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REPUBLIEK VAN SUID-AFRIKA

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THE PRESIDENCY

No. 257 20 February 2003

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

No. 41 of 2002: National Conventional Arms Control Act, 2002.

DIE PRESIDENSIE

No. 257 20 Februarie 2003

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 41 van 2002: Wet op Nasionale Beheer oor Konvensionele Krygstuig, 2002.



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*(English text signed by the President.)
(Assented to 12 February 2003.)*

ACT

To establish the National Conventional Arms Control Committee; to ensure compliance with the policy of the Government in respect of arms control; to ensure the implementation of a legitimate, effective and transparent control process; to foster national and international confidence in the control procedures; to provide for an Inspectorate to ensure compliance with the provisions of this Act; to provide for guidelines and criteria to be used when assessing applications for permits made in terms of this Act; to ensure adherence to international treaties and agreements; to ensure proper accountability in the trade in conventional arms; to provide for matters connected with the work and conduct of the Committee and its secretariat; and to provide for matters connected therewith.

PREAMBLE

SINCE the adequate protection of rights to life and security of the person against repression and acts of aggression is fundamental to the well-being and to the social and economic development of every country;

AND SINCE it is the duty of every government to protect and safeguard the rights of its people;

AND SINCE every responsible country has the right to acquire arms to equip itself against acts of aggression;

AND SINCE the Republic is a responsible member of the international community and will not trade in conventional arms with states engaged in repression, aggression or terrorism;

AND SINCE the Republic is engaged in the manufacturing and export of conventional arms;

AND SINCE it is vitally important to ensure accountability in all matters concerning conventional arms,

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

Definitions

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

(i) “brokering services” means—

(a) acting as an agent in negotiating or arranging a contract, purchase, sale or transfer of conventional arms for a commission, advantage or cause, whether financially or otherwise;

(b) acting as an agent in negotiating or arranging a contract for the provision of services for a commission, advantage or cause, whether financially or otherwise;

*(Engelse teks deur die President geteken.)
(Goedgekeur op 12 Februarie 2003.)*

WET

Om die Komitee vir Nasionale Beheer oor Konvensionele Krygstuig in te stel; om nakoming van die Regering se beleid ten opsigte van beheer oor krygstuig te verseker; om die implementering van 'n legitieme, doeltreffende en deursigtige beheerproses te verseker; om nasionale en internasionale vertroue in die beheerprosedures te bevorder; om voorsiening te maak vir 'n Inspektoraat om nakoming van die bepalinge van hierdie Wet te verseker; om voorsiening te maak vir riglyne en maatstawwe vir gebruik by die beoordeling van aansoeke vir permitte ingevolge hierdie Wet; om nakoming van internasionale verdrae en ooreenkomste te verseker; om behoorlike aanspreeklikheid in die handel in konvensionele krygstuig te verseker; om voorsiening te maak vir aangeleenthede in verband met die werk en optrede van die Komitee en sy sekretariaat; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

AANHEF

NADEMAAL die toereikende beskerming van die reg op lewe en op die veiligheid van die persoon teen onderdrukking en dade van aggressie fundamenteel is vir die welsyn en vir die maatskaplike en ekonomiese ontwikkeling van elke land;

EN NADEMAAL dit die plig van elke regering is om die regte van sy mense te beskerm en te beveilig;

EN NADEMAAL elke verantwoordelike land die reg het om krygstuig te verkry om homself toe te rus teen dade van aggressie;

EN NADEMAAL die Republiek 'n verantwoordelike lid van die internasionale gemeenskap is en nie in konvensionele krygstuig handel sal dryf met state wat by onderdrukking, aggressie of terrorisme betrokke is nie;

EN NADEMAAL die Republiek betrokke is by die vervaardiging en uitvoer van konvensionele krygstuig;

EN NADEMAAL dit uiters belangrik is om aanspreeklikheid te verseker in alle aangeleenthede rakende konvensionele krygstuig,

WORD DAAR DERHALWE BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing

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

- (i) “bemarking”, met betrekking tot konvensionele krygstuig, ook die 5
bevordering van konvensionele krygstuig, en enige onderhandelings,
aanbieding, tenderadvertensie, vertoning, uitstalling of verskaffing van
inligting rakende konvensionele krygstuig, en “bemark” moet
dienooreenkomstig vertolk word;
- (ii) “bevoegde owerheid” die Minister, die Voorsitter van die Komitee of die 10
Komitee, of enige subkomitee, of enige lid van die Komitee, 'n subkomitee

- (c) facilitating the transfer of documentation, payment, transportation or freight forwarding, or any combination of the aforementioned, in respect of any transaction relating to buying, selling or transfer of conventional arms; and
- (d) acting as intermediary between any manufacturer or supplier of conventional arms, or provider of services, and any buyer or recipient thereof; 5
- (ii) "Committee" means the National Conventional Arms Control Committee established by section 2;
- (iii) "competent authority" means the Minister, the Chairperson of the Committee or the Committee, or any subcommittee to which, or any member of the Committee, a subcommittee or the secretariat, or any inspector of the Inspectorate, to whom, a power has been delegated or a duty has been assigned in terms of section 11; 10
- (iv) "Constitution" means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996); 15
- (v) "contracting" means the entering into a commitment by a person to engage in trade in conventional arms, whether it is done in exchange for currency or any other commodity or to advance a cause;
- (vi) "conventional arms" includes— 20
 - (a) weapons, munitions, explosives, bombs, armaments, vessels, vehicles and aircraft designed or manufactured for use in war, and any other articles of war;
 - (b) any component, equipment, system, processes and technology of whatever nature capable of being used in the design, development, manufacture, upgrading, refurbishment or maintenance of anything contemplated in paragraph (a); and 25
 - (c) dual-use goods, but does not include a weapon of mass destruction as defined in the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993); 30
- (vii) "convey", in relation to conventional arms, means to transport conventional arms through or over the territory of the Republic, its territorial waters or its airspace to any other place or destination outside the Republic, whether or not such conventional arms are off-loaded, and "conveyance" must be interpreted accordingly; 35
- (viii) "Department" means the Department of Defence;
- (ix) "dual-use goods" means products, technologies, services or other goods which, besides their normal use and application for civilian purposes, can also be used for the furtherance of general military capability, and which are contained in a list published by the Minister by notice in the *Gazette*; 40
- (x) "end-user certificate" means a certificate contemplated in section 17;
- (xi) "export", in relation to conventional arms, means the transfer of conventional arms from the Republic to any place outside the Republic, and "exportation" must be interpreted accordingly; 45
- (xii) "import", in relation to conventional arms, means to bring conventional arms into any part of the Republic, irrespective of whether it is done in exchange for currency or any other commodity, and "importation" must be interpreted accordingly;
- (xiii) "Inspectorate" means the Inspectorate established by section 9(1); 50
- (xiv) "manufacture", in relation to conventional arms, includes the design, development, production and assembly thereof, and "manufacturing" must be interpreted accordingly;
- (xv) "marketing", in relation to conventional arms, includes the promotion of conventional arms, and any negotiations, offer, tender advertising, shows, exhibitions or giving of information relating to conventional arms, and "market" when used as a verb must be interpreted accordingly; 55
- (xvi) "Minister" means the Minister of Defence;
- (xvii) "national security" has the meaning ascribed to it in section 198 of the Constitution; 60
- (xviii) "permit" means an armaments development and manufacturing permit, a marketing permit, a contracting permit, an export permit, an import permit or a conveyance permit authorised in terms of section 14(2);

