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GENERAL NOTICE

NOTICE 158 OF 2008

NOTICE FOR PUBLIC COMMENTS

The South African Police Service is reviewing the present notices issued under the Dangerous Weapons Act, 1968 (Act No. 71 of 1968), with a view to requesting the Minister for Safety and Security to consider the issuing of a consolidated notice reflecting contemporary needs.

The proposed Notice hereunder has been drafted for consultation purposes. An invitation is hereby extended to any person, or private or public institution which may have an interest to comment on the draft notice, within six weeks from the date of publication of this *Gazette*.

The contents of the proposed Notice should not be regarded at this stage as reflecting any official policy or viewpoint and is intended solely for consultation purposes.

Comments may be directed to:

Postal address:

Director J. Slabbert
South African Police Service
Legal Support: Crime Operations
Private Bag X94
PRETORIA
0001

E-mail: westerveldn@saps.org.za

Street address:

Room No. 34
3rd Floor
Presidia Building
255 Pretorius Street
Cr. Paul Kruger and Pretorius Street
PRETORIA

**PROPOSED NOTICE UNDER SECTIONS 2 AND 3 OF THE
DANGEROUS WEAPONS ACT, 1968 (ACT NO. 71 OF 1968)**

GOVERNMENT NOTICE NO.

Date:

1. Whereas I, Charles Nqakula, Minister for Safety and Security is of the opinion that the objects specified in Schedule 1 are dangerous weapons, I hereby -
 - (a) under section 2(2) of the Dangerous Weapons Act, 1968, prohibit any person to be in possession at any time of any object specified in Schedule 1 at any place to which the public generally has access to, including any public road, railway station or premises, or at any demonstration or gathering defined in section 1 of the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993);
 - (b) under section 3(1) of the Dangerous Weapons Act, 1968, prohibit the manufacture, sale or supply of the objects specified in Schedule 1; and
 - (c) under section 2(3) of the Dangerous Weapons Act, 1968, prohibit the possession of any firearm as defined in section 1 of the Firearms Control Act, 2000 (Act No. 60 of 2000), or any replica of a firearm, whether legally possessed and carried in accordance with the Firearms Control Act, 2000, or not, at any gathering or demonstration as defined in section 1 of the Regulation of Gatherings Act, 1993, any political rally or meeting, or at any polling station during an election in terms of the Electoral Act, 1998 (Act No. 73 of 1998);

2. The prohibition in -
 - (a) item 1 (a) shall be subject to the exemptions specified in Schedule 2;
 - (b) item 1 (b) shall be subject to the exemptions specified in Schedule 3;
 - (c) item 1(c) shall be subject to the exemptions specified in Schedule 4.

3. I hereby, under section 2(5) of the Dangerous Weapons Act, 1968, repeal the previous notices issued under section 2 of the said Act, specified in Schedule 5.

Signed at _____ on this _____ day of _____ Two
Thousand and Eight.

C. NQAKULA
MINISTER FOR SAFETY AND SECURITY

SCHEDULE 1
OBJECTS WHICH ARE IN THE OPINION OF THE MINISTER
DANGEROUS WEAPONS

1. Projectile discharging devices which are designed to discharge a projectile by means of compressed gas, compressed air or a spring, electrically or manually and which is likely to cause serious bodily injury if used to commit an assault, including but not limited to BB guns, airsoft guns, bows and arrows, spear-guns, blowpipes and darts, hunting slings, slingshots and catapults.
2. Sword;
3. Bayonet;
4. Baton;
5. Spear or assegai;
6. Panga;
7. Cattle prod;
8. Flick knife;
9. Dagger;
10. Knuckle knife;
11. Trench knife;
12. Throwing blade;
13. Non-metal or ceramic knife;
14. Tonfa;
15. Throwing star;
16. Any knife other than knives mentioned above, the blade of which exceeds 10 centimetres; or
17. Any other article, which is not a firearm, and which is made or modified to be used –
 - (a) to injure or disable a person;
 - (b) to cause a person to fear that someone will be injured or disabled by that use; or
 - (c) for attack or defence in the practice of a martial sport, art or similar discipline.

