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GOEWERMENSKENNISGEWING

MINISTERIE VAN WET EN ORDE

No. 929

19 Maart 1992

WET OP GEVAARLIKE WAPENS, 1968

VERBOD OP DIE BESIT VAN GEVAARLIKE
WAPENS EN VUURWAPENS

Ek, Hermanus Jacobus Kriel, Minister van Wet en Orde, handelende kragtens artikel 2 (2) en 2 (3) van die Wet op Gevaarlike Wapens, 1968 (Wet No. 71 van 1968), verbied hierby enige persoon, uitgesluit 'n persoon vermeld in paragraaf 3 van die Bylae, om te eniger tyd by of in die aldus vermelde plek in besit van 'n voorwerp wat tot 'n klas, tipe, soort of kategorie voorwerp behoort wat in paragraaf 2 van die Bylae vermeld word en wat na my oordeel 'n gevaarlike wapen soos bedoel in artikel 1 van genoemde Wet is, of enige vuurwapen of 'n replika daarvan, te wees.

H. J. KRIEL,

Minister van Wet en Orde.

BYLAE

Woordomsrywings

1. In hierdie Bylae, tensy uit die samehang anders blyk, beteken—

“gevaarlike wapen” enige voorwerp in paragraaf 2 bedoel;

“Kommissaris” die Kommissaris van die Suid-Afrikaanse Polisie en ook enige streek- of distrikkommissaris van die Suid-Afrikaanse Polisie;

“polisiebeampte” enige lid van die Mag soos omskryf in artikel 1 van die Polisiewet, 1958 (Wet No. 7 van 1958);

“veiligheidsmag”—

(a) die Suid-Afrikaanse Polisie bedoel in die omskrywing van “die Mag” in artikel 1 van die Polisiewet, 1958 (Wet No. 7 van 1958), insluitende lede van 'n polisie-eenheid soos bedoel in artikel 17C van genoemde Wet;

GOVERNMENT NOTICE

MINISTRY OF LAW AND ORDER

No. 929

19 March 1992

DANGEROUS WEAPONS ACT, 1968

PROHIBITION ON THE POSSESSION OF
DANGEROUS WEAPONS AND FIREARMS

I, Hermanus Jacobus Kriel, Minister of Law and Order, acting under section 2 (2) and 2 (3) of the Dangerous Weapons Act, 1968 (Act No. 71 of 1968), hereby prohibit any person, excluding any person specified in paragraph 3 of the Schedule, from being in possession at any time at or in the specified place, of any object belonging to a class, type, kind or category of object specified in paragraph 2 of the Schedule and which is in my opinion a dangerous weapon as referred to in section 1 of the said Act, or any firearm or a replica thereof.

H. J. KRIEL,

Minister of Law and Order.

SCHEDULE

Definitions

1. In this Schedule, unless the context otherwise indicates—

“Commissioner” means the Commissioner of the South African Police and also any regional or district commissioner of the South African Police;

“dangerous weapon” means any object referred to in paragraph 2;

“police official” means any member of the Force as defined in section 1 (1) of the Police Act, 1958 (Act No. 7 of 1958);

“security force” means—

(a) the South African Police referred to in the definition of “the Force” in section 1 of the Police Act, 1958 (Act No. 7 of 1958), including members of a police unit as referred to in section 17C of the said Act;

- (b) die Suid-Afrikaanse Weermag bedoel in artikel 5 van die Verdedigingswet, 1957 (Wet No. 44 van 1957); of
- (c) die Gevangenisdiens ingestel by artikel 2 van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959),

en ook enige deel van 'n mag bedoel in paragrawe (a) tot (c) of enige samestelling van twee of meer van sodanige magte of van dele van sodanige magte; en

"vermelde plek" enige gebou, struktuur, saal, kamer, kantoor, gemak, grond, stasie, perron, treinspoor of grondoppervlakte wat die eiendom is van, of geokkupeer of gebruik word deur, of onder die beheer is van, die Suid-Afrikaanse Spoorpendelkorporasie Beperk.

Gevaarlike wapens

2. Vir die doeleindes van die verbod is die volgende voorwerpe gevaarlike wapens:

spies;
 assegaai;
 knopkierie;
 panga;
 dolk;
 swaard;
 'n mes met 'n lem langer as 10 sentimeter;
 strydbyl;
 byl;
 met lood-, yster of ander metaalbeswaarde stok;
 'n steel met draad, kettings of ander swaar materiaal daaraan geheg;
 skerppuntige stok of yster;
 ysterstaaf;
 metaalpyp;
 knuppel;
 petrolbom;
 klip;
 baksteen;
 kruisboog;
 pyl-en-boog;
 pik;
 piksteel;
 tuinvurk;
 hooivurk;
 graaf;
 sekel;
 sens;
 skoffelpik;
 gaffel;
 hamer;
 moersleutel;
 skroewedraaier;
 ketting;
 vuisyster;
 koevoet; en
 band of binneband.

