

REPUBLIC OF NAMIBIA

PARLIAMENT

**ARMS AND AMMUNITION
AMENDMENT ACT**

EXPLANATORY NOTE:

_____ Words underlined with a solid line indicate insertions in existing provisions.

[] Words in bold type in square brackets indicate omissions from existing provisions.

ACT

To amend the Arms and Ammunition Act, 1996, so as to provide for certain definitions; to provide for competence testing and issuing of competency certificate; to provide for issuing of copy of defaced, lost or stolen licence, permit or document; to prohibit brokering without licence; to provide for issuing of licences to conduct brokering; to provide for registers to be kept, documents to be retained and returns to be rendered by brokers; to provide for inspection of registers of brokers; to prohibit unauthorised repairing, altering and improving of arms; to provide for registration as gunsmith; to provide for issuing of gunsmith certificate; to provide for renewal of gunsmith certificate; to provide for jurisdiction of High Court in respect of offences relating to brokering; to provide for arms free zones; to provide for disposal of arms in case of death, inherited arms and at winding up of business; to provide for the use of arms in theatre and cinema; to provide for conditions in respect of the use, safekeeping and disposal of State owned arms; to provide for prohibited conventional arms and ammunition and devices not regarded as arms; and to provide for incidental matters.

BE IT ENACTED as passed by the Parliament, and assented to by the President, of the Republic of Namibia as follows:

Amendment of section 1 of Act No. 7 of 1996 as amended by section 3 of Act No. 14 of 2005

1. Section 1 of the Arms and Ammunition Act, 1996 (*in this Act referred to as the "principal Act"*) is amended -

(a) by the substitution for the definition of "ammunition" of the following definition:

““ammunition” means [any] the complete round or its components, including cartridge cases, primers, propellant powder, bullets or [percussion cap intended for use in the discharge of an arm] projectiles, that are used in any arm;”;

(b) by the insertion after the definition of "ammunition" of the following definition:

““antique arm” means a black powder arm manufactured before 1 January 1900 or any replica of a black powder arm manufactured before 1 January 1900;”;

- (c) by the substitution for the definition of “arm” of the following definition:

““arm” means any firearm or armament [**other than a cannon or, except for the purposes of Chapter 2 and sections 34, 35, 36, 38(1) and 44(1), other than a machine gun or machine rifle,**] and includes -

- (a) subject to subsections (2) and (3) -
- (i) a gas pistol or revolver;
 - (ii) an air pistol other than a toy pistol;
 - (iii) an alarm pistol or revolver;
 - (iv) a gas rifle or an air rifle of[,] not less than 4.5 mm [177 of an inch] or larger calibre;
 - (v) any portable lethal barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive excluding antique arms and their replicas;
 - (vi) any device manufactured or designed to discharge rimfire, centrefire or pinfire ammunition; and
 - (vii) any device which is not at the time capable of discharging any bullet or projectile, but which can be readily altered to discharge a bullet or projectile;
- (b) any barrel, frame or receiver of an arm; and
- (c) any other instrument declared as an arm under subsection (2);”;

- (d) by the insertion after the definition of “arm” of the following definitions:

““armament” means any device, machine or instrument listed in Part 1 of Schedule 3;

“arms free zone” means any premises declared to be an arms free zone under section 20;

“broker” means a person who conducts brokering;

“brokering,” means acting -

- (a) for a -
- (i) commission; or
 - (ii) advantage or cause, whether pecuniary or otherwise,

to facilitate the transfer, documentation or payment in respect of any transaction relating to the buying or selling of arms, their components or ammunition; or

(b) as intermediary between -

(i) a manufacturer of;

(ii) a supplier of; or

(iii) a dealer in,

arms, their components or ammunition and any buyer or recipient of the arms, their components or ammunition;

“competition” means participation in a sports code referred to in section 1 of the Namibia Sports Act, 2003 (Act No. 12 of 2003);

“deactivated arm” means an arm that has been rendered permanently unfit for use by deactivation ensuring that all essential parts of the arm have been rendered permanently inoperable and incapable of removal, replacement or a modification that will permit the arm to be reactivated in any way”;

(e) by the insertion after the definition of “disqualified person” of the following definition:

““Domestic Violence Act” means the Combating of Domestic Violence Act, 2003 (Act No. 4 of 2003);”;

(f) by the substitution for the definition of “gunsmith” of the following definition:

““gunsmith” means [**any**] a person who carries on the business of -

(a) repairing, altering or improving arms; or

(b) manufacturing rifles as contemplated in section 27(3)”;

(g) by the insertion after the definition of “gunsmith” of the following definitions:

““gunsmith certificate” means a certificate of registration as gunsmith issued under section 28C;

“handgun” means a pistol or revolver which can be held in and discharged with one hand;

“head of official institution”, in relation to -

(a) the Anti-Corruption Commission, means the Director-General of the Anti-Corruption Commission referred to in section 4 of the Anti-Corruption Act, 2003 (Act No. 8 of 2003);

- (b) the Defence Force, means the Chief of the Defence Force contemplated in Article 116(1) of the Namibian Constitution;
- (c) the Police Force, means the Inspector-General;
- (d) the Intelligence Service, means the Director referred to in section 3(b) of the Namibia Central Intelligence Service Act, 1997 (Act No. 10 of 1997); and
- (e) the Correctional Service, means the Commissioner-General of Correctional Service referred to in Article 122(1) of the Namibian Constitution;

“illicit trafficking” means the -

- (a) import into or export from Namibia;
- (b) acquisition or sale in Namibia or elsewhere; or
- (c) delivery or movement in Namibia,

of arms, ammunition and other related materials without the required authority;

“imitation arm” means an object, the appearance of which is indistinguishable from an arm of an existing make or model;”;

- (h) by the substitution for the definition of “Minister” of the following definition:

““Minister” means the Minister responsible for **[policing]** the Police;”;

- (i) by the insertion after the definition of “Minister” of the following definitions:

““official institution” means -

- (a) the Anti-Corruption Commission as established in terms of Article 94A(2) of the Namibian Constitution;
- (b) the Defence Force as established in terms of Article 115 of the Namibian Constitution;
- (c) the Police Force as established in terms of Article 118 of the Namibian Constitution;
- (d) the Intelligence Service as established in terms of Article 120A of the Namibia Constitution; or
- (e) the Correctional Service as established in terms of Article 121 of the Namibian Constitution;

“Police” means the Namibian Police Force established by section 2 of the Police Act, 1990 (Act No. 19 of 1990);”;

- (j) by the insertion after the definition of “possession” of the following definition:

““premises” means land, any building or structure or any vehicle, conveyance, ship, boat or aircraft;”;

“primer” means an explosive substance that ignites when struck to to detonate the power in a cartridge; and

- (k) by the insertion after the definition of “security officer” of the following definitions:

““semi-automatic pistol” means an arm which -

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| <p>(a) may be fired by -</p> <p>(i) activating the trigger or any other firing mechanism;</p> <p>(ii) manual action for every shot; and</p> <p>(iii) not requiring any other manual intervention prior to every shot by the operator such as cocking a bolt;</p> <p>(b) is of a calibre that does not fire a bullet with a muzzle velocity of more than 2000 feet per second;</p> <p>(c) has a barrel not exceeding 200 mm in length; and</p> <p>(d) does not have a shoulder stock permanently affixed to stabilize the arm during firing;”.</p> |
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Insertion of sections 2A and 2B in Act No. 7 of 1996

2. The principal Act is amended by the insertion after section 2 of the following sections:

“Application for competency certificate

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| <p>2A. (1) A person who intends to apply for -</p> <p>(a) a licence in terms of section 3(1) or 15(1), must first obtain a competency certificate to possess an arm, deal in arms or carry on business as a broker, as the case may be;</p> <p>(b) a permit in terms of section 27(1) or 41E(1)(b), must first obtain a competency certificate to manufacture arms or possess ammunition, as the case may be;</p> <p>(c) a certificate in terms of section 28B(1), must first obtain a competency certificate to carry on business as a gunsmith; or</p> <p>(d) an authorisation in terms of section 41F, must first obtain a competency certificate to possess an arm.”.</p> |
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(2) The application for a competency certificate contemplated in subsection (1) must be made to the Inspector-General in the prescribed form and procedure and with the payment of the prescribed fee.

(3) If a person applies for a competency certificate as contemplated in subsection (2), the Inspector-General may only issue the competency certificate if the person meets the requirements under section 2B.

(4) The competency certificate contemplated in subsection (1), is valid for five years and is renewable.

(5) The competency certificate contemplated in subsection (1) must specify -

- (a) whether it relates to competency to -
 - (i) possess an arm;
 - (ii) deal in arms;
 - (iii) manufacture arms;
 - (iv) be a collector of arms; or
 - (v) carry on business as a gunsmith or broker; and
- (b) all the relevant tests successfully completed by the holder of the competency certificate.

Requirements to apply for licence to possess arms or competency certificate

2B. (1) A person may apply in terms of section 3(1) for a licence to possess an arm, or in terms of section 2A for a competency certificate, if that person -

- (a) is a Namibian citizen or a holder of a permanent residence permit in Namibia;
- (b) is 18 years of age or older except for members of the services contemplated in section 1 of the Public Service Act, 1995 (Act No. 13 of 1995);
- (c) is fit to possess an arm;
- (d) does not suffer from or is not alleged to suffer from mental illness as contemplated in section 2 of the Mental Health Act, 1973 (Act No. 18 of 1973);
- (e) is not dependent on any substance which has an intoxicating or narcotic effect;
- (f) has not been convicted of an offence under this Act and sentenced to a period of imprisonment without the option of a fine;

- (g) has not been convicted, whether in or outside Namibia, of an offence involving the unlawful use or handling of an arm by him or her or another participant to the offence, whether committed in or outside Namibia;
 - (h) has not been convicted, whether in or outside Namibia, of an offence involving -
 - (i) violence as an element;
 - (ii) physical or sexual abuse which occurred within a domestic relationship as defined in section 1 of the Domestic Violence Act;
 - (i) has not been convicted of -
 - (i) fraud in relation to; or
 - (ii) supplying of false information for the purposes of, obtaining a competency certificate, licence, permit or authorisation in terms of this Act;
 - (j) has not been convicted, whether in or outside Namibia, of an offence involving the abuse of alcohol and sentenced to a period of imprisonment without the option of a fine;
 - (k) has not been convicted, in or outside Namibia, of any drug related offence and sentenced to a period of imprisonment without the option of a fine;
 - (l) has not been convicted, in or outside Namibia, of an offence involving the negligent or reckless handling of an arm;
 - (m) has not been convicted of an offence in terms of the Explosives Act, 1956 (Act No. 26 of 1956) and sentenced to a period of imprisonment without the option of a fine;
 - (n) has not been convicted, in or outside Namibia, of an offence listed in Schedule 1 of this Act; or
 - (o) has not been declared unfit to possess an arm in terms of this Act.
- (2) An offence referred to in subsection (1) includes any conspiracy, incitement or attempt to commit the offence.”.

Amendment of section 3 of Act No. 7 of 1996

- 3. Section 3 of the principal Act is amended -
 - (a) by the substitution for subsection (1) of the following subsection:

“(1) Subject to section 2B, a person may apply to the Inspector-General, in the prescribed form and procedure and with payment of the prescribed fee, for a licence to possess an arm and the Inspector-General may subject to the provisions of this section, section 7 and section 30(2), issue to the person a licence to possess the arm described in the licence.”;

(b) by the substitution for subsection (7) of the following subsection:

“(7) No person, other than a person referred to in paragraph (l) or (m) of section 42(1), shall in terms of subsection (1) be issued with a licence or licences entitling such person to possess more than four arms, each of a different lawful calibre, or such greater number as the Minister upon application and on good cause shown may approve.”.

Substitution of section 5 of Act No. 7 of 1996

4. The principal Act is amended by the substitution for section 5 of the following section:

“Duration of licence

5. (1) Subject to subsection (2), a licence to possess an arm issued under section 3 is valid for five years from the date that the licence is issued.

(2) The holder of the licence contemplated in subsection (1) who intends to renew the licence must at least 90 days before the date of expiry of the licence apply for the renewal of the licence and pay the prescribed fee for the renewal of the licence.

(3) If the holder of a licence applies for the renewal of the licence as contemplated in subsection (2) the holder of the licence must -

- (a) provide the prescribed information required to accompany the application for the renewal; and
- (b) deliver the application for renewal to the officer designated by the Inspector-General as an arms officer for the area in which the applicant ordinarily resides or in which the business of the applicant is situated.

(4) The Inspector-General may grant an application for renewal of a licence if, at the time of the renewal of the licence, the applicant meets the requirements specified in section 2B.

(5) If the holder of a licence applies for the renewal of the licence as contemplated in subsection (2), the licence for which the application for renewal is made remains valid until the application is considered and the applicant is informed of the outcome of the application.