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- of die sekretariaat, of enige inspekteur van die Inspektoraat, aan wie 'n bevoegdheid verleen is of 'n plig opgedra is ingevolge artikel 11;
- (iii) "Departement" die Departement van Verdediging;
- (iv) "dienste" enige dienste rakende konvensionele krygstuig van enige aard of vorm aan enige instelling van 'n vreemde land, en ook— 5
- (a) hulp;
- (b) advies;
- (c) bystand;
- (d) opleiding, en
- (e) produkteun, 10
- maar nie kontraktuele naverkoop- en waarborgdienste wat kragtens 'n permit gelewer word nie;
- (v) "dubbeldoelgoedere" produkte, tegnologieë, dienste of ander goedere wat, benewens hulle normale gebruik en toepassing vir burgerlike doeleindes, ook gebruik kan word vir die bevordering van algemene militêre vermoëns, en wat vervat is in 'n lys deur die Minister by kennisgewing in die *Staatskoerant* gepubliseer; 15
- (vi) "eindegebruikersertifikaat" 'n sertifikaat in artikel 17 beoog;
- (vii) "Grondwet" die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996); 20
- (viii) "handel in konvensionele krygstuig" ook—
- (a) enige aktiwiteit rakende die vervaardiging, bemarking, kontraktering, uitvoer, heruitvoer, invoer of vervoer van konvensionele krygstuig;
- (b) die lewering van makelaarsdienste; en
- (c) die lewering van dienste; 25
- (ix) "heruitvoer", met betrekking tot konvensionele krygstuig, om ingevoerde konvensionele krygstuig uit te voer, of om ingevoerde konvensionele krygstuig te laat uitvoer na enige ander plek as die plek van waar dit oorspronklik ingevoer is, ongeag of dit in ruil vir valuta of enige ander kommoditeit gedoen word; 30
- (x) "hierdie Wet" ook enige regulasie ingevolge artikel 27 uitgevaardig;
- (xi) "Inspektoraat" die Inspektoraat deur artikel 9(1) ingestel;
- (xii) "invoer", met betrekking tot konvensionele krygstuig, om konvensionele krygstuig in enige deel van die Republiek in te bring, ongeag of dit gedoen word in ruil vir valuta of enige ander kommoditeit; 35
- (xiii) "Komitee" die Komitee vir Nasionale Beheer oor Konvensionele Krygstuig deur artikel 2 ingestel;
- (xiv) "kontraktering" die aangaan van 'n verbintenis deur 'n persoon om betrokke te raak by die handel in konvensionele krygstuig, ongeag of dit gedoen word in ruil vir valuta of enige ander kommoditeit of om 'n saak te bevorder; 40
- (xv) "konvensionele krygstuig" ook—
- (a) wapens, munisie, plofstof, bomme, krygstuig, vaartuie, voertuie en vliegtuie wat ontwerp of vervaardig is vir gebruik in oorlog, en enige ander krygsartikels;
- (b) enige komponent, toerusting, stelsel, prosesse en tegnologie van watter aard ook al wat gebruik kan word by die ontwerp, ontwikkeling, vervaardiging, opgradering, opknapping of instandhouding van enigiets in paragraaf (a) bedoel; en
- (c) dubbeldoelgoedere, 45
- maar nie 'n wapen van grootskaalse vernietiging soos omskryf in die Wet op die Nie-proliferasie van Wapens van Grootskaalse Vernietiging, 1993 (Wet No. 87 van 1993), nie;
- (xvi) "makelaarsdienste"—
- (a) optrede as 'n agent in onderhandeling oor of reëling van 'n kontrak, aankope, verkoop of oordrag van konvensionele krygstuig vir 'n kommissie, voordeel of saak, hetsy finansiële of andersins; 55
- (b) optrede as 'n agent in onderhandeling oor of reëling van 'n kontrak vir die verskaffing van dienste vir 'n kommissie, voordeel of saak, hetsy finansiële of andersins;
- (c) fasilitering van die oordrag van dokumentasie, betaling, vervoer of vragversending, of enige kombinasie van die voormelde, ten opsigte van enige transaksie rakende die koop, verkoop of oordrag van konvensionele krygstuig; en 60

- (xix) "person" has the meaning assigned to it in the Interpretation Act, 1957 (Act No. 33 of 1957), and includes an organ of state as defined in the Constitution;
- (xx) "prescribe" means prescribe by regulation made under section 27;
- (xxi) "record" includes any book, document, account, deed, plan, instrument, trade list, stock list, affidavit, certificate, photograph, map, drawing, computer print-out as defined in section 1 of the Computer Evidence Act, 1983 (Act No. 57 of 1983), microfilm, computer program, computer data and other data; 5
- (xxii) "re-export", in relation to conventional arms, means to export imported conventional arms, or to cause imported conventional arms to be exported to any place other than that from which they were originally imported, whether or not it is done in exchange for currency or any other commodity, and "re-exportation" must be interpreted accordingly; 10
- (xxiii) "secretariat" means the secretariat contemplated in section 8;
- (xxiv) "Secretary" means the Secretary for Defence appointed in terms of section 7B of the Defence Act, 1957 (Act No. 44 of 1957); 15
- (xxv) "services" means any services relating to conventional arms of whatever nature or form to any institution of a foreign country, and includes—
 - (a) aid;
 - (b) advice;
 - (c) assistance; 20
 - (d) training; and
 - (e) product support,
 but excludes contractual after-sales and warranty services performed by virtue of a permit;
- (xxvi) "subcommittee" means any subcommittee established in terms of section 7; 25
- (xxvii) "technology" includes any technique, expertise or know-how that can be utilised in the design, development, manufacture, upgrading, refurbishment or maintenance of conventional arms;
- (xxviii) "this Act" includes any regulation made in terms of section 27;
- (xxix) "trade in conventional arms" includes— 30
 - (a) any activity relating to the manufacturing, marketing, contracting, exportation, re-exportation, importation or conveyance of conventional arms;
 - (b) the rendering of brokering services; and
 - (c) the rendering of services. 35

CHAPTER I

COMMITTEE, SECRETARIAT AND INSPECTORATE

Establishment of National Conventional Arms Control Committee

2. A committee to be known as the National Conventional Arms Control Committee is hereby established. 40

Objects of Committee

3. The objects of the Committee are to—
- (a) implement Government policy regarding trade in conventional arms in order to establish, apply and ensure a legitimate, effective and transparent control process in and for the Republic, which— 45
 - (i) conforms to international law and the guiding principles and criteria contained in section 15; and
 - (ii) is applicable to the control and regulation of trade in conventional arms;
 - (b) protect the economic and national security interests of the Republic by ensuring adequate control of trade in conventional arms in accordance with the policy referred to in paragraph (a); and 50
 - (c) foster national and international confidence in the Committee's procedures for control over trade in conventional arms.

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- (d) optrede as tussenganger tussen enige vervaardiger of verskaffer van konvensionele krygstuig, of verskaffer van dienste, en enige koper of ontvanger daarvan;
- (xvii) "Minister" die Minister van Verdediging;
- (xviii) "nasionale veiligheid" dieselfde as die betekenis daaraan geheg in artikel 198 van die Grondwet; 5
- (xix) "permit" 'n permit vir die ontwikkeling en vervaardiging van krygstuig, 'n bemakingspermit, 'n kontrakteepermit, 'n uitvoerpermit, 'n invoerpermit of 'n vervoerpermit wat ingevolge artikel 14(2) gemagtig is;
- (xx) "persoon" dieselfde as die betekenis wat in die Interpretasiewet, 1957 (Wet No. 33 van 1957), daaraan geheg is, en ook 'n staatsorgaan soos in die Grondwet omskryf; 10
- (xxi) "rekord" ook enige boek, dokument, rekening, akte, plan, instrument, handelslys, voorradelys, beëdigde verklaring, sertifikaat, foto, kaart, tekening, rekenaardrukstuk soos omskryf in artikel 1 van die Wet op Rekenaargetuieis, 1983 (Wet No. 57 van 1983), mikrofilm, rekenaarprogram, rekenaardata en ander data; 15
- (xxii) "sekretariaat" die sekretariaat in artikel 8 bedoel;
- (xxiii) "Sekretaris" die Sekretaris van Verdediging ingevolge artikel 7B van die Verdedigingswet, 1957 (Wet No. 44 van 1957), aangestel; 20
- (xxiv) "subkomitee" enige subkomitee ingevolge artikel 7 ingestel;
- (xxv) "tegnologie" ook enige tegniek, kundigheid of vernuf wat gebruik kan word by die ontwerp, ontwikkeling, vervaardiging, opgradering, opknapping of instandhouding van konvensionele krygstuig;
- (xxvi) "uitvoer", met betrekking tot konvensionele krygstuig, die oordrag van konvensionele krygstuig uit die Republiek na enige plek buite die Republiek; 25
- (xxvii) "vervaardig", met betrekking tot konvensionele krygstuig, ook die ontwerp, ontwikkeling, produksie en montering daarvan, en "vervaardiging" moet dienoreenkomstig vertolk word;
- (xxviii) "vervoer", met betrekking tot konvensionele krygstuig, om konvensionele krygstuig deur of oor die grondgebied van die Republiek, sy territoriale waters of sy lugruim te vervoer na enige ander plek of bestemming buite die Republiek, ongeag of sodanige konvensionele krygstuig afgelaai word al dan nie; 30
- (xxix) "voorskryf" voorskryf by regulasie uitgevaardig kragtens artikel 27. 35

HOOFSTUK I

KOMITEE, SEKRETARIAAT EN INSPEKTORAAT

Instelling van Komitee vir Nasionale Beheer oor Konvensionele Krygstuig

2. 'n Komitee bekend as die Komitee vir Nasionale Beheer oor Konvensionele Krygstuig word hierby ingestel. 40

Oogmerke van Komitee

3. Die oogmerke van die Komitee is—

- (a) om regeringsbeleid oor die handel in konvensionele krygstuig te implementeer ten einde 'n legitieme, doeltreffende en deursigtige beheerproses in en vir die Republiek in te stel, toe te pas en te verseker, wat— 45
- (i) in ooreenstemming is met die volkereg en die leidende beginsels en maatstawwe in artikel 15 vervat; en
- (ii) van toepassing is op die beheer en regulering van die handel in konvensionele krygstuig;
- (b) om die ekonomiese en nasionale veiligheidsbelange van die Republiek te beskerm deur toereikende beheer oor die handel in konvensionele krygstuig te verseker in ooreenstemming met die beleid in paragraaf (a) bedoel; en 50
- (c) om nasionale en internasionale vertroue in die Komitee se prosedures vir beheer oor die handel in konvensionele krygstuig te bevorder.