- (b) the South African Defence Force referred to in section 5 of the Defence Act, 1957 (Act No. 44 of 1957); or

- (c) the Prison Service established by section 2 of the Prisons Act, 1959 (Act No. 8 of 1959),

and also any part of a force referred to in paragraphs (a) to (c) or any combination of two or more of such forces or of parts of such forces; and

"specified place" means any building, structure, hall, room, office, convenience, land, station, platform, railway or soil surface which is the property of, or is occupied or used by, or is under the control of, the South African Rail Commuter Corporation Limited.

Dangerous weapons

2. For the purposes of the prohibition the following objects are dangerous weapons:

spear;
 assegai;
 knobkierrie;
 panga;
 dagger;
 sword;
 any knife with a blade longer than 10 centimetres;
 battle axe;
 axe;
 a lead, iron or other metal loaded stick;
 a handle with wire, chain or other heavy substance attached to it;
 sharp-pointed stick or metal object;
 metal rod;
 metal pipe;
 club or baton;
 petrol bomb;
 stone;
 brick;
 cross-bow;
 bow and arrow;
 pick;
 pick handle;
 garden fork;
 pitch fork;
 spade;
 sickle;
 scythe;
 hoe;
 gaff;
 hammer;
 spanner;
 screwdriver;
 chain;
 knuckleduster;
 crowbar; and
 tyre or tube.

Voorwaardes, beperkings, voorskrifte of vrystellings

3. (1) Die verbod op die besit van gevaarlike wapens en vuurwapens is nie van toepassing nie op—

- (a) 'n persoon wat 'n lid is van 'n veiligheidsmag by die uitoefening van enige bevoegdheid of die uitvoering van enige plig in sy hoedanigheid as 'n lid van so 'n veiligheidsmag;
- (b) 'n persoon wat 'n werknemer is en wat sodanige gevaarlike wapen of vuurwapen in sy besit het vir die doeleindes van die verrigting van sy werksaamhede as so 'n werknemer: Met dien verstande dat sodanige persoon ook in besit van 'n skriftelike bewys onderteken en uitgereik deur sy werkgever moet wees, waarin die volgende vermeld word:
 - (i) Volle naam en adres van die persoon aan wie die skriftelike bewys uitgereik is;
 - (ii) volle naam, besigheidsadres en telefoonnommer van sy werkgever;
 - (iii) volle naam, adres, hoedanigheid en telefoonnommer van die persoon wat die skriftelike bewys uitgereik het;
 - (iv) die aard van die werknemer se werksaamhede tesame met 'n uiteensetting van werk- en reistye en 'n opgawe van redes waarom dit vir die doeleindes van die verrigting van die werknemer se dienspligte nodig is dat hy in besit van die voorwerp of voorwerpe moet wees; en
 - (v) voldoende besonderhede waaraan die wapen uitgeken kan word:

Met dien verstande voorts dat die vrystelling bedoel in paragraaf (b) slegs van toepassing is gedurende die werk- en reistye deur die werkgever in die skriftelike bewys uiteengesit;

- (c) 'n persoon aan wie die Kommissaris vooraf skriftelike toestemming verleen het, of, in 'n geval waar aansoek daarom gedoen word deur 'n verteenwoordiger van 'n klas, groep of kategorie persone waartoe so 'n persoon behoort, aan welke verteenwoordiger die Kommissaris vooraf skriftelike toestemming vir enige aldus verteenwoordigde persoon verleen het om op 'n vermelde tyd of gedurende 'n vermelde tydperk, in of by die vermelde plek, in besit te mag wees van 'n gevaarlike wapen in paragraaf 2 van die Bylae vermeld of enige vuurwapen of replika daarvan, vir 'n vermelde doel.
- (2) (a) Geen persoon mag 'n skriftelike bewys beoog in subparagraaf (1) (b) aan enige ander persoon uitreik waarin opsetlik 'n valse verklaring gemaak of valse besonderhede vervat is nie.
- (b) Enige sodanige bewys, of 'n bewys waarin 'n onjuiste verklaring gemaak of onjuiste besonderhede verskaf word, is nietig.
- (3) 'n Lid van die veiligheidsmag kan by die toepassing van hierdie verbod, 'n persoon versoek om die skriftelike bewys bedoel in subparagraaf (1) (b) te toon.