(6) If the holder of a licence applies for the renewal of the licence after the 90 days referred to in subsection (2), the holder of the licence must -

- (a) surrender the arm in respect of which the licence was issued to a member of the Police who is stationed at a Police station which is situated in the area where the holder of the licence resides, works or carries on business; and
 - (b) pay the prescribed fee for the renewal of the licence.
- (7) Whenever the Inspector-General refuses an application made under subsection (2) or (6), the Inspector-General shall -
- (a) in writing request the applicant to surrender the arm in respect of which the licence renewal was refused and its ammunition to a member of the Police who is stationed at a police station which is situated in the area where the holder of the licence resides, works or carries on business; and
 - (b) after 24 months -
 - (i) sell, in such manner as the Minister may direct, any arm or ammunition referred to in paragraph (a) and the Inspector-General shall pay over the proceeds of the sale, after deduction of the expenses incidental thereto, to the applicant contemplated in that paragraph; or
 - (ii) if the arm could not be sold in accordance with subparagraph (i), pay over an amount equal to the fair market value, after deduction of the said expenses, to the applicant contemplated in paragraph (a), whereafter such arm or ammunition shall become the property of the State.”.

Substitution of section 6 of Act No. 7 of 1996

5. The principal Act is amended by the substitution for section 6 of the following section:

“Issue of copy of defaced, lost or stolen licence, permit or document

6. (1) If a licence, permit, certificate or document issued under this Act is defaced, lost or stolen, the holder of the licence, permit, certificate or document must -

- (a) inform the Inspector-General within 24 hours of the discovery of the deface, loss or theft; and
- (b) apply to the Inspector-General in the prescribed manner for a copy of the licence, permit, certificate or document and pay the prescribed fee.

(2) The Inspector-General may, on application [by any person holding a licence to possess an arm] as contemplated in subsection (1)(b), and on payment of the prescribed fee, issue to [such person] the applicant a copy of such licence, permit, certificate or document if the Inspector-General is satisfied

that such licence, permit, certificate or document has been lost and cannot be found or has become illegible or has been stolen or destroyed.”.

Amendment of section 7 of Act No. 7 of 1996

6. Section 7 of the principal Act is amended by the addition after subsection (2) of the following subsection:

“(3) The Inspector-General may require a person who -

- (a) is a licence holder;
- (b) applies for a licence for an arm; or
- (c) is licenced to import or export any arm,

to present the arm, together with ammunition, to be subjected to a ballistic test or any other tests which the Inspector-General considers necessary.”.

Amendment of section 10 of Act No. 7 of 1996

7. Section 10 of the principal Act is amended -

(a) by the substitution for subsection (1) of the following subsection:

“(1) If a member of the Police is, on the grounds of information contained in a statement made under oath or affirmation, of the opinion that there is a reason to believe that any person is a person -

- (a) against whom a final protection order has been issued in terms of the Domestic Violence Act;
- (b) who has expressed the intention to kill or injure himself or herself or any other person by means of an arm;
- (c) who has failed to take the prescribed steps for the safekeeping of any arm in his or her possession;
- (d) who has provided information required in terms of this Act which is false or misleading;
- (e) who handles an arm in a reckless manner;
- (f) who because of his or her mental condition, inclination to violence or dependence on any substance which has an intoxicating or narcotic effect, shall not possess a arm; or
- (g) contemplated in paragraph (f) and it is in the interest of any person that the person contemplated in paragraph (f) shall not possess an arm,

the member concerned shall forthwith report the matter to the magistrate of the district in which such person is present.”;

- (b) by the addition of the following paragraphs after paragraph (b) of subsection (6):

“(c) an offence of domestic violence involving -

(i) physical abuse as contemplated in paragraph (a); or

(ii) sexual abuse as contemplated in paragraph (b),

of subsection (1) of section 2 of the Domestic Violence Act, is deemed to be declared unfit to possess an arm, unless the court determines otherwise; or

(d) an offence of dealing in drugs as contemplated in section 2 or 3 of the Abuse of Dependence-Producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971), is deemed to be declared unfit to possess an arm, unless the court determines otherwise.”;

- (c) by the substitution for subsection (7) of the following subsection:

“(7) The court shall upon convicting any person referred to in paragraph (a), (c) or (d) of subsection (6) or where the court exercises a discretion as referred to in paragraph (b) of that subsection, bring the provisions of the paragraph concerned to the notice of such person and afford him or her an opportunity to advance reasons and present evidence why he or she should not be declared or deemed to be declared unfit to possess an arm.”.

- (d) by the substitution for subsection (8) of the following subsection:

“(8) A person declared or deemed to be declared unfit to possess an arm in terms of subsection (5) or (6), shall be so unfit for such period of not less than [two] five years as may be fixed by the court concerned.”.

Amendment of heading of Chapter 3 of Act No. 7 of 1996

8. The principal Act is amended by the substitution for the heading of Chapter 3 of the following heading:

“DEALERS AND BROKERS IN ARMS AND AMMUNITION”.

Insertion of section 14A in Act No. 7 of 1996

9. The principal Act is amended by the insertion after section 14 of the following section:

Prohibition of brokering without licence

14A. (1) A person shall not carry on business as a broker in Namibia unless the person is licenced in terms of section 15.

(2) A person shall not carry on business as a broker in Namibia or elsewhere if the brokering to be undertaken by that person may -

- (a) undermine peace and security;
- (b) contribute to the commission or facilitation of a serious violation of international humanitarian law;
- (c) contribute to the commission or facilitation of a serious violation of international human rights law; or
- (d) contribute to the commission or facilitation of an act constituting an offence under international conventions or protocols relating to terrorism to which Namibia is a state party.

(3) A person who contravenes subsection (1) commits an offence and is liable to a fine not exceeding N\$4 000 or to imprisonment not exceeding a period of one year or to both such fine and such imprisonment.

(4) A person who contravenes subsection (2) commits an offence and is liable to a fine not exceeding N\$1 000 000 or to imprisonment not exceeding a period of 20 years or to both such fine and such imprisonment.”.

Jurisdiction of High Court in respect of offences under section 14A

14B. (1) The High Court has jurisdiction in respect of any offence contemplated in section 14A(4) if -

- (a) the person who commits the offence is arrested in Namibia, on board a ship flying the flag of Namibia or an aircraft registered in Namibia; or
- (b) the offence or any part of such offence has been or is committed -
 - (i) within or outside Namibia, on board a ship flying the flag of Namibia or on an aircraft registered in Namibia;
 - (ii) on a fixed platform located on the continental shelf of Namibia or on board a vessel, a ship flying the flag of Namibia or an aircraft which is registered or ought to be registered under the laws of Namibia at the time the offence is committed;
 - (iii) within or outside Namibia, by a national or group of nationals of Namibia or a person ordinarily resident in Namibia;
 - (iv) within or outside Namibia, against a national of Namibia or a person ordinarily resident in Namibia;
 - (v) outside Namibia and during the commission of that act a national of the Namibia is seized, threatened, injured or killed;

