

Namibia

Arms and Ammunition Act, 1996

Act 7 of 1996

Legislation as at 28 December 2005

FRBR URI: /akn/na/act/1996/7/eng@2005-12-28

There may have been updates since this file was created.

PDF created on 2 May 2024 at 15:32.

Collection last checked for updates: 26 April 2024.

[Check for updates](#)



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.laws.africa
info@laws.africa

There is no copyright on the legislative content of this document.
This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Arms and Ammunition Act, 1996

Contents

1. Definitions	1
Chapter 1 – LICENCES TO POSSESS ARMS	3
2. Prohibition of possession of arms without licence	3
3. General provisions relating to applications for licences to possess arms and the issuing of such licences	3
4. Special provisions relating to possession of arms, ammunition and armaments	4
5. Duration of licence	4
6. Issue of copy of licence	5
7. No arm without identification marks to be licensed	5
8. Possession of arms with consent of licence holder permitted in certain circumstances	5
9. Production of arm and licence, permission, permit or authority	5
Chapter 2 – DECLARATION OF UNFITNESS	6
10. Declaration of persons to be unfit to possess arms	6
11. Effect of declaration of unfitness	7
12. Disposal of arms in possession of or taken from person dealt with under section 10	7
13. Proof of declaration of unfitness	8
Chapter 3 – DEALERS IN ARMS AND AMMUNITION	8
14. Prohibition of dealing in arms and ammunition without licence	8
15. Licences to deal in arms and ammunition	9
16. Temporary licences to exhibit and to deal in arms and ammunition	9
17. Transfer of dealer's licence	9
18. Change of licensed premises	10
19. Appeal to Minister	10
20. Registers to be kept, documents to be retained and returns to be rendered by licensed dealers	10
21. Inspection or licensed dealers' registers and stocks	10
Chapter 4 – IMPORTATION AND EXPORTATION OF ARMS AND AMMUNITION	10
22. Prohibition of importation or exportation of arms and ammunition without permit	10
23. Issue of permit for importation or exportation of arms or ammunition	10
24. Certain import permits temporarily deemed to be licences to possess arms	11
Chapter 5 – MANUFACTURE OF ARMS AND AMMUNITION	11
25. Prohibition of unauthorized manufacture of arms	11
26. Prohibition of unauthorized manufacture of ammunition	11
27. Issue of permits for manufacture of arms or ammunition	11
28. Inspection of arms or ammunition factories	12
Chapter 6 – MISCELLANEOUS PROVISIONS	12

29. Prohibition of unauthorized importation, supply or possession of certain firearms or classes of articles	12
30. Powers which Minister may exercise in the interests of public safety or the maintenance of law and order or in order to prohibit or restrict Importation or possession of certain articles	13
31. Exemption from certain provisions of laws relating to explosives	13
32. Prohibition of unauthorized supply of arms or ammunition	13
33. Prohibition of possession of ammunition in certain circumstances	14
34. Possession of arms or ammunition by juveniles	14
35. Loss of arms to be reported to Police	14
36. Requirements as to arms in public places	15
37. Destruction of arms	15
38. Offences and penalties	15
39. Presumptions	17
40. Fingerprints	17
41. Register to be kept by Inspector-General and proof of entries in register	17
42. Regulations	18
43. Delegation	19
44. Savings	19
45. Repeal of laws and transitional provisions	20
46. Short title and commencement	20
Schedule 1	20
Schedule 2	21



Republic of Namibia
Annotated Statutes

Arms and Ammunition Act, 1996
Act 7 of 1996

Published in Government Gazette 1338 on 26 June 1996

Assented to on 11 June 1996

Commenced on 1 April 1998 by Commencement of the Arms and Ammunition Act, 1996

**[This is the version of this document from 28 December 2005
and includes any amendments published up to 26 April 2024.]**

**[Amended by Combating of Domestic Violence Act, 2003 (Act 4 of 2003) on 17 November 2003]
[Amended by General Law Amendment Act, 2005 (Act 14 of 2005) on 28 December 2005]**

ACT

To provide for control over the possession of arms and ammunition; to regulate the dealing in, importation, exportation and manufacture of, arms and ammunition; and to provide for incidental matters.

