him with such particulars relating to such arm or ammunition as he may require.”

Substitution of section 24 of Act 28 of 1937.

4. The following section is hereby substituted for section *twenty-four* of the principal Act:

“Register to be kept at South African Criminal Bureau.

24. The commanding officer of the South African Criminal Bureau shall keep a register in which he shall cause to be recorded such particulars as may be prescribed or as may from time to time be determined by the Minister in respect of arms for which such licences as may be prescribed or as may be so determined, have been issued under section *three* or *four*, or in respect of such other arms as may be prescribed or as may be so determined, or in respect of such matters to which this Act applies, as may be prescribed or as may be so determined.”

WET

Tot wysiging van die Wapens- en Ammunisiewet, 1937.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Mei 1965.)

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

1. Artikel twee van die Wapens- en Ammunisiewet, 1937 (hieronder die Hoofwet genoem), word hierby gewysig deur sub-artikel (7)bis deur die volgende sub-artikel te vervang:

„(7)bis 'n Verbod wat deur sub-artikel (6) of (7) ingehou word, is nie ten opsigte van die loop van 'n pistool van toepassing nie.”.

Wysiging van artikel 2 van Wet 28 van 1937, soos gewysig deur artikel 15 van Wet 32 van 1952, artikel 1 van Wet 2 van 1956, artikel 33 van Wet 68 van 1957, artikel 1 van Wet 39 van 1961 en artikel 16 van Wet 93 van 1962.

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

„Uitreiking van afskrif van lisensie om wapen te besit.

6. Die in artikel vier-en-twintig bedoelde bevelvoerende offisier of iemand wat op sy gesag handel, kan, op aansoek in die voorgeskrewe vorm deur of namens die houër van 'n kragtens artikel drie of vier uitgereikte lisensie en teen betaling van die voorgeskrewe gelde op die voorgeskrewe wyse, 'n afskrif van bedoelde lisensie in die voorgeskrewe vorm aan die applikant uitreik mits bedoelde offisier oortuig is dat bedoelde lisensie verloor is en nie gevind kan word nie of onleesbaar geword het of gesteel of vernietig is.”.

Vervanging van artikel 6 van Wet 28 van 1937.

3. Die volgende artikel word hierby na artikel sewe van die Hoofwet ingevoeg:

„Verlies, diefstal of vernietiging van wapens of ammunisie moet by 'n polisie-dienaar aangemeld word.

7bis. Wanneer 'n wapen of ammunisie in die besit van 'n persoon verloor, gesteel of vernietig word, moet hy binne sewe dae nadat hy van die verlies, diefstal of vernietiging bewus word, die verlies, diefstal of vernietiging by 'n polisie-dienaar aanmeld en aan hom die besonderhede met betrekking tot daardie wapen of ammunisie verstrek, wat hy verlang.”.

Invoeging van artikel 7bis in Wet 28 van 1937.

4. Artikel vier-en-twintig van die Hoofwet word hierby deur die volgende artikel vervang:

„Register moet by Suid-Afrikaanse Kriminele Buro gehou word.

24. Die bevelvoerende offisier van die Suid-Afrikaanse Kriminele Buro hou 'n register waarin hy die voorgeskrewe of van tyd tot tyd deur die Minister bepaalde besonderhede laat aanteken ten opsigte van wapens waarvoor die voorgeskrewe of aldus bepaalde lisensies kragtens artikel drie of vier uitgereik is of ten opsigte van die ander voorgeskrewe of aldus bepaalde wapens of ten opsigte van die voorgeskrewe of aldus bepaalde aangeleenthede waarop hierdie Wet van toepassing is.”.

Vervanging van artikel 24 van Wet 28 van 1937.

Amendment of section 32 of Act 28 of 1937, as amended by section 18 of Act 32 of 1952.

5. Section *thirty-two* of the principal Act is hereby amended by the addition of the following sub-section, the existing section becoming sub-section (1):

"(2) Whenever in any prosecution for failure to report the loss, theft or destruction of any arm as required by section *seven bis*, it is proved that the accused person has at any time been in possession of or the holder of a licence to possess such arm, it shall be presumed, until the contrary is proved—

- (a) that such arm has been lost, stolen or destroyed, if it is proved that he has failed to produce such arm to a policeman on demand;
- (b) that he has failed to report the loss, theft or destruction of such arm as so required, if it is proved that such arm has been lost, stolen or destroyed."

Amendment of section 34 of Act 28 of 1937, as amended by section 6 of Act 2 of 1956 and section 35 of Act 68 of 1957.

6. Section *thirty-four* of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph:

"(c) the fees payable for licences for the different classes of arms issued under section *four* or for copies of licences issued under section *three* or *four*, and the manner in which the fees payable for such copies shall be paid: Provided that no such fee shall exceed, in the case of a fee for a licence, the sum of two pounds or, in the case of a fee for a copy of a licence, the sum of five shillings;"

Short title and commencement.

7. (1) This Act shall be called the Arms and Ammunition Amendment Act, 1965, and shall, subject to the provisions of sub-section (2), come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may in terms of sub-section (1) be fixed in respect of the several provisions of this Act.

5. Artikel *twee-en-dertig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel daarby te voeg, terwyl die bestaande artikel sub-artikel (1) word:

Wysiging van artikel 32 van Wet 28 van 1937, soos gewysig deur artikel 18 van Wet 32 van 1952.

„(2) Wanneer daar by 'n vervolging weens versuim om die verlies, diefstal of vernietiging van 'n wapen aan te meld soos by artikel *sewe bis* vereis, bewys word dat die beskuldigde persoon te eniger tyd in besit van bedoelde wapen was of die houer van 'n lisensie was om dit te besit, word daar vermoed, totdat die teendeel bewys word—

- (a) dat bedoelde wapen verloor, gesteel of vernietig is, indien daar bewys word dat hy in gebreke gebly het om die wapen aan 'n polisie-dienaar op versoek te toon;
- (b) dat hy in gebreke gebly het om die verlies, diefstal of vernietiging van bedoelde wapen aan te meld soos aldus vereis, indien daar bewys word dat die wapen verloor, gesteel of vernietig is.”.

6. Artikel *vier-en-dertig* van die Hoofwet word hierby gewysig deur paragraaf (c) deur die volgende paragraaf te vervang:

Wysiging van artikel 34 van Wet 28 van 1937, soos gewysig deur artikel 6 van Wet 2 van 1956 en artikel 35 van Wet 68 van 1957.

„(c) die gelde betaalbaar vir lisensies vir die verskillende kategorieë van wapens, uitgereik kragtens artikel *vier* of vir afskrifte van lisensies uitgereik kragtens artikel *drie* of *vier* en die wyse waarop die gelde betaalbaar vir bedoelde afskrifte betaal moet word: Met dien verstande dat geen sodanige gelde meer mag bedra nie, in die geval van gelde vir 'n lisensie, as die som van twee pond of, in die geval van gelde vir 'n afskrif van 'n lisensie, as die som van vyf sjielings;”.

7. (1) Hierdie Wet heet die Wysigingswet op Wapens en Ammunisie, 1965, en tree, behoudens die bepalings van sub-artikel (2), in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en inwerkingtreding.

(2) Verskillende datums kan ingevolge sub-artikel (1) ten opsigte van die afsonderlike bepalings van hierdie Wet bepaal word.

REPUBLIEK VAN SUID-AFRIKA.

WET

TOT

Wysiging van die Slumswet, 1934, die Wet op Nasionale Paaie, 1935, die Wapens- en Ammunisiewet, 1937, die Registrasie van Aktes Wet, 1937, die Verjaringswet, 1943, die Wet op Landdroshowe, 1944, die Kommissiewet, 1947, die Bevolkingsregistrasiewet, 1950, die Wet op die Onderdrukking van Kommunisme, 1950, die Wet op Patente, 1952, die Wet op Testamente, 1953, die Strafproseswet, 1955, die Algemene Regswysigingswet, 1955, die Wet op die Ontwikkeling van Groepsgebiede, 1955, die Algemene Regswysigingswet, 1956, die Wet op Groepsgebiede, 1957, die Wet op die Voorkoming van Korrupsie, 1958, die Wet op Gevangnisse, 1959, die Wet op Veediefstal, 1959, die Wet op die Hooggeregshof, 1959, en die Wet op Vrederegters en Kommissarisse van Ede, 1963.

REPUBLIC OF SOUTH AFRICA.

ACT

TO

Amend the Slums Act, 1934, the National Roads Act, 1935, the Arms and Ammunition Act, 1937, the Deeds Registries Act, 1937, the Prescription Act, 1943, the Magistrates' Courts Act, 1944, the Commissions Act, 1947, the Population Registration Act, 1950, the Suppression of Communism Act, 1950, the Patents Act, 1952, the Wills Act, 1953, the Criminal Procedure Act, 1955, the General Law Amendment Act, 1955, the Group Areas Development Act, 1955, the General Law Amendment Act, 1956, the Group Areas Act, 1957, the Prevention of Corruption Act, 1958, the Prisons Act, 1959, the Stock Theft Act, 1959, the Supreme Court Act, 1959, and the Justices of the Peace and Commissioners of Oaths Act, 1963.

No. 80, 1964.

Price/Prys R0.10
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Post Free/Posvry.

WET

Tot wysiging van die Slumswet, 1934, die Wet op Nasionale Paaie, 1935, die Wapens- en Ammunisiewet, 1937, die Registrasie van Aktes Wet, 1937, die Verjaringswet, 1943, die Wet op Landdroshowe, 1944, die Kommissiewet, 1947, die Bevolkingsregistrasiewet, 1950, die Wet op die Onderrukking van Kommunisme, 1950, die Wet op Patente, 1952, die Wet op Testamente, 1953, die Strafproseswet, 1955, die Algemene Regswysigingswet, 1955, die Wet op die Ontwikkeling van Groepsgebiede, 1955, die Algemene Regswysigingswet, 1956, die Wet op Groepsgebiede, 1957, die Wet op die Voorkoming van Korrupsie, 1958, die Wet op Gevangenis, 1959, die Wet op Veediefstal, 1959, die Wet op die Hooggeregshof, 1959, en die Wet op Vrederegters en Kommissaris van Ede, 1963.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Junie 1964.)

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

Wysiging van artikel 3*bis* van Wet 53 van 1934, soos ingevoeg deur artikel 3 van Wet 55 van 1963.

1. Artikel *drie bis* van die Slumswet, 1934, word hierby gewysig—

- (a) deur in paragraaf (a) van sub-artikel (2) die uitdrukking „paragraaf (b)” deur die uitdrukking „paragrafe (b) en (c)” te vervang;
- (b) deur by paragraaf (b) van sub-artikel (2) die woorde „en kan aldus van tyd tot tyd so 'n landdros as waarnemende voorsitter aanstel om die werksaamhede en pligte van 'n in hierdie paragraaf bedoelde voorsitter te verrig tydens sy afwesigheid of siekte of wanneer hy om enige rede nie in staat is om sy werksaamhede en pligte te verrig nie of terwyl die aanstelling van so 'n voorsitter hangende is” by te voeg;
- (c) deur die volgende paragraaf by sub-artikel (2) by te voeg:
„(c) Die Minister kan hoogstens twee persone as plaasvervangende lede van 'n Slumopruimingshof aanstel, en 'n aldus aangestelde plaasvervangende lid kan op versoek van die voorsitter in die plek van 'n lid van bedoelde hof in sy afwesigheid optree, teen betaling van dieselfde vergoeding en toelaes as dié waarop die afwesige lid geregtig is.”

Wysiging van artikel 10*bis* van Wet 42 van 1935, soos ingevoeg deur artikel 18 van Wet 67 van 1955.

2. (1) Artikel *tien bis* van die Wet op Nasionale Paaie, 1935, word hierby gewysig deur na die woorde „aangegaan is” die woorde „of aangegaan staan te word” in te voeg.

(2) Sub-artikel (1) word geag op die eerste dag van Julie 1955 in werking te getree het.

Wysiging van artikel 15 van Wet 28 van 1937.

3. Artikel *vyftien* van die Wapens- en Ammunisiewet, 1937, word hierby gewysig deur by sub-artikel (3) die woorde „en, behalwe in die geval van 'n bestaande handelaarsbesigheid in wapens-en-ammunisie, dat die aantal sodanige besighede in die distrik ontoereikend is om in die behoeftes van die publiek te voorsien” by te voeg.

Wysiging van artikel 16 van Wet 47 van 1937.

4. (1) Artikel *sestien* van die Registrasie van Aktes Wet, 1937, word hierby gewysig deur die volgende voorbehoudsbepaling daarby te voeg:

„Met dien verstande dat notariële attestasie nie ten opsigte van die oordrag van saaklike regte kragtens 'n verbandakte verkry, nodig is nie.”

(2) Sub-artikel (1) word geag op die eerste dag van September 1937 in werking te getree het.

ACT

To amend the Slums Act, 1934, the National Roads Act, 1935, the Arms and Ammunition Act, 1937, the Deeds Registries Act, 1937, the Prescription Act, 1943, the Magistrates' Courts Act, 1944, the Commissions Act, 1947, the Population Registration Act, 1950, the Suppression of Communism Act, 1950, the Patents Act, 1952, the Wills Act, 1953, the Criminal Procedure Act, 1955, the General Law Amendment Act, 1955, the Group Areas Development Act, 1955, the General Law Amendment Act, 1956, the Group Areas Act, 1957, the Prevention of Corruption Act, 1958, the Prisons Act, 1959, the Stock Theft Act, 1959, the Supreme Court Act, 1959, and the Justices of the Peace and Commissioners of Oaths Act, 1963.

(Afrikaans text signed by the State President.)
(Assented to 20th June, 1964.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section *three bis* of the Slums Act, 1934, is hereby amended—
 - (a) by the substitution in paragraph (a) of sub-section (2) for the expression „paragraph (b)“ of the expression “paragraphs (b) and (c)”; Amendment of section 3bis of Act 53 of 1934, as inserted by section 3 of Act 55 of 1963.
 - (b) by the addition to paragraph (b) of sub-section (2) of the words “and may from time to time so appoint any such magistrate as acting chairman to perform the functions and duties of a chairman referred to in this paragraph during his absence or illness or whenever for any reason he is unable to perform his functions and duties or while the appointment of any such chairman is pending”;
 - (c) by the addition to sub-section (2) of the following paragraph:
 - “(c) The Minister may appoint not more than two persons as alternate members of a Slum Clearance Court, and an alternate member so appointed may, at the request of the chairman, act in the place of a member of the said court in his absence, upon payment of the same remuneration and allowances as that to which the absent member is entitled.”.

2. (1) Section *ten bis* of the National Roads Act, 1935, is hereby amended by the insertion after the word “occurred” of the words “or to be incurred”. Amendment of section 10bis of Act 42 of 1935, as inserted by section 18 of Act 67 of 1955.
(2) Sub-section (1) shall be deemed to have come into operation on the first day of July, 1955.

3. Section *fifteen* of the Arms and Ammunition Act, 1937, is hereby amended by the addition to sub-section (3) of the words “and, except in the case of an existing arms and ammunition dealer’s business, that the number of such businesses in the district are insufficient to provide for the needs of the public”. Amendment of section 15 of Act 28 of 1937.

4. (1) Section *sixteen* of the Deeds Registries Act, 1937, is hereby amended by the addition of the following proviso: Amendment of section 16 of Act 47 of 1937.
“Provided that notarial attestation shall not be necessary in respect of the conveyance of real rights acquired under a mortgage bond.”.
(2) Sub-section (1) shall be deemed to have come into operation on the first day of September, 1937.

Wysiging van artikel 91 van Wet 47 van 1937.

5. (1) Artikel *een-en-negentig* van die Registrasie van Aktes Wet, 1937, word hierby gewysig deur na die woorde „op grond” die woorde „behalwe ’n verband” in te voeg.

(2) Sub-artikel (1) word geag op die eerste dag van September 1937 in werking te getree het.

Wysiging van artikel 6 van Wet 18 van 1943, soos gewysig deur artikel 28 van Wet 46 van 1945.

6. (1) Artikel *ses* van die Verjaringswet, 1943, word hierby gewysig deur na paragraaf (b) van sub-artikel (1) die volgende paragrawe in te voeg:

„(b)*bis* die diening op die skuldenaar deur ’n verweerder by ’n aksie van ’n kennisgewing ingevolge ’n hofreël, waarby bedoelde skuldenaar as mede-gedingvoerder tot die aksie gevoeg word;

(b)*ter* die diening op die skuldenaar van ’n teencis;”.

(2) Sub-artikel (1) tree in werking op ’n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Wysiging van artikel 7 van Wet 32 van 1944, soos gewysig deur artikel 23 van Wet 93 van 1962.

7. Artikel *sewe* van die Wet op Landdroshowe, 1944, word hierby gewysig deur die voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat die Sekretaris van Justisie na verloop van—

(a) twee jaar vanaf die datum waarop die dagvaarding verval het in die geval van siviele verrigtings waarin die dagvaarding verval het; of

(b) drie jaar vanaf die datum van die oplegging van vonnis in die geval van verrigtings waarin die vonnis opgelê is ingevolge sub-artikel (5) van artikel *driehonderd een-en-vyftig* van die Strafproseswet, 1955 (Wet No. 56 van 1955); of

(c) vyftien jaar vanaf die datum van die uitspraak in die geval van enige ander verrigtings, kan gelas dat die stukke in daardie verrigtings na ’n sentrale bewaarplek oorgebring word of dat hulle vernietig word of dat op ’n ander wyse daarvoor beskik word.”.

Invoeging van artikel 30*bis* in Wet 32 van 1944.

8. (1) Die volgende artikel word hierby na artikel *dertig* van die Wet op Landdroshowe, 1944, ingevoeg:

„Inhegtenis-
neming of
beslagleg-
ging om
jurisdiksie
te vestig of
bevestig. 30*bis*. Die hof kan die inhegtenisneming van die persoon of beslaglegging op eiendom om jurisdiksie te vestig of bevestig, teen ’n persoon wat nie in die Republiek woon nie, ten opsigte van ’n aksie binne sy jurisdiksie beveel, waar die vordering of die waarde van die onderwerp in geskil minstens veertig rand bedra, met uitsluiting van die koste ten opsigte van die invordering daarvan, en kan ’n bevel verleen wat diening van enige stukke in die aksie op die in bedoelde bevel vermelde wyse magtig.”.

(2) Sub-artikel (1) tree in werking op ’n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Wysiging van artikel 51 van Wet 32 van 1944, soos gewysig deur artikel 7 van Wet 19 van 1963.

9. (1) Artikel *een-en-vyftig* van die Wet op Landdroshowe, 1944, word hierby gewysig deur paragraaf (a) van sub-artikel (2) deur die volgende paragraaf te vervang:

„(a) Wanneer iemand wat behoorlik gedagvaar is om getuienis af te lê of om boeke, geskrifte of dokumente in sy besit of onder sy beheer oor te lê, wat die party wat sy aanwesigheid verlang, as bewysstukke wil toon, sonder wettige verontskuldiging versuim om sy opwagting te maak of om getuienis af te lê of om daardie boeke, geskrifte of dokumente ooreenkomstig die getuiedagvaarding oor te lê of, sonder behoorlik verskoon te wees, versuim om gedurende die hele verhoor aanwesig te bly, dan kan die hof, indien hy op grond van ’n verklaring onder eed of van die relaas van die geregsbode oortuig is dat so iemand behoorlik gedagvaar is en dat sy redelike koste, bereken ooreenkomstig die tarief kragtens artikel *een-en-vyftig bis* voorgeskryf, aan hom betaal of aangebied is, so iemand veroordeel tot ’n boete van hoogstens vyftig rand, en by wanbetaling, tot gevangenisstraf vir ’n tydperk van hoogstens drie maande, ongeag of so iemand origens aan die jurisdiksie van die hof onderworpe is al dan nie.”.

(2) Sub-artikel (1) tree in werking op ’n datum deur die Staatspresident by kennisgewing in die *Staatskoerant* bepaal.

Invoeging van artikel 51*bis* in Wet 32 van 1944.

10. Die volgende artikel word hierby na artikel *een-en-vyftig* van die Wet op Landdroshowe, 1944, ingevoeg:

„Getuie-
gelde. 51*bis*. (1) Die Minister kan in oorleg met die Minister van Finansies van tyd tot tyd by kennisgewing in die *Staatskoerant* ’n tarief van toelaes

5. (1) Section *ninety-one* of the Deeds Registries Act, 1937, is hereby amended by the insertion after the words "in land" of the words "except a mortgage".

Amendment of section 91 of Act 47 of 1937.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of September, 1937.

6. (1) Section *six* of the Prescription Act, 1943, is hereby amended by the insertion after paragraph (b) of sub-section (1) of the following paragraphs:

Amendment of section 6 of Act 18 of 1943, as amended by section 28 of Act 46 of 1945.

"(b)*bis* service on the debtor by a defendant to an action of a notice in terms of a rule of court joining such debtor as a party to such action;

(b)*ter* service on the debtor of a claim in reconvention;"

(2) Sub-section (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

7. Section *seven* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for the proviso of the following proviso:

Amendment of section 7 of Act 32 of 1944, as amended by section 23 of Act 93 of 1962.

"Provided that after—

(a) two years from the date on which the summons has lapsed in the case of civil proceedings in which the summons has lapsed; or

(b) three years from the date of passing sentence in the case of proceedings in which sentence was passed in terms of sub-section (5) of section *three hundred and fifty-one* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955); or

(c) fifteen years from the date of the judgment in the case of any other proceedings,

the record of such proceedings may upon order of the Secretary for Justice be removed to a central place of custody or be destroyed or otherwise disposed of."

8. (1) The following section is hereby inserted after section *thirty* of the Magistrates' Courts Act, 1944:

Insertion of section 30*bis* in Act 32 of 1944.

"Attach-
ment to
found or
confirm
jurisdic-
tion.

30*bis*. The court may order attachment of person or property to found or confirm jurisdiction against any person who does not reside in the Republic, in respect of an action within its jurisdiction, where the claim or the value of the matter in dispute amounts to at least forty rand, exclusive of any costs in respect of the recovery thereof, and may grant an order allowing service of any process in such action to be effected in such manner as may be stated in such order."

(2) Sub-section (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

9. (1) Section *fifty-one* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for paragraph (a) of sub-section (2) of the following paragraph:

Amendment of section 51 of Act 32 of 1944, as amended by section 7 of Act 19 of 1963.

"(a) If any person, being duly subpoenaed to give evidence or to produce any books, papers or documents in his possession or under his control, which the party requiring his attendance desires to show in evidence, fails, without lawful excuse, to attend or to give evidence or to produce those books, papers or documents according to the subpoena or, unless duly excused, fails to remain in attendance throughout the trial, the court may, upon being satisfied upon oath or by the return of the messenger that such person has been duly subpoenaed and that his reasonable expenses, calculated in accordance with the tariff prescribed under section *fifty-one bis*, have been paid or offered to him, impose upon the said person a fine not exceeding fifty rand, and in default of payment, imprisonment for a period not exceeding three months, whether or not such person is otherwise subject to the jurisdiction of the court."

(2) Sub-section (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

10. The following section is hereby inserted after section *fifty-one* of the Magistrates' Courts Act, 1944:

Insertion of section 51*bis* in Act 32 of 1944.

"Witness
fees.

51*bis*. (1) The Minister may in consultation with the Minister of Finance from time to time by notice in the *Gazette* prescribe a tariff of allowances

voorskryf wat betaal moet word aan 'n getuie in 'n siviele saak of aan iemand wat noodwendig so 'n getuie weens die jeug of 'n ouderdoms- of ander gebrek van daardie getuie moet begelei.

(2) So 'n kennisgewing kan onderskeid maak tussen persone volgens die afstande wat hulle moet reis om aanwesig te wees by die hof waarheen hulle opgeroep of gedagvaar is of volgens hul professie, beroep of besigheid of tussen verskillende klasse van persone, en kan aan daarin vermelde beamptes in diens van die Staat die bevoegdheid verleen om, in gevalle waar betaling van toelaes teen die aldus voorgeskrewe tarief buitensporige ontbering kan meebring, die betaling van toelaes teen 'n hoër tarief as die aldus voorgeskrewe tarief te gelas.

(3) Ondanks andersluidende wetsbepalings, kan die hof gelas dat geen toelaes of slegs 'n deel van die voorgeskrewe toelaes aan 'n getuie betaal word."

Invoeging van artikel 75bis in Wet 32 van 1944.

11. Die volgende artikel word hierby na artikel vyf-en-sewentig van die Wet op Landdroshowe, 1944, ingevoeg:

„Hersiening van verkoopsvoorwaardes van onroerende eiendom wat by tenuitvoerlegging van 'n vonnis van die Hooggereshof verkoop staan te word.

75bis. Ondanks andersluidende wetsbepalings, kan die hof op aansoek van 'n belanghebbende party die verkoopsvoorwaardes ten opsigte van enige onroerende goedere wat by die tenuitvoerlegging van enige vonnis van enige afdeling van die Hooggereshof van Suid-Afrika verkoop staan te word, hersien en bekragtig, wysig of skik."

Wysiging van artikel 93 van Wet 32 van 1944, soos gewysig deur artikel 22 van Wet 40 van 1952 en artikel 24 van Wet 62 van 1955.

12. Artikel drie-en-negentig van die Wet op Landdroshowe, 1944, word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Indien die presiderende regterlike amptenaar by skuldigbevinding van 'n beskuldigde na summiere verhoor maar voor vonnisoplegging, in kennis gestel is dat die beskuldigde vorige veroordelings het wat na die oordeel van bedoelde amptenaar, 'n vonnis sou regverdig wat sy jurisdiksie te bowe gaan, kan hy sy bevinding ter syde stel, en moet in so 'n geval ook sy bevinding ter syde stel ten opsigte van enige ander beskuldigde wat nadat hy tesame met sodanige eersgenoemde beskuldigde verhoor was, skuldig bevind is, en die verrigtings word geag 'n voorlopige ondersoek te gewees het, tensy, in die geval van 'n verhoor deur 'n hof wat nie die hof van 'n streekafdeling is nie, die presiderende regterlike amptenaar op aansoek van die openbare aanklaer gelas dat die saak van nuuts af deur die hof van 'n streekafdeling verhoor moet word."

Wysiging van artikel 1 van Wet 8 van 1947.

13. Artikel een van die Kommissiewet, 1947, word hierby gewysig—

(a) deur al die woorde na die woord „Staatskoerant" deur die volgende paragrawe te vervang:

„(a) die bepalinge van hierdie Wet of enige ander wet met betrekking tot daardie kommissie van toepassing verklaar, behoudens die wysigings en uitsonderings wat hy in die proklamasie bepaal; en

(b) regulasies met betrekking tot daardie kommissie uitvaardig, wat bykomende bevoegdhede aan die kommissie verleen en voorsiening maak vir die wyse waarop die ondersoek ingestel moet word of die prosedure wat daarby gevolg moet word of vir geheimhouding en oor die algemeen vir alle aangeleenthede wat hy nodig of dienstig ag om vir die doeleindes van die ondersoek voor te skryf."

(b) deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) 'n Kragtens sub-artikel (1) uitgevaardigde regulasie kan voorsiening maak vir strawwe by wyse van 'n boete van hoogstens honderd pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande vir 'n oortreding daarvan of versuim om dit na te kom."

which shall be paid to a witness in civil proceedings or to any person necessarily required to accompany any such witness on account of his youth or infirmity due to old age or any other infirmity.

(2) Such notice may differentiate between persons according to the distances which they have to travel to attend the court to which they are summoned or subpoenaed or according to their professions, callings or occupations or between different classes of persons, and may empower such officers in the service of the State as may be specified therein, in cases where payment of allowances in accordance with the tariffs so prescribed may cause undue hardship, to order payment of allowances in accordance with a higher tariff than the tariff so prescribed.

(3) Notwithstanding anything to the contrary in any law contained, the court may order that no allowances or only a portion of the allowances prescribed shall be paid to any witness."

11. The following section is hereby inserted after section *seventy-five* of the Magistrates' Courts Act, 1944:

75bis. Notwithstanding anything to the contrary in any law contained, the court may, on the application of any interested party, review and confirm, modify or settle the conditions of sale in respect of any immovable property to be sold in execution of any judgment of any division of the Supreme Court of South Africa."

"Review of conditions of sale of immovable property to be sold in execution of a Supreme Court judgment.

Insertion of section 75bis in Act 32 of 1944.

12. Section *ninety-three* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for sub-section (2) of the following sub-section:

"(2) If upon conviction of an accused person after summary trial it is brought to the notice of the presiding judicial officer before sentence is passed, that the accused has previous convictions which in the opinion of that officer, would justify a sentence in excess of his jurisdiction he may set aside his finding and shall in such event also set aside his finding in respect of any other accused person who has been convicted after being tried jointly with such first-mentioned accused person, and the proceedings shall thereupon be deemed to have been a preparatory examination, unless, in the case of a trial by a court which is not the court of a regional division, the presiding judicial officer on the application of the public prosecutor, directs that the case be tried afresh by the court of a regional division."

Amendment of section 93 of Act 32 of 1944, as amended by section 22 of Act 40 of 1952 and section 24 of Act 62 of 1955.

13. Section *one* of the Commissions Act, 1947, is hereby amended—

(a) by the substitution for all the words after the word "*Gazette*" of the following paragraphs:

"(a) declare the provisions of this Act or any other law to be applicable with reference to such commission, subject to such modifications and exceptions as he may specify in such proclamation; and

(b) make regulations with reference to such commission, conferring additional powers on the commission and providing for the manner of holding or the procedure to be followed at the investigation or for the preservation of secrecy and generally for all matters which he considers it necessary or expedient to prescribe for the purposes of the investigation."

(b) by the addition of the following sub-section the existing section becoming sub-section (1):

"(2) Any regulation made under sub-section (1) may provide for penalties by way of a fine not exceeding one hundred pounds or imprisonment for a period not exceeding six months for any contravention thereof or failure to comply therewith."

Amendment of section 1 of Act 8 of 1947.

Wysiging van artikel 10 van Wet 44 van 1950, soos gewysig deur artikel 7 van Wet 15 van 1954, artikel 8 van Wet 76 van 1962 en artikel 4 van Wet 37 van 1963.

14. (1) Artikel *tien* van die Wet op die Onderdrukking van Kommunisme, 1950, word hierby gewysig—

- (a) deur in paragraaf (a)ter van sub-artikel (1) die uitdrukking „1964” deur die uitdrukking „1965” te vervang;
 (b) deur na paragraaf (b) van sub-artikel (1) die volgende paragraaf in te voeg:
 „(c) Terwyl 'n kragtens paragraaf (a) of paragraaf (a) gelees met paragraaf (a)bis uitgevaardigde kennisgewing van krag is, kan die in bedoelde kennisgewing bepaalde tydperk van die betrokke verbod verleng word by 'n deur die Minister ondertekende kennisgewing aan die betrokke persoon gerig en aan hom oorhandig of aangebied.”

(2) Sub-artikel (1) word geag op die tweede dag van Mei 1963 in werking te getree het.

Wysiging van artikel 11 van Wet 44 van 1950, soos gewysig deur artikel 8 van Wet 15 van 1954, artikel 10 van Wet 76 van 1962 en artikel 5 van Wet 37 van 1963.

15. Artikel *elf* van die Wet op die Onderdrukking van Kommunisme, 1950, word hierby gewysig deur in paragraaf (b)ter die woorde „enige opleiding buite die Republiek ontvang het of uit 'n bron buite die Republiek” deur die woorde „en in die Republiek of elders enige opleiding ontvang het, of gepoog, ingewillig of enige stappe gedoen het om enige opleiding te ontvang, of iemand anders uitgelok, aangestig, beveel, hulp verleen, aangeraai, aangemoedig of verkry het om enige opleiding te ontvang, of” te vervang en na die woorde „opleiding ontvang” die woorde „het of gepoog, ingewillig of enige stappe gedoen het om dit te ontvang, of so iemand anders uitgelok, aangestig, beveel, hulp verleen, aangeraai, aangemoedig of verkry het om dit te ontvang,” in te voeg.

Wysiging van artikel 1 van Wet 37 van 1952, soos gewysig deur artikel 1 van Wet 28 van 1953, artikel 1 van Wet 50 van 1960 en artikel 28 van Wet 22 van 1964.

16. Artikel *een* van die Wet op Patente, 1952, word hierby gewysig deur in die omskrywing van „kommissaris” die woord „aangestelde” deur die woord „aangewese” te vervang.

Vervanging van artikel 4 van Wet 37 van 1952.

17. Artikel *vier* van die Wet op Patente, 1952, word hierby deur die volgende artikel vervang:

„Aanwysing van kommissaris van patente. 4. Die Regter-president van die Transvaalse Provinsiale Afdeling van die Hooggeregshof van Suid-Afrika wys van tyd tot tyd 'n regter of waarnemende regter van daardie Afdeling aan as kommissaris van patente om die by hierdie Wet aan die kommissaris toegewysde bevoegdhede uit te oefen en werksaamhede te verrig.”

Wysiging van artikel 64 van Wet 37 van 1952.

18. Artikel *vier-en-sestig* van die Wet op Patente, 1952, word hierby gewysig deur die woord „kommissaris” waar dit ook al in sub-artikel (1), paragraaf (b) van sub-artikel (3) en sub-artikel (4) voorkom, deur die woord „registrateur” te vervang.

Herroeping van artikel 81 van Wet 37 van 1952.

19. Artikel *een-en-tagtig* van die Wet op Patente, 1952, word hierby herroep.

Wysiging van artikel 2 van Wet 7 van 1953, soos gewysig deur artikel 1 van Wet 48 van 1958.

20. Artikel *twee* van die Wet op Testamente, 1953, word hierby gewysig—

- (a) deur in sub-paragraaf (iv) van paragraaf (a) van sub-artikel (1) die woorde „elke bladsy” deur die woorde „elke ander bladsy as die bladsy waarop dit eindig, ook” te vervang en na die woorde „onderteken word” die woorde „op enige plek op die bladsy” in te voeg;
 (b) deur sub-paragraaf (v) van genoemde paragraaf (a) deur die volgende sub-paragraaf te vervang:
 „(v) indien die testament deur die erflater deur die maak van 'n merk of deur iemand anders in teenwoordigheid en in opdrag van die erflater onderteken word, 'n magistraat, vrederegter, kommissaris van ede of notaris aan die end daarvan sertifiseer dat hy homself oortuig het van die identiteit van die erflater en dat die aldus ondertekende testament die testament van die erflater is, en indien die testament meer dan een bladsy beslaan, elke ander bladsy as die bladsy waarop dit eindig, ook deur die magistraat, vrederegter, kommissaris van ede of notaris wat aldus sertifiseer, onderteken word op enige plek op die bladsy;”

- 14.** (1) Section *ten* of the Suppression of Communism Act, 1950, is hereby amended—
- (a) by the substitution in paragraph (a) *ter* of sub-section (1) for the expression "1964" of the expression "1965";
 - (b) by the insertion after paragraph (b) of sub-section (1) of the following paragraph:
 - "(c) While any notice issued under paragraph (a) or paragraph (a) read with paragraph (a) *bis* is in force, the period of the prohibition in question specified in such notice may be extended by a notice under the hand of the Minister addressed and delivered or tendered to the person concerned."
- (2) Sub-section (1) shall be deemed to have come into operation on the second day of May, 1963.
- 15.** Section *eleven* of the Suppression of Communism Act, 1950, is hereby amended by the substitution in paragraph (b) *ter* for the words "undergone any training outside the Republic or obtained any information from a source outside the Republic" of the words "and in the Republic or elsewhere, undergone, or attempted, consented or taken any steps to undergo, or incited, instigated, commanded, aided, advised, encouraged or procured any other person to undergo any training, or obtained any information" and the insertion in the said paragraph after the word "undergo" of the words "or attempt, consent or take any steps to undergo, or incite, instigate, command, aid, advise encourage or procure such other person to undergo,".
- 16.** Section *one* of the Patents Act, 1952, is hereby amended by the substitution in the definition of "commissioner" for the word "appointed" of the word "designated".
- 17.** The following section is hereby substituted for section *four* of the Patents Act, 1952:
- "Designation of commissioner of patents. **4.** The Judge President of the Transvaal Provincial Division of the Supreme Court of South Africa shall from time to time designate a judge or acting judge of that Division as commissioner of patents to exercise the powers and perform the functions assigned to the commissioner by this Act."
- 18.** Section *sixty-four* of the Patents Act, 1952, is hereby amended by the substitution for the word "commissioner" wherever it occurs in sub-section (1), paragraph (b) of sub-section (3) and sub-section (4) of the word "registrar".
- 19.** Section *eighty-one* of the Patents Act, 1952, is hereby repealed.
- 20.** Section *two* of the Wills Act, 1953, is hereby amended—
- (a) by the substitution in sub-paragraph (iv) of paragraph (a) of sub-section (1) for the word "is" of the words "other than the page on which it ends, is also" and the insertion in the said sub-paragraph after the word "witnesses" of the words "anywhere on the page";
 - (b) by the substitution for sub-paragraph (v) of the said paragraph (a) of the following sub-paragraph:
 - "(v) if the will is signed by the testator by the making of a mark or by some other person in the presence and by the direction of the testator, a magistrate, justice of the peace, commissioner of oaths or notary public certifies at the end thereof that he has satisfied himself as to the identity of the testator and that the will so signed is the will of the testator, and if the will consists of more than one page, each page other than the page on which it ends, is also signed, anywhere on the page, by the magistrate, justice of the peace, commissioner of oaths or notary public who so certifies;"

Amendment of section 10 of Act 44 of 1950, as amended by section 7 of Act 15 of 1954, section 8 of Act 76 of 1962 and section 4 of Act 37 of 1963.

Amendment of section 11 of Act 44 of 1950, as amended by section 8 of Act 15 of 1954, section 10 of Act 76 of 1962 and section 5 of Act 37 of 1963.

Amendment of section 1 of Act 37 of 1952, as amended by section 1 of Act 28 of 1953, section 1 of Act 50 of 1960 and section 28 of Act 22 of 1964.

Substitution of section 4 of Act 37 of 1952.

Amendment of section 64 of Act 37 of 1952.

Repeal of section 81 of Act 37 of 1952.

Amendment of section 2 of Act 7 of 1953, as amended by section 1 of Act 48 of 1958.

Wysiging van artikel 8 van Wet 7 van 1953.

21. (1) Artikel *agt* van die Wet op Testamente, 1953, word hierby deur die volgende artikel vervang:

„Toepassing van Wet op Suidwes-Afrika. 8. Hierdie Wet en enige wysiging daarvan wat van tyd tot tyd aangebring word, is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel vermeld in artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951).”

(2) Sub-artikel (1) word geag op die datum van inwerking-treding van die Wet op Testamente, 1953, in werking te getree het.

Wysiging van artikel 60 van Wet 56 van 1955.

22. Artikel *sestig* van die Strafproseswet, 1955 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur in die voorbehoudsbepaling by sub-artikel (2) voor die woorde „die getuienis” die woorde „die aard en strekking van” in te voeg en die woord „voorgelees” deur die woorde „kortliks deur die magistraat meegedeel” te vervang;

(b) deur die volgende sub-artikel by te voeg:
„(3) Iemand wat kragtens sub-artikel (2) met 'n beskuldigde saamgevoeg word, word op alle redelike tye toegelaat om onder toesig van die klerk van die hof die aantekeninge van getuienis wat voor die samevoeging afgelê is, na te gaan en afskrifte daarvan te maak of te laat maak.”

Wysiging van artikel 108*bis* van Wet 56 van 1955, soos ingevoeg deur artikel 4 van Wet 39 van 1961 en gewysig deur artikel 17 van Wet 76 van 1962 en artikel 9 van Wet 37 van 1963.

23. Artikel *honderd-en-agt bis* van die Hoofwet word hierby met ingang van die eerste dag van Junie 1964 gewysig deur sub-artikel (5) deur die volgende sub-artikel te vervang:

„(5) Behoudens die bepalings van sub-artikel (6), vervalt die bepalings van hierdie artikel op die eerste dag van Junie 1965.”

Wysiging van artikel 156*bis* van Wet 56 van 1955, soos ingevoeg deur artikel 51 van Wet 68 van 1957.

24. Artikel *honderd ses-en-vyftig bis* van die Hoofwet word hierby gewysig deur die woorde „na 'n voorlopige ondersoek” te skrap.

Wysiging van artikel 156*ter* van Wet 56 van 1955, soos ingevoeg deur artikel 51 van Wet 68 van 1957.

25. Artikel *honderd ses-en-vyftig ter* van die Hoofwet word hierby gewysig deur in sub-artikel (1) paragrawe (a), (b), (c) en (d) deur die woorde „om watter rede ook al afwesig is,” en die woord „hoërhof” deur die woorde „verhoor voor 'n hoërhof na 'n voorlopige ondersoek” te vervang.

Wysiging van artikel 191 van Wet 56 van 1955.

26. Artikel *honderd een-en-negentig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Iemand wat weens 'n misdryf aangekla word, kan skuldig bevind word aan poging om daardie misdryf te pleeg of aan poging om 'n ander misdryf te pleeg waaraan hy kragtens die bepalings van hierdie Wet op die aanklag skuldig bevind kan word, indien die feite dit bewys.”

Vervanging van artikel 212 van Wet 56 van 1955.

27. Artikel *tweehonderd-en-twaalf* van die Hoofwet word hierby deur die volgende artikel vervang:

„Bevoegd-hede van hof ten opsigte van weerspan-nige getuies. 212. (1) Indien iemand wat in 'n hof aanwesig is en deur die hof aangesê word om in 'n strafsak getuienis af te lê, weier om as getuie die eed af te lê of 'n bevestiging te doen, of wat na cedaflegging of nadat hy die bevestiging gedoen het, weier om 'n vraag aan hom gestel, te beantwoord, of weier of versuim om 'n boek, stuk of dokument waarvan die oorlegging deur hom vereis word, oor te lê, kan die hof op summiere wyse ondersoek instel na bedoelde weiering of versuim en, tensy die persoon wat aldus weier of versuim 'n voldoende verskoning vir sy weiering of versuim het, hom 'n vonnis van gevangenisstraf vir 'n tydperk van hoogstens twaalf maande oplê.

(2) Na verstryking van 'n kragtens sub-artikel (1) opgelegde vonnis, kan daar van tyd tot tyd by enige verdere weiering of versuim weer teen die persoon aan wie die vonnis opgelê is, kragtens daardie sub-artikel opgetree word.

(3) 'n Hof kan te eniger tyd 'n deur hom kragtens sub-artikel (1) opgelegde straf of 'n gedeelte daarvan by bewys van gegronde redes kwytsteld.

21. (1) The following section is hereby substituted for section *eight* of the Wills Act, 1953: Amendment of section 8 of Act 7 of 1953.