Functions of Committee

4. (1) The Committee must—
- (a) establish processes and structures necessary for effective control of trade in conventional arms;
 - (b) establish guidelines, structures and processes necessary for the scrutiny and assessment of an application for the issue of a permit; 5
 - (c) where necessary, liaise with relevant Government agencies regarding the enforcement of this Act;
 - (d) authorise or refuse the issue of any permit contemplated in section 14;
 - (e) ensure that the conditions under which a permit is issued are complied with; 10
 - (f) keep a register in the prescribed form of persons involved in trade in conventional arms;
 - (g) keep a register of every permit issued; and
 - (h) issue reports as specified in section 23.
- (2) The Committee may— 15
- (a) inside or outside the Republic, conduct any investigation into, inspection of and research in connection with any trade in conventional arms;
 - (b) consult with the Minister with regard to any aspect that falls within the powers of the Minister in terms of this Act;
 - (c) evaluate and comment on trade in conventional arms; 20
 - (d) make recommendations to the Cabinet concerning the control of trade in conventional arms; and
 - (e) direct any subcommittee to make information which it has in its possession available to the Committee, the Cabinet, Parliament or any committee of Parliament. 25
- (3) The National Commissioner of the South African Police Service must submit for approval to the Committee any application in terms of the Firearms Control Act, 2000 (Act No. 60 of 2000), for the export of firearms and ammunition of such type and exceeding such quantity as may be prescribed.

Composition of Committee

5. (1) (a) The Committee consists of such Ministers and Deputy Ministers as the President may appoint.
- (b) The President may appoint such other persons to the Committee as the President deems necessary.
- (2) (a) The President must make the appointment of the members contemplated in subsection (1) known by notice in the *Gazette* and must specify the period for which each member is appointed. 35
- (b) The President may renew the appointment of a member of the Committee when the period for which the member was appointed expires.
- (3) The President must designate one member of the Committee as the chairperson and another as the deputy chairperson, such members being Ministers who do not have a line-function interest in trade in conventional arms. 40
- (4) A member must vacate office if that member—
- (a) resigns by written notice addressed to the President;
 - (b) is removed from office by the President; or 45
 - (c) was appointed in terms of subsection (1)(a), and ceases to be a Minister or Deputy Minister.
- (5) The resignation of a member of the Committee in terms of subsection (4)(a) only comes into effect after acceptance by the President.
- (6) If a member of the Committee vacates office before the expiry of his or her period of office, the President may appoint a new member for the unexpired portion of that period. 50

Meetings of Committee

6. (1) The chairperson of the Committee must determine the scheduled time and place of Committee meetings and make this known to the other members of the Committee. 55
- (2) (a) The Committee may determine its own procedure for meetings.

Werkzaamhede van Komitee**4. (1) Die Komitee moet—**

- (a) prosesse en strukture instel wat nodig is vir doeltreffende beheer oor die handel in konvensionele krygstuig;
- (b) riglyne, strukture en prosesse instel wat nodig is vir die ondersoek na en evaluering van aansoeke vir die uitreiking van 'n permit; 5
- (c) waar nodig, met tersaaklike staatsagentskappe skakel oor die toepassing van hierdie Wet;
- (d) die uitreiking van enige permit in artikel 14 bedoel, magtig of weier;
- (e) verseker dat die voorwaardes waarop 'n permit uitgereik word, nagekom word; 10
- (f) 'n register in die voorgeskrewe vorm hou van persone betrokke by die handel in konvensionele krygstuig;
- (g) 'n register hou van elke permit wat uitgereik word; en
- (h) verslae uitreik soos in artikel 23 vermeld. 15

(2) Die Komitee kan—

- (a) binne of buite die Republiek enige ondersoek instel na en inspeksie en navorsing doen in verband met enige handel in konvensionele krygstuig;
- (b) met die Minister oorleg pleeg met betrekking tot enige aspek wat ingevolge hierdie Wet binne die bevoegdheid van die Minister val; 20
- (c) handel in konvensionele krygstuig evalueer en kommentaar daarop lewer;
- (d) aanbevelings aan die Kabinet doen oor die beheer oor die handel in konvensionele krygstuig; en
- (e) enige subkomitee gelas om inligting in sy besit aan die Komitee, die Kabinet, die Parlement of enige komitee van die Parlement beskikbaar te stel. 25

(3) Die Nasionale Kommissaris van die Suid-Afrikaanse Polisiediens moet enige aansoek ingevolge die Wet op Beheer van Vuurwapens, 2000 (Wet No. 60 van 2000), vir die uitvoer van vuurwapens en ammunisie van 'n tipe en meer as 'n hoeveelheid wat voorgeskryf word, vir goedkeuring aan die Komitee voorlê.

Samestelling van Komitee

30

5. (1) (a) Die Komitee bestaan uit sodanige Ministers en Adjunkministers as wat die President aanstel.

(b) Die President kan sodanige ander persone in die Komitee aanstel as wat die President nodig ag.

(2) (a) Die President moet die aanstelling van die lede in subartikel (1) bedoel, by kennisgewing in die *Staatskoerant* bekend maak, met vermelding van die tydperk waarvoor elke lid aangestel word. 35

(b) Die President kan die aanstelling van 'n lid van die Komitee hernu wanneer die tydperk waarvoor die lid aangestel is, verstryk.

(3) Die President moet een lid van die Komitee as die voorsitter en 'n ander as die ondervoorsitter aanwys, en sodanige lede moet Ministers wees wat nie 'n lynfunksiebelang by die handel in konvensionele krygstuig het nie. 40

(4) 'n Lid moet die amp ontruim indien daardie lid—

- (a) bedank deur 'n skriftelike kennisgewing aan die President te stuur;
- (b) deur die President uit die amp ontslaan word; of 45
- (c) ingevolge subartikel (1)(a) aangestel is en ophou om 'n Minister of Adjunkminister te wees.

(5) Die bedanking van 'n lid van die Komitee ingevolge subartikel (4)(a) word van krag eers na aanvaarding deur die President.

(6) Indien 'n lid van die Komitee die amp ontruim voor die verstryking van sy of haar ampstermyn, kan die President 'n nuwe lid vir die onverstreke gedeelte van daardie termyn aanstel. 50

Vergaderings van Komitee

6. (1) Die voorsitter van die Komitee moet die geskeduleerde tyd en plek van vergaderings van die Komitee bepaal en moet dit aan die ander lede van die Komitee bekend maak. 55

(2) (a) Die Komitee kan sy eie prosedure vir vergaderings bepaal.

(b) Four of the members, who must include the chairperson or deputy chairperson of the Committee, constitute a quorum.

(3) The Committee must cause minutes to be kept of its proceedings.

(4) The Committee may refer any matter to be considered by it to the Cabinet for a resolution, which resolution binds the Committee.

(5) A decision of the Committee or an act performed in terms of a decision of the Committee is not invalid merely by reason of a vacancy in the Committee, or by reason of the presence of any person not entitled to sit as a member, at the time when the decision was taken.

Subcommittees

7. (1) The Committee may establish one or more subcommittees, which must perform such functions as the Committee may direct.

(2) A subcommittee must consist of one or more members of the Committee designated by the Committee and, if it is deemed necessary, one or more other persons appointed in terms of subsection (3) for such period as may be determined by the Committee.

(3) The Minister may, with the concurrence of the Committee, appoint persons who are not in the full-time employment of the State to a subcommittee and may grant those persons such allowances and remuneration as the Minister, with the concurrence of the Minister of Finance, may determine in general or in a specific case.

(4) The Committee must designate a chairperson for every subcommittee and, if necessary, a deputy chairperson.

(5) When a subcommittee has performed its functions contemplated in subsection (1), it must submit a written report with recommendations to the Committee for consideration.

(6) The Committee may at any time dissolve a subcommittee.

(7) A subcommittee may determine its own procedure for meetings.

(8) The Committee is not absolved from responsibility for the performance of any function assigned to any subcommittee in terms of subsection (1).

(9) A decision of a subcommittee or an act performed in terms of a decision of a subcommittee is not invalid merely by reason of a vacancy in the subcommittee, or by reason of the presence of any person not entitled to sit as a member, at the time when the decision was taken.

Secretariat

8. (1) (a) The work incidental to the performance of the functions of the Committee or a subcommittee must be performed by a secretariat consisting of administrative personnel.

(b) The members of the secretariat must be designated by the Minister, after consultation with the Secretary, from among the employees of the public service.

(2) The Minister may, with the concurrence of the Committee, appoint a person who is not in the full-time employment of the State to the secretariat on such conditions of service and at such remuneration and service benefits as the Minister may determine, with the concurrence of the Minister of Finance.

Inspectorate

9. (1) (a) The Minister must establish an inspectorate that is separate from the secretariat.

(b) The Inspectorate is accountable only to the Committee.

(2) The object of the Inspectorate is to ensure—

(a) that trade in conventional arms is conducted in compliance with this Act; and

(b) that the internal regulatory processes of the Committee are complied with.

(3) (a) The Inspectorate consists of the persons appointed as inspectors by the Minister, in consultation with the Committee.

(b) An inspector must possess the necessary expertise to enable him or her to perform the functions of an inspector efficiently.

(4) (a) Every inspector must be issued with a document, signed by the Minister, confirming that person's appointment as an inspector.

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(b) Vier van die lede, wat die voorsitter of die ondervoorsitter van die Komitee moet insluit, maak 'n kworum uit.

(3) Die Komitee moet notule van sy verrigtinge laat hou.

(4) Die Komitee kan enige aangeleentheid wat deur hom oorweeg moet word, na die Kabinet verwys vir 'n resoluëie, welke resoluëie die Komitee bind. 5

(5) 'n Besluit van die Komitee of 'n handeling verrig ingevolge 'n besluit van die Komitee, is nie ongeldig bloot as gevolg van 'n vakature in die Komitee of as gevolg van die teenwoordigheid van enige persoon wat nie daarop geregtig was om as 'n lid te sit toe die besluit geneem is nie.