SCHEDULE 2
EXEMPTIONS IN RESPECT OF THE PROHIBITION
IN ITEM 1(a) OF THIS NOTICE
UNDER SECTION 2(2) OF THE ACT

1. Any conduct for the purposes only of making the objects referred to in Schedule 1 available for one or more of the following purposes:
 - (a) For the purpose of a museum or gallery;
 - (b) for the purposes of theatrical performances and of rehearsals of such performances;
 - (c) for the production of films as referred to in the Films and Publications Act, 1966;
 - (d) for the production of television programmes;
 - (e) for the pursuit of any lawful employment, duty or activity;
 - (f) for the participation in any lawful sport, recreation or entertainment;
 - (g) for the legitimate collection, display or exhibition of weapons; or
 - (h) for the possession for the sale or supply of objects specified in Schedule 1, in accordance with this notice.

2. The possession of any object specified in Schedule 1, by any member of -
 - (a) the South African Police Service as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995);
 - (b) the South African National Defence Force, as defined in section 1 of the Defence Act, 2002 (Act No. 42 of 2002);
 - (c) the Department of Correctional Services, as defined in section 1 of the Correctional Services Act, 1998 Act No. 111 of 1998);
 - (d) any peace officer defined in section 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

- (e) any metropolitan or municipal police officer contemplated in section 64 of the South African Police Service Act, 1995 (Act No. 68 of 1995); or
- (f) a security service provider as defined in the Private Security-Industry Regulation Act, 2001 (Act No. 56 of 2001),

in the performance of his or her duties, of any object determined in Schedule 1.

SCHEDULE 3
EXEMPTIONS IN RESPECT OF THE PROHIBITION
IN ITEM 1(b) OF THIS NOTICE
UNDER SECTION 3(2) OF THE ACT

Under section 3(2) of the Dangerous Weapons Act, 1968, the following exemptions shall be applicable to the prohibition in paragraph 1(2) of this notice:

Any object specified in Schedule 1, may be sold or supplied only from a registered business premises which does not include any open air, street or flea market, on condition that it may be sold only -

- (a) to a person who is older than 18 years;
- (b) to a person who identifies himself or herself by means of a green bar-coded identity document;
- (c) if the transaction is recorded in a register kept for that purpose, reflecting the full names, address and identity number of the buyer and the purpose for which it is bought;
- (d) if the register is kept available for inspection, and inspection thereof by a police officer is allowed at any time during business hours;
- (e) if the transaction is performed face-to-face and not by mail, post or internet order;

SCHEDULE 4
EXEMPTIONS IN RESPECT OF THE PROHIBITION
IN ITEM 1(C) UNDER SECTION 2(3) OF THE ACT

1. An imitation firearm which is brightly coloured in orange or green or a combination thereof, or made of a transparent material; or to which is permanently affixed a blaze orange plug inserted in the barrel thereof, is exempted from the prohibition. Such plug shall be recessed no more than six millimetres from the muzzle-end of the barrel of such imitation firearm.

2. The possession of any object contemplated in item 1(c) by a member of –
 - (a) the South African Police Service as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995);
 - (b) the South African National Defence Force, as defined in section 1 of the Defence Act, 2002 (Act No. 42 of 2002);
 - (c) the Department of Correctional Services, as defined in section 1 of the Correctional Services Act, 1998 Act No. 111 of 1998);
 - (d) any peace officer defined in section 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
 - (e) any metropolitan or municipal police officer contemplated in section 64 of the South African Police Service Act, 1995 (Act No. 68 of 1995); or
 - (f) a security service provider as defined to in the Private Security-Industry Regulation Act, 2001 (Act No. 56 of 2001),

in the performance of his or her duties.

SCHEDULE 5
NOTICES REPEALED

The following notices are repealed under section 2(5) of the Dangerous Weapons Act, 1968:

Notice No.	Government Gazette No.	Date
929	13883	19 March 1992
1487	17413	2 September 1996
1633	17490	1 October 1996