"Applica-
tion of Act
to South-
West
Africa. 8. This Act and any amendment thereof which may be made from time to time shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)."

(2) Sub-section (1) shall be deemed to have come into operation on the date of commencement of the Wills Act, 1953.

22. Section *sixty* of the Criminal Procedure Act, 1955 (hereinafter referred to as the principal Act), is hereby amended— Amendment of section 60 of Act 56 of 1955.

(a) by the insertion in the proviso to sub-section (2) after the words "Provided that" of the words "such person shall be briefly informed by the magistrate of the nature and purport of" and the deletion in the said proviso of the words "shall be read over to such person";

(b) by the addition of the following sub-section:

"(3) Any person joined with an accused under sub-section (2), shall at all reasonable times be permitted to inspect the record of evidence given before such joinder and to make or cause copies thereof to be made under the supervision of the clerk of the court."

23. Section *one hundred and eight bis* of the principal Act is hereby amended with effect from the first day of June, 1964, by the substitution for sub-section (5) of the following sub-section: Amendment of section 108bis of Act 56 of 1955, as inserted by section 4 of Act 39 of 1961 and amended by section 17 of Act 76 of 1962 and section 9 of Act 37 of 1963.

"(5) Subject to the provisions of sub-section (6) the provisions of this section shall lapse on the first day of June, 1965."

24. Section *one hundred and fifty-six bis* of the principal Act is hereby amended by the deletion of the words "after a preparatory examination". Amendment of section 156bis of Act 56 of 1955, as inserted by section 51 of Act 68 of 1957.

25. Section *one hundred and fifty-six ter* of the principal Act is hereby amended by the substitution in sub-section (1) for paragraphs (a), (b), (c) and (d) of the words "is absent for any reason whatsoever," and for the words "superior court" of the words "trial before a superior court after a preparatory examination". Amendment of section 156ter of Act 56 of 1955, as inserted by section 51 of Act 68 of 1957.

26. Section *one hundred and ninety-one* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section: Amendment of section 191 of Act 56 of 1955.

"(1) Any person charged with an offence may be found guilty of an attempt to commit that offence or of an attempt to commit any other offence of which he may under the provisions of this Act be convicted on the charge, if such be the facts proved."

27. The following section is hereby substituted for section *two hundred and twelve* of the principal Act: Substitution of section 212 of Act 56 of 1955.

"Powers of
court in
respect of
recalcit-
rant wit-
nesses. 212. (1) If any person present in any court who is required by such court to give evidence in any criminal proceedings, refuses to be sworn or to make an affirmation as a witness, or having been sworn or having made an affirmation, refuses to answer any question put to him, or refuses or fails to produce any books, papers or documents required to be produced by him, the court may in a summary manner enquire into such refusal or failure and, unless the person so refusing or failing has a just excuse for his refusal or failure, sentence him to imprisonment for a period not exceeding twelve months.

(2) After the expiration of any sentence imposed under sub-section (1), the person on whom the sentence was imposed may from time to time again be dealt with under that sub-section in the event of any further refusal or failure.

(3) Any court may at any time on good cause shown remit any punishment or portion thereof imposed by it under sub-section (1).

(4) 'n Vonnis deur 'n hof ingeolge sub-artikel (1) opgelê, word uitgevoer en is onderworpe aan appêl asof dit 'n vonnis is wat in 'n strafszaak deur daardie hof opgelê is en word uitgedien voor enige ander vonnis van gevangenisstraf wat die betrokke persoon opgelê is.

(5) Die hof kan die in sub-artikel (1) bedoelde strafszaak te eniger tyd afhandel ondanks enige stappe wat ingeolge hierdie artikel gedoen is.

(6) Niemand is verplig om 'n boek, stuk of dokument wat nie in 'n op hom bestelde subpoena aangedui word nie, oor te lê nie tensy hy dit werklik in die hof het.

(7) Enige magistraat of magistraatshof is bevoeg om 'n persoon gevangenisstraf op te lê vir die maksimum tydperk wat by hierdie artikel voorgeskryf word."

Wysiging van artikel 218 van Wet 56 van 1955.

28. (1) Artikel *tweehonderd-en-agtien* van die Hoofwet word hierby gewysig deur die volgende sub-artikels by te voeg:

„(4) Regulasies ingeolge sub-artikel (3) kan aan daarin vermelde beamptes in die diens van die Staat die bevoegdheid verleen om, in gevalle waar betaling van toelaes teen die by bedoelde regulasies voorgeskrewe tariewe buitensporige ontbering kan meebring, goedkeuring te verleen vir die betaling van toelaes teen hoër tariewe as die aldus voorgeskrewe tariewe.

(5) By die toepassing van hierdie artikel beteken 'getuie' ook iemand wat noodwendig 'n getuie weens die jeug of 'n ouderdoms- of ander gebrek van daardie getuie moet begelei."

(2) Hierdie artikel word geag op die eerste dag van Julie 1955 in werking te getree het.

Vervanging van artikel 254 van Wet 56 van 1955.

29. Artikel *tweehonderd vier-en-vyftig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Mededaders as getuies vir die aanklaer.

254. (1) Wanneer die aanklaer by 'n verhoor of voorlopige ondersoek die hof mededeel dat 'n persoon deur en ten behoewe van die aanklaer as getuie opgeroep, na sy oordeel 'n mededader was, hetsy as hoofdader of medepligtige, by die pleging van die misdryf wat in die aanklag ten laste gelê word, of die onderwerp van die voorlopige ondersoek uitmaak, is daardie persoon, ondanks andersluidende bepalings van hierdie Wet, verplig om as getuie die eed af te lê of 'n bevestiging te doen en om enige vraag te beantwoord waarop die antwoord die strekking sou hê om hom ten opsigte van bedoelde misdryf te inkrimineer.

(2) Indien bedoelde persoon alle vrae wat wettiglik aan hom gestel word ten genoeë van die hof volledig beantwoord, is hy, behoudens die bepalings van sub-artikel (3), onthef van alle vervolging weens bedoelde misdryf en die hof laat bedoelde vrystelling in die notule van die saak aanteken.

(3) Bedoelde vrystelling is van nul en gener waarde en die aantekening daarvan in die notule van die saak word geskrap, indien die betrokke persoon, wanneer hy as 'n getuie geroep word by die verhoor van enige persoon op 'n aanklag dat hy die betrokke misdryf of 'n misdryf wat die voorlopige ondersoek openbaar, gepleeg het, of by die heropening van die voorlopige ondersoek, weier om as getuie die eed af te lê of 'n bevestiging te doen of weier of versuim om alle vrae wat wettiglik aan hom gestel word ten genoeë van die hof volledig te beantwoord."

Wysiging van artikel 263 van Wet 56 van 1955

30. Artikel *tweehonderd drie-en-sestig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woorde „dokument is” die woorde „of deur 'n beampte in diens van die Staat deur bedoelde hoof daartoe gemagtig” in te voeg.

Wysiging van artikel 37 van Wet 62 van 1955.

31. Artikel *sewe-en-dertig* van die Algemene Regswysigingswet, 1955, word hierby gewysig deur by sub-artikel (1) die woorde „behalwe vir sover die oplegging van so 'n straf verpligtend is” by te voeg.

(4) Any sentence imposed by any court under sub-section (1), shall be enforced and shall be subject to an appeal as if it were a sentence imposed in a criminal case by such court and shall be served before any other sentence of imprisonment imposed on the person concerned.

(5) The court may at any time conclude the criminal proceedings referred to in sub-section (1) despite any action which may have been taken under this section.

(6) No person shall be bound to produce any book, paper or document not specified in any subpoena served upon him, unless he actually has it in court.

(7) Any magistrate or magistrate's court shall have jurisdiction to sentence any person to the maximum period of imprisonment prescribed by this section."

28. (1) Section *two hundred and eighteen* of the principal Act is hereby amended by the addition of the following sub-sections: Amendment of section 218 of Act 56 of 1955.

"(4) Regulations under sub-section (3) may empower such officers in the service of the State as may be specified therein, in cases where payment of allowances in accordance with the tariffs prescribed by such regulations may cause undue hardship, to authorize the payment of allowances in accordance with higher tariffs than the tariffs so prescribed.

(5) For the purposes of this section 'witness' shall include any person necessarily required to accompany a witness on account of his youth or infirmity due to old age or any other infirmity."

(2) This section shall be deemed to have come into operation on the first day of July, 1955.

29. The following section is hereby substituted for section *two hundred and fifty-four* of the principal Act: Substitution of section 254 of Act 56 of 1955.

"Accomplices as witnesses for the prosecution.

254. (1) Whenever the prosecutor at any trial or preparatory examination informs the court that any person produced by him as a witness on behalf of the prosecution has, in his opinion, been an accomplice, either as principal or accessory, in the commission of the offence alleged in the charge, or the subject of the preparatory examination, such person shall, notwithstanding anything to the contrary in this Act contained, be compelled to be sworn or to make affirmation as a witness and to answer any question the reply to which would tend to incriminate him in respect of such offence.

(2) If such person fully answers to the satisfaction of the court all such lawful questions as may be put to him, he shall, subject to the provisions of sub-section (3), be discharged from all liability to prosecution for such offence and the court shall cause such discharge to be entered on the record of the proceedings.

(3) Such discharge shall be of no force and effect and the entry thereof on the record of the proceedings shall be deleted if, when called as a witness at the trial of any person upon a charge of having committed the offence concerned or an offence disclosed by the preparatory examination, or at a re-opening of the preparatory examination, the person concerned refuses to be sworn or to make affirmation as a witness or refuses or fails to answer fully to the satisfaction of the court all such lawful questions as may be put to him."

30. Section *two hundred and sixty-three* of the principal Act is hereby amended by the insertion in sub-section (1) after the words "document is" of the words "or by any officer in the service of the State authorized by such head". Amendment of section 263 of Act 56 of 1955.

31. Section *thirty-seven* of the General Law Amendment Act, 1955, is hereby amended by the addition to sub-section (1) of the words "except in so far as the imposition of any such penalty may be compulsory". Amendment of section 37 of Act 62 of 1955.

Wysiging van artikel 12 van Wet 69 van 1955, soos gewysig deur artikel 7 van Wet 81 van 1959 en artikel 40 van Wet 49 van 1962.

32. Artikel *twaalf* van die Wet op die Ontwikkeling van Groepsgebiede, 1955, word hierby gewysig deur in sub-artikel (1) al die woorde wat paragraaf (a) voorafgaan, deur die woorde „Die oogmerke waarmee die raad ingestel word, is om, vir sover dit na die oordeel van die raad vir die verwesenliking van die oogmerke van hierdie Wet of die Hoofwet nodig of dienstig is, behulpsaam te wees met en beheer uit te oefen oor die vreemding van geaffekteerde eiendomme, groepsgebiede of 'n deel van die beheerde gebied te ontwikkel en aan persone hulp te verleen by die verkryging of huur van onroerende goed, en vir die bereiking van sy oogmerke is die raad, benewens enige ander bevoegdhede by hierdie Wet aan hom verleen, bevoeg—” te vervang.

Wysiging van artikel 3 van Wet 50 van 1956.

33. (1) Artikel *drie* van die Algemene Regswysigingswet, 1956, word hierby gewysig deur die volgende sub-artikel daarby te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) Die bepalings van sub-artikel (1) is nie van toepassing op 'n huurkontrak van enige mineraalregte ingevolge 'n wetsbepaling met betrekking tot prospekter- of mynaangeleenthede toegeken of verkry of op enige sessie van so 'n huurkontrak nie.”

(2) Sub-artikel (1) word geag op die datum van inwerking-treding van artikel *drie* van die Algemene Regswysigingswet, 1956, in werking te getree het.

Wysiging van artikel 6 van Wet 50 van 1956.

34. (1) Artikel *ses* van die Algemene Regswysigingswet, 1956, word hierby gewysig deur na die woord „deur” die woorde „of namens” in te voeg.

(2) Sub-artikel (1) word geag op die twee-en-twintigste dag van Junie 1956 in werking te getree het.

Wysiging van artikel 42 van Wet 77 van 1957, soos gewysig deur artikel 27 van Wet 23 van 1961 en artikel 26 van Wet 49 van 1962.

35. Artikel *twee-en-veertig* van die Wet op Groepsgebiede, 1957 (Wet No. 77 van 1957), word hierby gewysig—

(a) deur sub-artikels (2) en (3) deur die volgende sub-artikels te vervang:

„(2) (a) Die hof wat iemand skuldig bevind weens die okkupering van grond of 'n perseel in stryd met sub-artikel (1) van artikel *vyftien*, artikel *sestien bis*, sub-artikel (1) van artikel *sewentien* of sub-artikel (1) van artikel *drie-en-twintig*, kan benewens enige straf opgelê—

(i) 'n bevel uitvaardig tot uitsetting van bedoelde grond of perseel, op Staatskoste, van so iemand en enigiemand anders van dieselfde groep van wie daar bewys word dat hy, hetsy permanent of andersins, saam met die veroordeelde woon;

(ii) die bevel uitvaardig, die instruksies gee en die magtiging verleen wat die hof redelikerwys nodig ag om aan bedoelde bevel tot uitsetting gevolg te gee en vir die verwydering van bedoelde grond of perseel van die besittings van iemand wat uitgesit staan te word.

(b) 'n Bevel kan ingevolge paragraaf (a) uitgevaardig word teen enigiemand van wie daar bewys word dat hy saam met die veroordeelde woon, sonder dat vooraf kennis aan so iemand gegee is.

(3) Enigiemand wat kragtens 'n ingevolge sub-artikel (2) uitgevaardigde bevel van enige grond of perseel uitgesit is en te eniger tyd op daardie grond of perseel gevind word, sonder dat hy 'n wettige verskoning het, waarvan die bewyslas op hom rus, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat voorgeskryf word vir 'n in paragraaf (a) van sub-artikel (1) bedoelde misdryf.”;

(b) deur die volgende sub-artikels by te voeg:

„(5) Wanneer dit in enige akte van beskuldiging, dagvaarding of klagskrif beweer word dat twee of meer persone op dieselfde of ongeveer dieselfde tyd misdrywe ingevolge die bepalings van sub-artikel (1) van artikel *vyftien*, artikel *sestien bis*, sub-artikel (1) van artikel *sewentien* of sub-artikel (1) van artikel *drie-en-twintig* ten opsigte van dieselfde grond of perseel gepleeg het, kan daardie persone ondanks andersluidende wetsbepalings of gemeenregtelike bepalings, gesamentlik weens bedoelde misdrywe, op daardie akte van beskuldiging, dagvaarding of klagskrif verhoor word.

(6) Ondanks andersluidende wetsbepalings, is 'n landdroshof bevoeg om enige by hierdie artikel voorgeskrewe straf op te lê en om enige bevel kragtens sub-artikel (2) uit te vaardig.”

32. Section *twelve* of the Group Areas Development Act, 1955, is hereby amended by the substitution in sub-section (1) for all the words preceding paragraph (a) of the words "The objects for which the board is established shall be to assist in and to control the disposal of affected properties, to develop group areas or any portion of the controlled area and to assist persons to acquire or hire immovable property, in so far as it may, in the opinion of the board, be necessary or expedient for the achievement of the objects of this Act or the principal Act, and to that end the board shall, in addition to any other powers vested in it by this Act, have power—". Amendment of section 12 of Act 69 of 1955, as amended by section 7 of Act 81 of 1959 and section 40 of Act 49 of 1962.
33. (1) Section *three* of the General Law Amendment Act, 1956, is hereby amended by the addition of the following sub-section the existing section becoming sub-section (1): Amendment of section 3 of Act 50 of 1956.
 "(2) The provisions of sub-section (1) shall not apply to a lease of any rights to minerals granted or acquired under any law relating to prospecting or mining or to any cession of any such lease."
 (2) Sub-section (1) shall be deemed to have come into operation on the date of commencement of section *three* of the General Law Amendment Act, 1956.
34. (1) Section *six* of the General Law Amendment Act, 1956, is hereby amended by the insertion after the word "by" of the words "or on behalf of". Amendment of section 6 of Act 50 of 1956.
 (2) Sub-section (1) shall be deemed to have come into operation on the twenty-second day of June, 1956.
35. Section *forty-two* of the Group Areas Act, 1957 (Act No. 77 of 1957), is hereby amended— Amendment of section 42 of Act 77 of 1957, as amended by section 27 of Act 23 of 1961 and section 26 of Act 49 of 1962.
 (a) by the substitution for sub-sections (2) and (3) of the following sub-sections:
 "(2) (a) The court convicting any person of occupying any land or premises in contravention of sub-section (1) of section *fifteen*, section *sixteen bis*, sub-section (1) of section *seventeen* or sub-section (1) of section *twenty-three*, may in addition to any penalty imposed—
 (i) make an order for the ejection, at State expense, from such land or premises, of such person and any other person of the same group proved to be living with him, whether permanently or otherwise;
 (ii) make such orders, give such instructions and confer such authority as it may deem reasonably necessary to give effect to the said order of ejection and for the removal from such land or premises of the possessions of any person to be ejected.
 (b) Any order may be made under paragraph (a) against any person proved to be living with the convicted person, without prior notice having been given to such first-mentioned person.
 (3) Any person ejected from any land or premises under an order made under sub-section (2) who is at any time found to be on such land or premises without lawful excuse, the onus of proof whereof shall be upon him, shall be guilty of an offence and liable on conviction to the penalties prescribed for an offence referred to in paragraph (a) of sub-section (1).";
 (b) by the addition of the following sub-sections:
 "(5) Whenever two or more persons are in any indictment, summons or charge alleged to have committed, at the same or approximately the same time, offences under the provisions of sub-section (1) of section *fifteen*, section *sixteen bis*, sub-section (1) of section *seventeen* or sub-section (1) of section *twenty-three* in respect of the same land or premises, such persons may, notwithstanding anything to the contrary in any other law or the common law contained, be tried jointly for such offences on that indictment, summons or charge.
 (6) Notwithstanding anything to the contrary in any law contained a magistrate's court shall have jurisdiction to impose any penalty prescribed by this section and to make any order under sub-section (2)."

Wysiging van artikel 2 van Wet 6 van 1958.

36. Artikel *twee* van die Wet op die Voorkoming van Korrupsie, 1958, word hierby gewysig deur die woorde „vyfhonderd pond” en „twee jaar”, onderskeidelik deur die woorde „twee-duisend rand” en „vyf jaar” te vervang, en die woorde „met of sonder dwangarbeid” te skrap.

Wysiging van artikel 94 van Wet 8 van 1959.

37. Artikel *vier-en-negentig* van die Wet op Gevangenis, 1959, word hierby gewysig—

(a) deur na paragraaf (b) van sub-artikel (1) die volgende paragraaf in te voeg:

„(b)*bis* die instelling, bestuur en beheer van 'n fonds om voorsiening te maak vir geneeskundige, tandheelkundige en hospitaalbehandeling van lede van die Gevangenisdiens wat op of na die eerste dag van Januarie 1964 met pensioen afgetree het of aftree, en hul gesinne en van die gesinne van lede van die Gevangenisdiens wat op of na bedoelde datum te sterwe gekom het of sterf, die klas van lede van die Gevangenisdiens of ander persone wat lede van die fonds is of kan word, die skaal of totale bedrag van bydraes (indien enige) wat deur enige bepaalde klas van lede van die fonds daartoe gelewer moet word, die beëindiging van lidmaatskap van die fonds, die regte, voorregte en verpligtinge van lede van die fonds, en oor die algemeen alle aangeleenthede wat redelikerwys vir die reëling en werking van die fonds nodig is;”;

(b) deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis* Regulasies kragtens paragraaf (b)*bis* van sub-artikel (1) kan voorsiening maak vir voordele ten opsigte van geneeskundige, tandheelkundige en hospitaalbehandeling op die grondslag wat kragtens hierdie Wet ten opsigte van lede van die Gevangenisdiens en hul gesinne geld, teen betaling vir bedoelde voordele uit 'n deur of kragtens bedoelde regulasies ingestelde fonds, op die grondslag wat in bedoelde regulasies vermeld word of ooreenkomstig bedoelde regulasies bepaal word.”;

(c) deur in sub-artikel (2) die woorde „So 'n regulasie” deur die woorde „'n Regulasie” te vervang.

Wysiging van artikel 7 van Wet 57 van 1959.

38. Artikel *sewe* van die Wet op Veediefstal, 1959, word hierby gewysig deur in paragraaf (a) van sub-artikel (1) die woorde „of hoofman van die nie-Blanke” deur die woorde „hoofman of onderhoofman van die nie-Blanke, 'n gevolmagtigde van bedoelde kaptein, 'n 'Official Witness' soos omskryf in Hoofstuk I van Deel I van die Bylae by Wet No. 19 van 1891 van Natal,” te vervang.

Wysiging van artikel 15 van Wet 57 van 1959.

39. Artikel *vyftien* van die Wet op Veediefstal, 1959, word hierby gewysig—

(a) deur in sub-artikel (1) na die woorde „benewens enige straf” die uitdrukking „(met inbegrip van straf waarvoor artikel *driehonderd vier-en-dertig ter* of *driehonderd vier-en-dertig quat* van die Strafproseswet, 1955 (Wet No. 56 van 1955), voorsiening maak)” in te voeg;

(b) deur die volgende sub-artikel daarby te voeg:

„(4) By die toepassing van artikels *driehonderd vier-en-dertig ter* en *driehonderd vier-en-dertig quat* van die Strafproseswet, 1955 (Wet No. 56 van 1955), word 'n kragtens hierdie artikel opgelegde straf nie in aanmerking geneem nie.”.

Invoeging van artikel 19*bis* in Wet 59 van 1959.

40. Die volgende artikel word hierby na artikel *negentien* van die Wet op die Hooggeregshof, 1959, ingevoeg:

„Verwysing van bepaalde aangeleenthede vir ondersoek deur skeidsregter. 19*bis*. (1) 'n Hof van 'n provinsiale of plaaslike afdeling kan, in 'n siviele geding, met die toestemming van die partye—

(a) enige aangeleentheid wat 'n uitgebreide ondersoek van dokumente of wetenskaplike, tegniese of plaaslike ondersoek verg wat na die oordeel van die hof nie geredelik deur die hof ingestel kan word nie; of

(b) enige aangeleentheid wat geheel en al of gedeeltelik op rekeninge betrekking het; of

(c) enige ander aangeleentheid wat uit bedoelde geding voortspuit,

vir ondersoek en verslag na 'n skeidsregter verwys, en die hof kan die verslag van so 'n skeidsregter in sy geheel of gedeeltelik aanvaar, met of sonder wy-

36. Section *two* of the Prevention of Corruption Act, 1958, is hereby amended by the substitution for the words "five hundred pounds" and "two years" of the words "two thousand rand" and "five years" respectively, and the deletion of the words "with or without compulsory labour".

Amendment of section 2 of Act 6 of 1958

37. Section *ninety-four* of the Prisons Act, 1959, is hereby amended—

Amendment of section 94 of Act 8 of 1959.

(a) by the insertion after paragraph (b) of sub-section (1) of the following paragraph:

"(b)*bis* the establishment, management and control of a fund to provide for medical, dental and hospital treatment of members of the Prisons Service who retired or retire on pension on or after the first day of January, 1964, and their families and of the families of members of the Prisons Service who died or die on or after the said date, the class of members of the Prisons Service or other persons who shall be or may become members of the fund, the scale or aggregate amount of contributions (if any) to be made to the fund by any particular class of members thereof, the termination of membership of the fund, the rights, privileges and obligations of members of the fund, and generally all matters reasonably necessary for the regulation and operation of such fund;"

(b) by the insertion after sub-section (1) of the following sub-section:

"(1)*bis* Regulations under paragraph (b)*bis* of sub-section (1) may provide for benefits in respect of medical, dental and hospital treatment on the basis applicable in respect of members of the Prisons Service and their families under this Act, subject to payment for such benefits from a fund established by or under such regulations, on such basis as may be specified in or determined in accordance with such regulations.";

(c) by the deletion in sub-section (2) of the word "such", where it occurs for the first time.

38. Section *seven* of the Stock Theft Act, 1959, is hereby amended by the substitution in paragraph (a) of sub-section (1) for the words "or headman of such non-European" of the words "headman or sub-headman of such non-European, a deputy of such chief, an Official Witness as defined in Chapter I of Part I of the Schedule to Act No. 19 of 1891 of Natal,".

Amendment of section 7 of Act 57 of 1959

39. Section *fifteen* of the Stock Theft Act, 1959, is hereby amended—

Amendment of section 15 of Act 57 of 1959.

(a) by the insertion in sub-section (1) after the words "in addition to any sentence" of the expression "(including any sentence provided for by section *three hundred and thirty-four ter* or *three hundred and thirty-four quat* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955))";

(b) by the addition of the following sub-section:

"(4) For the purposes of sections *three hundred and thirty-four ter* and *three hundred and thirty-four quat* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), any sentence imposed under this section shall not be taken into consideration."

40. The following section is hereby inserted after section *nineteen* of the Supreme Court Act, 1959:

Insertion of section 19*bis* in Act 59 of 1959.

"Reference of particular matters for investigation by referee.

19*bis*. (1) In any civil proceedings any court of a provincial or local division may, with the consent of the parties, refer—

- (a) any matter which requires extensive examination of documents or scientific, technical or local investigation which in the opinion of the court cannot be conveniently conducted by it; or
- (b) any matter which relates wholly or in part to accounts; or
- (c) any other matter arising in such proceedings, for enquiry and report to a referee, and the court may adopt the report of any such referee, either wholly or in part, and either with or without modi-

sigings, of kan so 'n verslag vir verdere ondersoek of verslag of oorweging deur bedoelde skeidsregter terugverwys, of 'n ander bevel ten opsigte daarvan uitvaardig wat nodig of wenslik is.

(2) So 'n verslag of enige deel daarvan wat deur die hof aanvaar word, hetsy met of sonder wysigings, het die uitwerking van 'n bevinding van die hof in die betrokke siviele geding.

(3) So 'n skeidsregter het vir die doeleindes van bedoelde ondersoek die bevoegdhede en behartig die ondersoek op die wyse wat by 'n spesiale hofbevel of by die hofreëls voorgeskryf word.

(4) Vir die doeleindes van die verkryging van die aanwesigheid van 'n getuie (met inbegrip van 'n getuie wat kragtens 'n wetsbepaling in hegtenis gehou word) en die oorlegging van 'n dokument of saak voor 'n skeidsregter, word 'n ondersoek kragtens hierdie artikel 'n siviele geding geag.

(5) (a) Iemand wat gedagvaar is om voor 'n skeidsregter te verskyn en getuienis af te lê of 'n dokument of saak oor te lê, en wat sonder voldoende rede in gebreke bly om op die bepaalde tyd en plek aanwesig te wees of om aanwesig te bly totdat die ondersoek voltooi is of totdat die skeidsregter hom verlof gee om nie meer aanwesig te wees nie, of weier om as getuie die eed of 'n plegtige verklaring af te lê, of wat na eedaflegging of die aflê van 'n plegtige verklaring, in gebreke bly om 'n vraag aan hom gestel volledig en op bevredigende wyse te beantwoord of wat in gebreke bly om 'n dokument of saak in sy besit of bewaring of onder sy beheer, en tot oorlegging waarvan hy gedagvaar is, oor te lê, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(b) Iemand wat na eedaflegging of die aflê van 'n plegtige verklaring valse getuienis voor 'n skeidsregter by 'n ondersoek aflê, met die wete dat die getuienis vals is of sonder dat hy weet of glo dat dit waar is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die regtens voorgeskrewe strawwe vir meened.

(6) 'n Skeidsregter is geregtig op die besoldiging wat by die hofreëls voorgeskryf word of, indien geen sodanige besoldiging aldus voorgeskryf is nie, wat die hof bepaal, en op enige redelike uitgawes deur hom vir die doeleindes van die ondersoek aangeaan, en sodanige besoldiging en uitgawes word deur die takseermeester van die hof getakseer en is koste in die geding."

Wysiging van artikel 20 van Wet 59 van 1959, soos gewysig deur artikel 2 van Wet 85 van 1963.

41. Artikel *twintig* van die Wet op die Hooggeregshof, 1959, word hierby gewysig deur paragraaf (d) van sub-artikel (3)*bis* deur die volgende paragraaf te vervang:

„(d) deur een ouer teen die ander om tussentydse toegang tot 'n kind wanneer 'n huweliksgeding tussen die ouers aanhangig is of op die punt staan om ingestel te word.”.

Wysiging van artikel 43 van Wet 59 van 1959, soos gewysig deur artikel 39 van Wet 93 van 1962 en artikel 11 van Wet 85 van 1963.

42. Artikel *drie-en-veertig* van die Wet op die Hooggeregshof, 1959, word hierby gewysig deur na paragraaf (c) van sub-artikel (3) die volgende paragraaf in te voeg:

„(c)*bis* die praktyk en prosedure in verband met die verwysing van 'n aangeleentheid na 'n skeidsregter ingevolge artikel *negentien bis* en die besoldiging aan so 'n skeidsregter betaalbaar;”.

Vervanging van artikel 4 van Wet 16 van 1963.

43. Artikel *vier* van die Wet op Vrederegters en Kommissarisse van Ede, 1963, word hierby deur die volgende artikel vervang:

„Vrederegters *ex officio*.

4. Die bekleër van 'n amp vermeld in die Eerste Bylae is 'n vrederegter vir die Republiek en het al die bevoegdhede en verrig al die pligte wat by 'n wet aan vrederegters verleen of opgelê word.”.

Wysiging van Eerste Bylae by Wet 16 van 1963.

44. Die Eerste Bylae by die Wet op Vrederegters en Kommissarisse van Ede, 1963, word hierby gewysig deur die tweede kolom te skrap.

fications, or may remit such report for further enquiry or report or consideration by such referee, or make such other order in regard thereto as may be necessary or desirable.

(2) Any such report or any part thereof which is adopted by the court, whether with or without modifications, shall have effect as if it were a finding by the court in the civil proceedings in question.

(3) Any such referee shall for the purpose of such enquiry have such powers and shall conduct the enquiry in such manner as may be prescribed by a special order of court or by rules of court.

(4) For the purpose of procuring the attendance of any witness (including any witness detained in custody under any law) and the production of any document or thing before a referee, an enquiry under this section shall be deemed to be civil proceedings.

(5) (a) Any person summoned to appear and give evidence or produce any document or thing before a referee, who, without sufficient cause, fails to attend at the time and place specified or to remain in attendance until the conclusion of the enquiry or until he is excused by the referee from further attendance, or refuses to be sworn or to make affirmation as a witness, or having been sworn or having made affirmation, fails to answer fully and satisfactorily any question put to him, or fails to produce any document or thing in his possession or custody or under his control, which he was summoned to produce, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or to imprisonment for a period not exceeding three months.

(b) Any person who after having been sworn or having made affirmation, gives false evidence before a referee at an enquiry, knowing such evidence to be false or not knowing or believing it to be true, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

(6) Any referee shall be entitled to such remuneration as may be prescribed by the rules of court or, if no such remuneration has been so prescribed, as the court may determine, and to any reasonable expenditure incurred by him for the purposes of the enquiry, and any such remuneration and expenditure shall be taxed by the taxing master of the court and shall be costs in the cause."

41. Section *twenty* of the Supreme Court Act, 1959, is hereby amended by the substitution for paragraph (d) of sub-section (3)*bis* of the following paragraph:

"(d) by one parent against the other for interim access to a child when a matrimonial action between the parents is pending or is about to be instituted."

Amendment of section 20 of Act 59 of 1959, as amended by section 2 of Act 85 of 1963.

42. Section *forty-three* of the Supreme Court Act, 1959, is hereby amended by the insertion after paragraph (c) of sub-section (3) of the following paragraph:

"(c)*bis* the practice and procedure in connection with the reference of any matter to a referee in terms of section *nineteen bis* and the remuneration payable to any such referee;"

Amendment of section 43 of Act 59 of 1959, as amended by section 39 of Act 93 of 1962 and section 11 of Act 85 of 1963.

43. The following section is hereby substituted for section *four* of the Justices of the Peace and Commissioners of Oaths Act, 1963:

"*Ex officio* justices of the peace. 4. The holder of any office specified in the First Schedule shall be a justice of the peace for the Republic and shall possess all such powers and perform all such duties as are conferred or imposed on justices of the peace by any law."

Substitution of section 4 of Act 16 of 1963.

44. The First Schedule to the Justices of the Peace and Commissioners of Oaths Act, 1963, is hereby amended by the deletion of the second column

Amendment of First Schedule to Act 16 of 1963.

Datum van inwerkingtreding van sekere wysigings van Wet 30 van 1950.

45. (1) Die wysigings aangebring aan artikels *een* en *twalf* van die Bevolkingsregistrasiewet, 1950, deur die Wysigingswet op Bevolkingsregistrasie, 1962 (Wet No. 61 van 1962), word geag op die sewende dag van Julie 1950 in werking te getree het.

(2) Enigiets gedoen kragtens die Bevolkingsregistrasiewet, 1950, te eniger tyd voor die inwerkingtreding van hierdie Wet, word geag kragtens daardie Wet soos gewysig deur die in sub-artikel (1) bedoelde wysiging van bedoelde artikel *een* gedoen te wees.

Bepalings van artikel 380 van Wet 56 van 1955 nie ten opsigte van sekere verklarings van toepassing nie.

46. (1) Die bepalings van artikel *driehonderd en tagtig* van die Strafproseswet, 1955 (Wet No. 56 van 1955), is nie van toepassing ten opsigte van 'n verklaring deur 'n kragtens artikel *sewentien* van die Algemene Regswysigingswet, 1963 (Wet No. 37 van 1963), aangehoudene gedoen terwyl hy aldus aangehou word nie.

(2) Sub-artikel (1) word geag op die datum van inwerkingtreding van artikel *sewentien* van die Algemene Regswysigingswet, 1963, in werking te getree het.

Kort titel.

47. Hierdie Wet heet die Algemene Regswysigingswet, 1964.

45. (1) The amendments effected to sections *one* and *twelve* of the Population Registration Act, 1950, by the Population Registration Amendment Act, 1962 (Act No. 61 of 1962), shall be deemed to have come into operation on the seventh day of July, 1950. Date of commencement of certain amendments of Act 30 of 1950.

(2) Anything done under the Population Registration Act, 1950, at any time prior to the commencement of this Act, shall be deemed to have been done under that Act as amended by the amendment of the said section *one* referred to in sub-section (1).

46. (1) The provisions of section *three hundred and eighty* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall not apply in respect of any statement made by any person detained under section *seventeen* of the General Law Amendment Act, 1963 (Act No. 37 of 1963), while so detained. Provisions of section 380 of Act 56 of 1955 not to apply in respect of certain statements.

(2) Sub-section (1) shall be deemed to have come into operation on the date of commencement of section *seventeen* of the General Law Amendment Act, 1963.

47. This Act shall be called the General Law Amendment Act, 1964. Short title.

UNION OF SOUTH AFRICA.

ACT

TO

Amend the Arms and Ammunition Act, 1937, the Criminal Procedure Act, 1955, and the Riotous Assemblies Act, 1956.

UNIE VAN SUID-AFRIKA.

WET

TOT

Wysiging van die Wapens- en Ammunisiewet, 1937, die Strafprosedurewet, 1955, en die Wet op Oproerige Byeenkomste, 1956.

No. 39, 1961.

ACT

To amend the Arms and Ammunition Act, 1937, the Criminal Procedure Act, 1955, and the Riotous Assemblies Act, 1956.

(English text signed by the Officer Administering the Government.)
(Assented to 18th May, 1961.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 2 of Act 28 of 1937, as amended by section 15 of Act 32 of 1952, section 1 of Act 2 of 1956 and section 33 of Act 68 of 1957.

1. Section *two* of the Arms and Ammunition Act, 1937, is hereby amended by the deletion in sub-section (1) of the proviso thereto.

Insertion of section 4*bis* in Act 28 of 1937.

2. The following section is hereby inserted in the Arms and Ammunition Act, 1937, after section *four*:

"Persons may be required to renew or to apply for licences. 4*bis*. (1) The Governor-General may at any time by proclamation in the *Gazette*—

- (a) require every person who, on the date of publication of the proclamation in the *Gazette*, holds a valid licence to possess an arm issued under section *three* or *four*, to surrender such licence to the magistrate of the district in which he resides before a date specified in the proclamation;
- (b) require every person who is on the date of publication of the proclamation in the *Gazette* in possession of an arm for which he does not hold such a licence to apply for a licence therefor in terms of section *four* before a date specified in the proclamation;
- (c) provide for the cancellation of any licence surrendered to a magistrate in terms of a proclamation issued under paragraph (a) and for the issue by such magistrate, without fee, of a licence in substitution for a licence which has been so cancelled;
- (d) provide that any licence which should in terms of a proclamation issued under paragraph (a) have been surrendered to a magistrate before the date specified therein, but was not so surrendered, shall become null and void on such date;
- (e) prescribe the circumstances under which and the conditions subject to which a licence may be issued to any person referred to in paragraph (b) in respect of an arm to which that paragraph relates and provide for the exemption of that person from compliance with any specified requirements of this Act in connection with the issue of that licence;
- (f) provide that any person referred to in paragraph (b) shall not be liable to prosecution in respect of his possession of any arm in respect of which he applies for a licence in terms of a proclamation issued under paragraph (b) during any period preceding the date of his application.

(2) A licence issued in substitution for another licence in terms of a proclamation issued under paragraph (c) shall for all purposes be deemed to be a licence which was issued under the section under which the original licence was issued."

Amendment of section 5 of Act 28 of 1937.

3. Section *five* of the Arms and Ammunition Act, 1937, is hereby amended by the insertion in paragraph (b) after the word "*twelve*" of the words "or in terms of a proclamation issued under paragraph (d) of sub-section (1) of section *four bis*".

WET

Tot wysiging van die Wapens- en Ammunisiewet, 1937, die Strafproseswet, 1955, en die Wet op Oproerige Byeenkomste, 1956.

(Engelse teks deur die Amptenaar Bbelas met die Uitvoering van die Uitvoerende Gesag geteken.)
(Goedgekeur op 18 Mei 1961.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

1. Artikel twee van die Wapens- en Ammunisiewet, 1937, word hierby gewysig deur in sub-artikel (1) die voorbehoudsbepaling daarby te skrap.

Wysiging van artikel 2 van Wet 28 van 1937, soos gewysig deur artikel 15 van Wet 32 van 1952, artikel 1 van Wet 2 van 1956 en artikel 33 van Wet 68 van 1957.

2. Die volgende artikel word hierby na artikel vier in die Wapens- en Ammunisiewet, 1937, ingevoeg:

Invoeging van artikel 4bis in Wet 28 van 1937.

„Persone kan aangese word om lisensies te hernieu of om aansoek om lisensies te doen.

4bis. (1) Die Goewerneur-generaal kan te eniger tyd by proklamasie in die *Staatskoerant*—

- (a) iedere persoon wat op die datum van publikasie van die proklamasie in die *Staatskoerant* 'n geldige lisensie, kragtens artikel drie of vier uitgereik, om 'n wapen te besit, het, aansê om sodanige lisensie, voor 'n datum in die proklamasie vermeld, aan die magistraat van die distrik waarin hy woon, te oorhandig;
 - (b) iedere persoon wat op die datum van publikasie van die proklamasie in die *Staatskoerant* in besit is van 'n wapen waarvoor hy nie so 'n lisensie het nie, aansê om, voor 'n datum in die proklamasie vermeld, aansoek te doen om 'n lisensie daarvoor ingevolge artikel vier;
 - (c) voorsiening maak vir die intrekking van 'n lisensie wat ingevolge 'n proklamasie uitgevaardig kragtens paragraaf (a) aan 'n magistraat oorhandig word en vir die kostelose uitreiking deur sodanige magistraat van 'n lisensie ter vervanging van 'n lisensie wat aldus ingetrek is;
 - (d) bepaal dat 'n lisensie wat ingevolge 'n proklamasie uitgevaardig kragtens paragraaf (a) voor 'n daarin vermelde datum aan 'n magistraat oorhandig moes gewees het, maar nie aldus oorhandig is nie, op sodanige datum ongeldig word;
 - (e) die omstandighede waaronder en die voorwaardes waarop 'n lisensie aan 'n in paragraaf (b) bedoelde persoon uitgereik mag word ten opsigte van 'n wapen waarop daardie paragraaf betrekking het, voorskryf en voorsiening maak vir die vrystelling van daardie persoon van voldoening aan enige vermelde vereistes van hierdie Wet in verband met die uitreiking van daardie lisensie;
 - (f) bepaal dat 'n in paragraaf (b) bedoelde persoon nie aan vervolging ten opsigte van sy besit van 'n wapen, ten opsigte waarvan hy ingevolge 'n proklamasie uitgevaardig kragtens paragraaf (b) om 'n lisensie aansoek doen, gedurende enige tydperk wat die datum van sy aansoek voorafgaan, sal blootstaan nie.
- (2) 'n Lisensie wat ingevolge 'n proklamasie uitgevaardig kragtens paragraaf (c) uitgereik word ter vervanging van 'n ander lisensie word vir alle doeleindes geag 'n lisensie te wees wat uitgereik is kragtens die artikel waarkragtens die oorspronklike lisensie uitgereik was.”

3. Artikel vyf van die Wapens- en Ammunisiewet, 1937, word hierby gewysig deur in paragraaf (b) na die woord „twaalf” die woorde „of ingevolge 'n proklamasie uitgevaardig kragtens paragraaf (d) van sub-artikel (1) van artikel vier bis” in te voeg.

Wysiging van artikel 5 van Wet 28 van 1937.

Insertion of section 108bis in Act 56 of 1955.

4. The following section is hereby inserted in the Criminal Procedure Act, 1955, after section *one hundred and eight*:

"Powers of Attorney-General to prohibit release on bail or otherwise.

108bis. (1) Whenever any person has been arrested on a charge of having committed any offence, the Attorney-General may, if he considers it necessary in the interest of the safety of the public or the maintenance of public order, issue an order that such person shall not be released on bail or otherwise before the expiration of a period of twelve days after the date of his arrest.

(2) Notwithstanding the provisions of this Act or any other law, but subject to the provisions of sub-section (3), no person shall be released on bail or otherwise contrary to the terms of an order issued under sub-section (1).

(3) The Attorney-General may at any time before its expiration rescind any order issued under sub-section (1).

(4) Any telegraphic copy purporting to be a copy of an order under sub-section (1) transmitted by telegraph, shall for all purposes be *prima facie* proof of the facts set forth in such copy.

(5) Subject to the provisions of sub-section (6), the provisions of this section shall lapse on the first day of June, 1962.

(6) The operation of the provisions of this section may from time to time by resolution of the Senate and the House of Assembly be extended for a period not exceeding twelve months at a time."

Amendment of section 111 of Act 56 of 1955, as amended by section 26 of Act 50 of 1956 and section 12 of Act 16 of 1959.