Subkomitees 10

7. (1) Die Komitee kan een of meer subkomitees instel wat sodanige werksaamhede moet verrig as wat die Komitee gelas.

(2) 'n Subkomitee moet bestaan uit een of meer lede van die Komitee wat deur die Komitee aangewys is en, indien dit nodig geag word, een of meer ander persone ingevolge subartikel (3) aangestel vir sodanige tydperk as wat die Komitee bepaal. 15

(3) Die Minister kan, met die instemming van die Komitee, persone wat nie in die voltydse diens van die Staat is nie, in 'n subkomitee aanstel en kan aan daardie persone sodanige toelaes en besoldiging toestaan as wat die Minister, met die instemming van die Minister van Finansies, in die algemeen of in 'n bepaalde geval bepaal.

(4) Die Komitee moet vir elke subkomitee 'n voorsitter en, indien nodig, 'n ondervoorsitter, aanwys. 20

(5) Wanneer 'n subkomitee sy werksaamhede in subartikel (1) bedoel verrig het, moet hy 'n skriftelike verslag met aanbevelings aan die Komitee vir oorweging voorlê.

(6) Die Komitee kan 'n subkomitee te eniger tyd ontbind.

(7) 'n Subkomitee kan sy eie prosedure vir vergaderings bepaal. 25

(8) Die Komitee word nie onthef van verantwoordelikheid vir die verrigting van enige werksaamheid wat ingevolge subartikel (1) aan enige subkomitee opgedra is nie.

(9) 'n Besluit deur 'n subkomitee of 'n handeling verrig ingevolge 'n besluit van 'n subkomitee is nie ongeldig bloot as gevolg van 'n vakature in die Komitee of as gevolg van die teenwoordigheid van enige persoon wat nie daarop geregtig was om as 'n lid te sit toe die besluit geneem is nie. 30

Sekretariaat

8. (1) (a) Die werk wat met die verrigting van die werksaamhede van die Komitee of 'n subkomitee gepaard gaan, moet verrig word deur 'n sekretariaat bestaande uit administratiewe personeel. 35

(b) Die lede van die sekretariaat moet deur die Minister, na oorleg met die Sekretaris, uit die werknemers van die staatsdiens aangewys word.

(2) Die Minister kan, met die instemming van die Komitee, 'n persoon wat nie in die voltydse diens van die Staat is nie, in die sekretariaat aanstel op sodanige diensvoorwaardes en teen sodanige besoldiging en diensvoordele as wat die Minister met die instemming van die Minister van Finansies bepaal. 40

Inspektoraat

9. (1) (a) Die Minister moet 'n inspektoraat instel wat afsonderlik van die sekretariaat is.

(b) Die Inspektoraat is net teenoor die Komitee aanspreeklik. 45

(2) Die oogmerke van die Inspektoraat is om te verseker—

(a) dat die handel in konvensionele krygstuig in ooreenstemming met hierdie Wet geskied; en

(b) dat die interne reguleerprosesse van die Komitee nagekom word.

(3) (a) Die Inspektoraat bestaan uit die persone wat deur die Minister, in oorleg met die Komitee, as inspekteurs aangestel word. 50

(b) 'n Inspekteur moet oor die nodige kundigheid beskik om hom of haar in staat te stel om die werksaamhede van 'n inspekteur doeltreffend te verrig.

(4) (a) Elke inspekteur moet voorsien word van 'n dokument, deur die Minister geteken, wat daardie persoon se aanstelling as 'n inspekteur bevestig. 55

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(b) When performing functions as an inspector, the inspector must show the document mentioned in paragraph (a) to any person who requests it.

(5) An inspector must be paid such remuneration and allowances as the Minister may determine, after consultation with the Committee and with the approval of the Minister of Finance.

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Secondment

10. The Minister may, with the concurrence of the Committee and after consultation with the Department of Public Service and Administration, have members of the public service seconded to the secretariat, any subcommittee or any other structure that may be created under this Act, in terms of any law regulating such secondment.

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Delegation and assignment

11. (1) (a) The Minister may, with the concurrence of the Committee and subject to such conditions as he or she may impose, delegate any power or assign any duty conferred or imposed upon the Minister by or under this Act to any member of the Committee, a subcommittee or the secretariat or to an inspector of the Inspectorate, except the power—

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(i) to appoint members to a subcommittee and to grant them allowances and remuneration as contemplated in section 7(3); and

(ii) to make regulations as contemplated in section 27.

(b) The Committee may, subject to such conditions as it may determine, delegate or assign to any subcommittee, member of the secretariat or inspector of the Inspectorate any power or duty conferred or imposed upon the Committee by or under this Act.

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(c) A subcommittee may, subject to such conditions as it may determine, delegate or assign to any member of the secretariat or inspector of the Inspectorate any power or duty conferred or imposed upon that subcommittee by or under this Act.

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(2) The Minister, Committee and subcommittee are not divested of any power or exempted from any duty delegated or assigned by any of them, and may amend or set aside any decision taken by any person in the exercise of a power or performance of a duty so delegated or assigned.

Costs and expenses of Committee, and audit

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12. (1) The costs and expenses connected with the application of this Act must be defrayed from money appropriated by Parliament to the Department for that purpose.

(2) In addition to the audit of the financial statements of the Department in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999), the Auditor-General must audit the registers and processes contemplated in section 4.

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CHAPTER II**CONTROL AND INSPECTION****Control over conventional arms and provision of service**

13. No person may trade in conventional arms unless that person is registered with the secretariat and in possession of a permit authorised by the Committee and issued by the secretariat.

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Permits

14. (1) Any person who wishes to obtain a permit contemplated in section 13 must apply to the Committee in the prescribed manner.

(2) The Committee may authorise the issue of a permit subject to such conditions as it may decide upon, or refuse to authorise the issue of a permit.

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(b) Wanneer 'n inspekteur werksaamhede as 'n inspekteur verrig, moet hy of sy die dokument in paragraaf (a) bedoel, toon aan enige persoon wat dit versoek.

(5) 'n Inspekteur moet sodanige besoldiging en toelaes betaal word as wat die Minister, na oorleg met die Komitee en met die goedkeuring van die Minister van Finansies, bepaal.

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Sekondering

10. Die Minister kan, met die instemming van die Komitee en na oorleg met die Departement van Staatsdiens en Administrasie, lede van die staatsdiens laat sekondeer na die sekretariaat, enige subkomitee of enige ander struktuur wat kragtens hierdie Wet geskep word, ingevolge enige wet wat sodanige sekondering reguleer.

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Delegering en opdragting

11. (1) (a) Die Minister kan, met die instemming van die Komitee en behoudens sodanige voorwaardes as wat hy of sy stel, enige bevoegdheid of enige plig wat by of ingevolge hierdie Wet aan die Minister verleen of opgelê is, delegeer of opdra aan enige lid van die Komitee, 'n subkomitee of die sekretariaat of aan 'n inspekteur van die Inspektoraat, uitgesonderd die bevoegdheid—

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(i) om lede van 'n subkomitee aan te stel en om toelaes en besoldiging aan hulle te verleen soos in artikel 7(3) bedoel; en

(ii) om regulasies uit te vaardig soos in artikel 27 bedoel.

(b) Die Komitee kan, behoudens sodanige voorwaardes as wat hy bepaal, enige bevoegdheid of plig wat by of ingevolge hierdie Wet aan die Komitee verleen of opgelê is, delegeer of opdra aan 'n subkomitee, 'n lid van die sekretariaat of 'n inspekteur van die Inspektoraat.

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(c) 'n Subkomitee kan, behoudens sodanige voorwaardes as wat hy bepaal, enige bevoegdheid of plig wat by of ingevolge hierdie Wet aan daardie subkomitee verleen of opgelê is, delegeer of opdra aan 'n lid van die sekretariaat of 'n inspekteur van die Inspektoraat.

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(2) Die Minister, die Komitee en 'n subkomitee word nie ontnem van enige bevoegdheid of vrygestel van enige plig wat deur enige van hulle gedelegeer of opgedra is nie, en hulle kan enige besluit wat deur enige persoon geneem is in die uitoefening van 'n bevoegdheid of die verrigting van 'n plig aldus gedelegeer of opgedra, wysig of tersyde stel.

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Koste en uitgawes van Komitee, en audit

12. (1) Die koste en uitgawes in verband met die toepassing van hierdie Wet moet bestry word uit geld wat die Parlement vir daardie doel aan die Departement bewillig.

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(2) Benewens die audit van die finansiële state van die Departement ingevolge die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), moet die Ouditeur-generaal die registers en prosesse in artikel 4 bedoel, audit.

HOOFSTUK II

BEHEER EN INSPEKSIE

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Beheer oor konvensionele krygstuig en lewering van diens

13. Geen persoon mag in konvensionele krygstuig handel dryf nie tensy daardie persoon by die sekretariaat geregistreer is en in besit is van 'n permit wat deur die Komitee gemagtig en deur die sekretariaat uitgereik is.

Permitte

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14. (1) Enige persoon wat 'n permit in artikel 13 bedoel, wil kry, moet op die voorgeskrewe wyse by die Komitee aansoek doen.

(2) Die Komitee kan die uitreiking van 'n permit magtig behoudens sodanige voorwaardes as waarop hy besluit, of kan weier om die uitreiking van 'n permit te magtig.