BE IT ENACTED by the Parliament of the Republic of Namibia, as follows:-

PRELIMINARY

1. Definitions

- (1) In this Act, unless the context otherwise indicates -

“**ammunition**” means any cartridge or percussion cap intended for use in the discharge of an arm;

“**arm**” means any firearm 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 ,177 of an inch or larger calibre;
- (b) any barrel of an arm;

(c) any other instrument declared as an arm under subsection (2);

“deal”, in relation to arms or ammunition, includes the acceptance of any arm or ammunition as security for the fulfilment of an obligation, if the person accepting the arm or ammunition does so in the course of his or her or his or her employer’s business and the carrying on of business by any person by inducing or attempting to induce any other person other than a licensed dealer to acquire any arm or ammunition from such person or any other person;

“dealer’s licence” means a licence issued under Chapter 3;

“disqualified person” means any person prohibited under section 11 from having an arm in his or her possession;

“gunsmith” means any person who carries on the business of repairing, altering or improving arms;

“Inspector-General” means the Inspector-General of Police as defined in section 1 of the Police Act, 1990 (Act [19 of 1990](#));

“licence to possess an arm” means a licence to possess an arm issued under chapter 1;

“licensed dealer” means any person holding a licence issued under chapter 3;

“machine gun” or **“machine rifle”** includes any firearm capable of delivering a continuous fire for so long as pressure is applied to the trigger thereof, whether or not that firearm was originally designed to function in that manner;

“magistrate” includes an additional or assistant magistrate;

“member of the Police” means a member as defined in section 1 of the said Police Act, 1990;

“Minister” means the Minister responsible for policing;

[definition of “Minister” substituted by Act [14 of 2005](#)]

“possession” includes “custody” and “possess” shall be construed accordingly;

“prescribed” means prescribed by regulations made or deemed to be in force under this Act;

“register” includes a register kept by means of a computer as defined in section 1 of the Computer Evidence Act, 1985 (Act [32 of 1985](#));

“security officer” means any person approved by the Inspector-General for the purposes of this Act, who renders a service to his or her employer or any other person for reward by -

- (a) protecting or safeguarding people or property in the course of his or her employment or making himself or herself or a person in his or her employment available for such protection or safeguarding in accordance with an arrangement concluded with such other person, as the case may be; or
- (b) advising his or her employer or such other person in connection with the protection or safeguarding of people or property;

“supply” includes “to give possession” and used as a noun shall be construed accordingly;

“this Act” includes, except for the purposes of section 38, any regulations made or deemed to be made thereunder.

- (2) The Minister may by notice in the Gazette declare any instrument capable of being used for propelling any substance or article, to be an arm for the purposes of this Act.
- (3) Any notice under subsection (2) may limit the application thereof to such areas or classes of persons or provisions of this Act as may be specified in the notice.

- (4) If at the commencement of any notice under subsection (2), any person is in possession of an instrument which is an arm by virtue of such notice, such person shall for a period of 90 days from the said date be deemed to hold a licence to possess that arm.
- (5) If a licence to possess an arm is not issued to a person referred to in subsection (4) owing to a refusal of his or her application under section 3(1) or the confirmation of an appeal under section 3(4), or owing to failure to pay the prescribed licence fee within 60 days after having been requested to do so by any member of the Police acting on the instructions of the Inspector-General, that person shall forthwith surrender the arm and any ammunition concerned to the Inspector-General who shall deal therewith mutatis mutandis in accordance with section 12(2).

Chapter 1

LICENCES TO POSSESS ARMS

2. Prohibition of possession of arms without licence

Subject to sections 1(4), 3(6), 4, 8, 24, 34(2) and 44, no person shall have any arm in his or her possession unless he or she holds a licence to possess such arm.