5. Section *one hundred and eleven* of the Criminal Procedure Act, 1955, is hereby amended by the insertion after the word "commit" of the words "murder or arson or".

Amendment of section 2 of Act 17 of 1956.

6. Section *two* of the Riotous Assemblies Act, 1956, is hereby amended—

- (a) by the deletion in paragraph (a) of sub-section (4) of the words "and in contravention thereof";
- (b) by the insertion in sub-paragraph (i) of the said paragraph (a) after the word "convenes" of the words "or encourages, promotes or by means of threats causes the assembly or attendance of, or";
- (c) by the addition at the end of sub-paragraph (ii) of the said paragraph (a) of the words "or advertises or in any other manner makes known the proposed assembly of";
- (d) by the insertion in the said sub-section (4) after the word "gathering", where it occurs for the second time, of the words "the assembly whereof has been so prohibited.", and the substitution therein for the words "three months" of the words "one year"; and
- (e) by the substitution in the said sub-section (4) for the words "six months", where they occur for the first time, of the words "two years".

Amendment of section 7 of Act 17 of 1956.

7. Section *seven* of the Riotous Assemblies Act, 1956, is hereby amended—

- (a) by the substitution in sub-section (1) for the words "inspector or captain" of the words "head constable"; and
- (b) by the substitution in sub-section (2) for the words "the penalties mentioned in section *six*" of the words "a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding one year".

Amendment of section 10 of Act 17 of 1956.

8. Section *ten* of the Riotous Assemblies Act, 1956, is hereby amended—

- (a) by the deletion of the words "in respect of employment"; and
- (b) by the addition at the end thereof of the words "unless he proves that he had a lawful reason so to act or that his action was not connected with any similar action by any other persons to achieve a particular purpose".

Short title.

9. This Act shall be called the General Law Amendment Act, 1961.

4. Die volgende artikel word hierby in die Strafproseswet, 1955, na artikel *honderd-en-agt* ingevoeg:

„Bevoegdheid van prokureur-generaal om vrylating op borgtog of andersins te verbied.

108bis. (1) Wanneer iemand in hegtenis geneem is op 'n aanklag dat hy 'n misdryf gepleeg het, kan die prokureur-generaal, indien hy dit in belang van die veiligheid van die publiek of die handhawing van die openbare orde nodig ag, 'n bevel uitreik dat so iemand nie voor die verstryking van 'n tydperk van twaalf dae na die datum van sy inhegtenisneming op borgtog of andersins vrygelaat mag word nie.

(2) Ondanks die bepalings van hierdie Wet of 'n ander wet, maar behoudens die bepalings van sub-artikel (3), word niemand in stryd met die bepalings van 'n bevel kragtens sub-artikel (1) uitgereik, op borgtog of andersins vrygelaat nie.

(3) Die prokureur-generaal kan te eniger tyd voor die verstryking van 'n bevel kragtens sub-artikel (1) uitgereik, die bevel intrek.

(4) 'n Telegrafiese afskrif wat 'n afskrif van 'n telegrafiese versende bevel kragtens sub-artikel (1) heet te wees, is vir alle doeleindes *prima facie* bewys van die feite wat in die afskrif uiteengesit word.

(5) Behoudens die bepalings van sub-artikel (6), verval die bepalings van hierdie artikel op die eerste dag van Junie 1962.

(6) Die toepassing van die bepalings van hierdie artikel kan van tyd tot tyd by besluit van die Senaat en die Volksraad vir 'n tydperk van hoogstens twaalf maande op 'n keer verleng word.”

Invoeging van artikel 108bis in Wet 56 van 1955.

5. Artikel *honderd-en-elf* van die Strafproseswet, 1955, word hierby gewysig deur na die woorde „aangekla word” die woorde „weens moord of brandstigting of poging tot moord of brandstigting of” in te voeg.

Wysiging van artikel 111 van Wet 56 van 1955, soos gewysig deur artikel 26 van Wet 50 van 1956 en artikel 12 van Wet 16 van 1959.

6. Artikel *twee* van die Wet op Oproerige Byeenkomste, 1956, word hierby gewysig—

- (a) deur in paragraaf (a) van sub-artikel (4) die woorde „in stryd met die verbod” te skrap;
- (b) deur in sub-paragraaf (i) van genoemde paragraaf (a) na die woord „samekoms” die woorde „die byeenkoms waarvan aldus verbied is,” en na die woord „belê” die woorde „of die byeenkoms of bywoning daarvan aanmoedig, bevorder of deur middel van dreigemente teweegbring” in te voeg;
- (c) deur aan die end van sub-paragraaf (ii) van genoemde paragraaf (a) die woorde „of die voorgenome byeenkoms daarvan adverteer of op enige ander wyse bekend maak” by te voeg;
- (d) deur in genoemde sub-artikel (4) die woorde „drie maande” deur die woorde „een jaar” te vervang; en
- (e) deur in genoemde sub-artikel (4) die woorde „ses maande”, waar hulle die eerste maal voorkom, deur die woorde „twee jaar” te vervang.

Wysiging van artikel 2 van Wet 17 van 1956.

7. Artikel *sewe* van die Wet op Oproerige Byeenkomste, 1956, word hierby gewysig—

- (a) deur in sub-artikel (1) die woorde „inspekteur of kaptein” deur die woord „hoofkonstabel” te vervang; en
- (b) deur in sub-artikel (2) die woorde „die strawwe in artikel *ses* vermeld” te vervang deur die woorde „'n boete van hoogstens tweehonderd pond of met gevangenisstraf vir 'n tydperk van hoogstens een jaar”.

Wysiging van artikel 7 van Wet 17 van 1956.

8. Artikel *tien* van die Wet op Oproerige Byeenkomste, 1956, word hierby gewysig—

- (a) deur die woorde „met betrekking tot diensverrigting” te skrap; en
- (b) deur aan die end daarvan die volgende woorde by te voeg: „tensy hy bewys dat hy wettige rede gehad het om aldus op te tree of dat sy optrede nie in verband staan met dergelike optrede deur ander persone om 'n bepaalde doel te bereik nie”.

Wysiging van artikel 10 van Wet 17 van 1956.

9. Hierdie Wet heet die Algemene Regswysigingswet, 1961. Kort titel.

UNIE VAN SUID-AFRIKA.

WET

TOT

Wysiging van die Wapens- en Ammunisiewet, 1937.

UNION OF SOUTH AFRICA.

ACT

TO

Amend the Arms and Ammunition Act, 1937.

No. 2, 1956.

WET

Tot wysiging van die Wapens- en Ammunisiewet, 1937.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 6 Februarie 1956.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Wysiging van artikel 2 van Wet 28 van 1937, soos gewysig deur artikel 15 van Wet 32 van 1952.

1. Artikel twee van die Wapens- en Ammunisiewet, 1937 (hieronder die Hoofwet genoem), word hiermee gewysig—

(a) deur sub-artikels (2), (3), (4) en (5) deur die volgende sub-artikels te vervang:

„(2) 'n Invoerpermit kragtens sub-artikel (1) uitgereik aan 'n persoon wat die Unie binnekom en in besit is van die wapen in die permit beskryf, het gedurende 'n tydperk van agt-en-twintig dae vanaf die datum van uitreiking daarvan, ook regsrag asof dit 'n lisensie is wat kragtens sub-artikel (2) van artikel vier vir bedoelde wapen uitgereik is.

(3) 'n Magistraat of ander voormelde amptenaar kan aan iemand wat die Unie binnekom om tydelik daarin te vertoef, 'n besoekersinvoerpermit uitreik, wat aan die houer daarvan die reg verleen om enige in die permit beskrewe wapen en ammunisie in die Unie in te voer en wat gedurende die tydperk van die houer se wettige verblyf in die Unie, dog nie langer nie as ses maande vanaf die datum van uitreiking van die permit, ook regsrag het asof dit—

(a) 'n lisensie is wat kragtens sub-artikel (2) van artikel vier vir bedoelde wapen uitgereik is; en

(b) 'n permit is wat kragtens sub-artikel (1) van hierdie artikel uitgereik is vir die uitvoer van bedoelde wapen en ammunisie:

Met dien verstande dat bedoelde permit verval wanneer die houer daarvan die Unie verlaat.

(4) 'n Magistraat of ander voormelde amptenaar kan aan enigiemand 'n retoer-uitvoerpermit uitreik wat aan die houer daarvan die reg verleen om enige in die permit beskrewe wapen en ammunisie uit die Unie uit te voer en wat, gedurende 'n tydperk van twaalf maande vanaf die datum van uitreiking daarvan, ook regsrag het asof dit 'n permit is wat kragtens sub-artikel (1) van hierdie artikel uitgereik is vir die invoer van bedoelde wapen en ammunisie.

(5) 'n Magistraat of ander voormelde amptenaar kan 'n aansoek om enige permit wat in hierdie artikel vermeld word, volgens goeëdunke weier, maar as hy dit doen, kan die applikant hom op die Minister beroep wat die weiering kan bekragtig of die betrokke magistraat of ander amptenaar kan gelas om die aangevraagde permit uit te reik of onvoorwaardelik of op die voorwaardes wat die Minister mag bepaal.

(5)bis. Elke in hierdie artikel vermelde permit word kosteloos uitgereik, moet in die voorgeskrewe vorm wees, moet die tipe, kaliber, fabrikaat en fabrikants-ervolgnommer van elke wapen en die hoeveelheid, kaliber en soort van alle ammunisie wat daarkragtens in- of uitvoer mag word, aangee en moet enige ander gegewens wat voorgeskryf mag wees, bevat.

(5)ter. Die Minister kan te eniger tyd 'n permit kragtens hierdie artikel uitgereik, intrek; en

(b) deur aan die end daarvan die volgende sub-artikels by te voeg:

„(8) Ondanks andersluidende bepalings van hierdie artikel, is niemand verplig nie—

(a) om 'n uitvoerpermit te verkry vir die uitvoer uit die Unie na die gebied Suidwes-Afrika van enige ammunisie of enige wapen ten opsigte waarvan hy kragtens hierdie Wet of kragtens een of ander wet wat in genoemde gebied van krag is, gelisensieer is; of

(b) om 'n invoerpermit te verkry vir die invoer in die Unie van die gebied Suidwes-Afrika van enige ammunisie of enige wapen ten opsigte waarvan

ACT

To amend the Arms and Ammunition Act, 1937.

(English text signed by the Governor-General.)
(Assented to 6th February, 1956.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. Section *two* of the Arms and Ammunition Act, 1937 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of section 2 of Act 28 of 1937, as amended by section 15 of Act 32 of 1952.

(a) by the substitution for sub-sections (2), (3), (4) and (5) of the following sub-sections:

"(2) An import permit issued in terms of sub-section (1) to a person who enters the Union and is in possession of the arm described in the permit shall, during a period of twenty-eight days as from the date of issue thereof, have effect also as if it were a licence issued in terms of sub-section (2) of section *four* for the said arm.

(3) A magistrate or other officer as aforesaid may issue to a person who enters the Union for temporary sojourn therein, a visitor's import permit which shall entitle the holder thereof to import into the Union any arm and ammunition described in the permit and which shall, during the period of the holder's lawful sojourn in the Union, but not exceeding a period of six months as from the date of issue of the permit have effect also as if it were—

(a) a licence issued in terms of sub-section (2) of section *four* for the said arm; and

(b) a permit issued in terms of sub-section (1) of this section for the export of the said arm and ammunition:

Provided that the said permit shall lapse when the holder thereof leaves the Union.

(4) A magistrate or other officer as aforesaid may issue to any person a return export permit which shall entitle the holder thereof to export from the Union any arm and ammunition described in the permit and which shall, during a period of twelve months as from the date of issue thereof, have effect also as if it were a permit issued in terms of sub-section (1) of this section for the import of the said arm and ammunition.

(5) A magistrate or other officer as aforesaid may in his discretion refuse an application for any permit mentioned in this section but if he does so the applicant may appeal to the Minister who may confirm the refusal or direct the magistrate or other officer concerned to issue the permit applied for, either unconditionally or on such conditions as the Minister may determine.

(5)*bis*. Every permit mentioned in this section shall be issued free of charge, shall be in the prescribed form, shall specify the type, calibre, make and manufacturers' serial number of each arm and the quantity, calibre and class of all ammunition which may in terms thereof be imported or exported and shall contain any other particulars which may be prescribed.

(5)*ter*. The Minister may at any time cancel any permit issued in terms of this section."; and

(b) by the addition at the end thereof of the following sub-sections:

"(8) Notwithstanding anything to the contrary in this section contained, no person shall be required to obtain—

(a) an export permit for the exportation from the Union to the territory of South-West Africa of any ammunition or any arm in respect of which he is licensed under this Act or under any law which applies in the said territory; or

(b) an import permit for the importation into the Union from the territory of South-West Africa of any ammunition or any arm in respect of which

hy kragtens hierdie Wet of kragtens een of ander wet wat in genoemde gebied van krag is, gelisensieer is.

(9) Wanneer iemand 'n wapen ten opsigte waarvan hy 'n lisensie het wat kragtens een of ander wet uitgereik is wat in die gebied Suidwes-Afrika van krag is, in die Unie van genoemde gebied invoer, het sodanige lisensie gedurende die tydperk van daardie persoon se verblyf in die Unie, dog nie langer nie as ses maande vanaf die datum van invoer van sodanige wapen, regs krag in die Unie asof dit 'n lisensie is wat kragtens sub-artikel (2) van artikel vier vir bedoelde wapen uitgereik is."

Wysiging van artikel 4 van Wet 28 van 1937.

2. Artikel vier van die Hoofwet word hiermee gewysig deur in sub-artikel (2) die uitdrukking „sub-artikel (3)” deur die uitdrukking „sub-artikel (5)” te vervang.

Invoeging van artikels 25bis en 25ter in Wet 28 van 1937.

3. Die volgende artikels word hiermee na artikel vyf-en-twintig van die Hoofwet ingevoeg:

„Beperkings op vervaardiging van wapens. 25bis. (1) Niemand mag wapens vervaardig nie, behalwe—

(a) in 'n fabriek wat kragtens die Wet op Fabriek, Masjinerie en Bouwerk, 1941 (Wet No. 22 van 1941), geregistreer is; en

(b) kragtens skriftelike magtiging van die Minister en in ooreenstemming daarmee.

(2) So 'n magtiging kan onderhewig gemaak word aan sulke bedinge, voorwaardes en beperkings met betrekking tot die vervaardiging, merk, hantering, berging en die van die hand sit van wapens (met inbegrip van bedinge en voorwaardes met betrekking tot die hou van registers en die verstrekking van opgawes) as wat die Minister wenslik ag.

(3) Die Minister kan te eniger tyd enige magtiging wat kragtens hierdie artikel verleen word, wysig en kan te eniger tyd so 'n magtiging intrek indien hy deur 'n verslag deur 'n magistraat oortuig is dat die houer daarvan nie meer 'n geskikte persoon is om so 'n magtiging te hou nie.

Inspeksie van ammunisie-fabriek en wapen-fabriek.

25ter. Enige magistraat of polisiebeampte en enige ander persoon deur die Minister daartoe gemagtig kan te eniger tyd enige perseel betree wat as 'n fabriek vir die vervaardiging van ammunisie of wapens gebruik word en daarop die handeling verrig wat nodig mag wees om vas te stel of sodanige vervaardiging in ooreenstemming met die Minister se magtiging ingevolge artikel vyf-en-twintig of vyf-en-twintig bis geskied."

Wysiging van artikel 27 van Wet 28 van 1937.

4. Artikel sewe-en-twintig van die Hoofwet word hiermee gewysig—

(a) deur in sub-artikel (1) na die woord „handelaars” die woorde „of gemagtigde vervaardigers” in te voeg; en

(b) deur in sub-artikel (2) na die woord „handelaar” die woorde „of gemagtigde vervaardiger” in te voeg.

Wysiging van artikel 30 van Wet 28 van 1937.

5. Artikel dertig van die Hoofwet word hiermee gewysig—

(a) deur in paragraaf (e) na die woord „Wet” die woorde „of van 'n regulasie wat kragtens artikel vier-en-dertig uitgevaardig is,” in te voeg en deur aan die end van daardie paragraaf die woord „of” by te voeg;

(b) deur na paragraaf (e) die volgende paragraaf in te voeg:

„(f) wetens 'n valse verklaring doen met die doel om, hetsy vir homself of vir iemand anders, 'n lisensie, permit of magtiging kragtens hierdie Wet, te verkry; of

(g) 'n gemagtigde vervaardiger is en die bedinge, voorwaardes of beperkings onderworpe waaraan die magtiging om wapens of ammunisie te vervaardig, aan hom verleen is, oortree of in gebreke bly om daaraan te voldoen.”;

(c) deur in paragraaf (i) die uitdrukking „paragraaf (a) of (b)” deur die uitdrukking „paragraaf (a), (b), (f) of (g)” te vervang; en

(d) deur in paragraaf (iii) na die woorde „word nie” die woorde „of van 'n regulasie wat kragtens artikel vier-en-dertig uitgevaardig is” in te voeg.

he is licensed under this Act or under any law which applies in the said territory.

(9) When any person imports into the Union from the territory of South-West Africa any arm in respect of which he holds a licence issued under any law which applies in the said territory, such licence shall during the period of such person's residence in the Union, but not exceeding a period of six months as from the date of importation of such arm, have effect in the Union as if it were a licence issued in terms of sub-section (2) of section *four* for the said arm."

2. Section *four* of the principal Act is hereby amended by the substitution in sub-section (2) for the expression "sub-section (3)" of the expression "sub-section (5)".

Amendment of section 4 of Act 28 of 1937.

3. The following sections are hereby inserted in the principal Act after section *twenty-five*:

Insertion of sections 25*bis* and 25*ter* in Act 28 of 1937.

"Restrictions on manufacture of arms. 25*bis*. (1) No person shall manufacture arms except—

- (a) in a factory registered under the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941); and
- (b) under the written authority of the Minister and in accordance therewith.

(2) Any such authority may be made subject to such terms, conditions and restrictions relating to the manufacture, marking, handling, storage and disposal of arms (including terms and conditions relating to the keeping of registers and the rendering of returns) as the Minister may deem desirable.

(3) The Minister may at any time vary any authority granted under this section and may at any time cancel any such authority if he is satisfied, upon a report by a magistrate, that the holder thereof is no longer a suitable person to hold such an authority.

Inspection of ammunition factories and arms factories.

25*ter*. Any magistrate or policeman and any other person authorized thereto by the Minister may at any time enter any premises used as a factory for the manufacture of ammunition or arms and perform such acts thereon as may be necessary in order to ascertain whether such manufacturing is taking place in accordance with the Minister's authority in terms of section *twenty-five* or *twenty-five bis*."

4. Section *twenty-seven* of the principal Act is hereby amended—

Amendment of section 27 of Act 28 of 1937.

- (a) by the insertion in sub-section (1) after the word "dealers" of the words "or authorized manufacturers"; and
- (b) by the insertion in sub-section (2) after the word "dealer" of the words "or authorized manufacturer".

5. Section *thirty* of the principal Act is hereby amended—

Amendment of section 30 of Act 28 of 1937.

- (a) by the substitution in paragraph (e) for the word "Act", of the words "Act or of any regulation made under section *thirty-four*; or";
- (b) by the insertion after paragraph (e) of the following paragraphs:
 - "(f) knowingly makes any false statement for the purpose of procuring, whether for himself or for any other person, a licence, permit or authority under this Act; or
 - (g) being an authorized manufacturer, contravenes or fails to comply with the terms, conditions or restrictions subject to which the authority to manufacture arms or ammunition was granted to him;"
- (c) by the substitution in paragraph (i) for the expression "paragraph (a) or (b)" of the expression "paragraph (a), (b), (f) or (g)"; and
- (d) by the insertion in paragraph (iii) after the expression "paragraph (i) or (ii)" of the words "or of any regulation made under section *thirty-four*".

Wysiging van
artikel 34 van
Wet 28 van 1937.

6. Artikel *vier-en-dertig* van die Hoofwet word hiermee gewysig—

- (a) deur aan die end van paragraaf (c) die woorde „en dat die fooi vir 'n lisensie vir 'n wapen ten opsigte waarvan die applikant 'n lisensie het wat kragtens een of ander wet uitgereik is wat in die gebied Suidwes-Afrika van krag is, nie meer as twee sjelings en ses pennies mag bedra nie;” by te voeg; en
- (b) deur aan die end daarvan die volgende paragraawe by te voeg:
- „(f) die tydperk waarvoor 'n in artikel *twee* vermelde permit uitgereik mag word en die omstandighede waaronder so 'n permit ophou om geldig te wees;
- (g) die omstandighede waaronder 'n ingevolge artikel *vier* uitgereikte lisensie, op versoek van die houër daarvan, ingetrek kan word en die daarvoor betaalde fooi terugbetaal kan word;
- (h) die inlewering van en beskikking oor permitte of lisensies wat kragtens hierdie Wet uitgereik is en wat ingetrek of opgeskort is of wat nie meer geldig is nie;
- (i) die registrasie van geweermakers, die hou van registers en die verstrekking van opgawes deur hulle en die voorwaardes waaronder hulle hul beroep mag uitoefen.”

Wysiging van
artikel 35 van
Wet 28 van 1937,
soos gewysig deur
artikel 19 van
Wet 32 van 1952.

7. Artikel *vyf-en-dertig* van die Hoofwet word hiermee gewysig deur in paragraaf (g) na die woord „ouer” waar dit die tweede en derde keer voorkom die woorde „stiefouer, voog” in te voeg.

Wysiging van
artikel 36 van
Wet 28 van 1937.

8. Artikel *ses-en-dertig* van die Hoofwet word hiermee gewysig—

- (a) deur na die omskrywing van „wapen” die volgende omskrywing in te voeg:
„,gemagtigde vervaardiger’ iemand wat ooreenkomstig hierdie Wet gemagtig is om wapens of ammunisie te vervaardig;”;
- (b) deur aan die end van die omskrywing van „handel dryf” die woorde „en enige oorhaling van iemand, of enige poging om iemand oor te haal, om 'n wapen of ammunisie te verkry, hetsy van die persoon van wie die oorhaling of poging uitgaan of van iemand anders, as die oorhaling of poging as besigheid verrig word” by te voeg;
- (c) deur na die omskrywing van „handelaarslisensie” die volgende omskrywing in te voeg:
„,geweermaker’ iemand wat die herstel van wapens as besigheid onderneem;”;
- (d) deur na die omskrywing van „magistraat” die volgende omskrywing in te voeg:
„,vervaardig’ met betrekking tot wapens, ook die montering van wapens;”.

Inwerkingtreding
van sekere
artikels.

9. Artikels *drie* en *vier*, paragraaf (b) van artikel *vyf* (vir sover dit voorsiening maak vir die invoeging van paragraaf (g) in artikel *dertig* van die Hoofwet), paragraaf (c) van artikel *vyf* (vir sover dit na paragraaf (g) van artikel *dertig* van die Hoofwet verwys) en paragraawe (a) en (d) van artikel *agt* tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatstykoper* bepaal.

Kort titel.

10. Hierdie Wet heet die Wysigingswet op Wapens en Ammunisie, 1956.

6. Section *thirty-four* of the principal Act is hereby amended— Amendment of section 34 of Act 28 of 1937.

(a) by the addition at the end of paragraph (c) of the words "and that the fee for a licence for any arm in respect of which the applicant holds a licence issued under any law which applies in the territory of South-West Africa shall not exceed two shillings and six pence"; and

(b) by the addition at the end thereof of the following paragraphs:

"(f) the period for which any permit mentioned in section *two* may be issued and the circumstances in which any such permit shall cease to be valid;

(g) the circumstances in which a licence issued in terms of section *four* may, at the request of the holder thereof, be cancelled and the fee paid therefor refunded;

(h) the surrender and disposal of permits or licences issued under this Act which have been cancelled or suspended or have ceased to be valid;

(i) the registration of gunsmiths, the keeping of registers and the rendering of returns by them, and the conditions subject to which they may carry on their trade."

7. Section *thirty-five* of the principal Act is hereby amended Amendment of section 35 of Act 28 of 1937, as amended by section 19 of Act 32 of 1952. by the insertion in paragraph (g) after the word "parent" wherever it occurs of the words "step-parent, guardian".

8. Section *thirty-six* of the principal Act is hereby amended— Amendment of section 36 of Act 28 of 1937.

(a) by the insertion after the definition of "arm" of the following definition:

" 'authorized manufacturer' means a person authorized in accordance with this Act to manufacture arms or ammunition;";

(b) by the addition at the end of the definition of "deal" of the words "and any inducement of any person or any attempt to induce any person to acquire any arm or ammunition, whether from the person making the inducement or attempt or from any other person, if the inducement or attempt is made as a business";

(c) by the insertion after the definition of "dealer's licence" of the following definition:

" 'gunsmith' means a person who undertakes the repair of arms as a business;"; and

(d) by the insertion after the definition of "magistrate" of the following definition:

" 'manufacture', in relation to arms, includes the assembling of arms;".

9. Sections *three* and *four*, paragraph (b) of section *five* (in so far as it provides for the insertion of paragraph (g) in section *thirty* of the principal Act), paragraph (c) of section *five* (in so far as it refers to paragraph (g) of section *thirty* of the principal Act) and paragraphs (a) and (d) of section *eight* shall come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*. Commencement of certain sections.

10. This Act shall be called the Arms and Ammunition Short title Amendment Act, 1956.

UNION OF SOUTH AFRICA.

ACT

TO

Consolidate and amend the laws in force in the various provinces of the Union relating to arms and ammunition.

UNIE VAN SUID-AFRIKA.

WET

OM

Die wette betreffende wapens en ammunisie, in die verskillende provinsies van die Unie van krag, te konsolideer en te wysig.

No. 28, 1937.

ACT

To consolidate and amend the laws in force in the various provinces of the Union relating to arms and ammunition.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa as follows:—

Importation, etc.
of cannon,
machine guns,
machine rifles,
cannon
ammunition,
grenades and
bombs.

1. (1) No person shall, except on behalf of the Government of the Union, import into the Union, supply to any person, acquire from any person or possess—

- (a) any cannon, machine gun or machine rifle or any part thereof; or
- (b) any projectile or part of a projectile designed to be discharged from a cannon or any substance designed to propel or to assist in propelling such a projectile so discharged or any grenade, bomb or similar missile.

(2) The provisions of sub-section (1) shall not apply to—

- (a) a gun or part of a gun designed solely for the killing or capture of whales; or
- (b) a projectile or part of a projectile designed solely to be discharged from such a gun or a substance designed solely to propel or assist in propelling such a projectile; or
- (c) any article mentioned in sub-section (1) which is imported, supplied, acquired or possessed solely as a trophy, curiosity or ornament or signal or salute gun: Provided that no person shall without the written permission of the Minister import, supply, acquire or possess a signal or salute gun or any such other article as aforesaid which can be discharged or exploded.

Importation and
exportation of
arms and
ammunition.

2. (1) No person shall import into the Union (whether for use therein or for transit through any part of the Union) or export therefrom any arm or ammunition without having first obtained in respect thereof a permit signed by the magistrate of the district in which such person resides, or if he resides outside the Union, by the magistrate of the district wherein is situate the port of entry or export through which the arm or ammunition is to be imported or exported, or by the magistrate of the district in which the arm or ammunition is to be used or by any other officer authorized by the Minister to issue such permits: Provided that a licensed dealer may without such a permit import into or export from the Union any ammunition for a shotgun or any rimfire cartridge loaded with a bullet of a reputed diameter not exceeding .22 of an inch.

(2) Every such permit shall be issued free of charge, shall be in the prescribed form, and shall contain the prescribed particulars, including the number, type and make of arms or the quantity and class of ammunition which may be imported or exported on the authority of the permit, and the period for which the permit shall be valid.

(3) A magistrate or other officer as aforesaid may in his discretion refuse such an application for such a permit, but if he does so, the applicant may appeal to the Minister who may confirm the refusal or direct the magistrate or other officer concerned to issue the permit applied for, either unconditionally or on such conditions as the Minister may determine.

(4) A temporary export permit may be issued for a period not exceeding twelve months, and the arms and ammunition therein described may, during the period specified on the permit, be re-imported into the Union without an import permit.

(5) The Minister may at any time, if satisfied that the public interest so requires, cancel any permit issued under sub-section (1).

WET

Om die wette betreffende wapens en ammunisie, in die verskillende provinsies van die Unie van krag, te konsolideer en te wysig.

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volkeraad van die Unie van Suid-Afrika, as volg:—

1. (1) Niemand mag, behalwe ten behoeve van die Unie-regering—

(a) 'n kanon of masjiengeweer of 'n onderdeel daarvan; of

(b) 'n projektiel of deel van 'n projektiel wat bestem is om uit 'n kanon afgeskiet te word of 'n stof wat bestem is om so 'n projektiel aldus afgeskiet, voort te dryf of by sy voortdrywing mee te werk, of 'n granaat, bom of soortgelyke werptuig,

Invoer, ens. van kanonne, masjiengewere, kanon-ammunisie, granaat en bomme.

in die Unie invoer, aan iemand verstrekk, van iemand verkry of besit nie.

(2) Die bepalinge van sub-artikel (1) is nie van toepassing nie op—

(a) 'n kanon of deel van 'n kanon wat alleen bestem is om walvisse te dood of te vang; of

(b) 'n projektiel of deel van 'n projektiel wat alleen bestem is om uit so 'n kanon afgeskiet te word of 'n stof wat alleen bestem is om so 'n projektiel voort te dryf of by sy voortdrywing mee te werk; of

(c) 'n voorwerp, in sub-artikel (1) vermeld, wat alleen as 'n segeteken, curiositeit, of ornament of as 'n sein- of saluutkanon ingevoer, verstrekk, verkry of besit word: Met dien verstande dat niemand 'n sein- of saluutkanon of so 'n ander voorwerp as voormeld, wat afgeskiet of ontplof kan word, sonder skriftelike verlof van die Minister mag invoer, verstrekk, verkry of besit nie.

2. (1) Niemand mag 'n wapen of ammunisie in die Unie invoer nie (hetsy vir gebruik in die Unie of vir vervoer deur enige deel van die Unie) of vandaar uitvoer nie, tensy hy eers daarvoor 'n permit verkry het, geteken deur die magistraat van die distrik waarin bedoelde persoon woon, of as hy buite die Unie woon, deur die magistraat van die distrik waarin die invoer- of uitvoerpoort geleë is, waardeur die wapen of ammunisie ingevoer of uitgevoer sal word of deur die magistraat van die distrik waarin die wapen of ammunisie gebruik sal word of deur 'n ander amptenaar aan wie die Minister magtiging verleen het om sulke permitte uit te reik: Met dien verstande dat 'n gelisensieerde handelaar ammunisie vir 'n haelgeweer of 'n randvuurpatroon, gelaai met 'n koesl met 'n deursnee wat gebruiklik aangegee word as nie meer nie as .22 van 'n duim, sonder so 'n permit mag invoer.

Invoer en uitvoer van wapens en ammunisie.

(2) Iedere sodanige permit word kosteloos uitgereik, moet in die voorgeskrewe vorm wees en moet die voorgeskrewe besonderhede bevat met inbegrip van die aantal, tipe en fabrikaat van wapens of die hoeveelheid en soort ammunisie wat uit kragte daarvan ingevoer of uitgevoer mag word, en sy geldigheidsduur.

(3) 'n Magistraat of 'n ander voormelde amptenaar kan 'n aansoek om so 'n permit volgens sy goedvinde weier, dog as hy dit doen, kan die aansoeker hom beroep op die Minister wat die weiering kan bekragtig of die betrokke magistraat of ander amptenaar kan gelas om die aangevraagde permit uit te reik, en wel onvoorwaardelik of op die voorwaardes wat die Minister mag bepaal.

(4) 'n Tydelike uitvoerpermit kan uitgereik word vir 'n tydperk van hoogstens twaalf maande, en die wapens en ammunisie daarin vermeld kan gedurende die tydperk in die permit vaaggestel, sonder 'n invoerpermit weer in die Unie ingevoer word.

(5) Die Minister kan te eniger tyd, indien hy van oordeel is dat die openbare belang dit vereis, 'n permit ingevolge sub-artikel (1) uitgereik, intrek.

Registration of
arms held prior
to the
commencement
of Act.

3. (1) Every person who, at the commencement of this Act, is in possession of any arm shall not later than six months after such commencement submit to the magistrate of the district in which such person resides, a statement in writing, on a prescribed form setting forth the type, calibre and number of the arm and every name and address inscribed on the metal of the arm and the time when and the circumstances in which and the person from whom he acquired it.

(2) If such person holds a licence, issued under a law repealed by this Act, which authorizes him to possess such arm, he shall attach that licence to the said statement, and if he fails so to attach such licence he shall be deemed not to hold a licence for the possession of such arm, unless he satisfies the magistrate to whom the statement was submitted that a licence to possess that arm was issued to him under the said law, but has been destroyed or lost.

(3) Unless the magistrate is satisfied that such person's possession of the arm was contrary to a law repealed by this Act or is otherwise unlawful, he shall issue to such person, without fee, a licence to possess the arm, in which shall be stated the type, calibre and number of the arm and every name and address inscribed on the metal of the arm.

(4) If the magistrate is so satisfied, as aforesaid he shall direct the person in question by registered letter sent by post or by letter delivered to him, to deliver the arm to the magistrate at his office within a stated period.

(5) If the arm is delivered to the magistrate and he is satisfied—

- (a) that the person in whose possession it was, is a fit and proper person to possess it; and
- (b) that his possession of the arm was unlawful merely because he was not in possession of a licence for the arm,

he shall, at the request of the person concerned, deliver to him or to his agent the arm and a licence to possess it, on payment of the fee prescribed for a licence for that class of arm.

(6) If the person whom the magistrate directed in terms of sub-section (4) to deliver an arm, has failed to do so, the magistrate shall direct in writing any policeman to seize the arm and to deliver it to the magistrate, and it shall be competent for any policeman to carry out that direction as if it were a search warrant issued in terms of section *forty-nine* of the Criminal Procedure and Evidence Act, 1917 (Act No. 31 of 1917) as amended.

(7) If an arm which was in unlawful possession of any person—

- (a) has been delivered to the magistrate in accordance with his direction and—
 - (i) the said person was in unlawful possession thereof not merely because he did not hold a licence for that arm; or
 - (ii) the magistrate would not be prepared to issue to that person under sub-section (2) of section *four* a licence to possess it, if he desired to acquire the arm; or
- (b) has been seized and delivered to the magistrate in terms of sub-section (6),

or if the person entitled to claim an arm mentioned in sub-section (5) has failed to claim that arm and to pay the fee prescribed by that sub-section within a period of three months as from the date upon which he was notified that the said arm and a licence therefor would be delivered to him at his request and on payment of the said fee, the magistrate shall dispose of the arm in such manner as the Minister may direct.

Licences to
possess arms.

4. (1) After the expiration of the period of six months mentioned in section *three* no person shall have any arm in his possession unless he holds a licence issued under this Act to possess it: Provided that any person who before the commencement of this Act in the course of his business lawfully accepted an arm as security for the fulfilment of an obligation, may retain possession of that arm for the purpose of his business, without holding a licence for that arm, until the obligation is discharged or he lawfully disposes of that arm.

(2) A licence to possess an arm may, on application, and on payment of the prescribed fee, be issued by a magistrate, and in connection with such an application the provisions of sub-section (3) of section *two* shall *mutatis mutandis* apply.

3. (1) Iedere persoon wat by die inwerkingtreding van hierdie Wet in besit is van 'n wapen moet nie later nie as ses maande na die inwerkingtreding aan die magistraat van die distrik waarin bedoelde persoon woon, 'n skriftelike verklaring op 'n voorgeskrewe formulier voorlê, waarin vermeld word die tipe kaliber en nommer van die wapen en elke naam en adres wat op die metaal van die wapen gegrif is, asook die tyd wannêr, die omstandighede waaronder en die persoon van wie hy dit verkry het.

Registrasie van
wapens voor
inwerkingtreding
van Wet besit.

(2) As bedoelde persoon in besit is van 'n lisensie, uitgereik kragtens 'n deur hierdie Wet herroepe wet, wat hom veroorloof om daardie wapen te besit, dan moet hy daardie lisensie aan voormelde verklaring heg en as hy in gebreke bly om daardie lisensie aldus daaraan te heg, word hy geag nie in besit te wees nie van 'n lisensie vir daardie wapen, tensy hy die magistraat, aan wie die verklaring voorgelê is, oortuig dat 'n lisensie om daardie wapen te besit, kragtens bedoelde wet aan hom uitgereik is, dog vernietig of verloor is.

(3) Tensy die magistraat van oordeel is dat bedoelde persoon se besit van die wapen strydig is met 'n deur hierdie Wet herroepe wet of andersins onwettig is, moet hy kosteloos aan bedoelde persoon 'n lisensie uitreik om die wapen te besit, waarin vermeld word die tipe, kaliber en nommer van die wapen en elke naam en adres wat op die metaal van die wapen gegrif is.

(4) As die magistraat wel van voormelde oordeel is, gelas hy die betrokke persoon deur middel van 'n geregistreerde brief deur die pos aan hom gestuur, of deur middel van 'n brief aan hom afgelewer, om die wapen binne 'n vasgestelde termyn aan die magistraat op sy kantoor te oorhandig.

(5) As die wapen aan die magistraat oorhandig word en hy van oordeel is—

(a) dat die persoon in wie se besit dit was, bekwaam en geskik is om dit te besit; en

(b) dat sy besit van die wapen onwettig was alleen omdat hy nie in besit van 'n lisensie vir die wapen was nie, dan oorhandig hy op versoek van die betrokke persoon aan hom of aan sy verteenwoordiger die wapen en 'n lisensie om dit te besit, teen betaling van die fooi wat voorgeskrewe is vir 'n lisensie vir daardie soort van wapen verskuldig.

(6) As iemand wat deur die magistraat volgens sub-artikel (4) gelas is om 'n wapen te oorhandig, in gebreke gebly het om dit te doen, gelas die magistraat skriftelik 'n polisie-dienaar om die wapen in beslag te neem en aan die magistraat te oorhandig en enige polisie-dienaar is bevoeg om daardie opdrag uit te voer asof dit 'n lasbrief tot huissoeking was, uitgereik kragtens artikel *negen-en-veertig* van die „Wet op de Kriminele Procedure en Bewijslevering 1917” (Wet No. 31 van 1917), soos gewysig.

(7) As 'n wapen wat in onwettige besit van iemand was—

(a) aan die magistraat volgens sy opdrag oorhandig is en—

(i) bedoelde persoon in onwettige besit daarvan was nie alleen omdat hy nie in besit van 'n lisensie daarvoor was nie; of

(ii) die magistraat nie gewillig sou wees om kragtens sub-artikel (2) van artikel vier 'n lisensie om dit te besit aan daardie persoon uit te reik nie as hy die wapen sou wil verkry; of

(b) volgens sub-artikel (6) in beslag gencem en aan die magistraat oorhandig is,

of as die persoon wat geregtig is om 'n in sub-artikel (5) bedoelde wapen op te eis, in gebreke gebly het om daardie wapen op te eis en die fooi wat bedoelde sub-artikel voorskryf, te betaal binne 'n termyn van drie maande vanaf die dag waarop aan hom meegedeel is dat bedoelde wapen en 'n lisensie daarvoor aan hom op sy versoek oorhandig sou word teen betaling van voormelde fooi, dan sit die magistraat die wapen volgens voorskrif van die Minister van die hand.

4. (1) Na afloop van die tydperk van ses maande in artikel drie vermeld, mag niemand 'n wapen in sy besit hê nie tensy hy 'n lisensie het, kragtens hierdie Wet uitgereik, om dit te besit: Met dien verstande dat iemand wat voor die inwerkingtreding van hierdie Wet in die loop van sy besigheid wettig 'n wapen aangeneem het as sekuriteit vir die vervulling van 'n verpligting, daardie wapen in verband met sy besigheid in sy besit mag behou totdat die verbintenis vervul is of hy wettig daardie wapen van die hand sit.

Lisensies om
wapens te besit.

(2) 'n Lisensie om 'n wapen te besit kan op aansoek en teen betaling van die voorgeskrewe fooi deur 'n magistraat uitgereik word, en in verband met so 'n aansoek is die bepalinge van sub-artikel (3) van artikel twee *mutatis mutandis* van toepassing.

(3) The licence shall state the type, calibre and number of the arm and every name and address inscribed on the metal of the arm.

(4) The Minister may instruct any magistrate to refer to him for consideration any or all applications for licences to possess arms and may instruct the magistrate to grant or refuse any application so referred to him.

(5) No licence to possess an arm shall be issued under this section to any person other than a European without the approval of the Minister.

(6) No licence to possess an arm shall be issued under this section to a person under the age of fourteen years.

Duration of licence.

5. A licence issued under section three or four shall remain valid—

- (a) as long as the possession of the arm in respect of which the licence was issued has not been permanently transferred by the holder thereof to any other person ; or
- (b) until the licence becomes null and void under the provisions of section twelve ; or
- (c) until a competent court declares the arm in respect of which the licence was issued to be forfeited to the Crown.

Procedure where licence is lost, etc.

6. If any licence is lost, defaced, or destroyed, the magistrate of the district in which the licence holder resides, shall, if satisfied of the fact of the loss, defacement, or destruction, issue to him, upon application and payment of a fee of two shillings and sixpence a copy of the original licence, if it was issued from his office, or a certificate in the prescribed form, which shall be of the same validity as the licence so lost, defaced or destroyed.

Production of arms and licences.

7. (1) Upon the demand of a magistrate, native commissioner or policeman, a licence holder shall, at all reasonable times, produce any arm in respect of which he is licensed, together with his licence or certificate therefor.

(2) Any person in possession of any arm shall, if required to do so by a magistrate, native commissioner or policeman, forthwith or within a reasonable time and to a person and at a place specified by the magistrate, native commissioner or policeman, produce his licence or disclose any other authority which he has to possess that arm.

Magistrate may declare person to be unfit to possess an arm.

8. (1) If the magistrate of the district in which any person resides, is of the opinion that, upon the ground of information given under oath, there is reason to believe—

- (a) that the possession by that person of any arm constitutes a danger to the peace or to any person ; or
- (b) that the said person has unlawfully discharged an arm at or in the direction of any person or has threatened or expressed the intention to kill or injure any person by means of an arm ; or
- (c) that the said person has negligently killed or injured or negligently or wantonly endangered the life or limb of any other person by means of an arm,

he may summon the said person by notice in writing to appear before him at a time and place stated in the notice, to show cause why he shall not be declared to be unfit to possess an arm.

(2) The said notice shall set forth the grounds upon which it is issued and shall be delivered to the person in question by a policeman, who shall report to the magistrate what he has done in connection therewith.