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- (3) The Committee must, by notice in writing to the person who has been issued a permit in terms of subsection (2)—
- (a) cancel or suspend the permit if any condition of the permit has not been or is not being complied with;
 - (b) cancel the permit if the person who has been issued the permit is convicted of an offence in terms of this Act; 5
 - (c) cancel, amend or suspend the permit if it is in the interest of the protection of the security of the Republic; or
 - (d) cancel, amend or suspend the permit if it is in the interest of maintaining and promoting international peace or avoiding repression and terrorism. 10
- (4) A permit issued under subsection (2)—
- (a) must prescribe the quantity, type and value of the conventional arms which may be exported, re-exported, marketed, imported, conveyed, manufactured, traded or brokered thereunder;
 - (b) may prescribe the period within which, the harbour, port or airport through or from which, the person, country or territory from or to which, the route along which and the manner in which the conventional arms in question must be exported, re-exported, marketed, imported, conveyed, manufactured or traded; and 15
 - (c) may prescribe such other conditions as the Committee determines. 20
- (5) An application for a permit for the re-exportation of conventional arms must be accompanied by a notification issued by the government of the country from which such conventional arms were originally imported, indicating that government's consent that such conventional arms may be so re-exported.
- (6) A permit issued under subsection (2) expires— 25
- (a) when the particulars of the holder no longer correspond with that person's particulars as entered in a register contemplated in section 4(1)(g);
 - (b) upon the take-over, deregistration, insolvency or liquidation of the business concern in respect of which the permit was issued; or
 - (c) upon the death of the person to whom the permit was issued. 30
- (7) A permit issued under this section may not be transferred.
- (8) The Committee must refuse to authorise a permit if the applicant, or if the applicant is a company, any executive officer of the company or any member of its board of directors, has after the Constitution took effect been convicted of an offence and sentenced to more than 12 months imprisonment without the option of a fine, either in the Republic, or outside the Republic if the conduct constituting the offence would have been an offence in the Republic. 35

Guiding principles and criteria

15. When considering applications contemplated in section 14 the Committee must—
- (a) assess each application on a case-by-case basis; 40
 - (b) safeguard the national security interests of the Republic and those of its allies;
 - (c) avoid contributing to internal repression, including the systematic violation or suppression of human rights and fundamental freedoms;
 - (d) avoid transfers of conventional arms to governments that systematically violate or suppress human rights and fundamental freedoms; 45
 - (e) avoid transfers of conventional arms that are likely to contribute to the escalation of regional military conflicts, endanger peace by introducing destabilising military capabilities into a region or otherwise contribute to regional instability;
 - (f) adhere to international law, norms and practices and the international obligations and commitments of the Republic, including United Nations Security Council arms embargoes; 50
 - (g) take account of calls for reduced military expenditure in the interests of development and human security;
 - (h) avoid contributing to terrorism and crime; 55

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- (3) Die Komitee moet, by skriftelike kennisgewing aan die persoon aan wie 'n permit ingevolge subartikel (2) uitgereik is—
- (a) die permit intrek of opskort indien enige voorwaarde van die permit nie nagekom is of word nie;
 - (b) die permit intrek indien die persoon aan wie die permit uitgereik is, skuldig bevind word aan 'n misdryf ingevolge hierdie Wet; 5
 - (c) die permit intrek, wysig of opskort indien dit in belang van die beskerming van die veiligheid van die Republiek is; of
 - (d) die permit intrek, wysig of opskort indien dit in belang van die handhawing en bevordering van internasionale vrede of die vermyding van onderdrukking en terrorisme is. 10
- (4) 'n Permit wat kragtens subartikel (2) uitgereik is—
- (a) moet die hoeveelheid, tipe en waarde voorskryf van die konvensionele krygstuig wat daarkragtens uitgevoer, heruitgevoer, bemark, ingevoer, vervoer, vervaardig, verhandel of bemiddel kan word; 15
 - (b) kan die tydperk voorskryf waarbinne, die hawe, toegangspoort of lughawe waardeur of van waar, die persoon, land of gebied van waar of waarheen, die roete waarlangs en die wyse waarop die betrokke konvensionele krygstuig vervoer, heruitgevoer, bemark, ingevoer, vervoer, vervaardig of verhandel moet word; en 20
 - (c) kan sodanige ander voorwaardes voorskryf as wat die Komitee bepaal.
- (5) 'n Aansoek vir 'n permit vir die heruitvoer van konvensionele krygstuig moet vergesel gaan van 'n kennisgewing uitgereik deur die regering van die land van waar sodanige konvensionele krygstuig oorspronklik ingevoer is, wat daardie regering se instemming vermeld dat sodanige konvensionele krygstuig aldus heruitgevoer mag word. 25
- (6) 'n Permit wat kragtens subartikel (2) uitgereik is, verval—
- (a) wanneer die besonderhede van die houër nie meer in ooreenstemming is nie met daardie persoon se besonderhede soos aangeteken in 'n register in artikel 4(1)(g) bedoel; 30
 - (b) by die oorname, deregistrasie, insolvensie of likwidasie van die sakeonderneming ten opsigte waarvan die permit uitgereik is; of
 - (c) by die dood van die persoon aan wie die permit uitgereik is.
- (7) 'n Permit wat kragtens hierdie artikel uitgereik is, mag nie oorgedra word nie.
- (8) Die Komitee moet weier om 'n permit te magtig indien die aansoeker, of, as die aansoeker 'n maatskappy is, enige uitvoerende beampte van die maatskappy of enige lid van sy direksie, na die inwerkingtreding van die Grondwet skuldig bevind is aan 'n misdryf en gevonnissen is tot meer as 12 maande gevangenisstraf sonder die keuse van 'n boete, hetsy binne die Republiek of buite die Republiek indien die handeling wat die misdryf uitmaak, in die Republiek 'n misdryf sou gewees het. 40

Leidende beginsels en maatstawwe

15. By die oorweging van aansoeke in artikel 14 bedoel, moet die Komitee—
- (a) elke aansoek op 'n geval-vir-geval-grondslag beoordeel;
 - (b) die nasionale veiligheidsbelange van die Republiek en van sy bondgenote beveilig; 45
 - (c) dit vermy om by te dra tot binnelandse onderdrukking, insluitende die stelselmatige skending of onderdrukking van menseregte en fundamentele vryhede;
 - (d) die oordrag van konvensionele krygstuig na regerings wat menseregte en fundamentele vryhede stelselmatig skend of onderdruk, vermy; 50
 - (e) die oordrag vermy van konvensionele krygstuig wat waarskynlik tot die eskalering van streeks- militêre konflikte sal bydra, die vrede sal bedreig deur destabiliserende militêre vermoëns in 'n streek in te bring of andersins tot streekonstabiliteit sal bydra;
 - (f) hou by die volkereg en internasionale norme en praktyke en die internasionale verpligtinge en verbintenisse van die Republiek, insluitende enige wapenverbod van die Verenigde Nasies se Veiligheidsraad; 55
 - (g) ag slaan op oproepe vir kleiner militêre besteding in belang van ontwikkeling en mense se veiligheid;
 - (h) dit vermy om tot terrorisme en misdaad by te dra; 60

- (i) consider the conventional arms control system of the recipient country and its record of compliance with end-user certificate undertakings, and avoid the export of conventional arms to a government that has violated an end-user certificate undertaking;
- (j) take into account the inherent right of individual and collective self-defence of all sovereign countries in terms of the United Nations Charter; and 5
- (k) avoid the export of conventional arms that may be used for purposes other than the legitimate defence and security needs of the government of the country of import.

Accountability where conventional arms are exported

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16. Where conventional arms are exported, and—

- (a) ownership thereof is transferred, the Committee must satisfy itself that the government of the country of import has given an undertaking, reflected in an end-user certificate, that the conventional arms in question will not be transferred, re-sold or re-exported to any other country without the prior approval of the Committee, acting on behalf of the Government of South Africa; 15
- (b) transfer of ownership does not take place, the Committee must—
 - (i) obtain a letter from the government of the country of import stating that the arms in question are intended for demonstration or evaluation purposes and whether they will be returned; or 20
 - (ii) obtain a letter from the applicant stating that the arms in question are being exported for repair or integration only and will be returned;
- (c) where there is an undertaking that the arms in question are to be returned, the Committee must satisfy itself that the conventional arms have been returned to the Republic in accordance with the undertaking; 25
- (d) the arms in question have been expended during demonstration, the Committee must obtain a certificate from the government of the country of import verifying that fact.

End-user certificate

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17. Subject to section 16, whenever conventional arms are exported, a person authorised by the government of the country to which the arms are exported must issue a certificate—

- (a) setting out the name and address of the declared end-user;
- (b) giving a description of the conventional arms and quantities involved; 35
- (c) undertaking that the conventional arms will not be transferred or re-exported to any other party or country without the authorisation of the South African Government;
- (d) undertaking that proof of importation will be supplied, by way of a Delivery Verification Certificate; 40
- (e) containing the authorisation to issue the certificate in question; and
- (f) containing such other matters as may be prescribed.