- (vi) against Namibia or a Namibian government facility, whether such facility is a temporary or permanent facility, and includes an embassy or other diplomatic or consular premises or any other property of Namibia;
 - (vii) by a stateless person or refugee who has his or her habitual residence in Namibia; or
 - (viii) on board an aircraft which is operated by any carrier registered in Namibia;
- (c) Namibia has received an extradition request from a requesting State seeking the surrender of a fugitive located in Namibia in respect of any conduct that would amount to an offence under section 14A(4) who for any reason cannot be extradited to such requesting State, or if there is no extradition request made by any State and the fugitive is located in Namibia; or
- (d) the evidence reveals any other basis recognised by law.
- (2) If a person commits an offence contemplated in section 14A(4) in a State outside Namibia, the offence committed is deemed to have been committed in Namibia -
- (a) at the place where the person is ordinarily resident; or
 - (b) at the principal place of business of the person,
- for the purpose of determining the jurisdiction of the court.
- (3) Where a person is charged with conspiracy or incitement to commit an offence contemplated in section 14A(4) or as an accessory after that offence, the offence is deemed to have been committed not only at the place where the act was committed, but also at every place where the conspirator, inciter or accessory acted or in case of an omission, should have acted.
- (4) Whenever the Inspector-General receives information from an appropriate Government body of a foreign State that a person who is in Namibia is alleged to have committed, or is convicted of, or is sentenced in respect of, any offence contemplated in section 14A(4), the Inspector-General must cause such measures to be taken as he or she may consider necessary to investigate the matter.”.

Substitution of section 15 of Act No. 7 of 1996

10. The principal Act is amended by the substitution for section 15 of the following section:

“Licences to deal in arms and ammunition and conduct brokering

15. (1) On application in the prescribed manner and payment of the prescribed application fee by any person who intends to be an arms dealer or a broker, the Inspector-General may, on payment of the prescribed licence

fee, but subject to the directions of the Minister and to section 19 issue to such person a licence to -

- (a) deal in arms and ammunition on the premises specified in the licence, subject to such conditions as may be so specified, or, as the case may be, a licence to deal in ammunition on the premises and subject to the conditions so specified; or
- (b) be a broker, subject to such conditions as may be so specified.

(2) Any [**dealer's**] licence contemplated in subsection (1) shall expire [**three**] five years after the date on which it was issued, unless the holder of such licence has before the date of expiry, made the prescribed application in the prescribed manner and upon payment of the prescribed fee, for the renewal of the licence and such application has been granted.

(3) In the case of a partnership -

- (a) a dealer's licence shall be issued to the partners jointly and shall state the name under which they trade; and
- (b) a licence to conduct brokering shall not be issued.

(4) A [**dealer's**] licence -

- (a) contemplated in subsection (1)(a) shall, subject to the provisions of section 17(2)(a), cease to be a valid licence as soon as the holder or a joint holder of the licence becomes a disqualified person; and
- (b) contemplated in subsection (1)(b) shall cease to be a valid licence as soon as the holder of the licence becomes a disqualified person.

(5) No disqualified person shall be appointed as managing director or manager of a company or other juristic person to whom a [**dealer's**] licence contemplated in subsection (1) has been issued.

(6) A person may apply for a licence contemplated in subsection (1)(b), only if the person is incorporated as a juristic person under the Companies Act, 2004 (Act No. 28 of 2004) or the Close Corporations Act, 1988 (Act No. 25 of 1988) for the purpose of carrying on business as a broker.

Substitution of section 20 of Act No. 7 of 1996

11. The principal Act is amended by the substitution for section 20 of the following section:

“Registers to be kept, documents to be retained and returns to be rendered by licensed dealers and brokers

20. (1) Every licensed -

- (a) dealer shall keep at the premises mentioned in his or her dealer's licence, such registers containing such particulars relating to such arms or ammunition acquired or disposed of by him or her

in the course of his or her business or relating to any licence or permit to be produced to him or her in prescribed; and

(b) broker shall keep, at his or her principal place of business, registers and any other documents containing particulars relating to brokering conducted or to be conducted by him or her as prescribed.

(2) Every licensed -

(a) dealer shall retain for such period as may be prescribed, any signed request and any permit delivered to him or her in terms of section 32(1)(b); and

(b) broker shall retain the registers and documents contemplated in subsection (1)(b) for such period as may be prescribed.

(3) Every licensed dealer or broker shall render such returns relating to his or her business or brokering at such times and to such person as may be prescribed.”.

Substitution of section 21 of Act No. 7 of 1996

12. The principal Act is amended by the substitution for section 21 of the following section:

“Inspection of licensed dealers’ registers and stocks and registers of brokers

21. (1) Any licensed dealer shall at all reasonable times at the request of any member of the Police produce for inspection by such member, any register kept or document retained by such dealer in terms of section 20 and any arms and ammunition [he or she] such dealer may have in stock.

(2) Any licensed broker shall at all reasonable times at the request of any member of the Police produce for inspection by such member, any register kept or document retained by such broker in terms of section 20.”.

Insertion of Chapter 5A in Act No. 7 of 1996

13. The principal Act is amended by the insertion after Chapter 5 of the following Chapter:

“CHAPTER 5A

GUNSMITHS

Prohibition of unauthorised repairing, altering and improving of arms

28A. (1) A person shall not repair, alter or improve an arm unless the person is a holder of a certificate of registration as gunsmith issued under section 28C(1).

(2) Subsection (1) does not apply to the repair, altering or improvement to State owned arms by a competent person in the service of an official institution.

(3) A person who contravenes subsection (1) commits an offence and is liable to a fine not exceeding N\$4 000 or to imprisonment not exceeding a period of one year or to both such fine and such imprisonment.

Application for registration as gunsmith

28B. (1) A person who intends to be registered as gunsmith must apply to the Inspector-General for a gunsmith certificate in the prescribed form and manner.

- (2) The certificate contemplated in subsection (1) -
- (a) is issued to a person who is fit to repair, alter or improve arms; and
 - (b) specifies the person and premises in respect of which the certificate is issued and the terms, conditions, restrictions or directions as may be determined by the Inspector-General.

Issuing of gunsmith certificate

28C. (1) If a person applies as contemplated in section 28B(1) and pays the prescribed application fee, the Inspector-General may issue a gunsmith certificate to the person to repair, alter or improve arms on the premises specified in the certificate.

(2) A gunsmith certificate is valid for three years from the date of issue.

(3) The holder of a gunsmith certificate may, before the date of expiry of the certificate, apply for the renewal of the certificate as contemplated in section 28F.

(4) A gunsmith certificate ceases to be valid as soon as the holder of the certificate, a joint holder in the case of a partnership or the manager in the case of a corporate body, is disqualified as contemplated in section 28G(2).

(5) A person who does not meet the requirements for registration as gunsmith under section 28B shall not be appointed as a managing director or manager of a company or other juristic person to whom a gunsmith certificate has been issued.