(3) If the magistrate has reason to believe that a person whom he intends to summon under sub-section (1) is in possession of an arm or can readily obtain possession of an arm which is not in lawful possession of another person, he shall issue a warrant for the search and seizure of such an arm and shall cause that warrant to be executed before or simultaneously with the delivery of the summons to the person summoned.

(4) If at the time and place stated in the aforesaid notice the magistrate is satisfied that the notice was duly delivered or tendered to the person to whom it was addressed, he shall, (whether that person has or has not appeared in answer to that notice) enquire into the allegations upon which the notice was issued.

(5) If at the said enquiry the magistrate has satisfied himself that any of the facts mentioned in paragraph (a), (b) or (c) of sub-section (1) have been established against the person

(3) Die lisensie moet die tipe, kaliber en nommer van die wapen en elke naam en adres wat op die metaal van die wapen gegrif is vermeld.

(4) Die Minister kan 'n magistraat gelas om sommige of alle aansoeke om lisensies om wapens te besit na hom te verwys vir oorweging en kan die magistraat gelas om 'n aansoek aldus na hom verwys, toe te staan of te weier.

(5) Geen lisensie om 'n wapen te besit mag sonder die goedkeuring van die Minister aan 'n ander persoon as 'n blanke ingevolge hierdie artikel uitgereik word nie.

(6) Geen lisensie om 'n wapen te besit mag kragtens hierdie artikel uitgereik word nie aan iemand wat jonger as veertien jaar is.

5. 'n Lisensie ingevolge artikel drie of vier uitgereik bly van krag— Duur van lisensie.

- (a) solank die besit van die wapen ten opsigte waarvan die lisensie uitgereik is, nie blywend deur die lisensiehouer aan 'n ander persoon oorgedra is nie; of
- (b) totdat die lisensie kragtens die bepalings van artikel twaalf ongeldig word; of
- (c) totdat 'n bevoegde hof die wapen ten opsigte waarvan die lisensie uitgereik is, aan die Kroon verbeurd verklaar.

6. As 'n lisensie verloor, geskend of vernietig word, moet die magistraat van die distrik waarin die lisensiehouer woon, as hy oortuig is dat die lisensie inderdaad verloor, geskend of vernietig is, aan die lisensiehouer op aansoek en teen betaling van 'n fooi van twee shillings en ses pennies, 'n afskrif van die oorspronklike lisensie, as dit in sy kantoor uitgegee is, of 'n sertifikaat in die voorgeskrewe vorm uitreik, en bedoelde afskrif of sertifikaat is ewe geldig as die aldus verlore, geskende of vernietigde lisensie. Procedure ingeval van verlies, ens., van lisensie.

7. (1) Op versoek van 'n magistraat, naturellekommissaris of polisie-dienaar moet 'n lisensiehouer op alle redelike tye enige wapen ten opsigte waarvan hy gelisensieer is, tesame met sy lisensie of sertifikaat daarvoor, toon. Vertoning van wapens en lisensies.

(2) Iemand wat in besit is van 'n wapen moet, as 'n magistraat, naturellekommissaris of polisie-dienaar dit van hom verlang, onmiddellik of binne 'n redelike tyd en aan 'n persoon en op 'n plek deur die magistraat, naturellekommissaris of polisie-dienaar aangegee, sy lisensie toon of enige ander magtiging wat hy het om die wapen te besit, meedeel.

8. (1) As die magistraat van 'n distrik waarin iemand woon, van oordeel is dat daar, op grond van 'n beëdigde bewering, rede is om te vermoed— Magistraat kan iemand onbekwaam verklaar om 'n wapen te besit.

- (a) dat die besit van 'n wapen deur daardie persoon vir die openbare rus of vir een of ander persoon 'n gevaar uitmaak; of
- (b) dat bedoelde persoon onwettig 'n wapen op of in die rigting van iemand afgeskiet het of gedreig het of die voorneme uitgespreek het om iemand deur middel van 'n wapen te dood of te beseer; of
- (c) dat bedoelde persoon deur middel van 'n wapen iemand anders deur nalatigheid gedood of beseer of deur nalatigheid of moedswillig aan lewensgevaar of liggaamlike letsel blootgestel het,

dan kan hy bedoelde persoon by skriftelike kennisgewing aansê om op 'n tyd en plek in die kennisgewing bepaal, voor hom te verskyn om redes aan te voer waarom hy nie onbekwaam behoort verklaar te word nie, om 'n wapen te besit.

(2) Voormelde kennisgewing moet die redes vir sy uitvaardiging vermeld en moet aan die betrokke persoon oorhandig word deur 'n polisie-dienaar, wat aan die magistraat moet berig wat hy in verband daarmee gedaan het.

(3) As die magistraat rede het om te vermoed dat iemand wat hy kragtens sub-artikel (1) wil aansê, in besit van 'n wapen is of maklik besit kan neem van 'n wapen wat nie in die wettige besit van 'n ander is nie, dan moet hy 'n lasbrief uitreik om na daardie wapen te soek en dit in beslag te neem en daardie lasbrief ten uitvoer laat lê voor of gelyktydig met die oorhandiging van die aansegging aan bedoelde persoon.

(4) As die magistraat op die tyd en plek in voormelde kennisgewing vermeld, bevind dat die kennisgewing aan die persoon tót wie dit gerig was, behoortlik oorhandig of aangebied is, dan moet hy (onverskillig of daardie persoon al dan nie volgens voorskrif van daardie kennisgewing voor hom verskyn het) 'n ondersoek instel na die bewerings na aanleiding waarvan die kennisgewing uitgevaardig is.

(5) As die magistraat hom by bedoelde ondersoek vergewis het dat een of meer van die in paragraaf (a), (b) of (c) van sub-artikel (1) bedoelde feite teenoor die betrokke persoon bewys

in question, he may declare that person to be unfit to possess an arm at any time or during a stated period of not less than three years, and if that person is not present when the magistrate makes that declaration, the magistrate shall inform him in writing of the tenor of the declaration.

Declaration of an accused person to be unfit to possess an arm.

9. (1) If at the trial of a person upon any charge the judge or magistrate presiding at the trial has satisfied himself that any of the facts mentioned in paragraph (a), (b) or (c) of sub-section (1) of section *eight* have been established against the person charged, the judge or magistrate may, at the conclusion of the trial, whether or not the person charged has been convicted of any offence, declare that person to be unfit to possess an arm at any time or during a stated period of not less than three years.

(2) If the said judge or magistrate has reason to believe that a person whom he has so declared to be unfit to possess an arm, is in possession of an arm or can readily gain possession of an arm which is not in lawful possession of another person, the judge or magistrate shall issue a warrant for the search and seizure of that arm.

(3) When a judge has declared a person to be unfit to possess an arm, or when a magistrate has declared a person who does not reside in his district, to be unfit to possess an arm, the judge or magistrate shall convey in writing the tenor of the declaration to the magistrate of the district in which that person resides.

Execution of search warrants.

10. (1) A warrant issued under sub-section (3) of section *eight* or under sub-section (2) of section *nine* shall be executed in the manner provided in section *forty-nine* of the Criminal Procedure and Evidence Act, 1917 (Act No. 31 of 1917) as amended, for the execution of search warrants.

(2) Every arm which was seized under such a warrant or which was produced at the trial of the person concerned or which was taken from or delivered by that person and which does not belong to another person entitled to possess it, shall be delivered to the magistrate of the district in which the person concerned resides.

Appeal to Minister.

11. (1) When a magistrate has declared a person to be unfit to possess an arm, that person may, within a period of thirty days as from the date upon which he was notified of the magistrate's declaration, appeal in writing to the Minister who may confirm or set aside the magistrate's action under section *eight* or *nine* or take such other action as the magistrate could lawfully have taken under that section.

(2) If the Minister is satisfied after the effluxion of a period of seven years as from the date upon which a person was declared to be unfit to be in possession of an arm, that the said person has become a fit and proper person to possess an arm, he may annul or vary that declaration on such conditions as he may think fit to impose.

Lapsing or suspension of licence.

12. (1) If a person has been declared to be unfit to possess an arm at any time, every licence to possess an arm which that person may hold, shall become null and void, unless the declaration is set aside or varied under sub-section (1) of section *eleven*, and the magistrate concerned shall sell, in such manner as the Minister may direct, every arm which that person possessed by virtue of such a licence, and pay over the proceeds of the sale, after deduction of the expenses incidental thereto, to the former owner of the arm.

(2) If a person has been declared to be unfit to possess an arm during a stated period, every licence to possess an arm which that person may hold, shall be suspended during that period (unless the declaration is set aside under sub-section (1) of section *eleven*) and the magistrate of the district in which that person resides at the time of the making of that declaration shall take into his custody every arm which the person possessed by virtue of such a licence, and he shall retain it during that period or until the holder of the licence has disposed of the arm to a person who is entitled to acquire it.

(3) If a person whose licence was suspended as aforesaid, has not disposed of the arm and has not applied for its return, within a period of three months, as from the termination of the period of suspension, the magistrate shall act in accordance with the provisions of sub-section (1).

Publication of declaration of unfitness.

13. When a person has been declared to be unfit to possess an arm, the magistrate of the district in which that person resides shall—

is, dan kan hy daardie persoon onbekwaam verklaar om 'n wapen te besit en wel te eniger tyd of gedurende 'n vasgestelde tydperk van nie minder as drie jaar en as daardie persoon nie aanwesig is nie wanneer die magistraat daardie verklaring uitspreek moet die magistraat hom skriftelik in kennis stel van die strekking van die verklaring.

9. (1) As iemand op watter aanklag ook al teregstaan en die regter of magistraat wat by die teregsetting voorsit, homself vergewis het dat een of meer van die in paragraaf (a), (b) of (c) van sub-artikel (1) van artikel *agt* bedoelde feite teenoor die aangeklaagde bewys is, dan kan die regter of magistraat aan die end van die teregsetting en onverskillig of die aangeklaagde al dan nie aan een of ander misdryf skuldig bevind is, daardie persoon onbekwaam verklaar om 'n wapen te besit en wel te eniger tyd of gedurende 'n vasgestelde tydperk van nie minder as drie jaar nie.

Verklaring dat 'n beskuldigde onbekwaam is om 'n wapen te besit.

(2) As bedoelde regter of magistraat rede het om te vermoed dat iemand wat hy aldus onbekwaam verklaar het om 'n wapen te besit, in besit van 'n wapen is of maklik besit kan neem van 'n wapen wat nie in die wettige besit van 'n ander is nie, dan moet die regter of magistraat 'n lasbrief uitreik om na daardie wapen te soek en dit in beslag te neem.

(3) As 'n regter iemand onbekwaam verklaar het om 'n wapen te besit of as 'n magistraat iemand wat nie in sy distrik woon nie, onbekwaam verklaar het om 'n wapen te besit, dan moet die regter of magistraat die strekking van die verklaring skriftelik meedeel aan die magistraat van die distrik waarin daardie persoon woon.

10. (1) 'n Kragtens sub-artikel (3) van artikel *agt* of kragtens sub-artikel (2) van artikel *nege* uitgevaardigde lasbrief word ten uitvoer gelê volgens die voorskrifte van artikel *negen-en-veertig* van die „Wet op de Kriminele Procedure en Bewijslevering, 1917” (Wet No. 31 van 1917), soas gewysig, vir die tenuitvoerlegging van lasbriewe tot huissoeking.

Tenuitvoerlegging van lasbriewe tot huissoeking.

(2) Elke wapen wat kragtens so 'n lasbrief in beslag geneem is of wat by die teregstelling van die betrokke persoon voorgelê is of wat van daardie persoon afgeneem of deur hom ingehandig is en wat nie behoort aan iemand anders wat geregtig is om dit te besit nie, word oorhandig aan die magistraat van die distrik waarin die betrokke persoon woon.

11. (1) Wanneer 'n magistraat iemand onbekwaam verklaar het om 'n wapen te besit, dan kan daardie persoon binne 'n termyn van dertig dae vanaf die dag waarop die magistraat se verklaring aan hom meegedeel is, hom skriftelik beroep op die Minister wat die magistraat se beskikking kragtens artikel *agt* of *nege* kan bekragtig of vernietig of op so 'n ander wyse kan beskik as wat die magistraat kragtens daardie artikel wettig kon gedaan het.

Beroep op Minister.

(2) As die Minister na verloop van 'n tydperk van sewe jaar vanaf die dag waarop iemand onbekwaam verklaar is om 'n wapen te besit, van oordeel is dat bedoelde persoon bekwaam en geskik geword het om 'n wapen te besit, dan kan hy daardie verklaring intrek of wysig op die voorwaardes wat hy wenslik ag om te stel.

12. (1) As iemand onbekwaam verklaar is om te eniger tyd 'n wapen te besit, word elke lisensie om 'n wapen te besit, wat daardie persoon mag hou, ongeldig, tensy die verklaring kragtens sub-artikel (1) van artikel *elf* vernietig of gewysig is en die betrokke magistraat moet elke wapen wat daardie persoon kragtens so 'n lisensie besit het, volgens voorskrif van die Minister verkoop en die opbrengs van die verkoping, na aftrek van die daaraan verbonde onkoste, aan die vorige eienaar van die wapen oorhandig.

Verval of opkorting van lisensie.

(2) As iemand onbekwaam verklaar is om gedurende 'n bepaalde tydperk 'n wapen te besit, word elke lisensie om 'n wapen te besit wat daardie persoon mag hou, gedurende daardie tydperk opgekort (tensy die verklaring kragtens sub-artikel (1) van artikel *elf* vernietig is) en die magistraat van die distrik waarin daardie persoon woon op die tydstip wanneer die verklaring uitgespreek word, moet elke wapen wat daardie persoon kragtens so 'n lisensie besit het, in bewaring neem en behou gedurende daardie tydperk of totdat die houer van die lisensie die wapen oorgemaak het aan iemand wat geregtig is om dit te verkry.

(3) As iemand wie se lisensie soas voormeld opgekort is, nie die wapen oorgemaak het of nie sy teruggawe versoek het nie binne 'n termyn van drie maande vanaf die verstryking van die tydperk van opkorting, dan handel die magistraat volgens voorskrif van sub-artikel (1).

13. Wanneer iemand onbekwaam verklaar is om 'n wapen te besit, moet die magistraat van die distrik waarin daardie persoon woon—

Bekendmaking van verklaring van onbekwaamheid.

- (a) if the declaration was made by a judge: forthwith;
or
(b) if he himself or the magistrate of another district made the declaration, and it has not been set aside on appeal: after the confirmation or variation of the declaration, if an appeal was brought, or after the effluxion of the period mentioned in sub-section (1) of section *eleven* if no appeal was brought,

publish the declaration by notice in the *Gazette* and in a newspaper circulating in his district, and any fact stated in that notice may be proved by the production, by any person, of a copy of the *Gazette* containing that notice.

Effect of
declaration of
unfitness.

14. When a person has been declared to be unfit to possess an arm—

- (a) at any time, he shall not at any time be in possession of an arm; or
(b) during a stated period, he shall not during that period be in possession of an arm,

unless the Minister has set aside or annulled that declaration under section *eleven*.

Licences to
deal in arms
and ammunition.

15. (1) Subject to the provisions of sub-section (8), no person shall deal in arms or ammunition without being in possession of a licence issued under the provisions of this section in addition to any other licence prescribed by any other law: Provided that this sub-section shall not apply to a licensed auctioneer in selling any arm or ammunition in pursuance of instructions from a customs officer, magistrate or other public officer acting under proper authority or from the executor in a deceased estate or the trustee of an insolvent estate or the liquidator of a company, for the purpose of winding up that estate or company, or to an officer of a court of law selling any arm or ammunition under proper authority.

(2) A licence to deal in arms and ammunition shall be issuable by the receiver of revenue on the authorization of the magistrate of the district in which the premises to be licensed are situate.

(3) Before issuing such an authorization the magistrate shall satisfy himself that the applicant is a fit and proper person to deal in arms and ammunition, and that the premises to be licensed are suitable and reasonably safe for the storage of arms and ammunition.

(4) A magistrate may, without reason given, refuse to issue such an authorization, but shall, if the applicant so requests, report his decision, together with his reasons therefor, to the Minister, who may instruct him to grant the authorization.

(5) Such a licence shall authorize the holder thereof to deal in arms and ammunition on the premises specified therein, shall be in the prescribed form and shall expire on the thirty-first day of December of the year of issue.

(6) There shall be payable in respect of such a licence, if the liability therefor commences before the first day of July in any year, the sum of ten pounds, and if such liability commences on or after that date in any year, the sum of five pounds.

(7) No such licence shall be issued to any person other than a European or to a company every director, the manager and the secretary of which are Europeans.

(8) A licence to deal in arms and ammunition issued under a law repealed by this Act and valid immediately prior to the commencement of this Act shall, notwithstanding the repeal of such law, remain in force for the unexpired portion of the period for which it was issued.

Application of
sections 5, 6 and
8 of Act 32 of
1925 (as amended
by section 10 of
Act 49 of 1935).

16. Sub-sections (1) and (2) of section *five* and sections *six* and *eight* of the Licences Consolidation Act, 1925, shall, *mutatis mutandis* and subject to the provisions of this Act, apply in respect of licences issued under the provisions of section *fifteen*.

Transfer of
licence to
deal in arms
and ammunition.

17. (1) A licence to deal in arms and ammunition shall not be transferred by the holder thereof unless there is produced by the proposed transferee a certificate of the magistrate of the district in which he resides—

- (a) that such transferee is a fit and proper person to deal in arms and ammunition; and

- (a) as die verklaring deur 'n regter uitgespreek is, onverwyld; of
- (b) as hy self of die magistraat van 'n ander distrik die verklaring uitgespreek het en dit nie in hoër beroep vernietig is nie, na die bekragtiging of wysiging van die verklaring, as beroep aangeteken is of na verloop van die termyn bedoel in sub-artikel (1) van artikel *elf*, as geen beroep aangeteken is nie, die verklaring bekendmaak by kennisgewing in die *Staatskoerant* en in 'n nuusblad wat in sy distrik in omloop is, en elke in daardie kennisgewing beweerde feit kan bewys word deur oorlegging, deur enigeen, van 'n eksemplaar van die *Staatskoerant* waarin die kennisgewing voorkom.

14. Wanneer iemand onbekwaam verklaar is om 'n wapen te besit, en wel—

Gevolg van verklaring van onbekwaamheid.

- (a) te eniger tyd, dan mag hy te eniger tyd nie in besit van 'n wapen wees nie; of
- (b) gedurende 'n bepaalde tydperk, dan mag hy nie gedurende daardie tydperk in besit van 'n wapen wees nie, tensy die Minister daardie verklaring kragtens artikel *elf* vernietig of ingetrek het.

15. (1) Behoudens die bepalings van sub-artikel (8), mag niemand in wapens of ammunisie handel dryf nie tensy hy in besit is van 'n lisensie kragtens die bepalings van hierdie artikel uitgereik buiten en behalwe 'n ander lisensie wat een of ander wet mag voorskrywe: Met dien verstande dat hierdie sub-artikel nie van toepassing is nie op 'n gelisensieerde afslaer, by die verkoop van 'n wapen of ammunisie op las van 'n doeanbeampte, magistraat of ander staatsampenaar wat binne sy bevoegdheid handel of van die eksekuteur in 'n bestorwe boedel of van 'n kurator in 'n insolvente boedel of van die likwidateur van 'n maatskappy, ten einde die boedel of maatskappy te likwideer, of op 'n beampte van 'n geregshof by die verkoop van 'n wapen of ammunisie kragtens behoorlike magtiging.

Lisensies om in wapens en ammunisie handel te dryf.

(2) 'n Lisensie om in wapens en ammunisie handel te dryf kan uitgereik word deur die ontvanger van staatsinkomste op magtiging van die magistraat van die distrik waarin die perseel wat gelisensieer word, geleë is.

(3) Alvorens hy so 'n magtiging uitreik moet die magistraat homself oortuig daarvan dat die applikant 'n geskikte persoon is om in wapens en ammunisie handel te dryf en dat die gebou wat gelisensieer word, geskik en in redelike mate veilig is vir die berging van wapens en ammunisie.

(4) Die magistraat kan, sonder 'n rede aan te gee, weier om so 'n magtiging uit te reik, maar as die applikant dit versoek, moet hy sy bealissing en ook sy redes daarvoor meedeel aan die Minister, wat hom kan gelas om die magtiging toe te staan.

(5) So 'n lisensie magtig die besitter daarvan om in die gebou daarin aangegee in wapens en ammunisie handel te dryf, moet in die voorgeskrewe vorm wees en verval op die een-en-dertigste dag van Desember van die jaar van uitreiking.

(6) As so 'n lisensie voor die eerste dag van Julie in enige jaar verskuldig word, moet daarvoor 'n bedrag van tien pond, en as dit op of na daardie datum in enige jaar verskuldig word, 'n bedrag van vyf pond betaal word.

(7) So 'n lisensie word nie aan 'n ander persoon uitgereik nie as aan 'n blanke of aan 'n maatskappy waarvan elke direkteur, die bestuurder en die sekretaris blankes is.

(8) 'n Lisensie om in wapens en ammunisie handel te dryf, uitgereik ingevolge 'n wet wat deur hierdie Wet herroep word en geldig onmiddellik voor die inwerkingtreding van hierdie Wet, bly nieteenstaande die herroeping van bedoelde wet, van krag vir die onverstreke gedeelte van die tydperk waarvoor dit uitgereik was.

16. Sub-artikels (1) en (2) van artikel *vyf* en artikels *ses* en *agt* van die „Licenties Konsolidatie Wet”, 1925, is *mutatis mutandis* en met inagneming van die bepalings van hierdie Wet van toepassing met betrekking tot lisensies kragtens die bepalings van artikel *vyftien* uitgereik.

Toepassing van artikels 5, 6 en 8 van Wet 32 van 1925 soos gewysig deur artikel 10 van Wet 49 van 1935.

17. (1) 'n Lisensie om in wapens en ammunisie handel te dryf mag nie deur die lisensiehouer oorgedra word nie tensy die persoon aan wie die lisensiehouer van voorneme is om dit oor te dra, 'n sertifikaat toon, van die magistraat van die distrik waarin hy woon, waaruit blyk—

Oordrag van lisensie om in wapens en ammunisie handel te dryf.

- (a) dat bedoelde persoon aan wie oorgedra word 'n geskikte persoon is om in wapens en ammunisie handel te dryf; en

(b) that the premises in which he intends so to deal are suitable and reasonably safe for the storage of arms and ammunition.

(2) The transfer shall be effected by an endorsement of the licence signed by the transferor and countersigned by the magistrate.

(3) A transfer fee of one pound shall be payable in respect of the transfer.

Change of licensed premises.

18. (1) A dealer's licence may without charge be endorsed so as to be valid for premises other than those for which the licence was issued, if application is made to the magistrate of the district in which those other premises are situate, and the magistrate is satisfied that those premises are suitable and reasonably safe for the storage of arms and ammunition.

(2) The said endorsement shall provide that the licence is from the date specified in the endorsement no longer valid for the premises originally licensed, but that until the date of the expiry of the licence it is valid for the other premises.

Notice to the public of the licence.

19. (1) Every licensed dealer shall cause to be painted in a conspicuous place on the walls of the premises mentioned in his licence, or on a board affixed to the main entrance to those premises the words "licensed dealer in arms and ammunition" prefixed by his name in full or, in the case of a firm or partnership, by the name or style of the firm or partnership, or, in the case of a company, by the registered name of the company. Each of the letters of the words so painted shall be of a size at least one inch square, and the whole shall be clearly legible and easily visible by the public.

(2) No person, who is not a licensed dealer, shall place on his premises or issue any notice alleging that he deals or is licensed to deal in arms or ammunition.

Licensed dealers not required to obtain licence under Act 8 of 1911 also to deal in ammunition.

20. Nothing in this Act or the Explosives Act, 1911, contained shall render it obligatory for a licensed dealer—

(a) to be in possession of a licence to deal in explosives for the purpose of enabling him lawfully to deal in ammunition;

(b) to have any permit or authority to import ammunition, except an import permit issued under section two of this Act.

Licensed dealers to keep registers and make returns of arms and ammunition.

21. (1) Every licensed dealer shall keep, at the premises mentioned in his dealer's licence, a register in the prescribed form wherein he shall enter the prescribed particulars with regard to the purchase, sale, or disposal of each class of arms and ammunition and a register in which he shall enter the name and address of the holder and the number and date and place of issue of every licence produced to him in terms of paragraph (b) of sub-section (1) of section *twenty-three*, and the number and other particulars of the arm to which it relates.

(2) Every licensed dealer shall render to the magistrate of the district, in which his business premises are situate, such returns as may be prescribed.

Inspection of dealer's registers and stocks.

22. A licensed dealer shall at all reasonable times at the request of any policeman or any other person authorized in writing by the magistrate of the district in which the dealer's licensed premises are situate, to act under this section, produce any register, kept by him in terms of section *twenty-one*, and any arms and ammunition which are in his possession, for the inspection of such policeman or other person.

Restrictions on supply and acquisition of arms and ammunition.

23. (1) No person shall supply to any person other than a licensed dealer—

(a) any arm, unless the person supplied has produced to him a licence to possess that arm; or

(b) any ammunition, unless the person supplied has produced to him a licence to possess an arm which is capable of firing the ammunition so supplied.

(2) No person other than a licensed dealer shall acquire an arm unless he is the holder of a licence to possess that arm, or acquire any ammunition unless he is in lawful possession of an arm capable of firing that ammunition.

Registers to be kept by magistrates.

24. Every magistrate shall keep in the prescribed form a register of all licences and permits issued by him under this Act.

(b) dat die gebou waarin hy van voorneme is om aldus handel te dryf geskik en in 'n redelike mate veilig is vir die berging van wapens en ammunisie.

(2) Die oordrag word bewerkstellig deur 'n aantekening op die lisensie, onderteken deur die oordraer en mede-onderteken deur die magistraat.

(3) Op die oordrag is 'n oordragsfooi van een pond verskuldig.

18. (1) Op 'n handelaarslisensie kan kosteloos sodanige aantekening gemaak word dat dit geldig is vir 'n ander gebou as die waarvoor die lisensie uitgereik is, indien aansoek daarom gedoen word by die magistraat van die distrik waarin die ander gebou geleë is, en die magistraat van oordeel is dat daardie gebou geskik en in 'n redelike mate veilig vir die berging van wapens en ammunisie is.

Verandering van gelisensieerde perseel.

(2) Bedoelde aantekening moet bepaal dat die lisensie vanaf die dag in die aantekening vermeld, nie meer geldig is nie vir die oorspronklik gelisensieerde gebou, maar dat dit tot op die vervalddag van die lisensie geldig is vir die ander gebou.

19. (1) Iedere gelisensieerde handelaar moet op 'n in die oog lopende plek op die mure van die gebou in sy lisensie vermeld of op 'n bord geheg aan die hoofingang van die gebou, die woorde „gelisensieerde handelaar in wapens en ammunisie”, voorafgegaan deur sy naam voluit, of in die geval van 'n firma of vennootskap deur die naam van die firma of vennootskap, of in die geval van 'n maatskappy, deur die geregistreerde naam van die maatskappy, laat skilder. Iedere letter van die aldus geskilderde woorde moet ten minste één duim in die vierkant groot wees en die geheel moet duidelik leesbaar en vir die publiek maklik sigbaar wees.

Kennisgewing aan die publiek van 'n lisensie.

(2) Niemand wat nie 'n gelisensieerde handelaar is nie mag 'n kennisgewing aan sy gebou aanbring of uitgee nie waarin beweer word dat hy handel dryf of gelisensieer is om handel te dryf in wapens of ammunisie.

20. Die bepalings van hierdie Wet of van die „Ontploffbare Stoffe Wet”, 1911, verplig nie 'n gelisensieerde handelaar nie—

Gelisensieerde handelaars nie verplig om ook 'n lisensie ingevolge Wet 8 van 1911 te verkry om in ammunisie handel te dryf nie.

(a) om in besit te wees van 'n lisensie om handel te dryf in ontploffingsmiddels ten einde hom in staat te stel om wettig in ammunisie handel te dryf;

(b) om 'n permit of magtiging te hê om ammunisie in te voer, behalwe 'n invoerpermit kragtens artikel twee van hierdie Wet uitgereik.

21. (1) Iedere gelisensieerde handelaar moet in die gebou, in sy handelaarslisensie vermeld, 'n register in die voorgeskrewe vorm hou en daarin die voorgeskrewe besonderhede opteken betreffende die koop of verkoop van of beskikking oor elke soort wapen en ammunisie, en 'n register hou waarin hy moet opteken die naam en adres van die houer en die nommer en dag en plek van uitgifte van elke lisensie wat volgens paragraaf (b) van sub-artikel (1) van artikel drie-en-twintig aan hom getoon word, en die nommer en ander besonderhede van die wapen waarop dit betrekking het.

Gelisensieerde handelaars moet registers hou en opgawes doen van wapens en ammunisie.

(2) Iedere gelisensieerde handelaar moet aan die magistraat van die distrik waarin sy besighedsgebou geleë is, die opgawes verstrek wat voorgeskryf mog word.

22. 'n Gelisensieerde handelaar moet op alle redelike tye op versoek van 'n polisie-dienaar of van 'n ander persoon wat skriftelik deur die magistraat van die distrik waarin die gelisensieerde gebou van die handelaar geleë is, gemagtig is om kragtens hierdie artikel te handel, elke register wat hy ingevolge artikel een-en-twintig hou, en alle wapens en ammunisie wat in sy besit is, toon ter besigtiging deur bedoelde polisie-dienaar of ander persoon.

Inspeksie van register en voorrade van handelaars.

23. (1) Niemand mag aan iemand anders as 'n gelisensieerde handelaar—

Bepoerking van verstrekking en verkryging van wapens en ammunisie.

(a) 'n wapen verstrek nie, tensy die ontvanger aan hom 'n lisensie om die wapen te besit, getoon het; of

(b) enige ammunisie verstrek nie, tensy die ontvanger aan hom 'n lisensie getoon het, vir die besit van 'n wapen waaruit die aldus verstrekte ammunisie afgeskiet kan word.

(2) Niemand anders as 'n gelisensieerde handelaar mag 'n wapen verkry nie, tensy hy in besit is van 'n lisensie om daardie wapen te besit of mag ammunisie verkry nie tensy hy in wettige besit is van 'n wapen waaruit daardie ammunisie afgeskiet kan word.

24. Iedere magistraat moet in die voorgeskrewe vorm 'n register hou van alle lisensies en permitte deur hom ingevolge hierdie Wet uitgereik.

Magistrate moet registers hou.

Restrictions
on manufacture
of ammunition.

25. (1) No person shall manufacture any ammunition or any explosive component of ammunition except—

- (a) in an explosives factory licensed under the Explosives Act, 1911; and
- (b) under the written authority of the Minister and in accordance with the terms thereof.

Any such authority may limit the description and quantity of the ammunition or any such component thereof which may be manufactured thereunder, and may be varied from time to time or cancelled, as the Minister may deem fit.

(2) In sub-section (1) the expression "manufacture" does not include the loading of cartridges.

Governor-General
may prohibit
the sale and
movement of
arms and
ammunition.

26. The Governor-General may, in the interests of public safety by proclamation in the *Gazette*, prohibit, regulate or restrict for any period specified therein—

- (a) the supply of any description of arms or ammunition in any defined area; or
- (b) the importation of any description of arms or ammunition into the Union or into any defined area; or
- (c) the transportation of any description of arms or ammunition from any place to any other place.

Safeguarding
stocks of
arms and
ammunition in
possession of
licensed
dealers.

27. (1) In the interests of public safety the Minister may at any time direct that the stocks of arms and ammunition in the possession of licensed dealers in any district or of any arms and ammunition in transit within the Union be taken possession of by the police for the purpose of safe storage.

(2) If the Minister has in terms of sub-section (1) issued any direction with reference to any district, each licensed dealer within that district shall, on being informed by a policeman of the intention to take possession of his stock of arms and ammunition, take immediate steps for the packing of all arms and ammunition in his possession, for removal to a place of safety.

(3) A receipt shall be given by the policeman to the person, from whom the arms or ammunition are received, for the number of packages of arms or ammunition taken possession of in terms of this section.

(4) Any arms or ammunition taken possession of in terms of this section shall be returned to the persons from whom they were received at such time as the Minister may determine.

Prohibition of
importation or
possession of
certain articles.

28. The Governor-General may by proclamation in the *Gazette* prohibit or restrict the importation into the Union, or the possession of any specified class of arm or any part thereof or any specified class of ammunition or any specified article designed for use in connection with an arm or any specified article resembling an arm and may by like proclamation cancel any such prohibition or restriction.

Certain persons
made responsible
for possession
of arms by
children.

29. (1) No person shall permit or enable a child under the age of fourteen years to be in possession of an arm except under the immediate supervision of a European adult.

(2) If such a child is in possession of an arm, the father of the child or any other person under whose control the child is, shall be deemed to have permitted or enabled the child to be in possession of the arm unless it is proved that he could not prevent the child from being in possession of the arm.

(3) If such a child is in possession of an arm, the owner of the arm shall be deemed to have permitted or enabled the child to be in possession of the arm, unless it is proved that he could not prevent the child from being in possession of the arm.

(4) If a policeman at any place sees an arm in the possession of a child who appears to be under the age of fourteen years who is not under the immediate supervision of a European adult, or if an adult person who or whose employer or parent owns or occupies certain land, upon that land sees an arm in the possession of such a child who is not under such supervision, he may take possession of the arm and deliver it to the magistrate of the district wherein he took possession of the arm.

(5) If the owner of the arm does not, within a period of three months as from the date upon which the arm was delivered to the magistrate as aforesaid, satisfy the magistrate that he could not prevent the child from being in possession of that arm, the arm shall be forfeited to the Crown.

(6) For the purposes of this section any juvenile who is or was in possession of an arm shall be deemed to be under the age of fourteen years, unless it is proved that he is fourteen years old or older.

25. (1) Niemand mag ammunisie of 'n ontplofbare bestanddeel van ammunisie vervaardig nie, behalwe—

- (a) in 'n fabriek vir ontploffingsmiddels gelisensieer ingevolge die „Ontplofbare Stoffen Wet”, 1911; en
- (b) kragtens skriftelike magtiging van die Minister en in ooreenstemming daarmee.

Bedoelde magtiging kan die soort en hoeveelheid van ammunisie of van so 'n bestanddeel daarvan wat uit kragte daarvan vervaardig mag word, beperk, en kan na goeëdunke van die Minister van tyd tot tyd gewysig word of ingetrek word.

(2) In sub-artikel (1) omvat die uitdrukking „vervaardig” nie die laai van patrone nie.

26. Die Goewerneur-generaal kan in belang van die openbare veiligheid by proklamasie in die *Staatskoerant* vir 'n tydperk daarin vasgestel—

- (a) die verstrekking van enige soort wapen of ammunisie in 'n omskrewe gebied; of
- (b) die invoer van enige soort wapen of ammunisie na die Unie of na 'n omskrewe gebied; of
- (c) die vervoer van enige soort wapen of ammunisie van een plek na 'n ander plek,

verbied, reël of beperk.

27. (1) Die Minister kan in belang van die openbare veiligheid te eniger tyd beveel dat die voorrade van wapens en ammunisie in die besit van gelisensieerde handelaars in een of ander distrik of van wapens en ammunisie wat onderweg is binne die Unie vir veilige bewaring deur die polisie in besit geneem word.

(2) As die Minister ooreenkomstig sub-artikel (1) 'n bevel uitgevaardig het met betrekking tot een of ander distrik, moet iedere gelisensieerde handelaar in daardie distrik, nadat hy deur 'n polisedienaar verwittig is van die voorneme om besit te neem van sy voorraad wapens en ammunisie, onmiddellik stappe doen om alle wapens en ammunisie in sy besit te pak vir vervoer na 'n veilige plek.

(3) 'n Ontvangsbewys vir die aantal pakke wapens en ammunisie ooreenkomstig hierdie artikel in besit geneem, moet deur die polisedienaar gegee word aan die persoon van wie die wapens en ammunisie ontvang word.

(4) Wapens en ammunisie ooreenkomstig hierdie artikel in besit geneem, word aan die persone van wie dit ontvang is teruggesien op die tydstip wat die Minister mog bepaal.

28. Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* die invoer na die Unie of die besit van 'n omskrewe kategorie van wapen of 'n onderdeel daarvan of 'n omskrewe voorwerp wat bestem is om in verband met 'n wapen gebruik te word of 'n omskrewe voorwerp wat na 'n wapen lyk verbied of beperk en hy kan, by 'n dergelike proklamasie, so 'n verbod of beperking intrek.

29. (1) Niemand mag toelaat dat 'n kind wat jonger as veertien jaar is, in besit van 'n wapen is nie of hom in staat stel om in besit daarvan te wees nie, behalwe onder die onmiddellike toesig van 'n blanke volwassene.

(2) As so 'n kind in besit van 'n wapen is, word vermoed dat die vader van die kind of enige ander persoon wat seggen-skap oor die kind het, toegelaat het dat die kind in besit van die wapen is of hom in staat gestel het om in besit daarvan te wees, tensy bewys word dat hy die kind se besit van die wapen nie kon belet nie.

(3) As so 'n kind in besit van 'n wapen is, word vermoed dat die eienaar van die wapen toegelaat het dat die kind in besit van die wapen is of hom in staat gestel het om in besit van die wapen te wees, tensy bewys word dat hy die kind se besit van die wapen nie kon belet nie.

(4) As 'n polisedienaar op enige plek 'n wapen in die besit sien van 'n kind wat volgens sy voorkome jonger as veertien jaar is, wat nie onder die onmiddellike toesig van 'n blanke volwassene staan nie, of as 'n volwassene wat of wie se werkgewer of ouer die eienaar van sekere grond is of sekere grond okkupeer, op daardie grond 'n wapen in die besit sien van so 'n kind wat nie onder sodanige toesig staan nie, dan kan hy van daardie wapen besit neem en dit oorhandig aan die magistraat van die distrik waarin hy van die wapen besit geneem het.

(5) As die eienaar van die wapen nie binne 'n termyn van drie maande vanaf die dag waarop die wapen soos voormeld aan die magistraat oorhandig is, die magistraat oortuig dat hy nie die kind kon belet om in besit van die wapen te wees nie, dan vervel die wapen aan die Kroon.

(6) By die toepassing van hierdie artikel word 'n jeugdige wat in besit van 'n wapen is of was, vermoed jonger as veertien jaar te wees, tensy bewys word dat hy veertien jaar oud of ouer is.

Beperkings van die vervaardiging van ammunisie.

Die Goewerneur-generaal kan die verkoop en vervoer van wapens en ammunisie verbied.

Beveiliging van voorrade wapens en ammunisie in besit van gelisensieerde handelaars.

Verbod van invoer of besit van sekere voorwerpe.

Sekere persone verantwoordelik gemaak vir besit van wapens deur kinders.

Penalties.

30. Any person who—

- (a) counterfeits any licence, permit, certificate or other document for the issue of which provision is made in this Act, or forges any licence, permit, certificate or other document issued under this Act; or
- (b) makes any false entry in a register kept under section *twenty-one* or inserts any false statement in a return mentioned in that section; or
- (c) resists or hinders any person in the performance of any duty under this Act; or
- (d) contravenes or fails to comply with any provision of any proclamation issued under section *twenty-six* or *twenty-eight* or of any direction issued under section *twenty-seven*; or
- (e) contravenes or fails to comply with any provision of this Act,

shall be guilty of an offence and liable upon conviction as follows :

- (i) In the case of a contravention of or failure to comply with any provision of section *one*, *two*, *fifteen* or *twenty-five* or a proclamation issued under section *twenty-six* or *twenty-eight*, or in the case of an offence mentioned in paragraph (a) or (b): to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment;
- (ii) in the case of an offence mentioned in paragraph (c) or of a contravention of or failure to comply with any provision of section *four*, *seven*, *fourteen*, *twenty-one*, *twenty-two* or *twenty-three* or with a direction issued under section *twenty-seven*: to a fine not exceeding fifty pounds or imprisonment for a period not exceeding six months, or to both such fine and imprisonment;
- (iii) in the case of a contravention of or failure to comply with any provision of this Act not mentioned in paragraph (i) or (ii), to a fine not exceeding fifty pounds, or in default of payment to imprisonment for a period not exceeding six months.

Forfeiture.

31. The court convicting any person of an offence under this Act, may declare any article with reference to which the offence has been committed to be forfeited to the Crown: Provided that if the court convicts a person under section *twenty-nine*, it shall declare the arm with reference to which the offence was committed, to be forfeited to the Crown, unless it has been proved that the owner of the arm could not have prevented the child in question from being in possession of the arm.

Presumptions.

32. Any occupier of premises and any person who is upon or in charge of or who accompanies any vehicle, vessel or animal upon which or in which there is any article mentioned in section *one* or any arm or ammunition and any person in possession of any ammunition, shall, until the contrary is proved, be deemed for the purposes of this Act to be the possessor of such article or arm or to have acquired such ammunition, as the case may be.

Power of police to search and seize.

33. If any policeman has reason to suspect that an offence under this Act has been committed with reference to an article mentioned in section *one*, or to any arm or ammunition, and that such article, arm or ammunition is in the possession of any person upon any premises or at any place, or upon any vehicle or vessel, he may at any time enter upon and search such premises, place, vehicle or vessel and search any person thereupon or thereat and seize any such article, arm or ammunition.

Regulations.