Routine inspections

18. An inspector of the Inspectorate may during normal office hours enter any premises other than a private dwelling occupied or used by a person in possession of a permit, in order to determine whether the specifications and conditions of the permit are being complied with. 45

Entry and search of premises with warrant

19. (1) An inspector of the Inspectorate may, on the authority of a warrant issued in terms of subsection (3), enter any premises specified in the warrant, including a private dwelling, and— 50

- (a) inspect, photograph, copy, test and examine any document, record, object or material which he or she suspects might contribute to the investigation

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- (i) die beheerstelsel vir konvensionele krygstuig van die ontvangerland en sy rekord van voldoening aan ondernemings in eindgebruikerssertifikate oorweeg, en dit vermy om konvensionele krygstuig uit te voer na 'n regering wat 'n onderneming in 'n eindgebruikerssertificaat geskend het;
- (j) die inherente reg van individuele en kollektiewe selfverdediging van alle soewereine lande ingevolge die Handves van die Verenigde Nasies in ag neem; en
- (k) dit vermy om konvensionele krygstuig uit te voer wat vir ander doeleindes as die legitieme verdedigings- en veiligheidsbehoeftes van die regering van die invoerland gebruik kan word.

Aanspreeklikheid wanneer konvensionele krygstuig uitgevoer word

16. Waar konvensionele krygstuig uitgevoer word en—

- (a) die eienaarskap daarvan oorgedra word, moet die Komitee hom daarvan vergewis dat die regering van die invoerland 'n onderneming gegee het, wat in 'n eindgebruikerssertificaat weerspieël word, dat die betrokke konvensionele krygstuig nie aan enige ander land oorgedra, herverkoop of heruitgevoer sal word nie sonder die voorafverkreë goedkeuring van die Komitee, handelende namens die Regering van Suid-Afrika;
- (b) die oordrag van eienaarskap nie plaasvind nie, moet die Komitee—
 - (i) 'n brief van die regering van die invoerland verkry waarin verklaar word dat die betrokke konvensionele krygstuig bedoel is vir demonstrasie- of evaluasiedoeleindes en of dit terugbesorg sal word; of
 - (ii) 'n brief van die aansoeker verkry waarin verklaar word dat die betrokke krygstuig slegs vir herstel of integrasie uitgevoer word en terugbesorg sal word;
- (c) waar daar 'n onderneming is dat die betrokke krygstuig terugbesorg sal word, moet die Komitee hom vergewis dat die konvensionele krygstuig in ooreenstemming met die onderneming aan die Republiek terugbesorg is;
- (d) die betrokke krygstuig tydens demonstrasie opgebruik is, moet die Komitee 'n sertifikaat van die regering van die invoerland kry wat daardie feit staaf.

Eindgebruikerssertifikaat

17. Behoudens artikel 16, wanneer konvensionele krygstuig uitgevoer word, moet 'n persoon wat gemagtig is deur die regering van die land waarheen die krygstuig uitgevoer word, 'n sertifikaat uitreik—

- (a) waarin die naam en adres van die verklaarde eindgebruiker vermeld word;
- (b) waarin 'n beskrywing gegee word van die konvensionele krygstuig en hoeveelhede betrokke;
- (c) waarin onderneem word dat die konvensionele krygstuig nie na enige ander party of land oorgeplaas of heruitgevoer sal word nie sonder die magtiging van die Suid-Afrikaanse regering;
- (d) waarin onderneem word dat bewys van invoer verskaf sal word deur middel van 'n leweringsverifiëringsertifikaat;
- (e) wat die magtiging bevat om die betrokke sertifikaat uit te reik; en
- (f) wat sodanige ander aangeleenthede bevat as wat voorgeskryf word.

Roetine-inspeksies

18. 'n Inspekteur van die Inspektoraat kan gedurende gewone kantoorure enige perseel, uitgesonderd 'n private woning, wat deur 'n persoon in besit van 'n permit geokkupeer of gebruik word, binnegaan ten einde te bepaal of die spesifikasies en voorwaardes van die permit nagekom word.

Betreding en deursoeking van perseel met lasbrief

19. (1) 'n Inspekteur van die Inspektoraat kan, op gesag van 'n lasbrief uitgereik ingevolge subartikel (3), enige perseel wat in die lasbrief vermeld word, insluitende 'n private woning, betree en—

- (a) enige dokument, rekord, voorwerp of materiaal wat hy of sy vermoed kan bydra tot die ondersoek wat deur die lasbrief gemagtig word, inspekteer,

authorised by the warrant, or cause it to be inspected, photographed, copied, tested and examined;

(b) seize any such document, record, object or material if he or she has reason to suspect that it might be useful as evidence in a criminal trial; and

(c) examine any activity, operation or process carried out on the premises. 5

(2) Upon the request of an inspector acting in terms of a warrant issued in terms of subsection (3), the occupant and any other person present on the premises must—

(a) make available or accessible or deliver to the inspector any document, record, object or material which pertains to the investigation and which is in the possession or under the control of the occupant or other person; 10

(b) furnish such information as he or she has with regard to the matter under investigation; and

(c) render such reasonable assistance as the inspector may require to perform his or her functions in terms of this Act efficiently.

(3) A warrant contemplated in subsection (1) may be issued by a judge or a magistrate— 15

(a) in relation to premises on or from which there is reason to believe that trade in conventional arms is being conducted in contravention of this Act; and

(b) if it appears from information on oath or solemn declaration that there are reasonable grounds to believe that there is evidence available in or upon that premises of a contravention of this Act. 20

(4) The warrant may impose such restrictions on the powers of the inspector as the judge or magistrate may deem appropriate in the circumstances.

(5) The inspector executing a warrant in terms of this section must immediately before commencing the inspection, identify himself or herself to the person in control of the premises, if such person is present, and hand to such a person a copy of the warrant or, if such person is not present, affix such copy to a prominent place on the premises. 25

Entry and search of premises without warrant

20. An inspector of the Inspectorate may without a warrant exercise any power referred to in section 19(1) if— 30

(a) the person who is competent to do so consents; or

(b) there are reasonable grounds to believe that a warrant would be issued in terms of section 19(3) and that the delay in obtaining the warrant would defeat the object of the warrant.

Disposal of items seized by inspector 35

21. (1) The inspector of the Inspectorate must deliver anything seized in terms of section 19 or 20 without delay to a police official contemplated in section 30 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), who must deal with and dispose of the seized item as provided for in Chapter 2 of that Act.

(2) When a police official acts in terms of section 30(a) or (b) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), in respect of an item contemplated in subsection (1), he or she must do so after consultation with the inspector of the Inspectorate. 40

Furnishing of information

22. (1) Upon the written request of any competent authority, any person who trades in conventional arms in the course of his or her business must furnish the competent authority, within a specified period or at specified intervals, with such information at his or her disposal as may be specified in the request. 45

(2) The information referred to in subsection (1) must be accompanied by such data and documents as may be indicated in the request. 50

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- fotografeer, kopieer, toets en ondersoek, of dit laat inspekteer, fotografeer, kopieer, toets en ondersoek;
- (b) beslag lê op enige sodanige dokument, rekord, voorwerp of materiaal indien hy of sy rede het om te vermoed dat dit nuttig kan wees as getuie in 'n strafverhoor; en 5
- (c) enige aktiwiteit, operasie of proses wat op die perseel uitgevoer word, ondersoek.
- (2) Op versoek van 'n inspekteur handelende ingevolge 'n lasbrief uitgereik kragtens subartikel (3), moet die okkupeerder en enige ander persoon teenwoordig op die perseel— 10
- (a) enige dokument, rekord, voorwerp of materiaal wat op die ondersoek betrekking het en wat in die besit of onder die beheer van die okkupeerder of ander persoon is, aan die inspekteur beskikbaar of toeganklik stel of lewer;
- (b) sodanige inligting as wat hy of sy het met betrekking tot die aangeleentheid wat ondersoek word, verstrek; en 15
- (c) sodanige redelike bystand verleen as wat die inspekteur nodig het om sy of haar werksaamhede ingevolge hierdie Wet doeltreffend te verrig.
- (3) 'n Lasbrief in subartikel (1) beoog, kan deur 'n regter of 'n landdros uitgereik word—
- (a) met betrekking tot 'n perseel waarop of van waar daar rede is om te vermoed dat handel in konvensionele krygstuig strydig met hierdie Wet gedryf word; en 20
- (b) indien dit uit inligting onder eed of plegtige verklaring blyk dat daar redelike gronde is om te vermoed dat daar getuie van 'n oortreding van hierdie Wet in of op daardie perseel is. 25
- (4) Die lasbrief kan sodanige beperkings op die bevoegdheid van die inspekteur plaas as wat die regter of landdros in die omstandighede geskik ag.
- (5) Die inspekteur wat 'n lasbrief ingevolge hierdie artikel uitvoer, moet hom of haar onmiddellik voor die aanvang van die inspeksie identifiseer teenoor die persoon in beheer van die perseel, indien sodanige persoon teenwoordig is, en 'n eksemplaar van die lasbrief aan sodanige persoon oorhandig of, indien sodanige persoon nie teenwoordig is nie, sodanige eksemplaar op 'n opvallende plek op die perseel aanbring. 30

Betreding en deursoeking van perseel sonder lasbrief

20. 'n Inspekteur van die Inspektoraat kan enige bevoegdheid in artikel 19(1) bedoel, sonder 'n lasbrief uitoefen indien— 35
- (a) die persoon wat bevoeg is om dit te doen, daartoe instem; en
- (b) daar redelike gronde is om te vermoed dat 'n lasbrief ingevolge artikel 19(3) uitgereik sal word en dat die vertraging om die lasbrief te kry, die doel van die lasbrief sal verydel.

