

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**PROPOSED AMENDMENTS TO
THE DANGEROUS
WEAPONS BILL**

[B 37—2012]

(As agreed to by the Portfolio Committee on Police)

[B 37A—2012]

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AMENDMENTS AGREED TO

DANGEROUS WEAPONS BILL

[B 37—2012]

LONG TITLE

1. On page 2, to omit the long title and to substitute the following:

“To provide for certain prohibitions in respect of the possession of dangerous weapons; to repeal the Dangerous Weapons Acts in operation in the areas of the erstwhile South Africa, Transkei, Bophuthatswana, Venda and Ciskei, as those areas were constituted immediately before 27 April 1994; to amend the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993), and the Firearms Control Act, 2000 (Act No. 60 of 2000); and to provide for matters connected therewith.”.

CLAUSE 1

1. On page 2, from line 5, to omit the definition of “dangerous weapon” and substitute the following:

““dangerous weapon” means any object, other than a firearm, capable of causing death or inflicting serious bodily harm, if it were used for an unlawful purpose.”.

2. On page 2, from line 7, to delete the definitions of “firearm” and “imitation firearm”.

NEW CLAUSE

1. That the following be a new clause:

“Application of Act

2. This Act does not apply to the following activities:

- (a) Possession of dangerous weapons in pursuit of any lawful employment, duty or activity;
- (b) possession of dangerous weapons during the participation in any religious or cultural activities, or lawful sport, recreation, or entertainment; or
- (c) legitimate collection, display or exhibition of weapons.”.

CLAUSE 2

1. On page 2, from line 12, to omit, “, **firearms and replicas or imitation firearms**”
2. On page 2, from line 15, to omit “—(a)”.
3. On page 2, in line 15, to omit “; or”.
4. On page 2, in line 16, to omit paragraph (b).
5. On page 2, in line 18, to omit “, firearm, replica or imitation firearm”.

6. On page 2, in line 18, after “for”, to insert “an”.
7. On page 3, in line 3, after “the”, to insert “object as a”.
8. On page 3, from line 3, to omit “, firearm, replica or imitation firearm”.
9. On page 3, in line 7, to omit “general”.
10. On page 3, in line 7, after “or”, to insert “the display of”.
11. On page 3, in line 9, to omit “dangerous weapon” and to substitute, “object”.
12. On page 3, from line 9, to omit “, firearm, replica or imitation firearm”.
13. On page 3, in line 11, to omit “dangerous weapon” and to substitute, “object”.
14. On page 3, from line 11, to omit “, firearm, replica or imitation firearm”.
15. On page 3, in line 13, after “crime”, to insert “or any other criminal”.
16. On page 3, from line 14, to omit paragraph (e) and to substitute the following:

“(e) any other relevant factors, including any explanation the person may wish to provide for his or her possession of the object: Provided that this paragraph shall not be interpreted as an obligation on the person to explain his or her possession of the object.”.

CLAUSE 4

1. On page 3, in line 25, to omit “participants” and to substitute “partici-
pant”.
2. On page 3, from line 33, to omit “2012, or any other object that is likely to cause injury to a person or damage to property,” and to substitute “2013”.
3. On page 3, from line 34, to omit:

“, unless the responsible officer has approved under specific conditions the possession of any article mentioned in paragraphs (a) and (b) during a gathering or demonstration, for cultural or religious purposes or historical enactments”.
4. On page 3, in line 40, to omit “and”.
5. On page 3, after line 40, to insert the following:
 - (b) by the addition in section 12(1) of the following paragraph:

“(k) who is in possession of or carrying any object referred to in section 8(4) in contravention of that section,”;
 - (c) by the substitution in section 12(1) for the words following paragraph (j) of the following words:

“shall be guilty of an offence and on conviction liable—

 - (i) in the case of a contravention referred to in paragraph (a) to (j), to a fine or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment; and
 - (ii) in the case of a contravention referred to in paragraph (k), to a fine or to imprisonment for a period not exceeding three years.”; and

6. On page 3, in line 44, to omit “2012”, and to substitute “2013”.

NEW CLAUSE

1. That the following be a new clause:

Amendment of section 120 of Firearms Control Act, 2000

6. Section 120 of the Firearms Control Act, 2000 (Act No. 60 of 2000), is hereby amended—

- (a) by the substitution in subsection (10) for paragraph (b) of the following paragraph:

“(b) be in possession of any firearm, airgun, deactivated firearm, muzzle loading firearm, or imitation firearm [or ammunition], with intent to commit an offence or to use the firearm, airgun, deactivated firearm, muzzle loading firearm, or [an] imitation firearm to resist arrest or prevent the arrest of another person.”; and

- (b) by the insertion of the following subsections after subsection (10):

“(10A) In determining whether a person intends to use the firearm, airgun, deactivated firearm, muzzle loading firearm or imitation firearm to commit an offence, all relevant factors, including, but not limited to, the following must be taken into account:

- (a) The place and time where the person is found;
- (b) the behavior of the person, including the making of any threat or the display of intimidatory behavior;
- (c) the manner in which the firearm, airgun, deactivated firearm, muzzle loading firearm or imitation firearm is carried or displayed;
- (d) whether the possession of the firearm, airgun, deactivated firearm, muzzle loading firearm or imitation firearm was within the context of drug dealing, gang association, organised crime or any other criminal activity; or
- (e) any other relevant factors, including any explanation the person may wish to provide for his or her possession of the firearm, airgun, deactivated firearm, muzzle loading firearm or imitation firearm: Provided that this paragraph shall not be interpreted as an obligation on the person to explain his or her possession of the firearm, airgun, deactivated firearm, muzzle loading firearm or imitation firearm.

(10B) The provisions of subsection (10)(b) do not apply to the following activities:

- (a) The pursuit of any lawful employment, duty or activity;
- (b) the participation in any cultural or religious activities, or lawful sport, recreation, or entertainment; or
- (c) the legitimate collection, display or exhibition of a firearm, airgun, deactivated firearm, muzzle loading firearm or imitation firearm.”.

CLAUSE 5

1. On page 3, in line 46, to omit “2012” and to substitute “2013”.