34. The Governor-General may make regulations, not inconsistent with this Act, as to—

- (a) the forms of and the particulars to be stated or recorded in certificates, licences, permits, registers, statements and returns mentioned in this Act;
- (b) the keeping of any such register, the issue of any such certificate, licence or permit and the rendering of any such return;
- (c) the various fees payable for licences for different classes of arms issued under section *four*: Provided

30. Iemand wat— Strafbepalings.
- (a) 'n lisensie, permit, sertifikaat of ander dokument vir die uitgifte waarvan in hierdie Wet voorsiening gemaak word, namaak, of 'n lisensie, permit, sertifikaat of ander dokument ingevolge hierdie Wet uitgegee, vervals; of
 - (b) 'n valse optekening maak in 'n register ingevolge artikel *een-en-twintig* gehou of valse gegewens invoeg in 'n opgawe in daardie artikel bedoel; of
 - (c) aan iemand by die uitvoering van 'n plig ingevolge hierdie Wet weerstand bied of hom daarin belemmer; of
 - (d) 'n bepaling van 'n proklamasie kragtens artikel *ses-en-twintig* of *agt-en-twintig* uitgevaardig of van 'n bevel kragtens artikel *seuen-en-twintig* uitgevaardig, oortree of in gebreke bly om daaraan te voldoen; of
 - (e) 'n bepaling van hierdie Wet oortree of in gebreke bly om daaraan te voldoen,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar as volg:
- (i) weens 'n oortreding van of versuim om te voldoen aan 'n bepaling van artikel *een, twee, vyftien* of *vyf-en-twintig* of 'n proklamasie kragtens artikel *ses-en-twintig* of *agt-en-twintig* uitgevaardig, of weens 'n misdryf bedoel in paragraaf (a) of (b), met 'n boete van hoogstens tweehonderd pond of met gevangenisstraf van hoogstens twee jaar, of met beide daardie boete en daardie gevangenisstraf;
 - (ii) weens 'n misdryf bedoel in paragraaf (c) of 'n oortreding van of versuim om te voldoen aan 'n bepaling van artikel *vier, sewe, veertien, een-en-twintig, twee-en-twintig* of *drie-en-twintig* of van 'n bevel kragtens artikel *seuen-en-twintig* uitgevaardig, met 'n boete van hoogstens vyftig pond of gevangenisstraf van hoogstens ses maande, of met beide daardie boete en daardie gevangenisstraf;
 - (iii) weens 'n oortreding van of versuim om te voldoen aan 'n bepaling van hierdie Wet wat nie in paragraaf (i) of (ii) vermeld word nie, met 'n boete van hoogstens vyftig pond of by wanbetaling met gevangenisstraf van hoogstens ses maande.
31. Die hof wat iemand aan 'n misdryf ingevolge hierdie Wet skuldig vind, kan 'n voorwerp in verband waarmee die misdryf begaan is, aan die Kroon verbeurd verklaar: Met dien verstande dat as die hof iemand kragtens artikel *negen-en-twintig* skuldig vind, hy die wapen in verband waarmee die misdryf begaan is, aan die Kroon moet verbeurd verklaar, tensy bewys is dat die eenaar van die wapen die betrokke kind se besit van die wapen nie kon belet nie. Verbeurd-verklaring.
32. As 'n perseel of 'n voertuig, vaartuig of dier 'n voorwerp bedoel in artikel *een* of 'n wapen of ammunisie bevat of dra, dan word by die toepassing van hierdie Wet, behoudens teenbewys, vermoed dat die persoon wat daardie perseel okkupeer of op daardie voertuig, vaartuig of dier is of dit vergesel of onder sy beheer het, of die persoon wat in besit van ammunisie is, respektiefflik die besitter van daardie voorwerp of wapen is of dat hy daardie ammunisie verkry het. Regsvermoede.
33. As 'n polisdienaar 'n gegronde vermoede het dat 'n misdryf ingevolge hierdie Wet begaan is in verband met 'n voorwerp bedoel in artikel *een* of met 'n wapen of met ammunisie, en dat daardie voorwerp, wapen of ammunisie op 'n perseel of plek of in 'n voertuig of vaartuig in iemand se besit is, dan kan hy te eniger tyd daardie perseel, plek, voertuig of vaartuig betree en deursoek en enigeen wat hom daarop of daarin bevind deursoek en beslag lê op bedoelde voorwerp, wapen of ammunisie. Mag van polisie om te deursoek en in beslag te neem.
34. Die Goewerneur-generaal kan regulasies uitvaardig, wat met hierdie Wet nie onbestaanbaar is nie, wat betref— Regulasies.
- (a) die formuliere van sertifikate, lisensies, permitte, registers, verklarings en opgawes in hierdie Wet vermeld en die gegewens wat daarin aangegee of opgeteken moet word;
 - (b) die hou van sulke registers, die uitreiking van sulke sertifikate, lisensies of permitte, en die verstreking van sulke opgawes;
 - (c) die verskeie fooie te betaal vir lisensies vir verskillende kategories van wapens, uitgereik kragtens

that no such fee shall exceed the sum of one pound for a licence for any one arm.

- (d) the landing and transportation of arms or ammunition ;
- (e) the storage of arms or ammunition in the possession of licensed dealers or taken possession of or deposited for safe custody under section *twenty-seven*.

Exceptions.

35. Notwithstanding any provision of this Act, any person may without having obtained a permit or licence therefor—

- (a) on behalf of the Government of the Union or on behalf of the officer commanding His Majesty's naval forces in the Union, import into the Union any arm, cannon, machine gun or machine rifle or ammunition therefor, or export from the Union any arm or ammunition ;
- (b) possess any arm which it is his duty to possess or which he has a right to possess for the purposes of his service—
 - (i) in His Majesty's naval forces in the Union ;
 - (ii) in the Union defence forces ;
 - (iii) in any police force established under any law ;
 - (iv) in any cadet organization established under the South Africa Defence Act, 1912 ; or
 - (v) in any department of State or in any provincial administration ;
 - (vi) as custodian of wild animals in any reserve or park established under any law ;
- (c) import into the Union, acquire or possess any arm which is an instrument designed and intended solely for the slaughter of domestic animals ;
- (d) acquire or possess any arm which is proved to have been acquired or to be possessed solely as a trophy, curiosity or ornament : Provided that if any such arm can be discharged he shall not acquire or possess it without the written permission of the magistrate of the district in which he resides ;
- (e) possess any arm in the ordinary course of his business or the business of his employer as licensed dealer in arms and ammunition, gunsmith, carrier or storage contractor ;
- (f) if he is a European of the age of fourteen years or older who has not been declared to be unfit to possess an arm in terms of section *eight* or *nine*, possess any arm lent or let to him by the owner thereof (during the period of the loan or lease) and handed over to him with a statement in writing, signed by such owner, wherein the loan or lease is set forth, the arm is sufficiently described to identify it and the period of the loan or lease is specified : Provided that a person to whom an arm has been lent or let as aforesaid may not be in possession thereof during a period exceeding fourteen days, unless the said statement setting forth that period has been seen and signed by the officer in charge of the police station of the area within which the loan or lease was entered into ; and provided further, that the person to whom an arm has been lent or let, as aforesaid, may, without having obtained the aforesaid statement, be in possession thereof while in the immediate neighbourhood of the lender or lessor or while upon any land belonging to or lawfully occupied by the lender or lessor ;
- (g) if he is a person of the age of fourteen years or more, who has not been declared to be unfit to possess an arm, in terms of section *eight* or *nine*, on the instruction of his employer, parent or grandparent possess an arm for which the latter holds a licence, for the purpose of protecting any livestock belonging to the said employer, parent or grandparent, while tending or searching for such livestock : Provided that a person who is not a European shall not possess an arm in terms of this paragraph, unless the magistrate of the district in which the livestock is to be tended—
 - (i) is satisfied that the possession of an arm by the person in question is necessary for the protection of the said livestock ; and
 - (ii) is satisfied that the said person is not likely to abuse the right to possess an arm ; and

artikel vier: Met dien verstande dat geen sodanige fooi meer mag bedra nie as die som van een pond vir 'n lisensie vir een wapen;

- (d) die landing en vervoer van wapens of ammunisie;
- (e) die berging van wapens of ammunisie in die besit van gelisensieerde handelaars of in besit geneem of vir veilige bewaring ingehandig ingevolge artikel ses-en-twintig.

35. Nieteenstaande die bepalinge van hierdie Wet mag enigeen, sonder dat hy 'n permit of lisensie daarvoor verkry het—

Uitsonderings-
bepalinge.

- (a) ten behoewe van die Unie-regering of van die offisier in bevel van Sy Majesteit se seemag in die Unie, 'n wapen, kanon of masjiengeweer of ammunisie daarvoor na die Unie invoer of 'n wapen of ammunisie van die Unie uitvoer;
- (b) 'n wapen besit wat hy ampshalwe moet besit of wat hy geregtig is om te besit in verband met diens—
 - (i) in Sy Majesteit se seemag in die Unie;
 - (ii) in die verdedigingsmag van die Unie;
 - (iii) in 'n wetlik ingestelde polisiemag;
 - (iv) in 'n kadetorganisasie kragtens die „Zuid-Afrika Verdedigings Wet, 1912”, ingestel; of
 - (v) in 'n staatsdepartement of in 'n provinsiale administrasie;
 - (vi) as bewaarder van wilde diere in 'n wetlik ingestelde wildduin of park;
- (c) 'n wapen wat 'n werktuig is uitsluitlik vir die slag van huis- of plaasdiere bestem en bedoel, in die Unie invoer, verkry of besit;
- (d) 'n wapen verkry of besit, as bewys word dat dit uitsluitlik as 'n segeteken, kuriositeit of ornament verkry is of besit word: Met dien verstande dat as so 'n wapen afgeskiet kan word hy dit nie sonder skriftelike verlof van die magistraat van die distrik waarin hy woon, mag verkry of besit nie;
- (e) 'n wapen besit in die gewone loop van sy besigheid of van die besigheid van sy werkgewer as gelisensieerde handelaar in wapens en ammunisie, geweermaker, vervoerder of bergings-kontrakteur;
- (f) as hy 'n veertienjarige of ouere blanke is wat nie volgens artikel agt of nege onbekwaam verklaar is om 'n wapen te besit nie, 'n wapen wat die eienaar daarvan aan hom uitgeleen of verhuur het, gedurende die lenings- of huurtermyn besit, mits dit aan hom oorhandig is met 'n skriftelike deur bedoelde eienaar ondertekende verklaring, waarin die uitlening of verhuring vermeld word, die wapen voldoende beskryf word om dit te identifiseer en die tydperk van die uitlening of verhuring aangegee is: Met dien verstande dat iemand aan wie 'n wapen aldus uitgeleen of verhuur is nie in besit daarvan mag wees vir 'n langer tydperk as veertien dae nie, tensy bedoelde verklaring waarin daardie tydperk aangegee word, deur die beampte in bevel van die polisiestasie vir die gebied waarin die uitlening of verhuring plaasgevind het gesien en geteken is; en met dien verstande, voorts, dat die persoon aan wie 'n wapen soos voormeld uitgeleen of verhuur is sonder dat hy daardie voormelde verklaring verkry het, in besit van die wapen mag wees terwyl hy in die onmiddellike nabyheid van die uitlener of verhuurder is of terwyl hy op grond is wat aan die uitlener of verhuurder behoort of in sy wettige okkupasie is;
- (g) as hy 'n veertienjarige of ouere persoon is wat nie volgens artikel agt of nege onbekwaam verklaar is om 'n wapen te besit nie, op las van sy werkgewer, ouer of grootouer in besit wees van 'n wapen waarvoor laasbedoelde persoon 'n lisensie het, ten einde vee wat aan bedoelde werkgewer, ouer of grootouer behoort, te beskerm terwyl hy daardie vee oppas of soek: Met dien verstande dat iemand wat nie 'n blanke is nie geen wapen kragtens hierdie paragraaf mag besit nie, tensy die magistraat van die distrik waarin die vee opgepas moet word—
 - (i) oortuig is dat die betrokke persoon se besit van 'n wapen ter beskerming van bedoelde vee nodig is; en
 - (ii) oortuig is dat dit onwaarskynlik is dat daardie persoon misbruik sal maak van die reg om 'n wapen te besit; en

(iii) has authorized that person, in writing, to possess an arm while tending or searching for any live-stock belonging to his employer, parent or grandparent, as the case may be ;

and provided, further, that a magistrate may at any time cancel any such authority granted by himself or by his predecessor ;

- (A) possess any arm entrusted to him by a person entitled to possess it, for conveyance from one place to another or for storage ;
- (i) possess any arm of which he has the custody as executor, trustee or liquidator of the estate of the former owner thereof ;
- (j) possess any arm which he has inherited, during a period of three months from the date upon which he acquired it ;
- (k) acquire any ammunition for any arm which he or his subordinate is entitled to possess without a licence in terms of paragraph (b).

**Interpretation
of terms.**

36. In this Act, unless inconsistent with the context—
- “ammunition” means any cartridge or percussion cap designed for use in the discharge of an arm ;
 - “arm” means any firearm other than a cannon, machine gun or machine rifle, and includes—
 - (a) any instrument, capable of being used for propelling any substance or article, which the Minister has by notice in the *Gazette* declared to be an arm for the purposes of this Act, either in the whole of the Union or in a particular area only ; and
 - (b) any barrel of an arm ;
 - “deal”, in relation to arms or ammunition, includes the acceptance of an arm or ammunition as security for the fulfilment of an obligation, if the person accepting the arm or ammunition does so in the course of his or his employer’s business ;
 - “dealer’s licence” means the licence issued in accordance with this Act to deal in arms and ammunition ;
 - “licensed dealer” means a person licensed in accordance with this Act to deal in arms and ammunition ;
 - “magistrate” includes an additional magistrate and an assistant magistrate ;
 - “Minister” means the Minister of Justice or any other Minister to whom the Governor-General may from time to time assign the administration of this Act ;
 - “policeman” means any member of a police force established under any law ;
 - “possession” includes “custody” ; and “possess” shall be construed accordingly ;
 - “prescribed” means prescribed by regulation ;
 - “this Act” includes any regulation made or any proclamation issued thereunder.

Repeal of laws.

37. The laws specified in the Schedule to this Act are hereby repealed to the extent set out in the fourth column of that Schedule : Provided that the said laws, in so far as they relate to the possession of arms, shall remain in force until the expiration of a period of six months as from the commencement of this Act.

**Short title and
commencement
of Act.**

38. This Act shall be called the Arms and Ammunition Act, 1937, and shall come into operation upon the first day of July, 1937.

- (iii) daardie persoon skriftelik gemagtig het om 'n wapen te besit terwyl hy vee wat al na die geval aan sy werkgewer, ouer of grootouer behoort, oppas of soek ;
 en met dien verstande voorts dat 'n magistraat te eniger tyd so 'n magtiging, deur homself of deur sy voorganger verleen, kan intrek ;
- (A) 'n wapen besit wat deur 'n persoon wat geregtig is om dit te besit aan hom toevertrou is om dit van die een plek na 'n ander te vervoer of om dit te bewaar ;
- (i) 'n wapen besit wat hy as eksekuteur, kurator of likwidateur van die boedel van die gewese eienaar daarvan, in sy bewaring het ;
- (j) 'n wapen wat hy geërf het besit gedurende 'n tydperk van drie maande vanaf die dag waarop hy dit verkry het ;
- (k) ammunisie verkry vir 'n wapen wat hy of sy ondergeskikte geregtig is om ooreenkomstig paragraaf (b) sonder 'n lisensie te besit.

36. Tensy uit die samehang anders blyk, beteken in hierdie *Woordomskryw* Wet—

- „ammunisie” 'n patroon of slagdoppie bestem om by die afskiet van 'n wapen gebruik te word ;
- „wapen”, 'n vuurwapen wat nie 'n kanon of masjien-geweer is nie, en ook—
- (a) 'n werktuig wat gebruik kan word om 'n stof of voorwerp voort te dryf en wat die Minister by kennisgewing in die *Staatskoerant* tot 'n wapen in die sin van hierdie Wet verklaar het, hetsy in die hele Unie hetsy slegs in 'n bepaalde gebied ;
- (b) 'n loop van 'n wapen ;
- „handel dryf” met betrekking tot wapens of ammunisie, ook die aanname van 'n wapen of van ammunisie as sekuriteit vir die vervulling van 'n verbintenis, as die persoon wat die wapen of ammunisie aanneem, dit doen in die loop van sy of sy werkgewer se besigheid ;
- „handelaarslisensie”, die lisensie ooreenkomstig hierdie Wet uitgereik om in wapens en ammunisie handel te dryf ;
- „gelisensieerde handelaar”, iemand wat ooreenkomstig hierdie Wet gelisensieer is om in wapens en ammunisie handel te dryf ;
- „magistraat”, ook 'n addisionele magistraat en 'n assistent-magistraat ;
- „Minister” die Minister van Justisie of 'n ander Minister aan wie die Goewerneur-generaal van tyd tot tyd die uitvoering van hierdie Wet mog opdra ;
- „polisiedienaar” 'n lid van 'n wetlik ingestelde polisie-mag ;
- „besit”, ook „bewaring” ; en het „besit” in werkwoorde-like sin 'n dienooreenkomstige betekenis ;
- „voorgeskrewe” by regulasie voorgeskrewe ;
- „hierdie Wet” tewens 'n uit kragte daarvan uitgevaardigde regulasie of proklamasie.

37. Die wette in die Bylae tot hierdie Wet vermeld, word *Herroeping* hiermee herroep tot die mate in die vierde kolom van daardie *van wette.* Bylae aangetoon : Met dien verstande dat bedoelde wette, vir sover hul betrekking het op die besit van wapens, van krag bly tot die verloop van 'n tydperk van ses maande vanaf die inwerkingtreding van hierdie Wet.

38. Hierdie Wet heet die Wapens- en Ammunisiewet, 1937, *Kort titel en* en tree in werking op die eerste dag van Julie 1937. *inwerkingtreding* *van Wet.*

Schedule.

LAWS REPEALED.

Pro- vince.	No. and Year of Law.	Long or Short Title or Subject of Law.	Extent of Repeal.
Cape of Good Hope.	Ordinance No. 7 of 1834.	Trade in Gunpow- der.	So much as is unrepealed.
"	Ordinance No. 2 of 1853.	Gunpowder and Fire- arms.	"
"	Act No. 14 of 1857	Gunpowder and Fire- arms.	"
"	Act No. 28 of 1864	Gunpowder and Fire- arms.	The whole.
"	Act No. 11 of 1875	The Gunpowder and Firearms Amend- ment Act, 1875.	"
"	Act No. 13 of 1877	The Gunpowder and Firearms Act, 1877.	So much as is unrepealed.
"	Act No. 13 of 1878	The Peace Preserva- tion Act, 1878.	The whole.
"	Act No. 4 of 1879	The Peace Preserva- tion Amendment Act, 1879.	"
"	Act No. 20 of 1884.	The Stamp and Office Fees Act, 1884.	So much of the Act and Tar- iff 15 of Schedule 2 thereof as relates to licences for dealing in gunpowder.
"	Act No. 38 of 1887.	The Stamp Acts Amendment Act, 1887.	So much of the Act and the Second Schedule thereof as refers to dealers in gunpowder.
"	Act No. 17 of 1892	The Firearms and Ammunition Act, 1892.	The whole.
Natal ..	Law No. 16 of 1862	Inland Trade in Arms and Ammunition.	"
"	Act No. 43 of 1898	To consolidate and amend the laws relating to licences and stamps.	Item 15 of Schedule II.
" ..	Act No. 1 of 1906	The Firearms and Ammunition Act, 1906.	The whole.
" ..	Act No. 22 of 1906	To amend the Fire- arms and Ammu- nition Act, 1906.	"
" ..	Act No. 19 of 1908	To amend the Fire- arms and Ammu- nition Act, 1906.	"
Transvaal	Act No. 10 of 1907	The Arms and Am- munition Act, 1907.	"
"	Act No. 15 of 1909	Finance Act, 1909	Item 11 of Second Schedule.
Orange Free State.	Act No. 23 of 1908	The Arms and Am- munition Act, 1908.	The whole.
"	Act No. 18 of 1909	The Correction of verbal Errors in Laws Act, 1909.	So much of the Act as cor- rects section eight (4) (c) of the Arms and Ammu- nition Act, 1908.

Bylae.

HWAAROPSE WETTE.

Provin- sie.	No. en jaar van Wet.	Lang of kort titel of onderwerp van Wet.	In hoever herroep.
Kaap die Goeie Hoop.	Ordonnansie No. 7 van 1834.	Handel in Kruit ..	Soveel as wat nog nie her- roep is nie.
"	Ordonnansie No. 2 van 1853.	Kruit en Vuurwapens	"
"	Wet No. 14 van 1857	Kruit en Vuurwapens	Die geheel.
"	Wet No. 28 van 1864	Kruit en Vuurwapens	"
"	Wet No. 11 van 1875	Die „Gunpowder and Firearms Amend- ment Act", 1875.	"
"	Wet No. 13 van 1877	Die „Gunpowder and Firearms Act", 1877.	Soveel as wat nog nie her- roep is nie.
"	Wet No. 13 van 1878	Die „Peace Preser- vation Act", 1878	Die geheel.
"	Wet No. 4 van 1879	Die „Peace Preser- vation Amendment Act", 1879.	"
"	Wet No. 20 van 1884	Die „Stamp and Office Fees Act", 1884.	Soveel van die Wet en Ta- rief 15 van die Tweede Bylae daar- van as wat betrekking het op lisen- sies om in kruit handel te dryf.
"	Wet No. 38 van 1887	Die „Stamp Acts Amendment Act", 1887.	Soveel van die Wet en die Tweede By- lae daarvan as wat ver- wys na han- delaars in kruit.
"	Wet No. 17 van 1892	Die „Firearms and Ammunition Act", 1892.	Die geheel.
Natal ..	Wet No. 16 van 1862	Binnelandse handel in wapens en am- munisie.	"
"	Wet No. 43 van 1898	Tot samevatting en wysiging van die wette op lisensies en soela.	Item 15 van Bylae II
"	Wet No. 1 van 1906	Die „Firearms and Ammunition Act", 1906.	Die geheel.
"	Wet No. 22 van 1906	Tot wysiging van die „Firearms and Ammunition Act", 1906.	"
"	Wet No. 19 van 1908	Tot wysiging van die „Firearms and Ammunition Act", 1906.	"
Transvaal	Wet No. 10 van 1907	Die „Arms and Am- munition Act", 1907.	"
"	Wet No. 15 van 1909	„Finance Act", 1909	Item 11 van die Tweede Bylae.
Oranje- Vrystaat	Wet No. 23 van 1908	Die „Arms and Am- munition Act", 1908.	Die geheel.
"	Wet No. 18 van 1909	Die „Correction of verbal Errors in Laws Act", 1909.	Soveel van die Wet as wat artikel ogt (4) (a) van die „Arms and Ammu- nition Act", 1908, korri- geer.

A UNN

OPERATIONS MEMORANDUM

TO: Department of State

DATE: 19 June 1968

FROM: American Embassy SEOUL

SUBJECT: Gun Control Laws

ACTION REF: State 179593 L

L-3 ^{INFO} RS/R-1 EA-4

22 pgs. ENCL. REPROD IN PBR 6-24-68

Enclosed are two English translations of the Korean Gun Control Laws.

Statistics concerning Deaths - homicides, suicides, etc. - due to firearms will be furnished shortly.

LEGAL ADVISER

JUN 1968

DEPARTMENT OF STATE

Enclosure

SY:ELM:asb

COPY FLO-PBR

JUN 24 A 11 23

①

revised then *incl. A-UNN Seoul*

UNOFFICIAL TRANSLATION OF LAW NO. 1136 4
(PROMULGATED ON 3 SEPTEMBER 1962)

LAW AMENDING FIREARMS AND EXPLOSIVES
CONTROL LAW

The Firearms and Explosives Control Law (Law No. 835)
shall be amended as follows:

In Article 3, Subparagraph 2, No. e, "for the use of explosion use" shall be revised to read, "for the explosion use", and in No. f. of Subparagraph 3 of the same article, "(excluding toy fireworks)" shall be revised to read, "(toy fireworks shall be excluded except for the case of manufacturing)".

In Article 6, Subparagraph 7, "staff members" shall be revised to read, "officers", and Subparagraph 4 of the same article shall be revised as follows:

- "4. Persons who are not suitable to be manufacturers because they were sentenced to the punishments of fines or heavier ones in violation of this Law or other law and decree within three years prior to the application for permission;"

Article 13 shall be revised as follows:

"Article 13. (Prohibition)
Persons falling under one of the following items shall not handle firearms and explosives, and no one shall cause them to handle firearms and explosives:

1. Mentally disabled persons and narcotic addicts; and
2. Persons falling under one of the subparagraphs of Article 6.

In Article 37, "300,000 hwan" shall be revised to read, "30,000 won", and in Subparagraph 1 of the same article, "Article 16" shall be inserted after

"article 15".

In Article 38, "article 18" shall be inserted before
"article 22", and "100,000 hwan" shall be revised
to read, "10,000 won".

Addendum

This Law shall be effective ten days after its
promulgation.

③

*sent
to
Seoul*

UNOFFICIAL TRANSLATION OF LAW NO. 893
(PROMULGATED ON 30, DECEMBER 1961)

LAW CONCERNING CONTROL OF SHOOTING AND RIFLE-RANGE

Article 1. (Purpose)

The purpose of this Law is to prevent possible security danger by controlling shooting and rifle-ranges.

Article 2. (Definition)

"Shooting" mentioned in this Law shall refer to all the acts discharging bullets by using small arms, and "rifle-range" mentioned in this Law shall refer to a specific place for shooting.

Article 3. (Prohibition)

Shooting shall not be held at places other than the rifle-ranges; provided, however, that this rule shall not apply in cases provided by law.

Article 4. (Permission for Rifle-ranges)

Paragraph 1. Persons who desire to establish rifle-ranges shall obtain permission from the Mayor of the Special City of Seoul or Provincial Governor in accordance with Cabinet decree. The same shall apply in case of changes in the facilities of the rifle-ranges.

Paragraph 2. Matters necessary for the kinds, structures and facilities of the rifle-ranges shall be determined by Cabinet decree.

Paragraph 3. This Law shall not apply to the military rifle-ranges and others determined by law.

Article 5. (Inspection of Completion)

In case a rifle-range is completed, the completion shall be reported to the Mayor of the Special City of Seoul or Provincial Governor and it shall undergo inspection.

Article 6. (Restriction on Establishment)

No rifle-range shall be established at places less than 500 meters from government office buildings, schools, hospitals and other structures where a great number of people gather, houses, parks, temples, churches, beaches, rivers where boats or rafts sail, or preserves; provided, however, that this rule shall not apply in case of athletic sports or other particular cases if sufficient facilities for security measures are constructed.

Article 7. (Report on Use)

In case of using any rifle-range, the date and time for the proposed shooting, purpose, method of shooting, number of people who are to practice shooting and other necessary matters shall be reported to the competent police station chief by the day before the proposed shooting.

Article 8. (Restriction)

Paragraph 1. No shooting shall be held before sunrise and after sunset.

Paragraph 2. The persons who have established rifle-ranges shall not allow persons, who are less than 16 years old, idiots, deaf and dumb persons, insane persons, drunken men, and other persons who might cause danger, to perform shooting.

Article 9. (Suspension and Revocation)

Paragraph 1. The Mayor of the Special City of Seoul or Provincial Governor may require his subordinate public officials to inspect any rifle-range and order restriction on its use or suspension of shooting if it is deemed necessary for prevention of possible dangers.

Paragraph 2. The Mayor of the Special City of Seoul or Provincial Governor may, if it is deemed necessary for prevention of possible dangers, revoke the licenses for the rifle-ranges concerned.

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A. UNN
SEoul

Article 10. (Fees)

Persons who have obtained permission in accordance with Article 4 shall pay fees in accordance with Cabinet decree.

Article 11. (Matters for Delegation of Authority)

Matters concerning kinds of shooting, restriction and other necessary matters for the enforcement of this Law shall be determined by Cabinet decree.

Article 12. (Penalties)

Paragraph 1. Persons who have violated Article 3 or Article 4, Paragraph 1 shall be punished with penal servitude for six months or less, or fines of 100.000 hwan or less.

Paragraph 2. Persons who have violated dispositions, restrictions of conditions issued under this Law shall be punished with fines or minor fines of 10.000 hwan or less or detention.

Article 13. (Punishment)

In case the representative of a juridical person, the agent or employee of a juridical person or an individual has committed acts under the preceding article concerning the business of the juridical person or individual, finds shall be imposed on the juridical person or individual concerned as well as the person who has actually committed such act.

ADDENDUM

1. (Enforcement Day)

The Law shall be effective on and after its promulgation.

2. (Repeal)

Provincial decrees concerning Control of Shooting and Rifle-ranges shall be repealed.

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Handwritten:
A. U. N.
Seoul

UNOFFICIAL TRANSLATION OF LAW NO. 835
(PROMULGATED ON 13 DECEMBER 1961)

LAW CONCERNING CONTROL OF FIREARMS AND
EXPLOSIVES

CHAPTER I. GENERAL PROVISIONS

- Article 1. (Purpose)
The purpose of this Law is to secure the public safety by preventing possible danger and calamity through regulating the manufacture, transaction, possession, use and other handling of firearms and explosives.
- Article 2. (Definition of Firearms)
"Firearms" mentioned in this Law shall refer to gunpowder-charging guns which have the functions of discharging metallic bullets, and air rifles (including those which use compressed gas), which are determined by Cabinet decree.
- Article 3. (Definition of Explosives)
"Explosives" mentioned in this Law shall refer to the following gunpowder, explosive compounds and articles processed with heat:
1. Gunpowder
 - a. Black gunpowder and other gunpowders whose principal ingredient is nitrate;
 - b. Smokeless gunpowder and other gunpowders whose principal ingredient is nitric acid ester; and
 - c. Other gunpowders which may be used for the use of the same propulsive explosion as that of the gunpowders under Subparagraphs a. and b.

2. Explosive compounds:

- a. Percussion cap and other detonators;
- b. Potassium chlorate explosive compound and other explosive compounds whose principal ingredient is nitrate, chlorate or perchlorate;
- c. Nitroglycerine, nitroglycol, and other nitric acid esters which may be used for the use of explosion;
- d. Dynamite and other explosive compounds whose ingredient is nitric acid;
- e. Trinitrobenzene, trinitrofluorene, picric acid, trinitrochlorobenzene, tetroyl, trinitroanisole, hexanitropheniramin, trimethylenetrinitroamin, other nitro compounds which contain three or more groups, which may be used for explosion use, and other explosive compounds whose principal ingredients are those mentioned above;
- f. Liquid oxygen explosive compound and other liquid explosive compounds; and
- g. Other explosive compounds which may be used for destructive explosion for which those explosive compounds under Subparagraphs a. through f. are used, and they should be those determined by Cabinet decree.

3. Articles processed with heat

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- a. Percussion caps for industrial, electric, hunting and signal uses;
- b. Ball cartridges and blank cartridges;
- c. Fuses;
- d. Blasting fuse, detonating fuse, and electric detonating fuse;
- e. Signal flame fuse and signal rocket; and
- f. Fireworks and other articles processed with heat, which use gunpowder or explosive compound (excluding toy fireworks).

Article 4. (Delegation)

The Minister of Home Affairs may delegate part of his authority under this Law to the Mayor of the Special City of Seoul or Provincial Governor.

CHAPTER II. MANUFACTURE OF FIREARMS AND EXPLOSIVES

Article 5. (Permission)

Paragraph 1. Persons (hereinafter referred to as "the manufacturers") desiring to operate the manufacturing business of firearms and explosives (including remodeling and repair of firearms, and modification and processing of explosives; the same shall apply hereinafter) shall obtain permission for each factory from the Minister of Home Affairs in accordance with Cabinet decree. The same shall apply to persons who

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desire to manufacture military firearms and explosives after they are commissioned to do so; provided, however, that this rule shall not apply to the manufacturing of these kinds and quantities determined by Cabinet decree which allows the use of the firearms and explosives for physico-chemical experiments, capture or extermination of birds and beasts, shooting practices or medical treatments.

Paragraph 2. In case the manufacturers desire to change the location, structure or equipment of the manufacturing facilities, or change the kinds of explosives to be manufactured or the method of manufacturing, the preceding paragraph shall apply mutatis mutandis.

Article 6. (Disqualifications)

Anyone falling under one of the following items shall not become the manufacturer of firearms and explosives:

1. Persons who are sentenced to punishments of imprisonment or heavier if three years have not elapsed since the completion of the sentence, or if it was decided not to execute the sentence;
2. Incompetents, limited-incompetents and minors;
3. Persons whose residents are not certain;
4. Persons who are not suitable to be manufacturers because they were punished with fines due to violation of articles 35 through 40 of this Law or other laws and decrees within three years prior to the application for permission;

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5. Persons who are bankrupts and have not yet been rehabilitated;
 6. Persons whose permission was revoked in accordance with Article 27 if three years have not elapsed since the revocation; and
 7. In case any staff members who are performing the affairs of a juridical person or an organization fall under one of the preceding subparagraphs.

CHAPTER III. TRANSACTION OF FIREARMS AND
EXPLOSIVES

Article 7. (Permission for Selling Businessmen)

Paragraph 1. Persons desiring to operate the sale of firearms and explosives (hereinafter referred to as "the selling businessmen") shall obtain permission per selling shop from the Mayor of the Special City of Seoul or Provincial Governor who has the jurisdiction over the site of the selling shop concerned, in accordance with Cabinet decree; provided, however, that this rule shall not apply in case the manufacturers sell the firearms and explosives manufactured by themselves.

Paragraph 2. The fixed number of the selling businessmen under the preceding paragraph shall be determined by the Minister of Home Affairs.

Article 8. (Disqualification)
The provision of Article 6 shall apply to the selling businessmen of firearms and explosives.

Article 9. (Prohibition)

Firearms and explosives shall not be sold through peddling, or at markets, street stalls or outdoors.

Article 10. (Permission for Export and Import)

Paragraph 1. Persons desiring to import or export firearms and explosives shall obtain permission from the Minister of Home Affairs for each import or export in accordance with Cabinet decree.

Paragraph 2. If it is deemed necessary for public security, the Minister of Home Affairs may restrict the import or export of firearms and explosives or may not permit any import or export.

Article 11. (Taking Over)

Paragraph 1. Persons desiring to hand over or take over explosives shall obtain permission from the chief of the police station which has jurisdiction over the site of the residence concerned in accordance with Cabinet decree; provided, however, that this rule shall not apply to the selling explosives by the manufacturers or selling businessmen.

Paragraph 2. The manufacturers or selling businessmen of explosives shall not hand over explosives to the persons who have not permission for taking over, and no persons shall take over explosives from persons who have no permission for handing over and those other than the manufacturers and selling businessmen.

Paragraph 3. The manufacturers, selling businessmen and possessors of fire-

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arms may hand over firearms only to persons who have obtained permission for possessing firearms.

CHAPTER IV. POSSESSION AND USE OF FIREARMS AND EXPLOSIVES

Article 12. (Permission for Possession)
In case persons not falling under one of the following items desire to possess firearms and explosives, they shall obtain permission from the chief of the police station which has jurisdiction over the site of their residences in case of possessing explosives, and from the Mayor of the Special City of Seoul or Provincial Governor who has jurisdiction over the site of their residences concerned in case of possessing firearms:

1. Manufacturers under Article 5;
2. Selling businessmen under Article 7;
3. Import-export businessmen under Article 10;
4. Persons who take over explosives under Article 11, Paragraphs 1 and 2;
5. Transport businessmen under Article 18; and
6. Persons who need not obtain permission in accordance with Cabinet decree.

Article 13. (Prohibition of Handling)
Persons falling under one of the following items shall not handle firearms and explo-

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sives, nor cause other persons to handle them;

1. Minors;
2. Insanes, mentally disabled persons, idiots, and narcotic addicts;
3. Persons whose residents are not certain; and
4. Persons falling under Article 6.

Article 14. (Use of Explosives)

Paragraph 1. Persons desiring to explode or burn explosives (hereinafter referred to as "the users of explosives") shall obtain permission from the chief of the police station which has the jurisdiction over the site of the place using explosives, in accordance with Cabinet decree; provided, however, that this rule shall not apply to persons who need not such permission in accordance with Cabinet decree.

Paragraph 2. The preceding paragraph shall apply in case persons, who have obtained such permission, desire to change its use.

CHAPTER V. MANAGEMENT OF FIREARMS AND EXPLOSIVES

Article 15. (Storage of Explosives)

Paragraph 1. Storage of explosives shall be made at an explosive storehouse in accordance with Cabinet decree.

Paragraph 2. The manufacturers and selling

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businessmen shall have their own storehouses for exclusive use of storage of explosives.

Article 16. (Permission for Storehouse)
Establishment, moving of an explosive storehouse and changes in structures or facilities thereof shall require permission from the competent government agencies in accordance with Cabinet decree.

Article 17. (Facilities)
Matters necessary for kind, location, structure, standard, method of storage, quantity of storage according to kinds of storehouses, method of management and prevention of accidents shall be determined by Cabinet decree.

Article 18. (Transport)
Persons desiring to transport explosives shall obtain permission from the chief of the police station which has jurisdiction over the site of the shipping place in accordance with Cabinet decree.

Article 19. (Persons in Charge)

Paragraph 1. The manufacturers of explosives shall install supervisors of manufacturing of explosives and handlers of explosives, and selling businessmen and users of explosives whose amounts are determined by Cabinet decree shall install handlers of explosives.

Paragraph 2. The supervisors of the manufacturing of explosives shall handle the matters concerning manufacturing works of explosives, and handlers of explosives shall handle the matters concerning the management of explosives such as incomings and outgoings, giving

and receiving, use, transport, storage, etc., thereof.

Paragraph 3. The supervisors of the manufacturing of explosives and handlers of explosives under the preceding paragraph shall obtain licenses therefor in accordance with Cabinet decree.

Paragraph 4. The Mayor of the Special City of Seoul or Provincial Governor may, if they deem that certain supervisors of the manufacturing of explosives or handlers of explosives are not appropriate for that post, order replacement thereof.

Article 20. (Stability Test)

Paragraph 1. Persons manufacturing or importing explosives or persons possessing explosives after the period of keeping them, which is determined by Cabinet decree, shall take the stability test of such explosives in accordance with Cabinet decree.

Paragraph 2. The Minister of Home Affairs, the Mayor of the Special City of Seoul or Provincial Governor may, if it is deemed necessary for prevention of accidents, order the persons who possess explosives to take the stability test under the preceding paragraph.

Paragraph 3. Any explosives, which do not reach the technical standards determined by Cabinet decree as a result of the stability test under the preceding paragraph, shall be abandoned.

Article 21. (Prohibition)

Firearms and explosives shall not be camouflaged or disguised in other forms, nor possessed, stored, transported, or be

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packed together with other articles.

- Article 22. (Report on Theft)
In case firearms or explosives are stolen or lost, the possessors or managers thereof shall without delay report to the police station concerned.
- Article 23. (Emergency Measures)
In case there is disorder in the stability of explosives, or there is fear of calamity, theft or other dangers, and such matters require emergency measures, the possessors or managers of such explosives shall immediately take such emergency measures in accordance with Cabinet decree.

CHAPTER VI. SUPERVISION

- Article 24. (Inspection)
Persons who have obtained the permission under Article 5 or 16 shall not start the business or use of facilities unless they have undergone the inspection by the government agencies concerned of such facilities and they are deemed suitable for the standards determined by Cabinet decree, prior to the commencement of the business or the use of the facilities.
- Article 25. (Spot Inspection)
Paragraph 1. The Minister of Home Affairs, the Mayor of the Special City of Seoul or Provincial Governor may at any time, within the extent of the necessity of the enforcement of this Law or orders under the delegation of the power of this Law, cause his subordinate public officials to perform spot inspection of the manufacturing factories, storehouses, places of using explosives,

places of taking custody of explosives and other necessary places concerned, or inspect the business account books, documents and other necessary articles.

Paragraph 2. The public officials under the preceding paragraph shall carry the certificates of showing such authority with them, and show such certificates to the persons concerned at the request of the latter.

Paragraph 3. The spot inspection under this article shall not be refused nor obstructed without due reasons.

Paragraph 4. The inspections under this Law shall not obstruct the legal and just business or acts of the persons concerned.

Article 26. (Alteration in Facilities)
The competent government agencies may order manufacturers, selling businessmen, users or other handlers of firearms and explosives to construct necessary facilities or take actions necessary for prevention of dangers.

Article 27. (Revocation)
In case persons who have obtained permission for manufacturing or selling firearms and explosives fall under one of the following items, the competent government agencies may revoke such permission or suspend such business:

1. In case they have violated this Law or orders under this Law;
2. In case they do not commence their business within the period designated;
3. In case they suspend their business

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for more than one year after the commencement of the business; and

4. In case there are proper reasons which lead into fears of harming the peace and order.

Article 28. (Emergency Measures)

Paragraph 1. The competent government agencies may take the following measures if it is deemed necessary for prevention of calamity or maintaining the public safety:

1. Revocation of permission for possession, use, taking over, handing over, transport of firearms or explosives, or restriction thereof;
2. Prohibition of using all or part of the facilities owned by manufacturers, selling businessmen or users;
3. Temporary prohibition or restriction of manufacturing, selling, storing, transport, using or abandonment by manufacturers, selling businessmen, users and other handlers; and
4. Order the changing or abandoning of places which take custody of explosives to possessors or owners of explosives.

Paragraph 2. In case of taking dispositions under Subparagraphs 1 through 3 of the preceding paragraph, if necessary, the firearms or explosives concerned may be detained provisionally.

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CHAPTER VII. MISCELLANEOUS PROVISIONS

- Article 29. (Accounts Books)
The manufacturers, selling businessmen and users of firearms and explosives shall, in accordance with Cabinet decree, keep the required account books.
- Article 30. (Signs)
The manufacturers, selling businessmen and users of firearms and explosives shall install sign boards and other signs per place of business and storehouse.
- Article 31. (Licenses)
In case the competent government agencies grant permission or license in accordance with this Law, they shall issue certificate of permission or licenses in accordance with Cabinet decree.
- Article 32. (Showing and Return of Licenses)
- Paragraph 1. Persons who have received the certificates of permission or licenses under the preceding article shall show them to the public officials concerned upon request.
- Paragraph 2. In case the causes for the issuance of certificates of permission or licenses cease to exist, there take place some changes therein, or they are lost or stolen, they shall without delay be returned, or such matters shall be reported to the competent government agencies concerned.
- Article 33. (Fees)
- Paragraph 1. Persons who have received the certificates of permission or licenses in accordance with Article 31 shall pay

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the required fees in accordance with Cabinet decree.

Paragraph 2. The preceding paragraph shall apply in case requests are made for re-issuance of certificate of permission or licenses due to loss or damage thereof.

Article 34. (Provisions Applied mutatis mutandis)
This Law or all or part of the orders issued under this Law shall apply mutatis mutandis to swords, weapons or explosive articles other than the firearms and explosives, in accordance with Cabinet decree.

CHAPTER VIII. PENAL PROVISIONS

Article 35. (Penalties)

Paragraph 1. Persons who have violated Article 5, 7, or Article 10, Paragraph 1, shall be punished with penal servitude for five years or less, or fines of one million hwan or less.

Paragraph 2. Attempted offenders of the preceding paragraph shall be punished.

Article 36. (Ditto)

Persons who have violated Articles 11, 12, 14 and orders or dispositions issued under Article 27 or 28 shall be punished with penal servitude for two years or less, or fines of 500,000 hwan or less.

Article 37. (Ditto)

Persons falling under one of the following items shall be punished with penal servitude for one year or less, or fines of 300,000 hwan or less:

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1. Persons who have violated Articles 9, 13, 15, Article 19, Paragraph 3, Article 20, Paragraphs 1 and 3 and Article 21 or 23;
2. Persons who have violated Article 19, Paragraphs 1 and 4, Article 20, Paragraph 2, or orders or dispositions issued under Article 26;
3. Persons who have violated Article 25, Paragraph 3 or have made false statements;
4. Persons who have, through fraudulent means, obtained permission under this Law or Cabinet decree under delegation of the authority under this Law; and
5. Persons who have violated Article 17.