(6) The Inspector-General, by notice in writing to the holder of a gunsmith certificate issued under subsection (1), may -

- (a) vary the terms, conditions, restrictions or directions specified in the certificate; or
- (b) suspend, cancel or endorse the certificate,

on any valid reason after having given the holder of the certificate an opportunity to be heard.

Change of registered premises

28D. (1) If the holder of a gunsmith certificate intends to operate as a gunsmith at premises other than the premises specified in the certificate contemplated in section 28B(1), such holder must apply to the Inspector-General in the prescribed form and manner and must pay the prescribed fee.

(2) On receipt of the application contemplated in subsection (1) the Inspector-General may approve the change of premises subject to the terms, conditions, restrictions or directions that the Inspector-General may determine.

Inspection of gunsmith premises

28E. (1) A member of the Police or other person authorised in writing by the Inspector-General may at any reasonable time enter the gunsmith premises specified in the gunsmith certificate and carry out an inspection as such member or person may consider necessary in order to ascertain whether the terms, conditions, restrictions, directions and requirements of a certificate issued under section 28C have been or are being complied with.

(2) A gunsmith must on request by a member of the Police or person referred to in subsection (1), produce for inspection -

- (a) the arms and ammunition in the possession of the gunsmith;
- (b) the registration certificate of the gunsmith; and
- (c) the prescribed registers.

Renewal of gunsmith certificate

28F. (1) An application for the renewal of a gunsmith certificate must be submitted to the Inspector-General at least 90 days before the expiry of the gunsmith certificate.

(2) The application contemplated in subsection (1) must be accompanied by prescribed information and delivered to the officer designated by the Inspector-General as an arms officer responsible for the area in which the applicant resides or carries on business.

(3) An application for the renewal of a gunsmith certificate may only be considered and approved if the holder of the gunsmith certificate can satisfy the Inspector-General that the holder complies with all the requirements of this Act.

(4) If an application for renewal has been lodged as contemplated in subsection (1), the existing certificate is considered to be valid, even after the expiry of such certificate, until the application has been considered and the applicant is informed of the outcome of such application.

Termination of gunsmith certificate

28G. (1) The gunsmith certificate terminates -

- (a) when the certificate expires as contemplated in section 28C(2);
- (b) if the holder of the certificate surrenders the certificate;
- (c) if the holder of the certificate is declared unfit by a competent court; or
- (d) if cancelled as contemplated in subsection (2).

(2) The Inspector-General may in writing cancel a gunsmith certificate if the holder of the certificate -

- (a) no longer qualifies to hold the certificate; or
- (b) has contravened or failed to comply with any provision of this Act or any conditions specified in the certificate.

(3) The cancellation referred to in subsection (2) may only be made after -

- (a) the certificate holder was given at least 30 days to submit representations as to why the certificate should not be cancelled; and
- (b) any representations were considered.

(4) If a certificate is cancelled the holder of the certificate must dispose of the arms and ammunition in the manner directed by the Inspector-General.

Appeal to Minister

28H. (1) Whenever the Inspector-General -

- (a) has refused an application made in terms of section 28B(1), section 28D(1) or section 28F(1);
- (b) in granting the application contemplated in section 28B(1) or section 28D(1), has imposed any terms, conditions, restrictions or directions; or
- (c) cancels a gunsmith certificate,

the applicant may within 30 days of receipt of such decision appeal to the Minister, in writing, against the refusal of the application, the terms, conditions, restrictions or directions imposed or the cancellation of the gunsmith certificate, by the Inspector-General.

(2) On receipt of the appeal contemplated in subsection (1) the Minister may -

- (a) confirm the -
 - (i) refusal to grant the application;
 - (ii) terms, conditions, restrictions or directions imposed; or
 - (iii) cancellation of the gunsmith certificate,
 by the Inspector-General; or
- (b) direct the Inspector-General to -
 - (i) grant the application;

- (ii) alter the terms, conditions, restrictions, directions in line with the conditions determined by the Minister; or
- (iii) withdraw the cancellation.

Effect of gunsmith certificate

28I. A gunsmith certificate issued under this Chapter does not exempt the holder of the certificate from the obligations to comply with any other law.”

Amendment of section 29 of Act No. 7 of 1996

14. Section 29 of the principal Act is amended by -

(a) the substitution for subsection (1) of the following subsection:

“(1) Subject to subsection (4), no person shall, except on behalf of the State or under the authority of and in accordance with a permit issued by the Minister in his or her discretion, import into Namibia, supply to any other person or have in his or her possession any armament^[,] listed in Part 1 of Schedule 3. **[including -**

- (a) **any cannon, recoilless gun or mortar, rocket launcher, machine gun or machine rifle or any similar armament, or any part including a magazine, frame or body, thereof;**
- (b) **any projectile or rocket intended to be discharged from a cannon, recoilless gun or mortar, or rocket launcher, or any substance intended to propel or to assist in propelling any such projectile or rocket so discharged, or any grenade, bomb or similar missile, or any frame or body or any such projectile rocket, grenade, bomb or missile;**
- (c) **any explosive or incendiary device or any part thereof;**
- (d) **an imitation of any armament referred to in paragraph (b) or (c);**
- (e) **ammunition intended to be fired from a machine gun or machine rifle or any similar armament or ammunition designed or adopted to explode on or immediately before impact.]**

(b) the substitution for subsection (4) of the following subsection:

“(4) The provisions of subsection (1) shall not apply in respect of -

- (a) any gun or part of a gun intended solely for the killing or capture of whales, or any projectile or part of a projectile intended solely to be discharged from such a gun, or any

substance intended solely to propel or assist in propelling such a projectile; or

(b) any device listed in Part 2 of Schedule 3.”.

Amendment of section 30 of Act No. 7 of 1996

15. Section 30 of the principal Act is amended by the addition after subsection (4) of the following subsection:

“(5) The Minister may by notice in the *Gazette* amend Schedule 1 by adding or removing any offence.”.

Substitution of section 33 of Act No. 7 of 1996

16. The principal Act is amended by the substitution for section 33 of the following section:

“Prohibition of importation, supply or possession of ammunition in certain circumstances.

33. (1) Subject to sections 34 and 44, no person shall import, supply or be in possession of any ammunition unless he or she is in lawful possession of an arm capable of firing that ammunition.

(2) Subject to sections 34 and 44, a person shall not possess more than 200 rounds of ammunition for each arm in respect of which the person holds a licence.

(3) An arms licence holder who possesses more than 200 rounds of ammunition at the commencement of this Act must, within 30 days of the commencement, discharge such additional rounds of ammunition at a shooting range approved by the Inspector-General.

(4) A person who intends to possess more than 200 rounds of ammunition for purposes of a competition must obtain special authorisation from the Inspector-General to possess such additional rounds of ammunition.

(5) Notwithstanding subsection (2), the Inspector-General may specially authorise a person in writing to possess more than 200 rounds of ammunition for purposes of a competition, if the person applies for it as contemplated in subsection (4), but shall not exceed 400 rounds of ammunition.