Beskikking oor items waarop inspekteur beslag gelê het

21. (1) Die inspekteur van die Inspektoraat moet enigiets waarop daar ingevolge artikel 19 of 20 beslag gelê is, sonder versuim lewer aan 'n polisiebeampte in artikel 30 van die Strafproseswet, 1977 (Wet No. 51 van 1977), beoog, wat die betrokke item moet hanteer en daarvoor moet beskik soos in Hoofstuk 2 van daardie Wet bepaal. 40
- (2) Wanneer 'n polisiebeampte ingevolge artikel 30(a) of (b) van die Strafproseswet, 1977 (Wet No. 51 van 1977), optree ten opsigte van 'n item in subartikel (1) bedoel, moet hy of sy dit doen na oorleg met die inspekteur van die Inspektoraat. 45

Verstreking van inligting

22. (1) Op die skriftelike versoek van enige bevoegde owerheid moet enige persoon wat in die loop van sy of haar besigheid handel dryf in konvensionele krygstuig, die bevoegde owerheid binne 'n bepaalde tyd of met bepaalde tussenpose voorsien van sodanige inligting tot sy of haar beskikking as wat in die versoek bepaal word. 50
- (2) Die inligting in subartikel (1) bedoel, moet vergesel gaan van sodanige data en dokumente as wat in die versoek aangedui word.

Disclosure and non-disclosure of information**23. (1) The Committee must—**

- (a) ensure compliance with the annual reporting requirements of the United Nations Register of Conventional Arms and simultaneously present to Parliament a copy of South Africa's annual report to the United Nations; 5
- (b) make quarterly reports to the Cabinet and a committee of Parliament determined by Parliament on all conventional arms exports concluded during the preceding quarter; and
- (c) at the end of the first quarter of each year, present to Parliament and release to the public an annual report on all conventional arms exports concluded during the preceding calendar year. 10

(2) (a) Subject to paragraph (c), the reports referred to in subsection (1)(b) must contain such information as may be prescribed and must set out the names of the importing states and the type, quantity and value of all the conventional arms in question. 15

(b) Subject to paragraph (c), the report referred to in section (1)(c) may—

- (i) only reflect the country and type of conventional arms involved and total value per type exported to the country for the year; and
- (ii) reflect the quantity of conventional arms involved, except if disclosure is prohibited in terms of a confidentiality clause in the contract of sale. 20

(c) Information concerning the technical specifications of conventional arms may be omitted from a report in order to protect military and commercial secrets.

(3) No person may disclose any classified document or the content thereof concerning the business of the Committee except with the permission of a competent authority or as required in terms of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000). 25

CHAPTER III**GENERAL****Offences and penalties****24. (1) A person is guilty of an offence if he or she— 30**

- (a) trades in conventional arms in contravention of section 13;
- (b) fails to comply with or contravenes any specification or condition stated in a permit issued to that person or fails to comply with any condition of an end-user certificate;
- (c) furnishes any false information in complying with a request in terms of section 22 or refuses to submit any information required in terms of that section; 35
- (d) contravenes section 23(3);
- (e) hinders or obstructs any inspector of the Inspectorate in the performance of any function in terms of this Act; 40
- (f) knowingly makes any false statement regarding a matter regulated in terms of this Act to any competent authority;
- (g) pretends to be an official of a competent authority or a person authorised by such competent authority;
- (h) refuses or fails to comply with any lawful request or order of a competent authority in terms of this Act; 45
- (i) purports to transfer a permit; or
- (j) fails to disclose an interest as required by section 25.

(2) Any person convicted of an offence contemplated in subsection (1) is liable—

- (a) in the case of an offence referred to in subsection (1)(a) and (b), to a fine, or to imprisonment for a period not exceeding 25 years, or to both such fine and imprisonment; 50

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Openbaarmaking en nie-openbaarmaking van inligting

23. (1) Die Komitee moet—

- (a) voldoening verseker aan die vereistes van jaarlikse verslagdoening van die Verenigde Nasies se Register van Konvensionele Krygstuig en terselfdertyd 'n eksemplaar van Suid-Afrika se jaarverslag aan die Verenigde Nasies aan die Parlement voorlê; 5
 - (b) kwartaalliks verslag doen aan die Kabinet en 'n komitee van die Parlement wat deur die Parlement bepaal word, oor alle uitvoere van konvensionele krygstuig wat gedurende die voorafgaande kwartaal aangegaan is; en
 - (c) aan die einde van die eerste kwartaal van elke jaar 'n jaarverslag oor alle uitvoere van konvensionele krygstuig wat gedurende die voorafgaande kalenderjaar aangegaan is, aan die Parlement voorlê en aan die publiek vrystel. 10
- (2) (a) Behoudens paragraaf (c) moet die verslae in subartikel (1)(b) bedoel, sodanige inligting bevat as wat voorgeskryf word en moet dit die name bevat van die invoerstate en die tipe, hoeveelheid en waarde van al die betrokke konvensionele krygstuig. 15
- (b) Behoudens paragraaf (c) kan die verslag in artikel (1)(c) bedoel—
- (i) net die land en die tipe konvensionele krygstuig betrokke en die totale waarde per tipe wat vir die jaar na die land uitgevoer is, toon; en
 - (ii) die hoeveelheid konvensionele krygstuig betrokke toon, uitgesonderd as dit ingevalue 'n vertroulikheidsklousule in die verkoopkontrak nie openbaar gemaak mag word nie. 20
- (c) Inligting rakende die tegniese spesifikasies van konvensionele krygstuig kan uit 'n verslag weggelaat word ten einde militêre en handelsgeheime te beskerm.
- (3) Geen persoon mag enige geklassifiseerde dokument of die inhoud daarvan rakende die besigheid van die Komitee openbaar maak nie, uitgesonderd met die toestemming van 'n bevoegde owerheid of soos vereis ingevalue die bepalings van die Wet op Bevordering van Toegang tot Inligting, 2000 (Wet No. 2 van 2000). 25

HOOFSTUK III

ALGEMEEN

30

Misdrywe en strawwe

24. (1) 'n Persoon begaan 'n misdryf indien hy of sy—

- (a) handel dryf in konvensionele krygstuig strydig met artikel 13;
 - (b) versuim om te voldoen aan enige spesifikasie of voorwaarde vermeld in 'n permit wat aan daardie persoon uitgereik is, of dit oortree, of wat versuim om te voldoen aan enige voorwaarde van 'n eindgebruikersertifikaat; 35
 - (c) enige vals inligting verstrek ter voldoening aan 'n versoek ingevalue artikel 22 of weier om enige inligting te verstrek wat ingevalue daardie artikel vereis word;
 - (d) artikel 23(3) oortree; 40
 - (e) enige inspekteur van die Inspektoraat hinder of dwarsboom in die verrigting van enige werksaamheid ingevalue hierdie Wet;
 - (f) willens en wetens enige vals verklaring maak betreffende enige aangeleentheid wat ingevalue hierdie Wet deur 'n bevoegde owerheid gereguleer word; 45
 - (g) voorgee om 'n beampte van 'n bevoegde owerheid of 'n persoon wat deur sodanige bevoegde owerheid gemagtig is, te wees;
 - (h) weier of versuim om te voldoen aan enige wettige versoek of opdrag van 'n bevoegde owerheid ingevalue hierdie Wet;
 - (i) voorgee om 'n permit oor te dra; of 50
 - (j) versuim om 'n belang openbaar te maak soos deur artikel 25 vereis.
- (2) Enige persoon wat skuldig bevind word aan 'n misdryf in subartikel (1) bedoel, is strafbaar—
- (a) in die geval van 'n misdryf in subartikel (1)(a) en (b) bedoel, met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 25 jaar, of met sowel sodanige boete as sodanige gevangenisstraf; 55

- (b) in the case of an offence referred to in subsection (1)(c) and (d), to a fine, or to imprisonment for a period not exceeding 20 years, or to both such fine and imprisonment;
- (c) in the case of an offence referred to in subsection (1)(e) to (j), to a fine, or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

(3) A court convicting any person of an offence referred to in subsection (1)(a), (b) or (c) may, in addition to any other penalty which it may impose, order seizure of any goods, or any other article, or any material or substance in respect of which the offence was committed, and the goods, article, material or substance so seized, must be disposed of as the Secretary either generally or in any particular case may order.

Disclosure of interest

25. (1) If any member of the Committee, a subcommittee or the secretariat, or any inspector of the Inspectorate, has a direct or indirect pecuniary or other interest in any matter which could conflict with the proper performance of his or her duties in terms of this Act, he or she must disclose that interest as soon as practicable after the relevant facts came to his or her knowledge.

(2) (a) If a member of the Committee or a subcommittee contemplated in subsection (1)—

- (i) is present at a meeting of the Committee or the subcommittee at which a matter contemplated in that subsection is to be considered, the member must disclose the nature of his or her interest to the meeting before the matter is considered; or
- (ii) fails to make a disclosure as required by this subsection and is present at a meeting of the Committee or subcommittee, as the case may be, or in any other manner participates in the proceedings, such proceedings in relation to the relevant matter must, as soon as the non-disclosure is discovered, be reviewed and be varied or set aside by the Committee or the subcommittee, as the case may be, without the participation of the member concerned.

(b) A member of the Committee or a subcommittee who is obliged to make a disclosure in terms of this subsection may not be present during any deliberation, or take part in any decision, in relation to the matter in question.