Article 38. (Ditto)
Persons who have violated Articles 22, 24, 29, 30 or 32 shall be punished with fines of 100,000 hwan or less, or detention or minor fines.

Article 39. (Punishments)
In case the representative of a juridical person, the agent or employee of a juridical person or individual has violated this Law or orders or dispositions issued under this Law concerning the business of the juridical person or individual, the penalties of fines or minor fines under the pertinent provisions of this Law shall be imposed upon such juridical person or individual as well as the person who has actually committed such acts.

Article 40. (Ditto)
The penal servitude and fines under the provisions of Articles 35 through 37 may be inflicted concurrently.

Addendum

- Article 41. (Enforcement Day)
This Law shall be effective on and after January 1, 1962.
- Article 42. (Repeal)
Governor General Order No. 3, Regulation on Control of Firearms and Explosives, of 1962, Governor General Order No. 65, Regulation on Control of Manufacturing of Ordinary Explosives, of 1932, Governor General Order No. 4, Regulation on Control of Fireworks, of 1927, and Military Government Ordinance No. 5, Regulation on Prohibition of Illegal Possession of Weapons, Ammunitions and Explosives by Private Citizens, shall be repealed.
- Article 43. (Interim Provisions)
- Paragraph 1. Matters which require permission in accordance with this Law and have already obtained such permission in accordance with the previous law and decree shall be regarded to have obtained the permission in accordance with this Law.
- Paragraph 2. Persons who have received licenses for handlers of explosives in accordance with the previous law and decree shall be regarded to have obtained them in accordance with this Law.
- Paragraph 3. The dispositions and orders which have been issued in accordance with the previous law and decree, if they do not conflict with this Law, shall be regarded to have been issued in accordance with this Law.

OPERATIONS MEMORANDUM

TO: Department of State

DATE: June 24, 1968

FROM: Amembassy SEOUL

Gibson

SUBJECT: Gun Control Laws

REF: State 179593
Seoul OM dtd 6/19/68 SOC 11-1 Korea

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Enclosed are two copies of statistics furnished by the Korean National Police concerning homicides, suicides, etc., in which firearms were used.

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Enclosure

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Number and percentage of robberies and assaults in which firearms involved

Year	1966			1967		
	Section	Total case Arrested	Firearms involved		Total case Arrested	Firearms involved
Classification		No. of cases	Percentage		No. of cases	Percentage
Homicides	383	6	1.6	391	7	1.8
Robberies	1163	17	1.5	1091	21	1.9
Larceny	71196			79794	13	
Assault	69302	4		59392	14	

Table for homicides, suicides and accidental deaths in which firearms involved

Year	1966			1967		
	Section	Total No. Killed	Firearms Involved		Total No. Killed	Firearms Involved
Classification		No. Killed	Percentage		No. Killed	Percentage
Suicides	8616	5		8013	29	0.4
Homicides	438	10	2.3	588	23	3.9
Accidents	4880	16		5041	11	

Number and percentage of robberies and assaults in which firearms involved

Year Section Classification	1966		1967	
	Total case Arrested	Firearms involved No. of cases Percentage	Total case Arrested	Firearms involved No. of cases Percentage
Homicides	383	6 1.6	391	7 1.8
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Homicides	438	10 2.3	588	23 3.9
Accidents	4880	16	5041	11

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	10	
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TR	XMB	AIR
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3	20	5
OSD	USIA	NSA
34	10	3
		NSC
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S. VIETNAM
DEPARTMENT OF STATE
AIRGRAM
(English Translation) REPRODUCED IN PAR

SOC 11-1 VIETS

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HANDLING INDICATOR

TO : Department of State

Gibson file

FROM : American Embassy, Saigon

DATE: July 3, 1968

SUBJECT : GVN Gun Control Laws

REF : STATE ^{call out} 179593
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1. In accordance with the referenced telegram, below is a brief summary of the Vietnamese law regarding the control of weapons:

a. Vietnamese law requires the licensing and registration of all handguns, rifles and shotguns and restricts the sale and possession of limited amounts of ammunition to those individuals permitted to have weapons. No practical differentiation is made between weapons for self-defense and those for hunting. Guns and ammunition may be sold only by licensed Vietnamese citizens and sale is subject to strict regulation. Before purchasing a gun, a potential buyer must obtain permission from the authorities and after purchase must register the weapon with the local authorities. In addition to persons convicted of violating the law, regulations prohibit minors and persons who have been in mental institutions, with certain specified exceptions, from possessing guns. There is a general prohibition against private individuals selling or possessing weapons of the type used exclusively by the military.

b. Exempted from the regulations are the police, military personnel (who are subject to the various military regulations) and public servants, as designated by the Minister of Interior, who may encounter danger in the performance of their duties.

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FORM 4-62 DS-323

Drafted by:

[Signature] CONS:FSHall/eb

Contents and Classification Approved by:

CONS:PBMcCarty *[Signature]*

Clearances:

[Signature] ADMIN:RAbraham (in draft)

CO: YFLO-PBR

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2. Statistics regarding the misuse of guns are not presently available; however, they have been requested and will be forwarded to the Department upon receipt. Enclosed for the Department's use, at this time, is an extract of the Vietnamese laws concerning gun control with translation.

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Enclosures: 1. Law No. 2/61 of January 6, 1961
2. Ordinance No. 16 of December 20, 1955

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In particular, the transit of the weapons and ammunitions of the 1st, 2nd and 3rd types mentioned in Article 1 of Ordinance 16, which are considered as war materials, necessitate the authorization of the Secretary of State for Defense.

ARTICLE 3.- A tourist who comes to Viet-Nam with weapons and ammunitions of any type except the 1st, 2nd and 3rd types, about him, may be given authorization for temporary importation according to a special procedure determined by the Interior Department.

When he leaves Viet-Nam, he must carry about all the weapons that he was authorized to carry and to hold and the remaining ammunitions, besides he is excused from the authorization to take them away. During his sojourn, he is strictly forbidden to assign or donate his weapon or ammunition to anybody.

ARTICLE 4.- The importation permit is only valid to import the weapons and ammunitions that are not considered as war materials while the carrying and keeping of these weapons and ammunitions must still conform to the Articles of Ordinance No. 16 of December 20, 1955.

ARTICLE 5.- The violation of this Law will be condemned to a fine of 5,000 piasters to 50,000 piasters and to 6 months to 3 years of imprisonment or to one of these punishments. The war materials, weapons and ammunitions may be confiscated.

recidivism
In case of recidivism, the above punishments will double. The detention however will not exceed 5 years.

Besides, the culprit may be prosecuted according to the Customs, Foreign Trade and Exchange Laws in force.

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Sept. 1961

AMERICAN EMBASSY
SAIGON, VIET-NAM

Level #2 A-715

TRANSLATION

Document : Document
Date of Document : December 20, 1955
Date Received : June 24, 1968
Language of Original : Vietnamese
Date Translated : June 26, 1968
Translated by : NGUYEN-VAN-TRUNG
To :
From :

ORDINANCE No. 16 OF DECEMBER 20, 1955 FIXING THE MANUFACTURE
COMMERCE, KEEPING AND CARRYING WEAPONS AND AMMUNITIONS WITHIN
THE TERRITORY OF VIET-NAM.

(OFFICIAL GAZETTE 1956. 3)

CHAPTER I

CLASSIFICATION OF WAR MATERIALS, WEAPONS AND AMMUNITIONS.

ARTICLE 1.- The war materials, weapons and ammunitions mentioned in
this Ordinance are classified as follows :

I. - War materials :

- 1st type : Fire arms and ammunitions used by Army, Navy and Air
Force.
- 2nd type : Materials for carrying or using combat firearms.

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ARTICLE 6.- If necessary, the formalities for the application of this Law, will be defined by a Decree. All those previous Articles that are in contradiction with this Law are repealed.

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-3rd type : Materials used to prevent war asphyxiating gas.

II. Weapons and ammunitions which are not considered as war materials :

-4th type : Firearms and ammunitions used for self-defense.

-5th type : Weapons and ammunitions used for hunting.

-6th type : Weapons belonging to the type of sword, knife and lance.

-7th type : Weapons used for shooting drill and weapons used for shooting at fairs, with ammunitions.

-8th type : Weapons and ammunitions which have history or collection character.

ARTICLE 2.- An Order of the Secretary of State for the Interior will clearly enumerate the materials and the composition of each type, belonging to the scope of execution of this Ordinance.

CHAPTER II

MANUFACTURE OF WAR MATERIALS, WEAPONS AND AMMUNITIONS.

ARTICLE 3.- To prohibit strictly the manufacture of all types of weapons and ammunitions on the whole territory of Viet-Nam from the promulgation date of this Decree till peace is completely restored.

The state holds the monopoly in manufacturing war materials, weapons and ammunitions.

The Defense Department assumes the manufacture of the war materials which are necessary to the Armed Forces and the Special Agencies that maintain public security.

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CHAPTER III

COMMERCE OF WEAPONS AND AMMUNITIONS.

ARTICLE 4.- A special Ordinance will fix the exportation, importation and transit of war materials, weapons and ammunitions on the Vietnamese territory.

ARTICLE 5.- Only the weapons and ammunitions of the 4th, 5th, 6th, 7th and 8th types, mentioned in Article I, can be sold in the country.

ARTICLE 6.- The commerce of weapons and ammunitions in Viet-Nam is reserved for Vietnamese citizens and trading companies. These Vietnamese citizens and trading companies must submit their requests to the Interior Department and can carry on their business only after obtaining authorization.

Within a 6-month term counting from the promulgation date of this Ordinance foreign traders must stop their activities or sell out their business to those who meet all the nationality conditons as fixed in this Ordinance and have obtained authorization as stated in the first part of this Article.

In any case they cannot rely on the application of this obligatory Article to claim for compensation.

ARTICLE 7.- For each type of weapon or ammunition, the traders must keep a counterfoil book previously paged and signed by the Secretary of State for the Interior or his representative. In this book they must clearly record the number of received weapons and ammunitions and the number of weapons and ammunitions sold, with the sale date, name, occupation and address of the buyer.

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Besides, they must attach the copies of the gun purchase permits to a special record.

The model of the gun purchase permit and the model of the books will be fixed later by a Decision of the Secretary of State for the Interior.

All the notes fixed in this Article must be taken daily and submitted to the Secretary of State for the Interior or his representative within a week after the sale.

If they want to close or sell their shops they must also make a declaration in conformity with the above mentioned conditions.

ARTICLE 8.- The traders of weapons and ammunitions must give free admission to their establishments to the Civil-Servants appointed by the Government to control the places and materials of their business.

These Civil Servants are still entitled to require the traders to submit the books defined in Article 7 of this Ordinance, and all other documents for control, if they find it necessary.

ARTICLE 9.- Weapons and ammunitions can only be sold to the persons or groups of persons who possess permits as stipulated by Article 11. A copy of the permit will be appended to the correct book (book which is in order) stipulated by Article 7.

ARTICLE 10.- All the weapons sold must bear the trade-marks (shop-signs or initials) of the selling firms and the same registration numbers as those that are recorded as stipulated by Article 7.

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CHAPTER IV

PERMITS FOR BUYING, KEEPING AND CARRYING WEAPONS AND AMMUNITIONS.

ARTICLE 11.- Private individuals and governmental or private groups that want to be authorized to buy or keep weapons and ammunitions of the 4th and 5th types must submit their requests to the Secretary of State for the Interior or his representative who is appointed by a Decision. The request must state clearly the reason for buying or keeping the weapon; the type, particularity and form of the weapon they request to buy or to keep; the type and quantity of ammunitions and, if possible, the prices given by the traders.

The Secretary of State for Interior or his representative will grant authorization for buying or keeping weapon and ammunition, for use if he judges the case is proper.

The model of the authorization will be defined later by a Decision of the Secretary of State for Interior.

ARTICLE 12.- The term of validity of the permits and the formalities for annual visa and renewal will be fixed later by a Decision of the Secretary of State for the Interior. This Decision will institute a yearly tax imposed on the keeping of weapons and ammunitions.

ARTICLE 13.- When the permit or weapon is lost, a declaration must be made within 24 hours to the Police Office or local Administrative authorities.

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ARTICLE 14.- The holders of permits for keeping weapons and ammunitions, are strictly prohibited from :

- Keeping other weapons or ammunitions than those mentioned in the permits.
- Lending or confiding to anybody, the weapons or ammunitions they are authorized to keep.

They can assign the weapons and ammunitions which they are authorized to keep only to those who possess permits granted by the Interior Department as stipulated by Article 11.

ARTICLE 15.- Only those who are of Vietnamese nationality, have attained their majority and have not committed any of the offenses stipulated by the Decision set up for the execution of this Ordinance, are authorized to buy or keep the weapons and ammunitions of the 4th and 5th types.

However, the foreigners who are of full age and are authorized to reside in Viet-Nam, can also obtain the permission to buy or keep the weapons and ammunitions of the 4th and 5th types under the conditions fixed by the Decision set up for the execution of this Ordinance.

No one is authorized to buy or keep the types of war materials mentioned in Article 1 of this Ordinance. Only those mentioned in Article 18 are authorized to keep those types of war materials under the conditions which will be fixed' by a Decision of the Secretary of State for the Interior.

To prohibit anybody from :

Encl 2a
A# 7b
Sargon

91. . .

1) Buying or keeping more than 2 weapons of the 4th type except the cases provided by the Decision of the Secretary of State for Interior for the Execution of this Ordinance.

2) Buying or keeping more than 50 cartridges for each gun of that type which one is authorized to keep.

The articles mentioned in the above paragraph concerning the purchase and keeping of the weapons and ammunitions of the 4th type do not apply to legal traders.

ARTICLE 16.- Any weapon of any kind belonging to a patient who is under treatment at a mental hospital is temporarily detained by the administrative authorities under the conditions which will be fixed later by a Decision.

ARTICLE 17.- Those who have been under treatment at a mental hospital, are not authorized to buy or keep weapons and ammunitions except when they possess certificates delivered by a psychiatrist.

The conditions and formalities for delivering certificates will be fixed by the Decision of execution.

The guns and ammunitions kept by the persons mentioned in the above paragraph, who do not meet the conditions stipulated in that paragraph, will be confiscated by administrative authorities according to the formalities fixed by the Decision of execution.

ARTICLE 18.- The carrying and transport of war materials, weapons and ammunitions of the 4th and 6th types without legitimate reason are prohibited.

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Sangon

91. . .

If the interested person is a dealer in arms and ammunitions, he is given a term to liquidate his business. This term and the decision to withdraw the authorization will be announced to him at a time.

During this term, the interested person may sell his arms and ammunitions as laws stipulated but may not buy any more.

At the expiration of this term, the administrative authorities may put all the remaining arms and ammunitions up to auction. The amount of the sale will be repaid to him later.

In this case, only the persons or associations that are authorized to buy and keep weapons and ammunitions as stipulated in Articles 11 and 15, may attend the auctions.

ARTICLE 21.- Within a one-month term, counting from the promulgation of this Ordinance, those who still possess firearms and ammunitions of any kind, must declare to the administrative of the locality where they reside.

A receipt of the declaration will be delivered to the declarer.

The Secretary of State for the Interior or his representative will inform him that he may retain his arms and ammunitions or not.

ARTICLE 22.- Any one who inherits arm and ammunition as legacy but is not authorized to retain them, must either give them to the Government or sell or assign them to those who have authorization within one month counting from the day he becomes the owner of those arm and ammunition.

Eme 2e
A 7N
Seyon

31. . .

However the Army, Navy and Air Force servicemen can carry weapons under the conditions stipulated by their particular rules.

The Civil-servants and Administrative officials who usually encounter danger because of their duties may be authorized to carry weapons when they are on duty.

A Decision of the Secretary of State for Interior will determine the conditions and lists of civil-servants and administrative officials who are authorized to carry weapons of all types.

ARTICLE 19.- To forbid anybody to carry weapon and ammunition of any type into pagodas, churches and other meeting places, in electoral councils and in all public meetings and demonstrations except for the civil-servants who are charged to maintain order.

CHAPTER V

MISCELLANEOUS ARTICLES

ARTICLE 20.- The administrative authorities may withdraw the permits defined in the above Articles 6 and 11 from all those people who violate the Articles stipulated in this Ordinance or in the Orders of execution.

The above punishment may also be inflicted on the persons who have been condemned to more than 3 months' imprisonment for crime with or without reprieve or condemned for one of the infringements mentioned in the Order of execution.

End 2a
A# 715
Seyon

10/... .

ARTICLE 23.- The violation of the Articles of this Ordinance and the Orders of execution will be sentenced to 11 days to 2 years' imprisonment and a VN\$500^{to}2000 fine. Besides, the arm and ammunition may be confiscated.

ARTICLE 24.- All the violations of the Articles of this Ordinance and of the Orders of execution will be searched and registered by the personnel of Customs, Forestry, Administration Police and Justice Police.

ARTICLE 25.- All those previous Articles that are contrary to this Ordinance are cancelled.



SWEDEN

Department of State

Gibson

TELEGRAM

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ACTION L 03

INFO EUR 15, GPM 04, H 02, SY 03, MC 01, CIAE 00, INR 07, NSAE 00, RSC 01,
DODE 00, JUS 02, TRSY 08, RSR 01, /047 W

**ACTION
COPY**

R 121410Z JUN 68
FM AMEMBASSY STOCKHOLM
TO SECSTATE WASHDC 2366

LEGAL ADVISER

UNCLAS STOCKHOLM 1843

JUN 12 1968

SUBJECT: SWEDISH GUN CONTROL LAW

DEPARTMENT OF STATE

REF: STATE'S 179593

QUESTIONS RAISED REFTEL ANSWERED BELOW IN ORDER POSED:

1. CURRENT SWEDISH GUN CONTROL LAW WHICH CAME INTO FORCE AUGUST 1, 1949, REQUIRES POLICE LICENSES FOR INHERITANCE, POSSESSION, RETAILING AND IMPORTATION OF ALL FIREARMS.
2. FIREARMS DEFINED AS "ALL WEAPONS BY MEANS OF WHICH BULLETS, SHOT, OR OTHER PROJECTILES MAY BE FIRED BY MEANS OF AN EXPLOSIVE CHARGE, CO2 CHARGE, OR OTHER PROPELLENT; TOGETHER WITH ALL APPARATUS OR DEVICES WHICH, REGARDING EFFECT AND PURPOSE, ARE COMPARABLE TO THE ABOVEMENTIONED WEAPONS, SUCH AS FLAMETHROWERS, AND DEVICES FOR DISSEMINATING TEAR GAS, POISON GAS, OR OTHER SUBSTANCE OF SIMILAR EFFECT." INFRINGEMENT OF LAW MAY LEAD TO IMPOUNDING OR CONFISCATION OF WEAPON, AND MAKE POSSESSOR LIABLE TO FINE OR IMPRISONMENT.
3. THERE ARE NO EXCEPTIONS AS SUCH TO GENERAL LICENSING REQUIREMENT FOR CIVILIANS AND CIVIL ORGANIZATIONS. RESTRICTIVITY OF SYSTEM EXEMPLIFIED BY GUN CONTROL LAW IMPLEMENTATION DIRECTIVES OF MAY 26, 1961: "LICENSE TO POSSESS A FIREARM MAY ONLY BE GRANTED TO A PRIVATE INDIVIDUAL IF THERE IS GOOD REASON TO ASSUME THAT THE PERSON WILL NOT PUT IT TO IMPROPER USE. ALSO, IT IS GENERALLY REQUIRED THAT THE APPLICANT HAS NEED OF THE WEAPON. A LICENSE FOR POSSESSING A MACHINE-GUN, PISTOL, OR OTHER SIMILAR POCKET WEAPON MAY BE GRANTED ONLY IF THERE IS:

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Department of State

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EXCEPTIONAL CAUSE, APPLICATIONS FOR A LICENSE ARE DEALT WITH BY THE POLICE AUTHORITY IN APPLICANT'S PLACE OF DOMICILE." FOR LICENSE TO BE GRANTED, APPLICANT MUST BE KNOWN TO BE LAW-ABIDING, OF SOUND JUDGMENT, AND OTHERWISE SUITABLE FOR POSSESSING WEAPON. FOR MACHINE-GUNS, SPORTING RIFLES, PISTOLS AND REVOLVERS, APPLICANT MUST BE AT LEAST 21 YEARS OF AGE, AND FOR OTHER WEAPONS AT LEAST 18 YEARS OF AGE. AN APPLICANT MUST PRODUCE EVIDENCE OF ABILITY TO HANDLE THE WEAPON IN QUESTION, AND BE CLEARED BY THE TEMPERANCE BOARD. FURTHER, APPLICATION MUST BE SATISFACTORY FROM POINTS OF VIEW OF GENERAL SECURITY, HUNTING REGULATIONS, HUNTING ASSOCIATIONS, AND RIFLE AND PISTOL CLUBS. AS REGARDS SPORTING GUNS, IT IS ALSO STIPULATED THAT HUNTING GROUNDS MUST BE AVAILABLE TO APPLICANT.

REQUIREMENTS FOR OBTAINING PISTOL OR SIMILAR WEAPON ARE RIGOROUS, AND AS A RULE LICENSE WILL BE ONLY GRANTED TO NIGHTWATCHMEN, PEOPLE WHO IN COURSE OF THEIR WORK MUST HANDLE LARGE SUMS OF MONEY OR VALUABLE DOCUMENTS, SHIP'S CAPTAINS ON INTERNATIONAL ROUTES, IN CERTAIN CASES PEOPLE WHO ARE IN VERY SPECIAL NEED FOR THEIR PERSONAL SAFETY, AND MEMBERS OF RECOGNIZED PISTOL CLUBS WHO HAVE ACHIEVED VERY HIGH STANDARD OF MARKSMANSHIP.

4. THERE IS NO SPECIAL PROVISION FOR SPORTING GUNS OTHER THAN THAT MENTIONED PARAGRAPH 3.

5. ALL FORMS OF IMPORTATION SUBJECT TO LICENSING LAW. IN THEORY FIREARM MAY BE PURCHASED BY MAIL PROVIDED ALL FORMALITIES AND REQUIREMENTS MET.

6. ONLY LICENSED FIRMS WHICH COMPLY WITH SECURITY REGULATIONS CONTAINED IN THE LAW MAY RETAIL FIREARMS. THESE REGULATIONS ARE SO STRICT AS TO LIMIT NUMBER AND SIZE OF SUCH FIRMS. A PRIVATE INDIVIDUAL MAY ALSO SELL HIS WEAPON TO ANOTHER PERSON PROVIDED THAT BUYER HAS OBTAINED LICENSE TO POSSESS THAT WEAPON.

7. STATISTICS NOT REPEAT NOT AVAILABLE ON EITHER DEATHS DUE TO FIREARMS OR CRIMES INVOLVING FIREARMS. CAMERON.

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Encl. D Salisbury A-269



SOUTHERN RHODESIA

THE
Firearms
Act

CHAPTER 250

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for the purposes of this edition of the Laws.]*



RHODESIA

ACT

To amend the Firearms Act [*Chapter 250*].

BE IT ENACTED by His Excellency the Officer Administering the Government as representative of the Queen's Most Excellent Majesty, by and with the advice and consent of the Parliament of Rhodesia, as follows:—

1. (1) This Act may be cited as the Firearms Amendment Act, 1966. Short title and date of commencement.
- (2) This Act shall come into operation on a date to be fixed by the Officer Administering the Government by proclamation in the *Gazette*.
2. Section 10 of the Firearms Act [*Chapter 250*] (hereinafter called the principal Act), is repealed and the following sections are substituted— New sections substituted for section 10 of Cap. 250.
- “10. (1) No person shall manufacture any ammunition or any explosive component of ammunition unless— Restrictions on manufacture of ammunition.
- (a) he is the holder of a licence issued in pursuance of the provisions of section 6 of the Explosives Act [*Chapter 249*]; and

(b) in paragraph (b) by—

- (i) the insertion after "officer" wherever it occurs of "or authorized person";
- (ii) the deletion of "or *forty-five*" and the substitution of "*, forty-five or forty-five A*".

Section.

20. Penalty for taking in pawn firearms or ammunition.
21. Provisions as to converting imitation firearms into firearms.
22. Saving.

PART II.

RESTRICTIONS ON THE POSSESSION OF FIREARMS AND
AMMUNITION BY ASIATICS AND OTHERS, AND ON THE DELIVERY
OF FIREARMS AND AMMUNITION TO SUCH PERSONS.

23. Interpretation of terms in this Part.
24. Asiatics and others prohibited from possessing firearms and ammunition.
25. Delivery of firearms and ammunition to Asiatics and others prohibited.
26. Possession of firearms and ammunition by Asiatics and others in employment.
27. District commissioner may issue permits to Africans to possess firearms and ammunition.
28. Issue of permits by Secretary for Internal Affairs.
29. Issue of permits for the acquisition of firearms and ammunition.
30. Letters of exemption.
31. Details in permits.
32. Revocation of permits.
33. Commissioner of Police to be notified of permits.
34. Confiscation of firearms and ammunition.

PART III.

MISCELLANEOUS PROVISIONS AS TO FIREARMS
AND AMMUNITION.

35. Special provisions relating to certain types of weapons and ammunition.
36. Removal and transportation of firearms and ammunition within Southern Rhodesia.
37. Restrictions on possession of firearms and ammunition by young persons.
38. Penalty for carrying firearm while drunk or disorderly.
39. Penalty for pointing a firearm.
40. Safeguarding of firearms and ammunition.
41. Loss of firearm or ammunition to be reported.
42. Safeguarding stocks of firearms and ammunition in possession of dealers.

CHAPTER 250.

FIREARMS.

To make provision for regulating and controlling the possession, sale, repair and manufacture of firearms and ammunition; to restrict the possession of firearms and ammunition by Asiatics, coloured persons and Africans; to restrict the delivery of firearms and ammunition to such persons; and for matters connected therewith and incidental thereto.

*Acts 17/1956,
42/1959,
73/1959,
14/1961,
14/1962 (s. 2).*

[1st January, 1957.]

ARRANGEMENT OF SECTIONS.

PRELIMINARY.

Section.

1. Short title.
2. Interpretation of terms.

PART I.

REGULATION OF PURCHASE, POSSESSION, MANUFACTURE
AND SALE OF FIREARMS AND AMMUNITION AND OTHER
TRANSACTIONS.

3. This Part not to apply to Asiatics and others unless holders of letter of exemption.
4. Firearms and ammunition to which this Part applies.
5. Penalty for purchasing firearms without a firearm certificate.
6. Grant of firearm certificates.
7. Fees in respect of firearm certificates.
8. Exemptions from holding a firearm certificate.
9. Power to refuse firearm certificate or permit unless firearm produced for inspection and marking.
10. Prohibition of manufacture of firearms and ammunition.
11. Production of firearm certificate.
12. Production of firearms and ammunition.
13. Penalty for dealing in firearms without being registered.
14. Registration of firearms dealers.
15. Certificates of registration.
16. Registration of places of business of firearms dealers.
17. Restrictions on sale and repair of firearms and ammunition.
18. Register of transactions for firearms and ammunition.
19. Powers of court in case of offence by registered firearms dealers.

PART IV.

GENERAL.

43. Provisions as to forfeiture of firearm and cancellation of certificate.
44. Power to search for and dispose of firearms and ammunition.
45. Information regarding firearms.
46. Penalty for obstructing a police officer.
47. Appeals under Parts I and III.
48. Establishment of central registry.
49. Service of notices.
50. Reciprocal recognition of certificates issued in neighbouring territories.
51. Savings.
52. Crown not bound.
53. Regulations.
54. Saving.

PRELIMINARY.

1. This Act may be cited as the Firearms Act [*Chapter 250*]. Short title.
2. In this Act— Interpretation
of terms.

“acquiring” means hiring, accepting as a gift and borrowing;

“ammunition” means—

 - (a) ammunition for any firearm;
 - (b) grenades, bombs, and any other like missiles, whether capable of use with a firearm or not;
 - (c) any ammunition containing or designed or adapted to contain any noxious liquid, gas or any other thing;

“arms of war” means artillery of all kinds, apparatus for the discharge of all kinds of projectiles, explosive or gas-diffusing, flame throwers, bombs, grenades, machine guns and rifled small-bore breech-loading weapons, but does not include sporting rifles or personal or other weapons or apparatus not intended for war-like purposes;

“Asiatic” means any person who is a Chinese, Pakistani, Indian or Malay;

“coloured person” means any person, other than an Asiatic or African, who has the blood of an Asiatic or African;

“firearm” means—

 - (a) any lethal barrelled weapon of any description from which any shot, bullet or any other missile can be discharged or which can be adapted for the discharge of any such shot, bullet or any other missile;
 - (b) any weapon of whatever description designed or

- adapted for the discharge of any noxious liquid, gas or other thing;
- (c) the barrel, bolt, and chamber or any other essential component part of any such weapon as aforesaid;
- "firearm certificate" means a firearm certificate granted under section *six*;
- "firearms dealer" means a person who by way of trade or business sells, transfers, repairs, tests or proves firearms or ammunition;
- "Minister" means the Minister to whom the administration of this Act is assigned by the Governor;
- "munitions of war" means ammunition for use with arms of war;
- "police officer" means any European member of the police;
- "slaughtering instrument" means a firearm which is specially designed or adapted for the instantaneous slaughter of animals or for the instantaneous stunning of animals with a view to slaughtering them;
- "transferring" includes letting on hire, giving, lending, and parting with possession.

PART I.

REGULATION OF PURCHASE, POSSESSION, MANUFACTURE AND SALE OF FIREARMS AND AMMUNITION AND OTHER TRANSACTIONS.

This Part not to apply to Asiatics and others unless holders of letter of exemption. Firearms and ammunition to which this Part applies.

3. The provisions of this Part shall not apply to the possession of firearms and ammunition by or their delivery to any Asiatic, coloured person or African who is not the holder of a letter of exemption issued under section *thirty*.

4. (1) This Part shall apply to all firearms as defined in section *two*, except an air-gun, air rifle or air pistol which is not of a type declared by the Minister by notice in the *Gazette* to be specially dangerous and the component parts of any such weapon.

(2) This Part applies to all ammunition as defined in section *two*, except ammunition for an air-gun or air rifle or air pistol.

Penalty for purchasing firearms without a firearm certificate.

5. (1) Subject to the provisions of this Act, no person shall purchase, acquire or have in his possession any firearm or ammunition unless he holds a firearm certificate in respect thereof in force at the time.

(2) If any person—

- (a) purchases, acquires or has in his possession any firearm or ammunition without holding a firearm certificate in respect thereof in force at the time or otherwise than as authorized by such certificate or, in the case of ammunition, in quantities in excess of those so authorized; or

- (b) fails to comply with any condition subject to which a firearm certificate is held by him;

he shall, subject to the provisions of this Act, be guilty of an offence, and liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

6. (1) An application for the grant of a firearm certificate shall be made in the prescribed form to the district commissioner of the district in which the applicant resides, and shall state such particulars as may be required by the said form. Grant of
firearm
certificates.

(2) The firearm certificate shall be granted by the district commissioner if he is satisfied that the applicant has a good reason for purchasing, acquiring or having in his possession the firearm or ammunition in respect of which the application is made, and can be permitted to have in his possession that firearm or ammunition without danger to the public safety or to the peace:

Provided that a firearm certificate shall not be granted to a person whom the district commissioner has reason to believe to be prohibited by or under this Act from possessing a firearm or to be of intemperate habits or unsound mind or to be for any reason unfitted to be entrusted with such a firearm.

(3) A firearm certificate granted under this section shall be in the prescribed form and shall specify the conditions, if any, subject to which it is held, the nature and the number of the firearm to which it relates, and, as respects ammunition, the quantities authorized to be purchased and to be held at any one time thereunder. One certificate may be issued for both a firearm and the ammunition for such firearm, but a separate firearm certificate shall be required for each firearm.

(4) The period of validity of a firearm certificate shall be determined by reference to triennial periods calculated from the 1st January, 1957. A firearm certificate shall, unless previously revoked or cancelled, expire at the end of the triennial period in which it is granted but shall be renewable for a further triennial period by the district commissioner of the district in which the holder resides, and so on from time to time, and the provisions of subsections (1), (2) and (3) shall apply to the renewal of a firearm certificate as they apply to the grant of such a certificate.

(5) The district commissioner of the district in which the holder of a firearm certificate resides may at any time, by notice in writing, after due enquiry and for good cause, vary the conditions subject to which the firearm certificate is held, except such of them as may be prescribed, and may by notice require the holder to deliver up the firearm certificate to him within fourteen days from the date of the notice for the purpose of amending the conditions specified therein.

(6) A firearm certificate may also, on the application of the holder thereof, be varied from time to time by the district commissioner of the district in which the holder for the time being resides.

(7) A firearm certificate may be revoked by the district commissioner of the district in which the holder resides if—

- (a) the district commissioner is satisfied that the holder is prohibited by or under this Act from possessing a firearm to which the firearm certificate relates or is of intemperate habits or unsound mind or is otherwise unfitted to be entrusted with such a firearm; or
- (b) the holder fails to comply with a notice under subsection (5) requiring him to deliver up the firearm certificate.

(8) In any case where a firearm certificate is revoked by a district commissioner he shall, by notice in writing, require the holder to surrender the firearm certificate, and if the holder fails to do so within fourteen days from the date of the notice he shall be guilty of an offence and liable to a fine not exceeding twenty-five pounds:

Provided that where an appeal is brought against the revocation this subsection shall not apply to that revocation unless the appeal is abandoned or dismissed, and shall in that case have effect as if for the reference to the date of the notice there were substituted a reference to the date on which the appeal was abandoned or dismissed.

(9) If any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a firearm certificate under this section or the variation or renewal of a firearm certificate, he shall be guilty of an offence, and liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Fees in respect
of firearm
certificates.

7. (1) Subject to the provisions of this section, there shall be payable on the grant or renewal of a firearm certificate and on the replacement of a firearm certificate which has been lost or destroyed such fees, not exceeding ten shillings, as may be prescribed.

(2) No fee shall be payable on the grant to any responsible officer of a gun club, rifle club or miniature rifle club of a firearm certificate in respect of firearms or ammunition to be used solely for target practice by the members of the club or on the renewal of any such firearm certificate.

(3) No fee shall be payable on the grant or renewal of a firearm certificate if the district commissioner is satisfied that the firearm certificate relates solely to—

- (a) a signalling apparatus or ammunition therefor which the applicant requires as part of the equipment of an aircraft or aerodrome; or
- (b) a slaughtering instrument or ammunition therefor which the applicant requires for the purpose of the slaughter of animals.

8. (1) The following provisions of this section shall have effect notwithstanding anything in section five.

Exemptions
from holding a
firearm
certificate.

(2) A person carrying on the business of a firearms dealer and registered as such under this Act or a servant of such a person may, without holding a firearm certificate, purchase, acquire or have in his possession a firearm or ammunition in the ordinary course of that business.

(3) A person carrying on the business of an auctioneer, carrier or storage contractor or a servant of such a person may, without holding a firearm certificate, have in his possession a firearm or ammunition in the ordinary course of that business.

(4) A person may, without holding a firearm certificate, have in his possession a slaughtering instrument and ammunition therefor in any abattoir if employed in such abattoir.

(5) The proprietor of an abattoir or a person employed by him to take charge of slaughtering instruments and ammunition therefor for the purpose of storing them in safe custody at that abattoir may, without holding a firearm certificate, have in his possession a slaughtering instrument or ammunition therefor for that purpose.

(6) Any person may, without holding a firearm certificate—

- (a) have in his possession a signalling apparatus or ammunition therefor on board an aircraft or at an aerodrome as part of the equipment of the aircraft or aerodrome; and
- (b) remove a signalling apparatus or ammunition therefor, being part of the equipment of an aircraft, from one aircraft to another at an aerodrome or from or to an aircraft at an aerodrome to or from a place appointed for the storage thereof in safe custody at that aerodrome, and keep any such apparatus or ammunition at such a place; and
- (c) if he has obtained from a district commissioner a permit for the purpose in the prescribed form, remove a signalling apparatus from or to an aircraft or aerodrome to or from such place and for such purpose as may be specified in the permit.

(7) A person carrying a firearm or ammunition belonging to another person holding a firearm certificate relating thereto may, without himself holding a firearm certificate, have in his possession that firearm or ammunition under instructions from and for the use of that other person for sporting purposes only.

(8) A member of a gun club, rifle club or miniature rifle club may, without holding a firearm certificate, have in his possession a firearm and ammunition therefor when engaged as such a member in or in connexion with target practise.

(9) Any person may, without holding a firearm certificate, use a miniature rifle not exceeding 0.22 calibre and ammunition suitable therefor at a miniature rifle range or shooting gallery.

(10) A person taking part in a theatrical performance or

any rehearsal thereof or in the production of a cinematograph film may, without holding a certificate, have a firearm in his possession during and for the purpose of the performance, rehearsal or production.

(11) Any person may, without holding a firearm certificate, have a firearm in his possession at an athletic or other sporting meeting for the purpose of starting races at that meeting.

(12) A person who has obtained from a district commissioner a permit for the purpose in the prescribed form, may, without holding a firearm certificate, have in his possession a firearm and ammunition in accordance with the terms of the permit. No such permit shall be issued in respect of or be valid for a period exceeding three months and any such permit may at any time be revoked by the district commissioner of the district in which the holder resides if the district commissioner is satisfied that the holder would not on application be granted a firearm certificate in respect of such firearm or ammunition.

(13) Where a district commissioner revokes a permit under subsection (12) he shall, by notice in writing, require the holder of the permit to surrender it, and if the holder fails to surrender it within fourteen days from the date of the notice he shall be guilty of an offence and liable to a fine not exceeding twenty-five pounds:

Provided that where an appeal is brought against the revocation this subsection shall not apply to that revocation unless the appeal is abandoned or dismissed, and shall in that case have effect as if for the reference to the date of the notice there were substituted a reference to the date on which the appeal was abandoned or dismissed.

(14) If any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant or renewal of a permit under this section, he shall be guilty of an offence, and liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Power to refuse firearm certificate or permit unless firearm produced for inspection and marking.

9. (1) Notwithstanding anything contained in any of the preceding sections of this Act, a district commissioner may refuse to grant a firearm certificate or a permit under subsection (12) of section *eight* unless and until the firearm to which such firearm certificate or permit will, if granted, relate, is produced to him for his inspection and for marking if necessary in accordance with the requirements of subsection (2).

(2) No firearm certificate and no permit under subsection (12) of section *eight* shall be granted in respect of a firearm unless such firearm bears a mark or number of identification or is first marked with such a mark or number by or under and in accordance with the directions of the district commissioner.

Prohibition of manufacture of firearms and ammunition.

10. (1) No person shall manufacture any firearm or ammunition in Southern Rhodesia except on behalf of the Government of

Southern Rhodesia or of the Federation and at a place established or designated for the purpose by and in accordance with instructions to be issued by the Minister.

(2) In this section the word "manufacture" in relation to firearms or ammunition does not include the repair of firearms or ammunition or the alteration or substitution or replacement of any component part of a firearm.

(3) If any person contravenes any of the provisions of subsection (1), he shall be guilty of an offence, and liable to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding five years or to both such fine and imprisonment.

11. (1) Any police officer may demand from any person whom he believes to be in possession of a firearm or ammunition his name and address and the production of his firearm certificate relating thereto. Production of firearm certificate.

(2) If any person upon whom a demand is so made fails within seven days thereafter to produce the certificate or to permit the officer to read the certificate or to show that he is entitled by virtue of this Act to have the firearm or ammunition in his possession without holding a firearm certificate, the officer may seize and detain the firearm or ammunition.

(3) If any person refuses so to declare his name and address or fails to give his true name and address, he shall be guilty of an offence, and liable to a fine not exceeding twenty-five pounds.

12. (1) Any police officer may demand from any person who holds a firearm certificate or a permit under subsection (12) of section *eight* the production of any firearm or ammunition to which such certificate or permit relates at such time and place as such officer may specify for his own inspection or for the inspection of such other police officer as he may specify. Production of firearms and ammunition.

(2) If any person fails to comply with such a demand, he shall be guilty of an offence, and liable to a fine not exceeding twenty-five pounds.

13. (1) Subject to the provisions of this section, no person shall by way of trade or business— Penalty for dealing in firearms without being registered.

(a) sell, transfer, repair, test or prove; or

(b) accept for sale or transfer or have in his possession for sale, transfer, repair, test or proof;

any firearm or ammunition unless he is registered under this Act as a firearms dealer:

Provided that it shall be lawful for an auctioneer to sell by auction and have in his possession for sale by auction a firearm or ammunition without being registered as aforesaid if he has obtained from the district commissioner of the district in which the auction is held a permit for that purpose in the prescribed form and complies with the terms of the permit.

(2) If any person contravenes any of the provisions of this

section or makes any statement which he knows to be false for the purpose of procuring whether for himself or any other person, the grant of a permit under this section, he shall be guilty of an offence, and liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Registration of
firearms
dealers.

14. (1) For the purposes of this Act, the district commissioner of every district shall keep in the prescribed form a register of firearms dealers, and, subject as hereinafter provided, shall enter therein the name of any person who, having or proposing to have a place of business in his area, applies to be registered as a firearms dealer and furnishes him with the prescribed particulars:

Provided that—

- (i) the district commissioner shall not register an applicant who is prohibited to be registered by order of a court made under section *nineteen*;
 - (ii) the district commissioner may refuse to register an applicant if he is satisfied that the applicant cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace or that the premises in which he proposes to carry on that business are not suitable or reasonably safe for the keeping of firearms and ammunition.
- (2) On the registration of an applicant as a firearms dealer in any area there shall be payable such fee, not exceeding five pounds, as may be prescribed.
- (3) If the district commissioner after giving reasonable notice to any person whose name is on the register, is satisfied that—
- (a) that person is no longer carrying on business as a firearms dealer; or
 - (b) that person has ceased to have a place of business in the area; or
 - (c) that person cannot be permitted to continue to carry on business as a firearms dealer without danger to the public safety or to the peace; or
 - (d) the premises in which that person is carrying on business as a firearms dealer are not suitable or reasonably safe for the keeping of firearms and ammunition;
- he shall cause the name of that person to be removed from the register.

(4) The district commissioner shall also cause the name of any person to be removed from the register if that person so desires.

(5) If any person for the purpose of procuring the registration of himself or any other person as a firearms dealer makes any statement which he knows to be false, he shall be guilty of an offence, and liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

15. (1) The district commissioner shall grant or cause to be granted to any person who is registered as a firearms dealer under section *fourteen* a certificate of registration. Certificates of registration.