(6) A person who is authorised to possess more than 200 rounds of ammunition as contemplated in subsection (5) must discharge such additional rounds of ammunition during the competition.”.

Insertion of section 33A in Act No. 7 of 1996

17. The principal Act is amended by the insertion after section 33 of the following section:

“Loading or reloading of ammunition

33A. The holder of a licence contemplated in section 33(1) shall not have more than 2400 primers in his or her possession for each arm in respect of which he or she holds a licence.”.

Amendment of section 36 of Act No. 7 of 1996

18. Section 36 of the principal Act is amended -

(a) by the substitution for subsection (3) of the following subsection:

“(3) The provisions of this section shall not apply to any -

(a) security enterprise registered; and

(b) security officer on duty [or person in the employ of a security officer.] who is registered as a security officer,

in terms of section 14 of the Security Enterprises and Security Officers Act, 1998 (Act No. 19 of 1998).”; and

(b) by the addition after subsection (3) of the following subsection:

“(4) A security enterprise or security officer contemplated in subsection (3) must, on request by a member of the Police or any person, provide proof of the registration referred to in that subsection.”.

Amendment of section 38 of Act No. 7 of 1996

19. Section 38 of the principal Act is amended -

(a) by the addition after paragraph (o) of subsection (1) of the following paragraphs:

“(p) carries or has in his or her possession an arm or imitation of an arm, for the purpose of endangering the public peace or for the purpose of committing an offence;

(q) makes or attempts to make use of an arm or imitation arm with intent to resist or prevent the lawful arrest or detention of himself or herself or another person;

(r) while he or she has an arm or an imitation arm with him or her, enters or is in any building or part of the building as a trespasser;

(s) is involved in illicit trafficking of arms and ammunition; or

(t) contravenes or fails to comply with section 5(6)(a), 28A(1), 28G(4), 36(4), 41A(2), 41B(2), 41C, 41D, 41F(1) or (4) or 41G(2)(a) and (6).”;

- (b) by the substitution for subparagraph (iii) of paragraph (b) of subsection (2) of the following subparagraph:
- “(iii) a contravention of section 33, on account of being in possession of more than [**one hundred**] 200 rounds of ammunition intended for firing in an arm contemplated in subparagraph (i);”;
- (c) by the addition after subparagraph (iii) of paragraph (b) of subsection (2) of the following subparagraph:
- “(iv) an offence referred to in subsection (1)(p), (q), (r), (s) or (t),”;
- (d) by the substitution for subparagraph (i) of paragraph (c) of subsection (2) of the following subparagraph:
- “(i) a contravention of or failure to comply with any provision of section 14, 22, 25, 26, 32 [**or**], 33 or 33A (not being a contravention referred to in paragraph (b)(iii) of this subsection);”;
- (e) by the substitution for paragraph (b) of subsection (5) of the following paragraph:
- “(b) if the convicted person is the holder or joint holder of a dealer’s licence or a holder of a licence to conduct brokering, cancel such licence.”.

Insertion of section 41A, 41B, 41C, 41D, 41E, 41F and 41G in Act No. 7 of 1996

20. The principal Act is amended by the insertion after section 41 of the following sections:

“Arms free zones

41A. (1) The Minister may by notice in the *Gazette* declare any premises or categories of premises to be arms free zones, if it is -

- (a) in the public interest; and
- (b) in accordance with the objectives of this Act.

(2) Unless authorised to do so in terms of a notice issued under subsection (1), a person shall not -

- (a) allow an arm or ammunition to be in an arms free zone;
- (b) carry an arm or ammunition in an arms free zone; or
- (c) store an arm or ammunition in an arms free zone.

(3) A member of the Police may, in accordance with section 10(2) -

- (a) search a building or premises in an arms free zone if he or she has a suspicion on reasonable grounds that an arm or ammunition may be present in the building or premises in an arms free zone in contravention of a notice issued under subsection (1);
- (b) search any person present in an arms free zone; and
- (c) seize any arm or ammunition found in the arms free zone in contravention of a notice in terms of subsection (1).

Disposal of arms in case of death

41B. (1) In the case of the death of the holder of an arms licence, permit or authorisation in terms of this Act, the arm, including ammunition, in question may be inherited, sold or delivered to the Police for disposal.

(2) The executor of the estate or next-of-kin of the deceased person who comes into possession of an arm licensed to the deceased must, within 24 hours of the possession, hand over the arm, including the ammunition, at the police station in the area where the executor or next-of-kin is residing or conducting business.

Inherited arms

41C. (1) A person who intends to keep an arm as inheritance from a holder of an arms licence who is deceased, must -

- (a) in writing inform the Inspector-General of such intention within 30 days after the registration of the estate of the deceased person at the Master of the High Court; and
- (b) apply for an appropriate licence, permit or authorisation in terms of this Act after the finalisation of the estate of the deceased person.

(2) If a person does not wish to acquire an arm as inheritance from a holder of an arms licence who is deceased such person must have the arm either sold or delivered to the Police for disposal.

Disposal of arms in case of ceasing to carry on business

41D. (1) If a juristic person which holds a licence, permit or authorisation to possess an arm in terms of this Act ceases to carry on business for any reason, the person in charge of the juristic person must -

- (a) inform the Inspector-General within 30 days of the cessation to carry on business; and
- (b) provide an arms and ammunition inventory to the Inspector-General.

(2) The arms and ammunition in possession of the juristic person contemplated in subsection (1) must be kept in safe custody by the juristic

person and at a place designated by the Inspector-General until the arms and ammunition are disposed of as prescribed.

Arms in possession of museum

41E. (1) If a person applies, on behalf of a museum, to the Inspector-General for -

- (a) an arms licence as contemplated in section 3(1), the Inspector-General may, subject to subsections (2), (3) and (4), grant an arms licence in respect of each arm; and
- (b) an ammunition permit in the prescribed form and procedure and with payment of the prescribed fee for such permit, the Inspector-General may, subject to subsections (2), (3) and (4), grant such permit to the museum.

(2) When an arms licence or ammunition permit contemplated in subsection (1) is in force, the person responsible for the management of the museum and the authorised staff of the museum may without holding a competency certificate possess, purchase or acquire the arms and ammunition specified in the arms licence and ammunition permit for the purpose of exhibition in the museum or keeping on the premises of the museum.

(3) The Inspector-General shall not grant an arms licence or ammunition permit contemplated in subsection (1), unless he or she is satisfied that the arrangements for exhibiting and keeping the arms and ammunition will not endanger the public safety and peace.

(4) An arms licence or an ammunition permit contemplated in subsection (1) is subject to the conditions specified in the arms licence or ammunition permit as the Inspector-General considers necessary for securing the safe custody of the arms and ammunition.