(c) Any disclosure made in terms of this subsection must be noted in the minutes of the relevant meeting of the Committee or subcommittee.

(3) A member of the Committee, a subcommittee or the secretariat, or an inspector of the Inspectorate, who has disclosed a conflict of interest in terms of subsection (1) must be relieved of all duties relating to the matter in question and such duties must be performed by another member of the Committee, subcommittee or secretariat or by another inspector of the Inspectorate, as the case may be, who has no such conflict of interest.

Extraterritorial application of Act

26. (1) Any court of law in the Republic may try any citizen or permanent resident of the Republic or any juristic person incorporated or registered in the Republic for an offence contemplated in section 24, despite the fact that the act or omission to which the charge relates was committed outside the Republic.

(2) Any court of law in the Republic may try a foreign citizen for an offence contemplated in section 24 which is committed within the Republic.

Regulations

27. (1) The Minister may make regulations, with the concurrence of the Committee, regarding—

- (a) the procedure to be followed when applying for any permit in terms of this Act and the disclosure of information relating thereto;
- (b) the conditions under which a permit may be issued and the disclosure of information relating thereto;

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- (b) in die geval van 'n misdryf in subartikel (1)(c) en (d) bedoel, met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 20 jaar, of met sowel sodanige boete as sodanige gevangenisstraf;
- (c) in die geval van 'n misdryf in subartikel (1)(e) tot (j) bedoel, met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 10 jaar, of met sowel sodanige boete as sodanige gevangenisstraf. 5
- (3) 'n Hof wat enige persoon skuldig bevind aan 'n misdryf in subartikel (1)(a), (b) of (c) bedoel, kan, benewens enige ander straf wat hy oplê, gelas dat daar beslag gelê word op enige goedere, of enige ander artikel, of enige materiaal of stof ten opsigte waarvan die misdryf begaan is, en daar moet oor die goedere, artikel, materiaal of stof waarop daar aldus beslag gelê is, beskik word soos wat die Sekretaris in die algemeen of in enige bepaalde geval gelas. 10

Openbaarmaking van belang

25. (1) Indien enige lid van die Komitee, 'n subkomitee of die sekretariaat, of enige inspekteur van die Inspektoraat, 'n regstreekse of onregstreekse geldelike of ander belang by enige aangeleentheid het wat strydig kan wees met die behoorlike verrigting van sy of haar pligte ingevolge hierdie Wet, moet hy of sy daardie belang openbaar maak so gou doenlik nadat die tersaaklike feite onder sy of haar aandag gekom het. 15
- (2) (a) Indien 'n lid van die Komitee of 'n subkomitee in subartikel (1) bedoel—
- (i) teenwoordig is op 'n vergadering van die Komitee of die subkomitee waarop 'n aangeleentheid in daardie subartikel beoog, oorweeg gaan word, moet die lid die aard van sy of haar belang aan die vergadering openbaar maak voordat die aangeleentheid oorweeg word; of 20
- (ii) versuim om te openbaar soos by hierdie subartikel vereis en teenwoordig is op 'n vergadering van die Komitee of subkomitee, na gelang van die geval, of op enige ander wyse aan die verrigtinge deelneem, moet sodanige verrigtinge met betrekking tot die tersaaklike aangeleentheid, sodra die nie-openbaarmaking ontdek word, hersien en gewysig of ter syde gestel word deur die Komitee of die subkomitee, na gelang van die geval, sonder die deelname van die betrokke lid. 25
- (b) 'n Lid van die Komitee of 'n subkomitee wat verplig is om 'n openbaarmaking ingevolge hierdie subartikel te doen, mag nie teenwoordig wees nie tydens enige beraadslaging en mag nie deelneem nie aan enige besluit met betrekking tot die onderhawige aangeleentheid. 30
- (c) Enige openbaarmaking ingevolge hierdie subartikel moet genotuleer word in die notule van die betrokke vergadering van die Komitee of subkomitee. 35
- (3) 'n Lid van die Komitee, 'n subkomitee of die sekretariaat, of 'n inspekteur van die Inspektoraat, wat 'n belangebotsing ingevolge subartikel (1) openbaar gemaak het, moet onthef word van alle pligte rakende die onderhawige aangeleentheid, en sodanige pligte moet verrig word deur 'n ander lid van die Komitee, subkomitee of sekretariaat of deur 'n ander inspekteur van die Inspektoraat, na gelang van die geval, wat geen sodanige belangebotsing het nie. 40

Ekstraterritoriale toepassing van Wet

26. (1) Enige geregshof in die Republiek kan 'n burger of permanente inwoner van die Republiek of enige regspersoon wat in die Republiek ingelyf of geregistreer is, verhoor vir 'n misdryf in artikel 24 bedoel, ondanks die feit dat die handeling of versuim waarop die aanklag betrekking het, buite die Republiek begaan is. 45
- (2) Enige geregshof in die Republiek kan 'n buitelandse burger verhoor vir 'n misdryf in artikel 24 bedoel, wat in die Republiek begaan is.

Regulasies

27. (1) Die Minister kan, met die instemming van die Komitee, regulasies uitvaardig rakende—

- (a) die prosedure wat gevolg moet word om aansoek te doen vir enige permit ingevolge hierdie Wet en die openbaarmaking van inligting in verband daarmee; 50
- (b) die voorwaardes waarop 'n permit uitgereik mag word en die openbaarmaking van inligting in verband daarmee; 55

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- (c) matters which must be contained in an end-user certificate;
- (d) the keeping of records, minutes, registers and financial statements by any person who is the holder of a permit in terms of this Act;
- (e) the format of reports to be furnished to the Minister, the Committee, the Cabinet or Parliament in terms of this Act; 5
- (f) the procedure to be followed in connection with requests for reasons for decisions by a competent authority; and
- (g) any other matter which it may be necessary or expedient to prescribe in order to achieve the objects of this Act or which may or must be prescribed in terms of this Act. 10

(3) A regulation may prescribe a penalty of a fine or of imprisonment for a period not exceeding five years, or both a fine and such imprisonment, for any contravention thereof or any failure to comply therewith.

(4) Any regulation which is likely to result in State expenditure must be made with the concurrence of the Minister of Finance. 15

Repeal and savings

28. (1) Sections 3(2)(IA), 4C, 4D and 4E of the Armaments Development and Production Act, 1968 (Act No. 57 of 1968), are hereby repealed.

(2) Any permit issued in terms of a law repealed by subsection (1)—

- (a) must be regarded as having been issued in terms of section 14 of this Act; and 20
- (b) remains valid until the expiry of that permit or until it is dealt with in terms of this Act.

(3) Any application for a permit, which had been submitted before the date of commencement of this Act in terms of a law repealed by subsection (1), must be finalised in terms of that law. 25

(4) Any notice issued by the Minister in terms of any law repealed by subsection (1), remains in force until repealed or replaced in terms of this Act.

Short title and commencement

29. This Act is called the National Conventional Arms Control Act, 2002, and takes effect on a date determined by the President by proclamation in the *Gazette*. 30

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- (c) aangeleenthede wat in 'n eindgebruikersertifikaat vervat moet word;
 - (d) die hou van rekords, notule, registers en finansiële state deur enige persoon wat die houër van 'n permit ingevolge hierdie Wet is;
 - (e) die formaat van verslae wat ingevolge hierdie Wet aan die Minister, die Komitee, die Kabinet of die Parlement verskaf moet word; 5
 - (f) die prosedure wat gevolg moet word in verband met versoeke vir redes vir besluite deur 'n bevoegde owerheid; en
 - (g) enige ander aangeleenthede wat nodig of dienstig is om voor te skryf ten einde die oogmerke van hierdie Wet te bereik of wat ingevolge hierdie Wet voorgeskryf kan of moet word. 10
- (2) 'n Regulasie kan 'n straf van 'n boete of gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, of sowel 'n boete as sodanige gevangenisstraf, voorskryf vir enige oortreding daarvan of enige versuim om daaraan te voldoen.
- (3) Enige regulasie wat waarskynlik tot Staatsuitgawes sal lei, moet met die instemming van die Minister van Finansies uitgevaardig word. 15

Herroeping en voorbehoudsbepalings

28. (1) Artikels 3(2)(IA), 4C, 4D en 4E van die Wet op Krygstuigontwikkeling en -vervaardiging, 1968 (Wet No. 57 van 1968), word hierby herroep.
- (2) Enige permit wat uitgereik is ingevolge 'n wet wat by subartikel (1) herroep is— 20
- (a) word geag uitgereik te wees ingevolge artikel 14 van hierdie Wet; en
 - (b) bly geldig tot die verstryking van daardie permit of totdat dit ingevolge hierdie Wet hanteer word.
- (3) Enige aansoek vir 'n permit wat ingedien is voor die datum van inwerkingtreding van hierdie Wet ingevolge 'n wet wat by subartikel (1) herroep is, moet ingevolge daardie wet afgehandel word. 25
- (4) Enige kennisgewing wat deur die Minister uitgereik is kragtens enige wet wat by subartikel (1) herroep is, bly van krag totdat dit ingevolge hierdie Wet herroep of vervang word.

Kort titel en inwerkingtreding

29. Hierdie Wet heet die Wet op Nasionale Beheer oor Konvensionele Krygstuig, 2002, en tree in werking op 'n datum wat die President by proklamasie in die *Staatskoerant* bepaal. 30