(2) In any case where a district commissioner causes the name of any firearms dealer to be removed from the register, he shall, by notice in writing, require the dealer to surrender his certificate of registration, and if the dealer fails to do so within twenty-one days of the date of the notice he shall be guilty of an offence, and liable to a fine not exceeding twenty-five pounds:

Provided that—

- (i) where an appeal is brought against the removal this subsection shall not apply to that removal unless the appeal is abandoned or dismissed, and shall in that case have effect as if for the reference to the date of the notice there were substituted a reference to the date on which the appeal was abandoned or dismissed;
- (ii) until the dealer surrenders his certificate of registration in accordance with the provisions of this subsection or if he fails so to surrender his certificate until the expiration of the aforesaid period of twenty-one days, the dealer shall be deemed to be registered as a firearms dealer for the purpose only of disposing of the stock in hand of his business.

16. (1) The prescribed particulars which a person applying to be registered in any district as a firearms dealer under section *fourteen* is required to furnish shall include particulars of every place of business at which he proposes to carry on business within the area as a firearms dealer, and the district commissioner for that district shall, subject as hereinafter provided, enter in the register every such place of business. Registration of places of business of firearms dealers.

(2) Every person registered as a firearms dealer in any district who proposes to carry on business as such at any place of business in that area which is not entered in the register, shall notify the district commissioner for that district and furnish him with such particulars as may be prescribed, and the district commissioner shall, subject as hereinafter provided, enter that place of business in the register.

(3) A district commissioner, if he is satisfied that any place of business notified to him by any person under subsection (1) or subsection (2) or any place entered as the place of business of any person in the register of firearms dealers is a place at which that person cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace, may refuse to enter that place of business in the register or remove it from the register, as the case may be.

(4) If—

- (a) any person, being a registered firearms dealer, has a place of business which is not entered on the register

for the district in which that place is situated and carries on business as a firearms dealer at that place; or

- (b) any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the entry of any place of business in a register of firearms dealers;

he shall be guilty of an offence, and liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Restrictions on sale and repair of firearms and ammunition.

17. (1) No person shall sell or transfer to any other person in Southern Rhodesia, other than a registered firearms dealer, any firearm or ammunition unless that other person produces a firearm certificate authorizing him to purchase or acquire it or shows that he is, by virtue of this Act, entitled to purchase it or, as the case may be, to acquire it by means of such transfer without holding such a certificate:

Provided that this subsection shall not be construed so as to prevent—

- (a) a person parting with the possession of a firearm or ammunition otherwise than in pursuance of a contract of sale or hire or by way of a gift or loan to a person who shows that he is, by virtue of this Act, entitled to have possession of the firearm or ammunition without holding a firearm certificate; or
- (b) the delivery of a firearm or ammunition by a carrier or storage contractor or a servant of a carrier or storage contractor in the ordinary course of his business or employment as such.

(2) Every person who sells, lets on hire, gives or lends a firearm or ammunition to any other person in Southern Rhodesia other than a registered firearms dealer shall, unless that other person shows that he is, by virtue of this Act, entitled to purchase or, as the case may be, to hire, accept as a gift or borrow the firearm or ammunition without holding a firearm certificate, comply with any instructions contained in the certificate produced, and in the case of a firearm shall, within seven days from the date of the transaction, send by registered post notice of the transaction to the district commissioner by whom the certificate was issued.

(3) No person shall undertake the repair, test or proof of a firearm or ammunition for any other person in Southern Rhodesia other than a registered firearms dealer as such unless that other person produces or causes to be produced a firearm certificate authorizing him to have possession of the firearm or ammunition or shows that he is, by virtue of this Act, entitled to have possession of the firearm or ammunition without holding such a certificate.

(4) If any person—

- (a) contravenes any of the provisions of this section; or
- (b) with a view to purchasing or acquiring or procuring the repair, test or proof of a firearm or ammunition produces

a false firearm certificate or a firearm certificate in which any false entry has been made or personates a person to whom a firearm certificate has been granted or makes any false statement;

he shall be guilty of an offence, and liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

18. (1) Every person who by way of trade or business deals in, sells or transfers firearms or ammunition shall provide and keep a register of transactions, and shall enter or cause to be entered therein such particulars as may be prescribed. Register of transactions for firearms and ammunition.

(2) Every such entry shall be made within twenty-four hours after the transaction to which it relates took place, and, in the case of a sale or transfer, every such person as aforesaid shall at the time of the transaction require the purchaser or transferee to furnish particulars sufficient for identification, and shall immediately enter the said particulars in the register.

(3) Every such person as aforesaid shall on demand allow any police officer to enter and inspect all stock in hand, and shall on request by any such police officer produce for inspection the register so required to be kept as aforesaid.

(4) If any person—

- (a) fails to comply with any of the provisions of this section; or
- (b) knowingly makes any false entry in a register required to be kept under this section; or
- (c) knowingly furnishes any false particular of identification of himself or any other person;

he shall be guilty of an offence, and liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(5) Nothing in this section shall apply to the sale of firearms or ammunition by auction in accordance with the terms of a permit issued under the proviso to subsection (1) of section *thirteen*.

19. Where a registered firearms dealer is convicted of an offence under this Act or of an offence under any law of the Federal Legislature for the time being in force in Southern Rhodesia relating to customs in respect of the import or export of firearms or ammunition, the court may order— Powers of court in case of offence by registered firearms dealers.

- (a) that the name of the registered firearms dealer be removed from the register; and
- (b) that neither the dealer nor any person who acquires the business of that dealer nor any person who took part in the management of the business and was knowingly a party to the offence shall be registered as a firearms dealer; and
- (c) that any person who after the date of the order knowingly employs in the management or conduct of his

business the dealer convicted of the offence shall not be registered as a firearms dealer or, if so registered, shall be liable to be removed from the register; and

- (d) that any stock in hand of the business shall be disposed of by sale or otherwise in accordance with such directions as may be contained in the order:

Provided that a person aggrieved by an order made under this section may appeal against the order in the same manner as against the conviction, and the court may, if it thinks fit, suspend the operation of the order pending the appeal.

Penalty for taking in pawn firearms or ammunition.

20. (1) No person shall take any firearm or ammunition in pawn from any other person.

(2) If any person contravenes the provisions of this section he shall be guilty of an offence, and liable to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

Provisions as to converting imitation firearms into firearms.

21. (1) No person other than a registered firearms dealer shall convert into a firearm anything which, though having the appearance of being a firearm, is so constructed as to be incapable of discharging any missile through the barrel thereof.

(2) If any person contravenes any of the provisions of this section he shall be guilty of an offence, and liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Saving.

22. Nothing in this Part shall relieve any person using or carrying a firearm from the obligation to take out a licence to kill game under any law for the time being in force relating to such licences.

PART II.

RESTRICTIONS ON THE POSSESSION OF FIREARMS AND AMMUNITION BY ASIATICS AND OTHERS, AND ON THE DELIVERY OF FIREARMS AND AMMUNITION TO SUCH PERSONS.

Interpretation of terms in this Part.

23. In this Part—

“permit” means a valid permit issued or deemed to be issued under this Part;

and “firearm” and “ammunition” mean respectively a firearm and ammunition to which Part I applies.

Asiatics and others prohibited from possessing firearms and ammunition.

24. (1) Subject to the provisions of this Act, no Asiatic, coloured person or African shall possess any firearm or ammunition unless—

- (a) he is the holder of a permit authorizing such possession and his possession is in accordance with the terms and conditions of such permit;

- (b) he is the holder of a letter of exemption issued under this Part and his possession is in accordance with the provisions of Part I;
- (c) on the death of a person who is the holder of a permit to possess a firearm and ammunition or a letter of exemption, he has taken possession of the firearm and ammunition of such deceased person for the purpose of delivering them forthwith to the nearest police station.

(2) Any person who, upon the death of a person holding a permit to possess a firearm or ammunition or a letter of exemption, takes possession of the firearm and ammunition of such deceased person shall, within fourteen days of the death of the holder of the permit, deliver such firearm and ammunition to the nearest police station.

(3) Any person who is convicted of an offence under subsection (1) or (2) shall be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months.

25. (1) Subject to the provisions of this Act, no person shall sell, barter, exchange, supply, give or deliver any firearm or ammunition to any Asiatic, coloured person or African except in accordance with the provisions of this Part and the terms and conditions of any necessary permit.

Delivery of firearms and ammunition to Asiatics and others prohibited.

(2) Any person who is convicted of an offence under this section shall be liable to a fine not exceeding one hundred pounds or to imprisonment not exceeding two years or to both such fine and such imprisonment.

26. (1) If any person who employs an Asiatic, coloured person or African wishes such employee to possess firearms or ammunition for personal protection or the protection of the employer's crops or stock against depredation by wild animals, he may apply to a district commissioner for the issue of—

Possession of firearms and ammunition by Asiatics and others in employment.

- (a) a permit authorizing him to deliver a firearm and ammunition to such employee; and
- (b) a permit authorizing such employee to possess a firearm and ammunition for the purpose aforesaid while in such employment.

(2) No permit under this section shall authorize any Asiatic, coloured person or African to possess more than such number of rounds of ammunition as the district commissioner may, in the circumstances, consider necessary. In determining the number of rounds of ammunition under this subsection, the district commissioner shall have regard, *inter alia*, to—

- (a) the specific purpose for which the firearm is required and the probable frequency of its use for that purpose; and
 - (b) the distance of the residence of the applicant from the nearest district commissioner's office and place of business of a firearms dealer.
- (3) An employer shall, within fourteen days of the expiry

of any permit issued to his employee under this section or upon the discharge of his employee who holds a permit issued under this section, recover possession of any firearm and unexpended ammunition delivered by him to such employee.

(4) An employer who fails to recover possession of a firearm or ammunition in terms of subsection (4) shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

District commissioner may issue permits to Africans to possess firearms and ammunition.

27. (1) A district commissioner may, by a written permit, authorize any African to have in his possession a firearm and ammunition for personal protection or the protection of crops or stock against depredation by wild animals and may deliver such firearm and ammunition to such African:

Provided that—

(i) no such permit shall be granted for a period exceeding three months;

(ii) no such permit shall authorize the holder to have in his possession more than one firearm or more than such number of rounds of ammunition as the district commissioner may, in the circumstances, consider necessary and, in determining such number of rounds of ammunition, the district commissioner shall have regard, *inter alia*, to—

(a) the specific purpose for which the firearm is required and the probable frequency of its use for that purpose; and

(b) the distance of the residence of the applicant from the nearest district commissioner's office and place of business of a firearms dealer.

(2) The district commissioner may revoke any such permit if the holder thereof is convicted of an offence under this Act or if the district commissioner is satisfied that the holder is not a fit and proper person to hold such a permit.

Issue of permits by Secretary for Internal Affairs.

28. (1) The Secretary for Internal Affairs may issue permits in any case in which a district commissioner is not authorized, in terms of this Part, to do so.

(2) An appeal against the refusal of the Secretary for Internal Affairs or a district commissioner to issue a permit or against the conditions imposed by the issuer of a permit, shall lie to the Minister, whose decision shall be final.

Issue of permits for the acquisition of firearms and ammunition.

29. (1) Any Asiatic, coloured person or African who is the holder of a permit to possess a firearm or ammunition may, subject to the terms and conditions of such permit, be issued with a further permit to obtain a firearm and ammunition (hereinafter called a supply permit). Supply permits shall be issued by a district commissioner.

(2) Subject to the provisions of this Act and any law relating to the licensing of dealers in firearms, any person may,

on the surrender to him of a supply permit, sell, barter, exchange, supply, give or deliver to the holder of such permit a firearm and ammunition in accordance with the terms and conditions thereof.

(3) Any person who delivers a firearm and ammunition in terms of subsection (2) shall forthwith return such supply permit to the officer who issued it. Any person who is convicted of an offence under this subsection shall be liable to a fine not exceeding ten pounds.

30. (1) An Asiatic, coloured person or African may be exempted from the operation of this Part by a letter of exemption issued by the Secretary for Internal Affairs, and as long as the said letter of exemption is in force none of the provisions of this Part which relate to the possession of firearms and ammunition by, or their delivery to, the holder of such letter of exemption shall apply to such holder. Letters of exemption.

(2) In considering an application for a letter of exemption under this section the Secretary for Internal Affairs shall have regard, *inter alia*, to—

- (a) the character of the applicant;
- (b) the period during which the applicant has been resident in Southern Rhodesia;
- (c) the fact that before the 1st January, 1957, the applicant has lawfully possessed firearms under any law repealed by this Act.

(3) The provisions of Part I shall apply to any person who is the holder of a letter of exemption issued in terms of this section as long as such letter is in force.

(4) An appeal against the refusal of the Secretary for Internal Affairs to issue a letter of exemption shall lie to the Minister whose decision shall be final.

31. (1) There shall be specified in every permit the nature, description, and identifying marks or numbers of the firearm and the quantity of ammunition which may be possessed or delivered thereunder, the period of its validity, and any conditions which the issuer is hereby authorized and has seen fit to impose or are imposed by this Act. Details in permits.

(2) The issuer of a permit may cause such identifying marks or numbers as may reasonably be necessary for identification purposes to be placed on any firearm.

32. The Secretary for Internal Affairs may revoke any permit or letter of exemption issued under this Part if the holder thereof is convicted of an offence under this Act or if the Minister for any good and sufficient reason sees fit to order such revocation. Revocation of permits.

33. Any district commissioner who issues a permit shall forthwith send a copy thereof to the Secretary for Internal Affairs who shall furnish the Commissioner of Police with full details of Commissioner of Police to be notified of permits.

every permit or letter of exemption as soon as possible after its issue.

Confiscation of
firearms and
ammunition.

34. Any firearm or ammunition found in the illegal possession of any Asiatic, coloured person or African or dealt with in contravention of section *twenty-five* shall, unless the Minister orders its return to the owner thereof, be forfeited to the Crown.

PART III.

MISCELLANEOUS PROVISIONS AS TO FIREARMS AND AMMUNITION.

Special pro-
visions relating
to certain types
of weapons and
ammunition.

35. (1) It shall not be lawful for any person other than a person in the service of the Crown in his capacity as such or a person authorized in writing in that behalf by the Minister or a person of a class for the time being authorized in that behalf by the Minister by notice in the *Gazette*, to sell, transfer, purchase, acquire or have in his possession—

- (a) any firearm which is so designed or adapted that if pressure is applied to the trigger missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty; or
- (b) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or similar thing; or
- (c) any ammunition containing or designed or adapted to contain any such noxious thing; or
- (d) any firearm or ammunition specified or any firearm or ammunition of a class or type specified by the Minister by notice in the *Gazette*.

(2) If any person contravenes the provisions of subsection (1) he shall be guilty of an offence, and liable to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding two years or to both such fine and imprisonment.

(3) An authority given under this section shall be subject to such conditions as may be specified therein, and, if any person authorized thereby fails to comply with any such condition, he shall be guilty of an offence, and liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(4) The Minister may at any time, if he thinks fit, revoke any individual authority given by him to any person under this section by notice in writing requiring that person to deliver up the authority to such person as may be specified in the notice within fourteen days from the date of the notice, and if that person fails to comply with that requirement he shall be guilty of an offence, and liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(5) An authority given by the Minister under this section to any class of persons may at any time be revoked or varied by the Minister by notice in the *Gazette*.

(6) The preceding subsections of this section shall be in addition to and not in derogation of any other provisions of this Act, but a district commissioner—

- (a) shall not refuse to grant and shall not revoke a firearms certificate in respect of a firearm, weapon or ammunition such as is referred to in subsection (1) if the applicant is for the time being authorized as aforesaid to have possession of that firearm, weapon or ammunition; and
- (b) shall not refuse to enter in the register of firearms dealers the name of a person for the time being authorized as aforesaid to sell or transfer a firearm, weapon or ammunition such as aforesaid or remove the name of such a person from the register on the ground that he cannot be permitted to carry on or to continue to carry on business as a firearms dealer without danger to the public safety or to the peace;

and where any authority to purchase, acquire or have possession of a firearm, weapon or ammunition is revoked under this section the firearm certificate relating to that firearm, weapon or ammunition shall be revoked or varied accordingly by the district commissioner by whom it was granted.

36. (1) Subject to the provisions of subsection (4), no person shall remove or transport or cause to be removed or transported any firearm or ammunition from one place to another in Southern Rhodesia, whether for the purpose of export from Southern Rhodesia or otherwise, except under and in accordance with a removal permit issued by the district commissioner of the district from which such firearm or ammunition is to be removed or transported.

Removal and transportation of firearms and ammunition within Southern Rhodesia.

(2) If any person contravenes any of the provisions of subsection (1) or makes any statement which he knows to be false for the purpose of procuring for himself or any other person the issue of a removal permit under this section, he shall be guilty of an offence, and liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(3) No removal permit shall be issued under this section authorizing the removal or transport of firearms or ammunition by road from one area to another except with the general or specific authority of the Minister.

(4) Nothing in this section shall apply to—

- (a) a person carrying on the business of a carrier or a servant of such a person in respect of the removal or transportation of any firearms or ammunition in the ordinary course of that business;
- (b) the holder of a firearm certificate or of a permit under

subsection (12) of section *eight* in respect of the carriage with him and in accordance with the terms of the firearm certificate or permit of any firearm or ammunition to which the firearm certificate or permit relates;

- (c) any person, not being a registered firearms dealer, in respect of the carriage with him of any firearm or ammunition which he is entitled by virtue of the provisions of this Act to have in his possession without holding a firearm certificate; or
- (d) the removal or transport by a registered firearms dealer of any firearm or ammunition in his possession in the ordinary course of his business as such from one of his places of business to another in the same district or from or to his own place of business to or from the place of business of another registered firearms dealer in the same district.

(5) A permit issued under this section may at any time be revoked by the district commissioner who issued the same, and such district commissioner shall not be compelled to assign any reason for such revocation.

(6) In this section "firearm" and "ammunition" mean respectively a firearm and ammunition to which Part I applies.

Restrictions on possession of firearms and ammunition by young persons.

37. (1) No person under the age of sixteen years shall purchase or hire any firearm or ammunition, and no person shall sell or let on hire any firearm or ammunition to any other person whom he knows or has reasonable ground for believing to be under the age of sixteen years.

(2) No person under the age of fourteen years shall accept as a gift or borrow any firearm or ammunition to which Part I applies, and no person shall give or lend any such firearm or ammunition to any other person whom he knows or has reasonable ground for believing to be under the age of fourteen years.

(3) No person under the age of fourteen years shall have in his possession any firearm or ammunition to which Part I applies except in circumstances where he is entitled to have possession thereof without holding a firearm certificate by virtue of subsection (7), (8) or (9) of section *eight*, and no person shall part with the possession of any such firearm or ammunition to any other person whom he knows or has reasonable ground for believing to be under the age of fourteen years except in circumstances where that other person is entitled to have possession thereof as aforesaid.

(4) If any person contravenes any provision of this section he shall be guilty of an offence, and liable to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

Penalty for carrying firearm while drunk or disorderly.

38. Any person who while carrying a firearm to which Part I applies is under the influence of alcohol or drugs to such an extent as to be incapable of having proper control of such firearm or who

behaves in a disorderly manner shall be guilty of an offence, and liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

39. Any person who knowingly and without lawful cause points a firearm at any other person shall be guilty of an offence, and liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months.

Penalty for pointing a firearm.

40. (1) Every person having in his possession any firearm or ammunition shall take all such precautions as may be reasonably necessary to prevent such firearm or ammunition falling into the possession of any unauthorized person and shall comply with such security measures, both with regard to the safekeeping thereof and the condition in which it may be kept, as may be prescribed.

Safeguarding of firearms and ammunition.

(2) Whenever in any prosecution under the provisions of this section it is alleged in any indictment, summons or charge that all such precautions as were reasonably necessary to prevent a firearm or ammunition from falling into the possession of an unauthorized person were not taken or that any security measure prescribed was not complied with, it shall be presumed, unless the contrary is proved, that all such precautions were not taken or that such security measure was not complied with, as the case may be.

(3) Where any firearm or ammunition is lost or stolen, it shall be presumed, unless the contrary is proved, that it has fallen into the possession of an unauthorized person.

(4) For the purposes of this section, "unauthorized person" means, in relation to any firearm or ammunition, any person other than the person lawfully entitled under the provisions of this Act to possess that particular firearm or ammunition.

(5) If any person fails to comply with the provisions of this section, he shall be guilty of an offence and liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

41. (1) Any person having possession of a firearm or ammunition, whether or not he holds a firearm certificate therefor or is entitled to have possession thereof without holding a firearm certificate, shall, if such firearm or ammunition be lost, stolen or destroyed, report such loss, theft or destruction, as the case may be, as soon as possible after its occurrence at the nearest police station.

Loss of firearm or ammunition to be reported.

(2) If any person fails to comply with the provisions of this section he shall be guilty of an offence and liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Safeguarding stocks of firearms and ammunition in possession of dealers.

42. (1) In the interests of public safety the Minister may at any time direct that the stocks of firearms and ammunition in the possession of firearms dealers in any district or of any firearms and ammunition in transit within Southern Rhodesia be taken possession of by the police for the purpose of safe storage.

(2) If the Minister has, in terms of subsection (1), issued any direction with reference to any district, each firearms dealer within that district shall, on being informed by a policeman of the intention to take possession of his stock of firearms and ammunition, take immediate steps for the packing of all firearms and ammunition in his possession for removal to a place of safety.

(3) A receipt shall be given by the policeman to the person from whom the firearms or ammunition are received for the number of packages of firearms or ammunition taken possession of in terms of this section.

(4) Any firearms or ammunition taken possession of in terms of this section shall be returned to the persons from whom they were received at such time as the Minister may determine.

(5) Any person who fails to comply with any direction issued under this section shall be guilty of an offence, and liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

PART IV.

GENERAL.

Provisions as to forfeiture of firearm and cancellation of certificate.

43. (1) Where any person is convicted of an offence under this Act, the court before whom he is convicted may make such order as to the forfeiture or disposal of any firearm or ammunition found in his possession as the court thinks fit, and may cancel any firearm certificate held by the person convicted.

(2) Where the court cancels a firearm certificate under this section—

- (a) the court shall cause notice to be sent to the district commissioner by whom the certificate was granted; and
- (b) the district commissioner shall by notice in writing require the holder of the certificate to surrender it.

(3) If the holder of a firearm certificate fails to surrender such certificate within twenty-one days from the date of the notice referred to in subsection (2), he shall be guilty of an offence, and liable to a fine not exceeding twenty pounds.

Power to search for and dispose of firearms and ammunition.

44. (1) If a magistrate or justice of the peace is satisfied, on information given on oath, that there is reasonable ground for suspecting that an offence under this Act has been, is being or is about to be committed, he may grant a search warrant authorizing any police officer named therein—

- (a) to enter at any time any premises or place named in

the warrant, if necessary by force, and to search the premises and place and every person found therein; and

- (b) to seize and detain any firearm or ammunition which he may find on the premises or place or on any such person in respect of which or in connexion with which he has reasonable grounds for suspecting that an offence under this Act has been, is being or is about to be committed; and
- (c) if the premises are those of a registered firearms dealer, to examine any books relating to the business.

(2) The police officer making the search may arrest without warrant any person found on the premises whom he has reason to believe to be guilty of an offence under this Act.

(3) A magistrates court may, on the application of a police officer, order any firearm or ammunition seized and detained by a police officer under this Act to be destroyed or otherwise disposed of.

45. Any police officer may require any person appearing to be in control of any premises on which such police officer has reason to believe that any firearm or ammunition is kept, or any person employed on such premises, to give him such information as such police officer may require in order to ascertain whether the provisions of section *forty* are being complied with.

Information regarding firearms.

46. Any person who—

- (a) obstructs a police officer in the exercise of any of the powers conferred upon him by or under section *forty-four*; or
- (b) fails to give to a police officer any information which he is lawfully required by such police officer to give to him under section *forty-four* or *forty-five* or gives to such police officer information which he knows to be false or which he does not know or believe to be true;

shall be guilty of an offence and liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Penalty for obstructing a police officer.

47. (1) Any person may appeal to the High Court if he is aggrieved—

- (a) by a refusal of a district commissioner to grant him a firearm certificate under section *six* or to renew a firearm certificate under that section, or by any variation of conditions under subsection (5) of section *six*;
- (b) by the revocation of a firearm certificate;
- (c) by a refusal of a district commissioner to grant him a permit under subsection (12) of section *eight* or by the revocation of such a permit;
- (d) by the refusal of a district commissioner to register him as a firearms dealer;

Appeals under Parts I and III.

- (e) by the removal of his name from the register of firearms dealers by a district commissioner;
- (f) by the refusal of a district commissioner to enter a place of business in the register of firearms dealers under section *sixteen*;
- (g) by the removal of any such place of business from the register;
- (h) by the refusal of a district commissioner to issue to him a removal permit under section *thirty-six* or by the revocation of any such permit.

(2) An appeal under this section shall be lodged with the Registrar of the High Court within fourteen days after the date on which the appellant first received notice, whether written or oral, of the decision by which he is aggrieved.

(3) On an appeal under this section, the High Court may either dismiss the appeal or give such directions as it may think fit to the district commissioner from whose decision the appeal has been lodged as respects the firearms certificate, permit or register which is the subject of the appeal.

(4) The Chief Justice and other judges of the High Court may make rules for regulating appeals to the High Court under this section and for the procedure on such appeals. The provisions of subsection (3) of section 23 of the High Court Act [*Chapter 10*] shall apply to all rules made in terms of this subsection.

Establishment
of central
registry.

48. The Secretary for Internal Affairs shall establish or cause to be established a register containing particulars of all firearm certificates and permits issued under this Act.

Service of
notices.

49. Any notice required or authorized by this Act to be given to any person may be sent by registered post in a letter addressed to him at his last or usual place of abode or, in the case of a registered firearms dealer, at any place of business in respect of which he is registered.

Reciprocal
recognition of
certificates
issued in
neighbouring
territories.

50. The Governor may, if he is satisfied that reciprocal provisions have been made in the laws in force in the Republic of South Africa, South West Africa, Northern Rhodesia, Nyasaland, Tanganyika or Kenya for the recognition by and under the law in force in such territories of firearm certificates granted under this Act, by proclamation in the *Gazette*, declare that an arms licence or certificate corresponding to a firearm certificate under this Act and issued under such law shall, on being endorsed by a district commissioner, have the same effect and validity in Southern Rhodesia as if it were a firearm certificate granted under this Act.

Savings.

51. (1) The provisions of this Act relating to ammunition shall be in addition to and not in derogation of any other law for the time being in force relating to the keeping and sale of explosives.

(2) Nothing in this Act relating to firearms shall apply to an antique or other firearm—

- (a) which is or has been rendered permanently incapable of discharging any shot, bullet or other missile and which is sold, transferred, purchased, acquired, transported or possessed as a souvenir, curiosity or ornament;
- (b) which belongs to or is kept in a museum and in respect of which the Minister has given a certificate that he is satisfied that proper and adequate precautions have been taken for preventing the firearm falling into the hands of any person not lawfully entitled under the provisions of this Act to possess that firearm.

52. This Act shall not bind the Crown in its government of Southern Rhodesia, or of the Federation or of Northern Rhodesia or of Nyasaland: Crown not bound.

Provided that nothing in this section shall be construed so as to render lawful the possession by any servant of the Crown of a firearm or ammunition on any occasion or in any circumstances not authorized by the Crown.

53. (1) The Minister may make such regulations as may reasonably be necessary effectively to administer this Act. Regulations.

(2) Regulations may—

- (a) prescribe the form of a firearm certificate and of any register required to be kept under this Act, and of any other permit or document under this Act;
- (b) prescribe the fees to be paid for anything done or for any firearm certificate, permit, document or authorization issued or granted or renewed under this Act;
- (c) prescribe the safety measures to be adopted for safe keeping of firearms and ammunition;
- (d) prescribe any other thing which under this Act is to be prescribed.

(3) Regulations made under paragraph (c) of subsection (2) may make different provisions as respects different classes of persons or different classes or descriptions of firearms or ammunition or as respects the same class or description of firearms or ammunition in different circumstances.

54. Any permit issued under the Firearms Restriction Act, 1944, shall be deemed to be a permit issued under Part II, and shall remain in force for the period stated therein unless and until it is revoked in terms of section *thirty-two*. Saving.

AIRGRAM

Soc 11-1 Rhot

XR Soc 11-1
FILE DESIGNATION

Original to be Filed in _____ Decentralized Files.

RS/R 1	REP 1	AF 5	ARA
EUR	FE	NEA	CU
INR 5	E 4	P	IO 6
L	FBO	AID	
S/P 1	g/dp 2	mc 1	sls 10
			H 1
AGR	COM 10	FRB	INT
LAB 6	TAR	TR	XMB
AIR 5	ARMY 3	NAVY 5	OSD 34
USIA 10	NSA 3	CIA 20	OST 1
HEW 7	NSC 6	JWS 1	FB 1

UNCLASSIFIED

A-269 RECEIVED
NO. 77
JUN 18 2 22 PM '68
ANALYSIS UNIT

HANDLING INDICATOR

TO : Department of State

Gibson

FROM : Amconsul SALISBURY

DATE: June 14, 1968

SUBJECT : Gun Control Law

REF : State 179593 / SOC 11-1

The basic law in Rhodesia is the "Firearms Act" (copy enclosed). This law is "to make provision for regulating and controlling the possession, sale, repair and manufacture of firearms and ammunition; to restrict the possession of firearms and ammunition by Asiatics, coloured persons and Africans; to restrict the delivery of firearms and ammunition to such persons; and for matters connected therewith and incidental thereto."

In regard to the specific questions requested in the referenced telegram, answers are as follows:

1. Q. Does law require registration or licensing of firearms or prohibit possession?
 - A. The law basically requires registration of firearms, a national register being maintained, and prohibits possession except to those in possession of a firearms certificate, granted by the government.
2. Q. What types of firearms covered--handguns, rifles, shotguns?
 - A. The basic regulations apply to all firearms except air guns, air rifles or air pistols, and even these may be covered if the types concerned are specifically named in the government "Gazette." Under the miscellaneous provisions, stricter regulations are applied to automatics and weapons "adapted for the discharge of any noxious liquid gas or similar thing."

Enclosure:
1, The Firearms Act, Chapter 250

POST ROUTING			
TO:	Action	Info.	Initials
AMB/PO			
DCM			
POL			
ECON			
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ADM			
AID			
USIS			
FILE			

Action Taken:

Date:
Initials:

FORM 10-64 DS-323

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For Department Use Only

In Out

Drafted by: ECON: J. Mansford: em Drafting Date: 6/12/68 Phone No.: Contents and Classification Approved by: PO'Neill

Clearances: ECON: WJS:lar

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3. Q. What special exceptions from requirements are made in terms of persons or type of firearm?
- A. One section of the Act details exemptions from holding a firearms certificate; exemptions are granted to firearms dealers, certain other persons having professional need to carry firearms, qualified cattle slaughterers, those holding firearms for sporting purposes only or for gun club purposes, those using miniature rifles not exceeding 0.22 calibre, persons taking part in theatrical performances, and those handling starting guns at athletic meetings; those who qualify under the aforementioned headings may obtain a permit for a period not exceeding three months, i.e. without an actual firearms certificate.
4. Q. Is special provision made for sporting guns?
- A. See answer to (3): the relevant clause is worded: "A person carrying a firearm or ammunition belonging to another person holding a firearm certificate relating thereto may, without himself holding a firearm certificate, have in his possession that firearm or ammunition under instructions from and for the use of that other person for sporting purposes only."
5. Q. Does law limit or prohibit importation or mail-order purchase of firearms?
- A. The Firearms Act appears to permit sale by any method to anybody able to produce a valid certificate, although mail-order does not appear to be specifically covered. For importation, see below.
6. Q. Who can sell firearms?
- A. The law is extremely detailed in regard to firearms dealers, who must be registered. No other person can deal in firearms.

Law and Order (Maintenance) Act

The Firearms Act is considerably affected by the Law and Order (Maintenance) Act of December 1960. Among the many clauses of this latter Act are those prohibiting the carrying of offensive weapons or materials without lawful authority or reasonable excuse, and also prohibiting the importation of "dangerous weapons." Under this Act, a permit for the importation into Rhodesia of dangerous weapons may be granted by a District Commissioner or other prescribed person only if he is satisfied that the applicant has good reason for such importation and can be permitted to import them without danger to the public safety or to the peace, and in granting such permit, the District Commissioner or other prescribed person may impose such terms and conditions as appear to him to be desirable in the interests

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of public safety. Any person who contravenes the provisions of this section is liable for imprisonment of up to twenty years.

Statistics

There are no readily available statistics of the kind requested. But, as a general rule, it can be taken that, outside offences under the Law and Order (Maintenance) Act, which is mainly aimed at the African guerilla infiltrators, there are relatively few prosecutions for contravention of the firearms laws in Rhodesia.

O'NEILL



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FROM

Frederick S. York

SUBJECT

Embassy-Stockholm's Airgram A-1096

RFRD

RFRD

RFRD

RFRD

G. Newton

DATE

DATE

DATE

DATE

12-17-68

REPLY DUE

REPLY DISPATCHED

FILE DESIGNATION

ADMINISTRATOR'S MAIL

LOCATOR COPY 1



DEPARTMENT OF STATE

Washington, D.C. 20520

December 16, 1968

Mr. George D. Newton, Jr.,
Co-Director, Weapons Task Force,
The National Commission on the Causes
and Prevention of Violence,
726 Jackson Place
Washington, D. C. 20506

Dear Mr. Newton:

Attached please find a copy of Embassy-Stockholm's
Airgram A-1096 of December 10, 1968, with enclosures.

Sincerely,

Frederick S. York /ax

Frederick S. York,
Department of State Liaison Officer

Attachment: A-1096

December 16, 1968

Mr. George D. Newton, Jr.,
Co-Director, Weapons Task Force,
The National Commission on the Causes
and Prevention of Violence,
726 Jackson Place
Washington, D. C. 20506

Dear Mr. Newton:

Attached please find a copy of Embassy-Stockholm's
Airgram A-1096 of December 10, 1968, with enclosures.

Sincerely,

Frederick S. York,
Department of State Liaison Officer

Attachment: A-1096

ORIGIN/ACTION

S/S-10

2

DEPARTMENT OF STATE

AIRGRAM

50 C 11 US

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RM/R	REP	AF
1	5	
ARA	EUR	FE
	5	
NEA	CU	INR
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MFC	P	IO
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3		12
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AGR	COM	FRB
INT	LAB	TAR
TR	XMB	AIR
ARMY	CIA	NAVY
	20	
OSD	USIA	NSA
	10	3
FBI	USC	JAS
1	6	1

A-1096

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HANDLING INDICATOR

TO : Department of State

FROM : Amembassy STOCKHOLM

DATE: December 10, 1968

SUBJECT : Information for the President's National Commission on the Causes and Prevention of Violence

REF : CA-11484, October 11, 1968

50 C 11 US

Upon receipt of the referenced instruction, the enclosed firearms questionnaire was transmitted to Mr. Esbjorn ESBJORNESON, Director of the Criminal Division of the Swedish National Police. The questionnaire has now been returned with the message that, unfortunately, the maintenance and breakdown of Swedish records and statistics in no way correspond with those set forth in the questionnaire.

Firearms in Sweden are registered locally, but there is no central record of these and no nation-wide compilation has been made. Beginning only in September 1968 Swedish authorities started recording murders and homicides according to whether committed with or without firearms. Unfortunately, however, there is no further breakdown according to sex or other category. At the same time, Swedish authorities started maintaining records of the theft of firearms, ammunition, and explosives from Swedish military depots or elsewhere. Plans are also underway to project these records back to the beginning of 1968, and the Embassy will endeavor to obtain these when they are completed.

In its reply to CA-10774 of September 11, 1968, the Embassy in its A-951 of September 27, 1968, transmitted as Enclosure No. 3 "Brott Som Kommit Till Polisens Kannedom" (Statistical Reports 1968. Offenses known to the police, January-August), which is a monthly mimeographed report of preliminary crime statistics. This publication gives the only breakdown that Swedish authorities have been making of crimes in Sweden. Transmitted as Enclosure No. 1 are copies of the statistical reports (with English translations of categories) for September and October 1968 to add to those transmitted earlier.

Enclosure:

No. 1 - Statistical Reports

att GMB

HEATH

W/B/T

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In Out

Drafted by: ECON:AD Bowen, Jr. :drw:wg 12/9/68

Contents and Classification Approved by: ECON - A. Dane Bowen, Jr.

Clearances:

DEC 10 1968

DEC 14 PM 3 52

CO. YFLO-PDR

Statistiska centralbyrån, Stockholm		National Central Bureau of Statistics, Stockholm, Sweden	
Referent	Datum	Meddelande nr	Sid
Kanslist Anna-Britt Eriksson 08/67 99 60/3	9.10.1968	R 1968:33	1(6)

BROTT SOM KOMMIT TILL POLISENS KÄNNEDOM SEPTEMBER 1968

Preliminära siffror¹

Offences known to the Police, September 1968

Preliminary data

En redogörelse för statistikens omfattning och innehåll återfinns i Statistiska meddelanden, R 1968:9

Tabell s 2 - 3

The table translated into English p. 4 - 6

¹Definitiva siffror kommer att lämnas i publikationen Kriminalstatistik 1968 (SOS). Del I Polisstatistik. Preliminära månadsiffror för närmast föregående år återfinns i SM, undergrupp R.

BROTT SOM KOMMIT TILL POLISENS KÄNNEDOM I HELA RIKET
SEPTEMBER 1968

BROTT	ANTAL	
A	BROTTSBALKEN	44 419
BROTT MOT PERSON (3 - 7 KAP)		2 679
3 kap	BROTT MOT LIV OCH HÄLSA	1 392
	Mord, dråp, barnadråp (3:1-3)	24
	Misshandel, även grov (3:5-6)	1 343
	med dödlig utgång	2
	ej med dödlig utgång	1 341
	Vållande till annans död (3:7)	4
	Övr brott mot 3 kap (3:4, 8-9)	21
4 kap	BROTT MOT FRIHET OCH FRID	998
	Hemfridsbrott, olaga intrång(4:6)	177
	Olaga hot (4:5)	291
	Övr brott mot 4 kap (4:1-4, 7-9)	530
5 kap	ÅREKRÄNKNING	15
6 kap	SEDLIGHETSBROTT	268
	Våldtäkt, våldförande (6:1)	57
	mot kvinna under 15 år	10
	mot kvinna 15 år eller äldre	47
	Heterosexuell otukt (6:2-5)	27
	Homosexuell otukt (6:2-4)	5
	Övr brott mot 6 kap (6:6-8)	179
7 kap	BROTT MOT FAMILJ	6
BROTT MOT FÖRMÖGENHET (8- 12 KAP)		39 979
8 kap	STÖLD, RÅN M M	31 963
	Tillgrepp av motordrivet fortskaffningsmedel (8:1-4, 7-8)	5 495
	bil	3 125
	motorcykel	318
	moped	1 896
	båt	129
	annat	27
	Tillgrepp av ej motordrivet fortskaffningsmedel (8:1-4, 8)	5 565
	cykel	5 440
	båt	102
	annat	23
	Inbrottsstöld, ej av skjutvapen (8:1, 4)	7 624
	Stöld, inbrottsstöld; av skjutvapen (8:1, 4)	71
	Övr stöld, snatteri, bodräkt (8:1-4)	12 782
	ur eller från motordrivet fortskaffningsmedel	5 197
	i butik eller varuhus	1 852
	Övr stöld m m	5 733

BROTT	ANTAL
8 kap	Rån, grovt rån (8:5-6) 128 med användning av skjutvapen 7 ej med användning av skjutvapen 121 Övr brott mot 8 kap (8:8-11) 298
9 kap	BEDRÄGERI OCH ANNAN OREDLIGHET 4 909 Bedrägeri, grovt bedrägeri, be- drägligt beteende (9:1-3) 4 562 därav checkbedrägeri 1 866 Häleri, häleriförseelse (9:6-7) 307 Övr brott mot 9 kap (9:4-5, 8-10) 40
10 kap	FÖRSKINGRING M M 485
11 kap	GÄLDENÄRSBROTT 30
12 kap	SKAdegörelsebrott 2 592
BROTT MOT ALLMÄNHETEN (13 - 15 KAP)	801
13 kap	ALLMÄNFARLIGA BROTT 336 därav allmänfarlig vårdslöshet (13:6) 283
14 kap	FÖRFALSKNINGSBROTT 302
15 kap	MENED, FALSKT ÅTAL M M 163
BROTT MOT STATEN (16 - 21 KAP)	960
16 kap	BROTT MOT ALLMÄN ORDNING 58
17 kap	BROTT MOT ALLMÄN VERKSAMHET 477 Våld m m mot tjänsteman (17:1-3, 5) 189 Våldsamt motstånd (17:4) 164 Övr brott mot 17 kap (17:6-15) 124
18 kap	HÖGMÅLSBROTT 1
19 kap	BROTT MOT RIKETS SÄKERHET 1
20 kap	ÄMBETSBROTT 56
21 kap	BROTT AV KRIGSMÄN 367
B	4 § TRAFIKBROTTLAGEN (RATTFYLLERI OCH RATTONYKTERHET) 1 603
C	ANDRA LAGAR M M (ENDAST BROTT FÖR VILKA ÄR STADGAT STRÄNGARE STRAFF ÄN BÖTER JMF D NEDAN) 2 670
D	VISSA SPECIELLA FÖRFATTNINGAR 545 Narkotikaförordningen 534 Sprit- och vintillverknings- förordningen 8 Valutaförordningen 3
E	SUMMA BROTT A - D 49 237

OFFENCES KNOWN TO THE POLICE, SEPTEMBER 1968

OFFENCES	NUMBER
A. THE PENAL CODE	44 419
CRIMES AGAINST PERSON (CH. 3 - 7)	2 679
Ch. 3 CRIMES AGAINST LIFE AND HEALTH	1 392
Murder, manslaughter, infanti- cide (3:1-3)	24
Assault, aggravated assault (3:5-6)	1 343
resulting in death	2
not resulting in death	1 341
Causing another's death	4
Other crimes against ch.3 (3:4, 8-9)	21
Ch. 4 CRIMES AGAINST LIBERTY AND PEACE	998
Breach of domiciliary peace, un- lawful intrusion (4:6)	177
Unlawful threat (4:5)	291
Other crimes against ch. 4 (4:1-4, 7-9)	530
Ch. 5 DEFAMATION	15
Ch. 6 CRIMES AGAINST MORALS	268
Rape, sexual assault (6:1)	57
crimes against a woman under fifteen years of age	10
crimes against a woman fifteen years of age or older	47
Heterosexual carnal abuse (6:2-5)	27
Homosexual carnal abuse (6:2-4)	5
Other crimes against ch. 6 (6:6-8)	179
Ch. 7 CRIMES AGAINST FAMILY	6
CRIMES AGAINST PROPERTY (CH. 8-12)	39 979
Ch. 8 THEFT, ROBBERY AND OTHER CRIMES OF STEALING	31 963
Unauthorized takings and thefts of motordriven conveyance (8:1-4, 7-8)	5 495
motorcar	3 125
motorcycle	318
moped	1 896
boat	129
other	27
Unauthorized takings and thefts of conveyance not motordriven (8:1-4, 8)	5 565
pedal cycle	5 440
boat	102
other	23

OFFENCES	NUMBER
Ch. 8	Burglary, grave burglary; not of firearms (8:1, 4) 7 624
	Theft, burglary; of firearms (8:1,4) 71
	Other theft, petty theft, family theft (8:1-4) 12 782
	from motordriven conveyance 5 197
	in shop, department store 1 852
	Other theft, etc. 5 733
	Robbery, grave robbery (8:5-6) 128
	with use of firearms 7
	not with use of firearms 121
	Other crimes against ch. 8(8:8-11) 298
Ch. 9	FRAUD AND OTHER DISHONESTY 4 909
	Fraud, gross fraud, fraudulent conduct (9:1-3) 4 562
	of which fraud in connection with cheques 1 866
	Receiving stolen goods, petty receiving stolen goods (9:6-7) 307
	Other crimes against ch.9 (9:4-5), 8-10) 40
Ch. 10	EMBEZZLEMENT AND OTHER BREACHES OF TRUST 485
Ch. 11	CRIMES IN CONNECTION WITH DEPTS(30
Ch. 12	CRIMES INFLECTING DAMAGE 2 592
CRIMES AGAINST THE PUBLIC (CH 13-15)	
Ch. 13	CRIMES INVOLVING PUBLIC DANGER 336
	of which carelessness endangering the public (13:6) 283
Ch. 14	CRIMES OF FALSIFICATION 302
Ch. 15	PERJURY, FALSE PROSECUTION ETC. 163
CRIMES AGAINST THE STATE (CH. 16 - 21) 960	
Ch. 16	CRIMES AGAINST PUBLIC ORDER 58
Ch. 17	CRIMES AGAINST PUBLIC ACTIVITY 477
	Violence etc. to public servant (17:1-3, 5) 189
	Violent resistance (17:4) 164
	Other crimes against ch. 17 (17:6-15) 124
Ch. 18	CRIMES OF LESE-MAJESTY 1
Ch. 19	CRIMES AGAINST THE SECURITY OF THE REALM 1
Ch. 20	CRIMES IN OFFICE 56

OFFENCES		NUMBER
Ch. 21	CRIMES BY MEMBERS OF THE ARMED SERVICES	367
B.	THE ROAD TRAFFIC OFFENCES ACT SEC. 4 (DRIVING UNDER THE INFLUENCE OF DRINK)	1 603
C.	OTHER ACTS ETC. (ONLY CRIMES FOR WHICH IS DIRECTED MORE SEVERE PUNISHMENT THAN FINES CF. D)	2 670
D.	CERTAIN SPECIAL STATUTES	545
	The Narcotics Drug Act	534
	Unlicensed distilling	8
	The Foreign Exchange Act	3
E.	TOTAL OF CRIMES A - D	49 237

Statistiska centralbyrån, Stockholm

National Central Bureau of Statistics, Stockholm, Sweden

Referent	Datum	Meddelande nr	Sid
Kanslist Anna-Britt Eriksson 08 - 67 99 60 - 93	7.11.1968	R 1968:36	1(6)

BROTT SOM KOMMIT TILL POLISENS KÄNNEDOM OKTOBER 1968

Preliminära siffror¹

Offences known to the Police, October 1968

Preliminary data

En redogörelse för statistikens omfattning och innehåll återfinns i Statistiska meddelanden, R 1968:9.