Theatre and cinema

41F. (1) A person in charge of a theatrical performance, a rehearsal of the theatrical performance or the production of a cinematograph film, must apply to the Inspector-General to possess an arm without holding an arms licence if the arm is required for the theatrical performance, rehearsal of the theatrical performance or production of the cinematograph film.

(2) If on receipt of the application contemplated in subsection (1), the Inspector-General is satisfied that the arm required is necessary for the theatrical performance, rehearsal of the theatrical performance or production of the cinematograph film, the Inspector-General may, subject to subsection (4), authorise -

- (a) the person in charge of the theatrical performance, rehearsal of the theatrical performance or production of the cinematograph film; and
- (b) any person selected by the person contemplated in paragraph (a),

to possess the arm without holding an arms licence for the purpose of the theatrical performance, rehearsal of the theatrical performance or production of the cinematograph film.

(3) Notwithstanding subsections (1) and (2), but subject to subsection (4), a person who takes part in -

- (a) a theatrical performance or rehearsal of a theatrical performance may, without holding an arms licence, possess an arm during the theatrical performance or rehearsal of the theatrical performance for the purpose of the theatrical performance or rehearsal of the theatrical performance; and
- (b) the production of a cinematograph film may, without holding an arms licence, possess an arm during the production of the cinematograph film for the purpose of the production of the cinematograph film.

(4) If a person makes an application to possess an arm without a licence for the purposes contemplated in subsection (1), the person must adjust the arm as directed by the Inspector-General to ensure that the arm does not discharge any ammunition or cartridges.

State owned arms

41G. (1) An official institution is subject to such conditions in respect of the use, safekeeping and disposal of arms as prescribed.

(2) A -

- (a) staff member of any office, ministry or agency referred to in the Public Service Act, 1995 (Act No. 13 of 1995), which by law may possess arms and is not an official institution -
 - (i) shall not possess an arm under the control of such office, ministry or agency, without a permit to possess an official arm issued under subsection (3)(a); and
 - (ii) is exempt from the obligation to have the permit contemplated in subparagraph (i) -
 - (aa) while such staff member is performing official duties and is in possession of a written authority to carry, handle, use or keep the arm; or
 - (bb) if such staff member is in possession of a written order, instruction or route form specifying the duty to be performed and the nature and type of arm that such staff member is authorised to carry; and
- (b) person in the service of an official institution -

-
- (i) shall not possess an arm under the control of such official institution without a permit to possess an official arm issued under subsection (3)(b); and
 - (ii) is exempt from the obligation to have the permit contemplated in subparagraph (i) -
 - (aa) while such person is performing official duties and is in possession of a written authority to carry, handle, use or keep the arm; or
 - (bb) if such person is in possession of a written order, instruction or route form specifying the duty to be performed and the nature and type of arm that such person is authorised to carry.
- (3) Subject to subsection (8) -
- (a) an executive director of any office, ministry or agency contemplated in subsection (2)(a), may issue a permit to a staff member of such office, ministry or agency, to possess and use an arm under the control of such executive director; and
 - (b) a head of an official institution may issue a permit to a person in the service of that official institution to possess and use an arm under the control of that head of the official institution.
- (4) A permit issued under subsection (3) must contain prescribed information.
- (5) The -
- (a) executive director contemplated in subsection (3)(a), may -
 - (i) impose conditions on the possession and use of arms and ammunition under the control of such executive director; and
 - (ii) issue instructions relating to the conditions of acquisition, storage, transport, possession, use and disposal of arms and ammunition, to the staff members of the office, ministry or agency which is under the administrative authority of that executive director; and
 - (b) head of an official institution contemplated in subsection (3)(b), may -
 - (i) impose conditions on the possession and use of arms and ammunition under the control of such official institution; and

- (ii) issue instructions relating to the conditions of acquisition, storage, transport, possession, use and disposal of arms and ammunition, to persons in the service of such official institution.

(6) A staff member contemplated in paragraph (a) of subsection (3) or a person contemplated in paragraph (b) of that subsection, must -

- (a) when on duty, carry any handgun under his or her control on his or her person in a holster;
- (b) at the end of each period of his or her duty, return the arm in question to the place of storage designated for such purpose by the office, ministry, agency or the official institution concerned;
- (c) when traveling with an arm, carry the arm on his or her person or in a secure place under his or her direct control; and
- (d) carry the written authority given under subsection (2) or the permit issued under subsection (3), on his or her person when he or she is in possession of the arm.

(7) Notwithstanding subsection (6) -

- (a) an executive director may authorise a staff member contemplated in subsection (3)(a); or
- (b) the head of an official institution may authorise a person contemplated in subsection (3)(b),

to -

- (i) have the arm in his or her possession after working hours;
- (ii) carry the arm on his or her person outside the premises of his or her working place; or
- (iii) keep the arm on his or her person outside the place of residence of such person under such conditions as may be determined by the executive director or head of such official institution.

(8) A permit may only be issued to a staff member contemplated in paragraph (a) of subsection (3) or a person contemplated in paragraph (b) of that subsection, if such staff member or person -

- (a) is a fit and proper person;
- (b) has been issued with a competency certificate in terms of section 2A; and

(c) is in possession of the prescribed storage facility at his or her place of residence if the arm is not returned to his or her place of work after working hours.

(9) Any executive director, head of an official institution, staff member contemplated in paragraph (a) of subsection (3) or person contemplated in paragraph (b) of that subsection, whose arm is lost or stolen, must report the loss or theft of such arm within 24 hours of such loss or theft at the police station for the district in which such loss or theft occurred.

(10) A State owned arm may only be -

(a) disposed of with the authorisation of the Treasury as contemplated in section 18 of the State Finance Act, 1991 (Act No. 31 of 1991); or

(b) destroyed as contemplated in section 37.”.

Amendment of section 42 of Act No. 7 of 1996

21. Section 42 of the principal Act is amended -

(a) by the substitution for subparagraph (i) of paragraph (a) of subsection (1) of the following subparagraph:

“(i) the particulars, procedures or information to be furnished in such application;”;

(b) by the substitution for paragraph (j) of subsection (1) of the following paragraph;

“(j) the storage of arms and ammunition by licensed dealers, manufacturers and registered gunsmiths;”;

(c) by the substitution for subsection (4) of the following subsection:

“(4) Any regulation made under this section may prescribe a fine not exceeding [~~N\$2 000~~] N\$4 000 or imprisonment for a period not exceeding [~~six~~] 12 months as a penalty for the contravention of such regulation or failure to comply therewith, or to both such fine and such imprisonment.”; and

(d) by the addition after subsection (4) of the following subsection:

“(5) Notwithstanding subsection (4), any regulations made under subsection (1) relating to brokering may prescribe a fine not exceeding N\$1 000 000 or imprisonment for a period not exceeding five years or both such fine and such imprisonment.”.