Conditions, restrictions, directions and exemptions

3. (1) The prohibition of the possession of dangerous weapons and firearms shall not apply to—

- (a) a member of a security force in the exercise of any power or the performance of any duty in his capacity as a member of such a security force;
- (b) a person who is an employee and that possesses such dangerous weapon or firearm for the purposes of the performance of his functions as such an employee: Provided that such person is also in possession of written proof signed and issued by his employer, wherein the following is stated:
 - (i) The full name and address of the person to whom the written proof has been issued;
 - (ii) the full name, business address and telephone number of the employer;
 - (iii) the full name, address, capacity and telephone number of the person who issued the written proof;
 - (iv) the nature of the task of the employee; together with an exposition of the working and travel times, and an exposition of the relevant object or objects and the reasons why it is necessary for the performance of the duties of the employee that he should be in possession of the object or objects; and
 - (v) sufficient particulars on which to identify the firearm:

Provided further that the exemption as referred to in paragraph (b) shall only apply during the working and travel times as set out by the employer in the written proof;

- (c) a person to whom the Commissioner has previously given written permission, or, in a case where application is made therefor by a representative of a class, group or category of persons to which the person belongs, to which representative the Commissioner has previously given written permission for any person so represented, to be in possession of a dangerous weapon specified in paragraph 2 of the Schedule or any firearm or replica thereof at a specified time or during a specified period, in or on the specified place, for a specified purpose;
- (2) (a) No person shall issue any written proof contemplated in subparagraph (1) (b) to any other person wherein a false declaration is deliberately made or false particulars are furnished.
- (b) Any such proof, or a proof wherein an inaccurate declaration is made or inaccurate particulars are furnished, shall be void.
- (3) A member of a security force may, for the purpose of this prohibition, request a person to display the written proof as referred to in subparagraph (1) (b).

(4) Indien 'n lid van die veiligheidsmag van oordeel is dat 'n skriftelike bewys bedoel in subparagraaf (1) (b) vals of onjuis is of nie aan die draer daarvan uitgereik is nie, kan die lid die persoon deur wie sodanige bewys voorgelê word sonder 'n lasbrief in hegtenis neem of laat neem en hom vir 'n tydperk van hoogstens 12 ure aanhou ten einde die geldigheid daarvan te bepaal.

(5) Die Kommissaris kan —

- (a) skriftelik enige polisiebeampte persoonlik;
- (b) op enige wyse wat hy vir daardie doel dienstig ag, polisiebeamptes wat tot 'n vermeldde klas, groep of kategorie behoort, in die algemeen,

magtig om namens hom die bevoegdheid uit te oefen wat by subparagraaf (1) (c) aan die Kommissaris verleen word, maar die Kommissaris word nie aldus ontdeën van daardie bevoegdheid nie, en kan te eniger tyd enigiets wat deur 'n polisiebeampte kragtens die magtiging gedoen is, wysig of intrek.

(6) Die Kommissaris kan die administratiewe reëlings tref wat hy goed vind ten einde effektiewe beheer uit te oefen oor die uitvoering van die magtigings in subparagraaf (5) beoog.

Inwerkingtreding

4. Die bepalings vervat in hierdie Bylae tree in werking na die verstryking van 'n tydperk van drie dae na die datum van afkondiging van hierdie kennisgewing in die *Staatskoerant*.

(4) If a member of a security force is of the opinion that a written proof as referred to in subparagraph (1) (b) is false or untrue or has not been issued to the carrier thereof, the member may arrest or cause to be arrested the person who submits such proof, without a warrant and detain him for a period not exceeding 12 hours, in order to ascertain the validity of the proof.

(5) The Commissioner may —

- (a) in writing authorise any police official personally;
- (b) in any manner which he for that purpose deems expedient, authorise police officials belonging to a specified class, group or category, in general,

to exercise on his behalf the power which is by subparagraph (1) (c) granted to the Commissioner, but the Commissioner shall not thereby be divested of that power, and may at any time amend or withdraw anything done by a police official under the authorisation.

(6) The Commissioner may make such administrative arrangements as he may deem fit in order to exercise effective control over the carrying out of the authorisations contemplated in subparagraph (5).

Coming into operation

4. The provisions contained in this Schedule shall come into operation after the expiry of a period of three days after the date of promulgation of this notice in the *Gazette*.

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