Tabell s 2-3.

The table translated into English p. 4-6.

¹) Definitiva siffror kommer att lämnas i publikationen Kriminalstatistik 1968 (SOS). Del I Polisstatistik. Preliminära månadssiffror för närmast föregående år återfinns i SM, undergrupp R.

BROTT SOM KOMMIT TILL POLISENS KÄNNEDOM I HELA RIKET
OKTOBER 1968

BROTT	ANTAL
A	46 149
BROTTSBALKEN	
BROTT MOT PERSON (3 - 7 KAP)	2 664
3 kap	1 373
BROTT MOT LIV OCH HÄLSA	
Mord, dråp, barnadråp (3:1-3)	18
Misshandel, även grov (3:5-6)	1 311
med dödlig utgång	1
ej med dödlig utgång	1 310
Vållande till annans död (3:7)	15
Övr brott mot 3 kap (3:4, 8-9)	29
4 kap	989
BROTT MOT FRIHET OCH FRID	
Hemfridsbrott, olaga intrång (4:6)	220
Olaga hot (4:5)	303
Övr brott mot 4 kap (4:1-4, 7-9)	466
5 kap	34
ÄREKRÄNKNING	
6 kap	261
SEDLIGHETSBROTT	
Våldtäkt, våldförande (6:1)	53
mot kvinna under 15 år	8
mot kvinna 15 år eller äldre	45
Heterosexuell otukt (6:2-5)	35
Homosexuell otukt (6:2-4)	8
Övr brott mot 6 kap (6:6-8)	165
7 kap	7
BROTT MOT FÖRMÖGENHET (8 - 12 KAP)	41 277
8 kap	32 354
STÖLD, RÅN M M	
Tillgrepp av motordrivet fortskaffningsmedel (8:1-4, 7-8)	5 612
bil	3 305
motorcykel	263
moped	1 937
båt	79
annat	28
Tillgrepp av ej motordrivet fortskaffningsmedel (8:1-4, 8)	4 783
cykel	4 681
båt	80
annat	22
Inbrottsstöld, ej av skjutvapen (8:1, 4)	8 846
Stöld, inbrottsstöld; av skjutvapen (8:1, 4)	93
Övr stöld, snatteri, bovräkt (8:1-4)	12 621
ur eller från motordrivet fortskaffningsmedel	4 983
i butik eller varuhus	1 692
Övr stöld m m	5 946

BROTT	ANTAL
8 kap	Rån, grovt rån (8:5-6) 114 med användning av skjutvapen 21 ej med användning av skjutvapen 93 Övr brott mot 8 kap (8:8-11) 285
9 kap	BEDRÅGERI OCH ANNAN OREDLIGHET 5 285 Bedrägeri, grovt bedrägeri, be- drägligt beteende (9:1-3) 4 866 därav checkbedrägeri 1 880 Häleri, häleriförseelse (9:6-7) 360 Övr brott mot 9 kap (9:4-5, 8-10) 59
10 kap	FÖRSKINGRING M M 562
11 kap	GÄLDENÄRSBROTT 33
12 kap	SKAdegÖRELSEBROTT 3 043
BROTT MOT ALLMÄNHETEN (13 - 15 KAP)	1 002
13 kap	ALLMÄNFARLIGA BROTT 349 därav allmänfarlig vårdslöshet (13:6) 268
14 kap	FÖRFALSKNINGSBROTT 372
15 kap	MENED, FALSKT ÅTAL M M 281
BROTT MOT STATEN (16 - 21 KAP)	1 206
16 kap	BROTT MOT ALLMÄN ORDNING 182
17 kap	BROTT MOT ALLMÄN VERKSAMHET 325 Våld m m mot tjänsteman (17:1-3,5) 166 Våldsamt motstånd (17:4) 114 Övr brott mot 17 kap (17:5-15) 45
18 kap	HÖGMÅLSBROTT 2
19 kap	BROTT MOT RIKETS SÄKERHET 4
20 kap	ÄMBETSBROTT 78
21 kap	BROTT AV KRIGSMÄN 615
B	4 § TRAFIKBROTTLAGEN (RATTFYLLERI OCH RATTONYKTERHET) 1 694
C	ANDRA LAGAR M M (ENDAST BROTT FÖR VILKA ÄR STADGAT STRÄNGARE STRAFF ÄN BÖTER JMF D NEDAN) 2 651
D	VISSA SPECIELLA FÖRFATTNINGAR 654 Narkotikaförordningen 632 Sprit- och vintillverknings- förordningen 19 Valutaförordningen 3
E	SUMMA BROTT A - D 51 148

OFFENCES KNOWN TO THE POLICE, OCTOBER 1968

OFFENCES		NUMBER
A.	THE PENAL CODE	46 149
CRIMES AGAINST PERSON (CH. 3- 7)		2 664
Ch. 3	CRIMES AGAINST LIFE AND HEALTH	1 373
	Murder, manslaughter, infanti- cide (3:1-3)	18
	Assault, aggravated assault (3:5-6)	1 311
	resulting in death	1
	not resulting in death	1 310
	Causing another's death	15
	Other crimes against ch. 3 (3:4, 8-9)	29
Ch. 4	CRIMES AGAINST LIBERTY AND PEACE	989
	Breach of domiciliary peace, un- lawful intrusion (4:6)	220
	Unlawful threat (4:5)	303
	Other crimes against ch. 4 (4:1-4, 7-9)	466
Ch. 5	DEFAMATION	34
Ch. 6	CRIMES AGAINST MORALS	261
	Rape, sexual assault (6:1)	53
	crimes against a woman under fifteen years of age	8
	crimes against a woman fifteen years of age or older	45
	Heterosexual carnal abuse (6:2-5)	35
	Homosexual carnal abuse (6:2-4)	8
	Other crimes against ch. 6 (6:6-8)	165
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OFFENCES	NUMBER
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	from motordriven conveyance 4 983
	in shop, department store 1 692
	Other theft, etc. 5 946
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Ch.14	CRIMES OF FALSIFICATION 372
Ch.15	PERJURY, FALSE PROSECUTION ETC. 281
CRIMES AGAINST THE STATE (CH. 16-21)	1 206
Ch.16	CRIMES AGAINST PUBLIC ORDER 182
Ch.17	CRIMES AGAINST PUBLIC ACTIVITY 325
	Violence etc. to public servant (17:1-3, 5) 166
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Stockholm 12
A 1096 6

OFFENCES		NUMBER
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B.	THE ROAD TRAFFIC OFFENCES ACT SEC. 4 (DRIVING UNDER THE IN- FLUENCE OF DRINK)	1 694
C.	OTHER ACTS ETC. (ONLY CRIMES FOR WHICH IS DIRECTED MORE SEVERE PU- NISHMENT THAN FINES CF. D)	2 651
D.	CERTAIN SPECIAL STATUTES	654
	The Narcotics Drug Act	632
	Unlicensed distilling	19
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E.	TOTAL OF CRIMES A-D	51 148

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SWITZERLAND

MINISTÈRE PUBLIC FÉDÉRAL

Secrétariat suisse de l'INTERPOL

N° (0)232/Be/Mg

Date
Date
Fecha June 14, 1968

Destinataire
To
Destinatario

Interpol Washington

Copie à
Copy to
Ampliación para

ICPO-Interpol, Saint-Cloud

Référence
Reference
Referencia

No 27/US/8/815, Your Dispatch-letter of May 28, 1968

Texte
Text
Texto

We have the honour to inform you the following in reply to your questions:

- 1) The possession of pistols and revolvers is not prohibited by law in our country.
Carrying arms has to be authorized in the Cantons of Zurich, Lucerne, Schwyz, Obwalden, Zug, Fribourg, Schaffhouse, St-Gallen, Aargovie, Thurgovie, Valais and Ticino. In all other Cantons carrying arms is not regulated.
- 2) The law does not prohibit the possession of rifles and shotguns. However buying rifles (and pistols or revolvers) an authorization is needed; the authorization will be refused to a certain category of persons (minors of less than 18 years old, persons who are mentally unstable or feeble-minded etc.). The sale of arms is registered. The use of shotguns demands a licence.
- 3) As lack of criminal statistics, it is unfortunately not possible for us to answer to this question.
As a result of our experiences, the Swiss Central Bureau of Police, Berne, does not see any upward trend in the number of crimes where firearms are used:
 - a) in commission of robberies;
 - b) in commission of homicides and murder;
 - c) not even in the number of persons arrested and found to be in possession of firearms.

END.

MINISTÈRE PUBLIC FÉDÉRAL
Secrétariat suisse de l'INTERPOL



SWITZERLAND
Department of State

TELEGRAM

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P 141100Z JUN 68
FM AMEMBASSY BERN
TO SECSTATE WASHDC PRIORITY 1468

LEGAL ADVISER

JUN 17 1968

UNCLAS BERN 3385

DEPARTMENT OF STATE

REF: STATE 179593

1. WHILE NO FEDERAL GUN CONTROL LAWS IN SWITZERLAND, IN FACT ALL CANTONS HAVE ENACTED IDENTICAL REGULATIONS CONCERNING SALE, POSSESSION AND USE FIREARMS. ADDITIONALLY, MILITARY LAW REQUIRES ALMOST ALL MALE CITIZENS AGES 21 THROUGH 50 TO HAVE IN THEIR HOME MILITARY RIFLE OR AUTOMATIC WEAPON AND 26 ROUNDS AMMUNITION. WEAPON CAN BE KEPT UPON LEAVING MILITARY SERVICE AND CONSEQUENTLY SWISS POLICE OFFICIALS ESTIMATE 90 TO 95 PERCENT SWISS HOMES IN POSSESSION OF SOME TYPE FIREARM. THESE WEAPONS CAN BE USED FOR ANY SPORTING PURPOSE EXCEPT HUNTING.

2. THERE ARE NO REGULATIONS CONCERNING SALE OR USE RIFLES OR SHOTGUNS. THESE WEAPONS CAN BE PURCHASED EASILY, EVEN BY FOREIGNERS, THOUGH MOST OUTLETS WOULD PROBABLY NOTE NAME AND ADDRESS OF BUYER.

3. CONCERNING HAND-WEAPONS (PISTOLS), CANTONAL LAWS REQUIRE PROSPECTIVE PURCHASER TO OBTAIN POLICE PERMIT. PERMIT NOT GIVEN TO MINORS UNDER 18 YEARS AGE, PERSONS WITH CRIMINAL RECORDS, HABITUAL DRUNKS, MENTALLY UNSTABLE, ETC. PERMISSION TO ACTUALLY CARRY PISTOL (ON PERSON OR IN AUTO) VARIES FROM CANTON TO CANTON.

4. SALE OR PURCHASE ALL TYPES SUB-MACHINE GUNS STRICTLY PROHIBITED BY ALL CANTONS.

5. MAIL-ORDER PURCHASE OF FIREARMS OF ALL TYPES PROHIBITED

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Department of State **TELEGRAM**

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WITHIN SWITZERLAND. WEAPONS CAN BE PURCHASED BY MAIL FROM FOREIGN OUTLET PROVIDED PERMISSION GIVEN BY CUSTOMS AUTHORITIES WHICH GENERALLY GRANTED ASSUMING NO SPECIAL CIRCUMSTANCES. ADDITIONALLY, WEAPONS OF CERTAIN CALIBER CANNOT BE IMPORTED NOR TRANSITED THROUGH SWITZERLAND WITHOUT SPECIAL PERMISSION FEDERAL MILITARY DEPARTMENT.

6. DEALERS IN FIREARMS STRICTLY CONTROLLED BY CANTONAL AUTHORITIES. ONLY PEOPLE AUTHORIZED SELL FIREARMS ARE LEGITIMATE GUNMAKERS, WHO HAVE SERVED AT LEAST THREE YEARS APPRENTICESHIP IN WEAPONS CRAFTSMANSHIP AND ABLE REPAIR ALL TYPES WEAPONS. ALSO MUST BE OF GOOD CHARACTER WITH NO CRIMINAL RECORD.

7. NEW LAW REGULATING FIREARMS NOW IN PROCESS ENACTMENT BY ALL CANTONS. SAME AS PRESENT REGULATIONS EXCEPT THAT IT WILL COVER ALL TYPES LETHAL INSTRUMENTS INCLUDING KNIVES, BLACKJACKS, CLUBS AND GAS DISCHARGING WEAPONS.

8. WHILE SPECIFIC STATISTICS NOT AVAILABLE, THERE WERE 26 HOMICIDES OF ALL TYPES, INCLUDING MANSLAUGHTER, IN SWITZERLAND DURING 1966, LATEST YEAR FIGURES AVAILABLE. POLICE OFFICIALS ESTIMATE THAT ABOUT 16 CAUSED THROUGH USE FIREARMS. MURDER RATE HAS NOT VARIED GREATLY YEAR FROM YEAR (IF ANYTHING, HAS DECREASED SOMEWHAT) AND 1967 WILL BE NO EXCEPTION.

9. ROBBERIES BY FORCE TOTALED 114 IN 1966. THIS INCLUDES ALL TYPES WHETHER COMMITTED THROUGH USE PHYSICAL FORCE, GUNS, KNIVES, OR EVEN TOY WEAPONS, LATTER NOT UNCOMMON IN TOTAL NUMBER. 1967 FIGURES EXPECTED TO BE ABOUT SAME.

10. NO STATISTICS AVAILABLE CONCERNING SUICIDES, ACCIDENTAL DEATHS, AND ASSAULTS IN WHICH FIREARMS INVOLVED.
HAYES

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DODE 00, JUS 02, TRSY 08, AID 10, RSR 01, /051 W

P 171420Z JUNE 68
FM AMEMBASSY DAR ES SALAAM
TO SECSTATE WASHDC 4497 PRIORITY

UNCLAS DAR ES SALAAM 3616

REF: STATE 179593

SUBJ: GUN CONTROL LAWS

LEGAL ADVISER
JUN 13 1968
DEPARTMENT OF STATE

1. SUMMARY: TANZANIA TIGHTLY CONTROLS IMPORT, EXPORT, SALE, TRANSFER AND USE OF FIREARMS AND AMMUNITION. FEW CRIMES OR ACCIDENTS OCCUR INVOLVING FIREARMS. END SUMMARY
2. BASIC TANZANIA GUN CONTROL LAW IS "ARMS AND AMMUNITION ORDINANCE", CAP. 223 OF REVISED LAWS. POSSESSION FIREARMS PERMITTED, BUT STRICTLY CONTROLLED BY LICENSING. LICENSES GENERALLY LIMITED TO HAND GUNS, SPROTING AND COMPETITION GUNS, AND MUZZLE-LOADERS (SOMETIME HOME-MADE) USED BY AFRICAN RURAL POPULATION. AUTHORIZED OFFICERS HAVE POWER REFUSE LICENSES "WITHOUT ASSIGNING ANY REASON", BUT REFUSALS CAN BE APPEALED TO MINISTER HOME AFFAIRS. LICENSES CAN ALSO BE REVOKED WITHOUT GIVING REASON, ALSO SUBJECT TO APPEAL TO MINISTER.
3. HIGH COURT JUSTICE EXPLAINED WORKING OF LAW TO EMBOFF AND SYRESSED THAT LICENSES FOR PISTOLS AND REVOLVERS ARE ALMOST NEVER GRANTED, BUT AS RULE LICENSES FOR HUNTING RIFLES AND SHOTGUNS ARE GRANTED FAIRLY EASILY.
4. LAW DOES NOT RPT NOT DEFINE "PERSON" EXCEPT THAT, FOR APPLICATION OF SHMEWHAT SPECIAL RULES DEALING WITH MUZZLE-LOADERS, "NATIVE" IS (STILL) USED TO DESCRIBE "ANY MEMBER OF AN AFRICAN RACE AND INCLUDES A SWAHILI, ARAB OR SOMALI". FIREARMS BROADLY DEFINED: AS POWERS REFUSAL (ABOVE) ALSO BROAD. LAW APPARENTLY NEED NOT RPT NOT SPECIFY WHAT IS

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ALLOWED AND WHAT IS NOT.

5. SPORTING GUNS NOT REALLY TREATED DIFFERENTLY BY LAW, BUT TRAVELERS UNDER CERTAIN CONDITIONS, USUALLY GAME-HUNTING SAFARI CLIENTS COMING FROM KENYA OR ELSEWHERE, MAY BRING GUNS INTO COUNTRY. SUCH GUNS MUST BE IMMEDIATELY DECLARED TO NEAREST AUTHORITY AND ARE THEN SUBJECT TO THAT AUTHORITY'S INSTRUCTIONS.

6. LAW DOES NOT REPORT NOT DEAL DIRECTLY WITH MAIL ORDER PROBLEM, BUT ALL IMPORTATION IS SUBJECT TO LICENSE AND ALL IMPORTED FIREARMS MUST BE DEPOSITED IN PUBLIC WAREHOUSE IMMEDIATELY SO REGISTRATION CAN BE EFFECTED. IN PRACTICE, MAIL ORDER IS NOT REPORT NOT POSSIBLE.

7. ONLY LICENSED DEALERS CAN SELL ARMS. THEY MUST MAINTAIN WAREHOUSE UNDER STRICTLY CONTROLLED CONDITIONS. ALL SALES CONTROLLED BY PERMIT. ARMS AND AMMUNITION IN WAREHOUSE MUST ALWAYS TALLY WITH PERMITS TO DEPOSIT OR WITHDRAW SAME.

8. ARMS AND AMMUNITION (SAFE CUSTODY) REGULATIONS MAKE FOLLOWING OFFENCES AND PROVIDE PENALTIES OF UP TO ONE YEAR JAIL OR FINE UP TO 4,000 SHILLINGS (DOLLARS U.S. 570) OR BOTH:

A. CARRYING FIREARM UNDER INFLUENCE ALCOHOL OR DRUGS SO AS TO BE UNABLE CONTROL FIREARM PROPERLY:

B. LEAVING FIREARM OR AMMUNITION IN UNATTENDED VEHICLE, AIRCRAFT OR VESSEL:

C. PERMITTING ANYONE UNDER FOURTEEN YEARS TO HAVE FIREARM OR AMMUNITION IN HIS CUSTODY, CONTROL OR POSSESSION:

D. LEAVING ANY FIREARM OR AMMUNITION UNATTENDED WITHOUT FIRST REMOVING PART(S) SO AS RENDER INCAPABLE IMMEDIATE USE:

E. STORING ANY FIREARM WITH ITS AMMUNITION:

F. LEAVING ANY SHOTGUN, RIFLE, PISTOL OR REVOLVER IN ANY PLACE NOT REPORT NOT "REASONABLY SECURE AGAINST THEFT".

9. STATISTICS NOT REPORT NOT AVAILABLE BUT HIGH COURT JUSTICE (PARA 3) ASSURES EMBASSY VERY FEW DEATHS ANY SORT OCCUR

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FROM FIREARMS IN TANZANIA. SHOULD NOTE THAT HOMICIDES IN RURAL
AREAS USUALLY BY POISONED ARROW OR APEAR, WHILE KNIFE OR PANGA
(MACHETE) FAIRLY COMMON INSTRUMENTS IN HOMICIDES ON PLANTATIONS
OR IN TOWNS. SAME COMMENT FOR ROBBERIES AND ASSAULTS.
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R 190621Z JUN 68
FM AMEMBASSY BANGKOK
TO SECSTATE WASHDC 8312

LEGAL ADVISER

JUN 19 1968

DEPARTMENT OF STATE

UNCLAS BANGKOK 16244

REF: STATE 179593

THE FOLLOWING INFORMATION IS SUBMITTED IN RESPONSE TO REFTEL:

1. THAI LAW REQUIRES REGISTRATION OF ALL TYPES OF FIREARMS. POSSESSION IS PROHIBITED TO ANYONE: (A) UNDER AGE 21, (B) WITH A CRIMINAL RECORD, OR (C) UNABLE TO GIVE SUFFICIENT REASON FOR OWNING A GUN. IN THIS RESPECT IT IS EASIER TO OBTAIN REGISTRATION OF A SPORTING RIFLE THAN FOR A HAND GUN.
2. ALL TYPES OF FIREARMS INCLUDING GAS-OPERATED ARE COVERED.
3. SPECIAL EXCEPTIONS ARE GOVERNMENT OFFICIALS WHO MAY OBTAIN REGISTRATION WITHOUT STATING SPECIFIC REASONS FOR NEED OF A WEAPON.
4. NO SPECIAL PROVISION IS MADE FOR SPORTING GUNS EXCEPT THAT REASON FOR OWNING SUCH A WEAPON FOR HUNTING MAKES IT EASIER TO OBTAIN REGISTRATION THAN IN THE CASE OF A HAND GUN.
5. NO FIREARMS MAY BE IMPORTED OR PURCHASED WITHOUT PRIOR APPROVAL OF POLICE AUTHORITIES.
6. DEALERS AND INDIVIDUALS MAY SELL FIREARMS ONLY TO PERSONS HAVING PRIOR APPROVAL OF POLICE AND MUST REPORT SALES TO POLICE.
7. RTG PENAL CODE ALSO CONTAINS TWO PROVISIONS AS FOLLOWS:
(A) PROHIBITS BEARING ARMS PUBLICLY OR WITHOUT REASONABLE CAUSE IN ANY TOWN, VILLAGE OR PUBLIC WAY OR IN PLACES OF

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PAGE 02 BANGKO 16244 191018Z

ASSEMBLY, SUCH AS ENTERTAINMENT OR WORSHIP; (B) PROHIBITS DISCHARGE OF ANY FIREARM IN ANY TOWN, VILLAGE OR PLACE OF ASSEMBLY.

8. EMBASSY ATTEMPTING TO OBTAIN STATISTICS TO EXTENT AVAILABLE AND WILL CABLE INFO SEPARATELY. UNGER
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NNN

WILLIAM COLBY

MAR 27 1964

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TRINIDAD & TOBAGO

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R 151210Z JUN 68
FM AMEMBASSY PORT OF SPAIN
TO SECSTATE WASHDC 1099

LEGAL ADVISER

UNCLAS PORT OF SPAIN 849

JUN 17 1968

SUBJECT: GUN CONTROL LAWS

DEPARTMENT OF STATE

REFS: A. STATE 179-93
B. PORT OF SPAIN 824

GOTT INFORMS US STATISTICS REQUESTED REF A NOT PRESENTLY
AVAILABLE. IT WOULD BE NECESSARY PERFORM SPECIAL RESEARCH
DIFFERENT FILES TO EXTRACT INFORMATION REQUESTED. COSTELLO

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TRINIDAD & TOBAGO
Department of State

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R 112019Z JUN 68
FM AMEMBASSY PORT OF SPAIN
TO SECSTATE WASHDC 1080

UNCLAS PORT OF SPAIN 824

SUBJ: GUN CONTROL LAWS

REF: STATE 179593

FOLLOWING ANSWERS KEYED TO REFERENCE:

1. TRINIDAD AND TOBAGO HAS A GUN CONTROL LAW REQUIRING BOTH REGISTRATION AND LICENSING OF ALL FIREARMS AND AMMUNITION.
 2. THE LAW APPLIES TO ALL TYPES OF FIREARMS.
 3. NONE.
 4. SPECIAL EXCEPTIONS ARE MADE FOR RIFLE CLUBS AND HUNTING CLUBS. IN THESE CASES THE CLUBS ARE RIGIDLY SUPERVISED.
 5. IMPORTATION OR MAIL ORDER PURCHASE IS PROHIBITED.
 6. DEALERS OBTAIN LICENSE AFTER POLICE APPROVAL.
 - 7 STATISTICS REQUESTED. WILL FORWARD.
- COSTELLO

LEGAL ADVISER
JUN 12 1968
DEPARTMENT OF STATE

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P 141320Z JUN 68
FM ANEMBASSY LOME
TO SECSTATE WASHDC PRIORITY 1697
STAZE GRNC

UNCLAS LOME 1031

SUBJECT: GUN CONTROL LAWS

REF: STATE 179593

BASIC LEGISLATION ENABLING STRICT GUN CONTROL FIREARMS CONTAINED
DECREE 62-2 DATED JANUARY 8, 1962. LAW PROHIBITS IMPORTATION,
POSSESSION, OR TRANSFER ANY FIREARM OR MUNITIONS WITHOUT GOV'T
LICENSE. FOLLOWING DATA RESPONDS SPECIFIC QUESTIONS: RAISED REFTEL:

1. LAW PERMITS POSSESSION ONE FIREARM PER PERSON AFTER LICENSING
AND REGISTRATION BY MINISTRY OF INTERIOR. ADDITIONAL PERMIT
NECESSARY TO CARRY CONCEALED WEAPON. ALL REGISTERED GUNS MUST
BE ENGRAVED WITH INDIVIDUAL GUN SERIAL NUMBER. PURCHASE MUNITIONS
LIMITED TO 300 CARTRIDGES ANNUALLY AND 3 KILOS GUN POWDER PER
PERSON.

2. ALL TYPES GUNS COVERED.

3. NO EXCEPTIONS IN TERMS OF PERSONS. LICENSING PROCEDURES
LESS CUMBERSOME FOR LOCALLY MANUFACTURED HUNTING RIFLES IN THAT
REGIONAL OFFICIALS CAN ISSUE LICENSES. EXCEPTION NOT SIGNIFI-
CANT AS ONLY VERY SMALL NUMBER GUNS MADE LOCALLY.

4. NO.

5. LAW LIMITS IMPORTATION TO LICENSE HOLDERS. NO LEGAL PRO-
VISION MADE FOR MAIL ORDER PURCHASE BUT EXISTING RED TAPE WOULD
SEEM OBIVIATE POSSIBILITY.

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JUN 14 1968

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6. ANY MERCHANT OBTAINING GOT LICENSE CAN SELL ARMS AND AMMUNITION. IN PRACTICE ONLY ABOUT 2 FIRMS DEAL IN THESE ITEMS.

7. GOT DOES NOT MAINTAIN CRIME STATISTICS; HOWEVER, LOME POLICE CHIEF PREPARING DATA ON DEATHS, ROBBERIES, AND ASSAULTS WHICH WILL BE FORWARDED SEPTEL.

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TUNISIA
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R 140900Z JUN 68
FM AMEMBASSY TUNIS
TO SECSTATE WASHDC 5694

LEGAL ADVISER

JUN 14 1968

DEPARTMENT OF STATE

UNCLAS TUNIS 4990

SUBJ: GUN CONTROL LAWS

REF: STATE 179593

1. IMPORT, PURCHASE AND SALE, OWNERSHIP AND USE OF FIREARMS OF ALL TYPES IN TUNISIA SUBJECT TO STRICT CONTROLS EMBODIED IN LAW DECREE OF 21 JUNE 1945 ISSUED BY FORMER FRENCH RESIDENCY GENERAL AND STILL IN EFFECT.

2. LAW REQUIRES REGISTRATION OF ALL TYPES WEAPONS. REGISTRATION AND SEPARATE PERMISSION TO CARRY AND USE ARMS SUBJECT TO VARYING DEGREES OF CONTROL, WITH USE SPORTING GUNS RESPONSIBILITY OF PROVINCIAL GOVERNORS, USE OF HAND GUNS AND OTHER CONCEALED WEAPONS AUTHORIZED ONLY RARELY BY CENTRAL GOVERNMENT IN TUNIS.

3. EXCEPTION TO REQUIREMENTS APPLIES ONLY TO MILITARY OFFICERS AND TROOPS AND LAW ENFORCEMENT OFFICIALS.

4. USE OF SPORTING GUNS AUTHORIZED FOR DULY LICENSED MINORS OVER 16 YEARS OF AGE WHO HAVE WRITTEN CONSENT OF PARENT OR LEGAL GUARDIAN; USE ANY OTHER TYPE FIREARMS PROHIBITED FOR MINORS UNDER 21 YEARS OF AGE.

5. IMPORTATION OF FIREARMS STRICTLY CONTROLLED AND SUBJECT TO SPECIAL AUTHORIZATION. MAIL-ORDER PURCHASE PROHIBITED.

6. FIREARMS CAN BE SOLD ONLY BY DULY LICENSED DEALERS WHOSE RECORDS OF TRANSACTIONS MUST BE SUBMITTED FOR POLICE

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INSPECTION EVERY QUARTER. DEALER MUST REGISTER EACH SALE AND MAY SELL ONLY TO AUTHORIZED BUYER. CONTROLS ON FIREARMS ALSO APPLY TO SALES OF AMMUNITION.

7. LAW PROVIDES SEVERE PENALTIES FOR VIOLATION OF CONTROLS.

8. STATISTICS ON DEATHS DUE TO FIREARMS AND ON ROBBERIES AND ASSAULTS INVOLVING FIREARMS NOT AVAILABLE. HOWEVER, EMB ESTIMATES THAT FIGURES IN BOTH CASES VERY LOW. VAST MAJORITY OF CRIMES REPORTED IN PRESS INVOLVING USE OF A WEAPON IDENTIFY THIS AS A KNIFE, KATCHET, CLUB. CONTROLS MAKE ACCESS TO FIREARMS VIRTUALLY IMPOSSIBLE FOR VAST MAJORITY OF POPULATION.
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Department of State

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INFO NEA 13, GPM 04, H 02, SY 03, MC 01, INR 07, CIAE 00, NSA 02, DODE 00,
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R 261113Z JUN 68
FM AMEMBASSY ANKARA
TO SECSTATE WASHDC 9384

LEGAL ADVISER

UNCLAS ANKARA 6882

JUN 26 1968

SUBJECT: GUN CONTROL LAWS

DEPARTMENT OF STATE

REF: STATE 179593

1. FOLLOWING INFO SUBMITTED PER REFTEL. PERTINENT EXCERPTS FROM
TURKISH LAW NO. 6136 - FIREARMS, ENACTED JULY 10, 1953.

2. LAW PROHIBITS POSSESSION OF FIREARMS, EXCEPT WHEN CLEARED AND
LICENSED BY PROVINCIAL AUTHORITIES.

3. LAW IS APPLICABLE TO HAND GUNS AND RIFLES. SHOTGUNS ARE PER-
MITTED PROVIDED BEARER HAS BEEN CLEARED BY PROVINCIAL AUTHORITIES
AND HAS A HUNTING LICENSE.

4. EXCEPTIONS FROM REQUIREMENTS ARE PROVIDED FOR LAW ENFORCEMENT
OFFICERS ONLY.

5. EXCEPT FOR SHOTGUNS, NO PROVISIONS MADE FOR SPORTING GUNS.

6. THE IMPORTATION AND SALE OF FIREARMS, EXCEPT SHOTGUNS, TO THE
HOLDERS OF HUNTING LICENSES, IS PROHIBITED.

7. ONLY THE GOVERNMENT OPERATED MANUFACTURE (MKE) OF WEAPONS IS
AUTHORIZED TO SELL WEAPONS TO PERSONS CLEARED TO CARRY FIREARMS.
ASIDE FROM LAW ENFORCEMENT PERSONNEL, BANK COURIERS, ISOLATED
FARMERS AND VETERINARY DOCTORS WHO TRAVEL TO DISTANT FARMS AND
VILLAGES, AND VILLAGE CHIEFS ARE COMMONLY CLEARED FOR LICENSE.
PRIOR TO ISSUING LICENSE, A THOROUGH BACKGROUND INVESTIGATION
IS CONDUCTED BY PROVINCIAL AUTHORITIES, AND APPLICANTS HAVING

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ANY SERIOUS POLICE RECORD ARE REFUSED.

8. STATISTICS AVAILABLE ONLY ON HOMICIDES.

	1963	1964	1965	1966	1967
RIFLE	0	2	5	0	1
SHOTGUN	3	14	14	34	16
HAND GUN	92	89	169	220	262
TOTAL	95	105	188	254	279

9. POLICE OFFICIALS ADVISE ROBBERIES AND ASSAULTS WITH FIREARMS
NEGLECTIBLE. HART

NOTE: BA AS RECD

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DEPARTMENT OF STATE

Washington, D.C. 20520

October 14, 1968

Mr. George D. Newton, Jr.,
Co-Director, Weapons Task Force
The National Commission on the Causes
and Prevention of Violence
726 Jackson Place
Washington, D. C. 20506

Dear Mr. Newton:

Attached please find Embassy-Ankara's Airgram No.
A-848 and a copy of Ankara's Telegram 6882 to which
the Airgram refers.

Sincerely,

A handwritten signature in cursive script, appearing to read "Frederick S. York".

Frederick S. York
Department of State
Liaison Officer

Attachments:

- 1) A-848
- 2) Tel 6882

October 14, 1968

Mr. George D. Newton, Jr.,
Co-Director, Weapons Task Force
The National Commission on the Causes
and Prevention of Violence
726 Jackson Place
Washington, D. C. 20506

Dear Mr. Newton:

Attached please find Embassy-Ankara's Airgram No.
A-848 and a copy of Ankara's Telegram 6882 to which
the Airgram refers.

Sincerely,

Frederick S. York,
Department of State
Liaison Officer

Attachments:

- 1) A-848
- 2) Tel 6882

ORIGIN/ACTION

DEPARTMENT OF STATE

AIRGRAM

SOC 11-1

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HANDLING INDICATOR

TO : Department of State

RECEIVED
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OCT 12 4 13 PM 1968

FROM : Amembassy ANKARA

RS/AN
DATE: 10 October 1968

SUBJECT : The President's National Commission on the Causes and Prevention of Violence

REF : Dept's Tel 179593 of 6/10/68; Ankara's Tel 6882 of 6/26/68; Dept's CA-11336 of 10/4/68

Paragraph 8 of Ankara's 6882 contained the desired total by category and year.

The General Population Census of Turkey was last conducted in 1965 and statistics reflect a nationwide population of 31,391,207.

Based on an average population increase of approximately 700,000 per annum (determined by averaging official census reports at five year intervals from 1950-1965), the figures for Turkey would be as follows:

1963	29,990,000	estimate
1964	30,690,000	estimate
1965	31,391,207	official census report
1966	32,090,000	estimate
1967	32,790,000	estimate

BURDETT
[Signature]

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In Out

FORM 4-62 DS-323

OCT 13 11: 9 28
CO: YFLC-PCR

Drafted by: SY:PJHarrick:bb 10/10/68

Contents and Classification Approved by: ADMIN:JH Moore

Clearances:

[Signature] OCT 14 1968 *[Signature]*

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Department of State TELEGRAM

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JUS 02, TRSY 08, AID 10, RSR 01, RSC 01, /057 W

R 261113Z JUN 68
FM AMEMBASSY ANKARA
TO SECSTATE WASHDC 9384

UNCLAS ANKARA 6882

SUBJECT: GUN CONTROL LAWS

REF: STATE 179593

1. FOLLOWING INFO SUBMITTED PER REFTEL. PERTINENT EXCERPTS FROM TURKISH LAW NO. 6136 - FIREARMS, ENACTED JULY 10, 1953.
2. LAW PROHIBITS POSSESSION OF FIREARMS, EXCEPT WHEN CLEARED AND LICENSED BY PROVINCIAL AUTHORITIES.
3. LAW IS APPLICABLE TO HAND GUNS AND RIFLES. SHOTGUNS ARE PERMITTED PROVIDED BEARER HAS BEEN CLEARED BY PROVINCIAL AUTHORITIES AND HAS A HUNTING LICENSE.
4. EXCEPTIONS FROM REQUIREMENTS ARE PROVIDED FOR LAW ENFORCEMENT OFFICERS ONLY.
5. EXCEPT FOR SHOTGUNS, NO PROVISIONS MADE FOR SPORTING GUNS.
6. THE IMPORTATION AND SALE OF FIREARMS, EXCEPT SHOTGUNS, TO THE HOLDERS OF HUNTING LICENSES, IS PROHIBITED.
7. ONLY THE OGBCONEJME#LAOPERATED MANUFACTURE (MKE) OF WEAPONS IS AUTHORIZED TO SELL WEAPONS TO PERSONS CLEARED TO CARRY FIREARMS. ASIDE FROM LAW ENFORCEMENT PERSONNEL, BANK COURIERS, ISOLATED FARMERS AND VETERINARY DOCTORS WHO TRAVEL TO DISTANT FARMS AND VILLAGES, AND VILLAGE CHIEFS ARE COMMONLY CLEARED FOR LICENSE. PRIOR TO ISSUING LICENSE, A THOROUGH BACKGROUND INVESTIGATION IS CONDUCTED BY PROVINCIAL AUTHORITIES, AND APPLICANTS HAVING

ANKARA 6882
6-26-68

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PAGE 02 ANKARA -6882 261202Z

ANY SERIOUS POLICE RECORD ARE REFUSED.

8. STATISTICS AVAILABLE ONLY ON HOMICIDES.

	1963	1964	1965	1966	1967
RIFLE	0	2	5	0	1
SHOTGUN	3	14	14	34	16
HAND GUN	92	89	169	220	262
TOTAL	95	105	188	254	279

9. POLICE OFFICIALS ADVISE ROBBERIES AND ASSAULTS WITH FIREARMS NEGLIGIBLE. HART

NOTE: AS AS RECD

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DEPARTMENT OF STATE, U. S. A.
WASHINGTON, D. C. 20520

OFFICIAL BUSINESS
Frederick S. York
Department of State
Liaison Officer
S/S-S Room 1417

POSTAGE AND FEES PAID
DEPARTMENT OF STATE

Mr. George D. Newton, Jr.,
Co-Director, Weapons Task Force
The National Commission on the Causes
and Prevention of Violence
726 Jackson Place
Washington, D. C. 20506



UGANDA

Department of State

TELEGRAM

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Gibson

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ACTION L 03

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R 120700Z JUN 68
FM AMEMBASSY KAMPALA
TO SECSTATE WASHDC 2878

UNCLAS KAMPALA 2334

SUBJ: GUN CONTROL LAW

LEGAL ADVISER

JUN 12 1968

DEPARTMENT OF STATE

REF: STATE 179593

1. UGANDA FIREARMS ACT CONTROLS POSSESSION, IMPORT, SALE, MANUFACTURE, REPAIR AND STORAGE ALL NON-MILITARY OR POLICE FIREARMS. BASIC PROVISION OF ACT IS REQUIREMENT ALL CIVILIAN FIREARMS BE REGISTERED WITH POLICE WITHOUT EXCEPTION AS TO PERSON OR TYPE OF WEAPON. SALES ONLY MADE IN PERSON BY LICENCED DEALERS. POLICE EMPOWERED REFUSE OR WITHDRAW REGISTRATION AND CONFISCATE FIREARM AT THEIR DISCRETION. ANY INFRACTION BY OWNER OR DEALER MAY, AND USUALLY DOES, RESULT IN PRISON TERM.

2. IN ADDITION FOREGOING, "EMERGENCY REGULATIONS" IMPOSED MAY 1966 REQUIRE ALL FIREARMS BE DEPOSITED WITH POLICE UNLESS WRITTEN EXEMPTION OBTAINED FROM MIN INTERNAL AFFAIRS. EXEMPTION GENERALLY GRANTED ONLY DIPLOMATIC PERSONNEL A FEW PROMINENT BUSINESSMEN, PROFESSIONAL HUNTERS AND THEIR CLIENTS.

3. STATISTICS REQUESTED REFTEL NOT PUBLISHED BY GOU.
STEBBINS

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Firearms Act 1968

CHAPTER 27

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