Amendment of section 43 of Act No. 7 of 1996

22. Section 43 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister may, on such conditions as he or she considers appropriate, delegate in writing to the Inspector-General any power conferred upon [**him or her**] the Minister, excluding the powers conferred by sections 1(2), 3(4) and (5), 19, 23(3), 28H and 42.”.

Amendment of section 44 of Act No. 7 of 1996

23. Section 44 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) The provisions of this Act, other than the provisions of Chapter 2, section 41G or section 42, shall not apply to the possession or supply of arms or ammunition by -

- (a) any person on behalf of the State;
- (b) any person in his or her capacity as a person in the service of the State;
and
- (c) any person for the purpose of the Defence Act, [**1957**] 2002 [(**Act 44 of 1957**)] (Act No. 1 of 2002).”.

Substitution of Schedule 1 of Act No. 7 of 1996

24. The principal Act is amended by the substitution for Schedule 1 of the following Schedule:

“SCHEDULE 1

LIST OF CERTAIN OFFENCES
(Section 10(6))

High Treason
Sedition
Subversion
Sabotage
Public Violence
Any offence in terms of the Prevention and Combating of Terrorist and Proliferation Activities Act, 2014 (Act No. 4 of 2014)
Intimidation
Extortion
Murder
Culpable Homicide where a fire-arm or other dangerous weapon was involved
Malicious injury to property
Rape
Assault with intent to do grievous bodily harm
Child Stealing
Kidnapping
Robbery
Theft of game or stock
Breaking or entering any premises, whether under the common law or a statutory provision, with the intent to commit an offence
Any crime or offence in terms of the Domestic Violence Act
Any crime or offence in terms of the Explosives Act, 1956 (Act No. 26 of 1956) in respect of which an accused was sentenced to a period of imprisonment without the option of a fine
Any conspiracy, incitement or attempt to commit any offence referred to in this Schedule.”.

Addition of Schedule 3 to Act No. 7 of 1996

25. The principal Act is amended by the addition after Schedule 2 of the following Schedule:

“SCHEDULE 3

PART 1
LIST OF ARMAMENTS
(Section 29(1))

Light weapons

1. Any -
 - (a) howitzer, cannon, recoilless gun or mortar, anti-tank weapon, rocket launcher or projectile launcher, machine gun or machine rifle, volley gun, incendiary device, anti-aircraft weapon, smooth-bore weapon with a calibre of more than 20 mm (12GA), and signature reduction devices therefor, or any similar armament, or any part including a magazine, frame or body, thereof;

- (b) smoke, gas and pyrotechnic projectors or generators, specially designed or modified for military use;
- (c) weapon sights and weapon sight mounts, specially designed for weapons specified in paragraph (a); and
- (d) mountings and detachable cartridge magazines specially designed for the weapons specified in paragraph (a).

Ammunition and munitions

2. (1) Any projectile or rocket intended to be discharged from a cannon, recoilless gun or mortar, or rocket launcher, or any substance intended to propel or to assist in propelling any such projectile or rocket so discharged, or any grenade, bomb or missile, or any frame or body of any such projectile rocket, grenade, bomb or missile;

(2) A complete device such as a shell, mine, demolition store charged with explosives, propellants, or pyrotechnics, initiating composition or nuclear, biological or chemical material for use in connection with offence, defence, training, or non-operational purposes, including those parts of weapon systems containing explosives, and includes ammunition for any of the armaments specified in this list.

(3) An imitation of any armament referred to in subitem (1) or (2);

(4) Ammunition intended to be fired from a machine gun or machine rifle or any similar armament or ammunition designed or adopted to explode on or immediately before impact.

Battle tanks

3. Tracked or wheeled self-propelled armoured fighting vehicles with high cross-country mobility and a high-level of self-protection, weighing 16.5 metric tons unladen weight, with a high muzzle velocity direct fire main gun of at least 75 mm calibre.

Armoured combat vehicles

4. Tracked, semi-tracked or wheeled self-propelled vehicles, with armoured protection and cross-country capability -

- (a) designed and equipped to transport a squad of four or more infantry; or
- (b) armed with an integral or organic weapon of at least 12.7 x 99 mm calibre or a missile launcher.

Large-calibre artillery systems

5. Howitzers, artillery pieces, combining the characteristics of a gun or a howitzer, mortars or multiple-launch rocket systems, capable of engaging surface targets by delivering primarily indirect fire, with a calibre of 75 mm and above.

Combat aircraft

6. Manned or unmanned, fixed-wing or variable-geometry wing aircraft designed, equipped or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons or other weapons of destruction, including versions of these aircraft which perform specialized electronic warfare, suppression of air defence or reconnaissance missions.

Attack helicopters

7. Manned or unmanned rotary-wing aircraft designed, equipped or modified to engage targets by employing guided or unguided anti-armour, air-to-surface, air-to-subsurface, or air-to-air weapons and equipped with an integrated fire control and aiming system for these weapons, including versions of these aircraft which perform specialized reconnaissance or electronic warfare missions.

Warships

8. Vessels or submarines armed and equipped for military use with a standard displacement of 500 metric tons or above, and those with a standard displacement of less than 500 metric tons, equipped for launching missiles with a range of at least 25 kilometres or torpedoes with similar range.

Missiles and missile launchers

9. Guided or unguided rockets, ballistic or cruise missiles capable of delivering a warhead or weapon of destruction to a range of at least 25 kilometres, and means designed or modified specifically for launching such missiles or rockets, if not covered by categories 4 through 9 above. This sub-category includes remotely piloted vehicles with the characteristics for missiles as defined above but does not include ground-to-air missiles. (b) Man-Portable Air-Defence Systems.

Parts and Components

10. All parts and components integral to the function of all the items listed above.

PART 2
DEVICES NOT REGARDED AS ARMS
(Section 29(4)(b))

11. The following devices are not regarded as arms for the purposes of this Act -

- (a) any explosive powered tool manufactured specifically for use in industrial application, including line throwing guns and impex type building pistols;
- (b) any explosive powered tool manufactured to split rock or concrete by means of discharging an explosive cartridge;
- (c) any industrial tool manufactured for use in the mining and steel industry to remove refractory material;

- (d) any captive bolt gun manufactured for use in an abattoir in the humane killing of animals;
- (e) an antique arm;
- (f) a tranquiliser arm;
- (g) a paintball gun;
- (h) a flare gun or signalling apparatus;
- (i) a deactivated arm;
- (j) a device manufactured to catch wildlife with a net.”

Short title

- 26.** This Act is called the Arms and Ammunition Amendment Act, 2019.
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Certified correct as passed by
PARLIAMENT

.....
Speaker

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Assented to -

.....
President
