

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO

NATIONAL CONVENTIONAL
ARMS CONTROL AMENDMENT
BILL**

[B 45—2008]

*(As agreed to by the Portfolio Committee on Defence
(National Assembly))*

[B 45A—2008]

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AMENDMENTS AGREED TO

NATIONAL CONVENTIONAL ARMS CONTROL AMENDMENT BILL [B 45—2008]

CLAUSE 1

1. On page 3, in line 28, after “transfer” to insert “of ownership”.
2. On page 4, from line 9, to omit paragraph (*r*).

CLAUSE 3

1. On page 5, in line 6, after “[conventional arms]” to insert “and possession of”.
2. On page 5, in line 8, after “assistance” to insert “or services”.
3. On page 5, in line 29, after “[conventional arms]” to insert “and possession of”.
4. On page 5, in line 36, after “[conventional arms]” to insert “and possession of”.
5. On page 5, in line 39, after “[conventional arms]” to insert “and possession of”.
6. On page 5, in line 42, after “[conventional arms]” to insert “and possession of”.

CLAUSE 5

1. Clause rejected.

CLAUSE 6

1. Clause rejected.

CLAUSE 7

1. On page 6, in line 50, after “[conventional arms]” to insert “and possession of”.
2. On page 7, after line 5, to add the following subsection:

“(7) In the exercise of powers vested in an inspector in terms of this section, the inspector may call upon a police officer to assist with the execution of that power.”

CLAUSE 8

1. Clause rejected.

CLAUSE 9

1. On page 7, in line 31, to omit “financial records” and to substitute “affairs”.

CLAUSE 10

1. On page 7, from line 37, to omit “(a) and (b) or render services referred to in section 27(3)(d)”.
2. On page 8, in line 10, to omit “1956 (Act No. 26 of 1956)” and to substitute “2003 (Act No. 15 of 2003)”.
3. On page 8, in line 34, after “13(2)” to insert “of”.
4. On page 8, after line 54, to insert the following subparagraph:

“(g) in the case of maintenance, repair, or upgrade of controlled items—
 (i) possession is permitted if such possession is only for the purposes of maintenance, repair or upgrade of controlled items belonging to a duly registered person as contemplated in section 13;
 (ii) such possession as referred to in subparagraph (i) is limited to the following conditions:
 (aa) maintenance, repair or upgrade must be carried out within a reasonable time; and
 (bb) while the controlled items are in possession of the person carrying out the maintenance, repair or upgrade, such person may not use such controlled items for any purpose other than for testing.”

CLAUSE 17

1. On page 11, in line 11, to omit “**Reports by Committee**” and to substitute “**Disclosure and non-disclosure of information**”.
2. On page 11, in line 16, to omit “and”.
3. On page 11, in line 19, to omit “.” and to substitute “; and”.
4. On page 11, after line 19, to insert the following paragraph:

“(c) report to Cabinet and Parliament on all transfers of controlled items concluded during the preceding quarter.”

5. On page 11, in line 20, to omit subsection (2) and to substitute with the following subsection:

“(2) A copy of the report contemplated in subsection (1)(a) must be tabled in Parliament before it is submitted to the United Nations.”
6. On page 11, in line 23, to omit “exports” and to substitute “transfers”.
7. On page 11, in line 26, to omit the first “and” and to substitute “,”.
8. On page 11, in line 26, after “type” to insert “and description”.

9. On page 11, after line 31, to insert the following subsection:

“(4) In the case of information contemplated in subsection (3)(b)(ii), the Committee must submit such information to Parliament on a confidential basis.”

10. On page 11, in line 36, after “Committee” to omit “, the Scrutiny Committee or a subcommittee”.
11. On page 11, after line 42, to add the following subsection:

“(7) For the purposes of this section “transfers” include the following:
(a) registration;
(b) marketing;
(c) contracting;
(d) export;
(e) import; or
(f) conveyance.”

CLAUSE 18

1. On page 11, after line 48, to insert the following paragraph:

“(b) by the substitution in subsection (1) for paragraph (d) of the following paragraph:
(d) contravenes section 23[(3)]6;”.

2. On page 11, from line 50, to omit subsection (3) and to substitute the following subsection:

“(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 such 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].”

CLAUSE 21

1. On page 13, in line 44, to omit “conditions and terms” and substitute “terms and conditions”.

LONG TITLE

1. On page 2, in the fifth line, to omit **“to establish the Scrutiny Committee;”**.