3. General provisions relating to applications for licences to possess arms and the issuing of such licences

- (1) On application in the prescribed manner and payment of the prescribed application fee by any person other than a person younger than 18 years or a disqualified person, the Inspector-General may, on payment of the prescribed licence fee, but subject to the provisions of this section and sections 7 and 30(2), issue to such person a licence to possess the arm described in such licence.
- (2) Notwithstanding subsection (1), every person who is the holder of a licence to possess an arm issued under any law repealed by this Act, shall not later than 18 months after the commencement of this Act, or within such extended period as the Minister may determine by notice in the Gazette, apply in the prescribed manner for a licence to possess such arm.
- (3) If any person applying under subsection (2) for a licence to possess an arm satisfies the Inspector-General that he or she is the holder of a licence to possess such arm issued under any law repealed by this Act, and that he or she in fact possess the arm to which such licence relates, the Inspector-General shall, subject to section 7, issue to such person the licence applied for free of charge and such person shall upon receipt of the licence forthwith surrender the licence issued under the repealed law, to the member of the Police in charge of a police station, unless it has been lost, stolen or destroyed.
- (4) Whenever the Inspector-General refuses an application under subsection (1), the applicant may, within 90 days after the date on which the Inspector-General has refused the application, appeal to the Minister, who may confirm the refusal or direct the Inspector-General to issue the licence applied for.
- (5) The Minister may instruct the Inspector-General to refer to him or her for consideration particular applications under this section or all such applications belonging to any category specified by the Minister and may direct the Inspector-General to grant or refuse any application so referred to him or her.
- (6) On payment of the prescribed fee, the Inspector-General may issue an authorization in the prescribed manner to a person who has in terms of subsection (1) applied for a licence to possess an arm, to possess that arm for such period as may be specified in the authorization, and may at any time in the prescribed manner withdraw an authorization so issued.
- (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, or such greater number as the Minister upon application and on good cause shown may approve.

- (8) A licence in terms of subsection (1) and an authorization in terms of subsection (4) shall only be issued to a person if he or she is, or will be, on the date that it is so issued to him or her, in possession of or has access to such strong-room or other place of safety or safe, device, apparatus or instrument for the safe-keeping of an arm as may be prescribed.
- (9) For the purposes of subsections (2) and (3), any reference to a licence to possess an arm shall include a reference to a permit issued under subparagraph (iii) of paragraph (1) of section 44(2) of the Arms and Ammunition Act, 1969 (Act [75 of 1969](#)), before its repeal by section 45 of this Act.

4. Special provisions relating to possession of arms, ammunition and armaments

- (1) The Minister may from time to time by notice in the Gazette provide that any person who is in possession of any arm, ammunition or armament in contravention of the provisions of this Act, shall surrender that arm, ammunition or armament at any place, to any other person, and within a period, mentioned in that notice, in return for which a receipt shall be issued to such first-mentioned person.
- (2) If a licence to possess an arm or a permit to possess an armament surrendered by any person in terms of subsection (1) is issued to such person, the arm or armament and any ammunition surrendered with such arm shall forthwith be returned to such person.
- (3) If -
 - (a) a licence to possess an arm surrendered by any person in terms of subsection (1) is not issued to such person owing to a refusal of his or her application under section 3(1) or the confirmation of an appeal under section 3(4), or owing to failure to pay within 60 days after having been requested to do so by any member of the Police acting on instructions of the Inspector-General, the prescribed licence fee;
 - (b) a permit to possess an armament so surrendered is not issued to such person owing to a refusal of his or her application under section 29(2), or owing to failure to pay within 60 days after having been requested to do so by any such member, the prescribed permit fee,the Inspector-General shall deal with the arm or armament and any ammunition surrendered with such arm, mutatis mutandis in accordance with section 12(2).
- (4) No person who has surrendered any arm, ammunition or armament in terms of subsection (1), shall be prosecuted for a contravention of this Act or any law repealed by this Act, for having had such arm, ammunition or armament in his or her possession prior to its surrender, without having held a licence to possess an arm or a permit to possess an armament or without having been in lawful possession of an arm capable of firing such ammunition or for any offence relating to the loss or theft or destruction of such arm or armament.
- (5) For the purposes of this section, a “permit to possess an armament” means a permit to possess an armament issued under section 29.

5. Duration of licence

Any licence to possess an arm shall remain valid until -

- (a) the possession of the arm is permanently transferred by the holder thereof to any other person;
- (b) the licence ceases to be a valid licence in terms of the provisions of section 11(1);
- (c) the arm is forfeited to the State by order of a competent court or is expropriated in terms of any law.

6. Issue of copy of licence

The Inspector-General may, on application by any person holding a licence to possess an arm and on payment of the prescribed fee, issue to such person a copy of such licence if the Inspector-General is satisfied that such licence has been lost and cannot be found or has become illegible or has been stolen or destroyed.

7. No arm without identification marks to be licensed

- (1) No licence to possess an arm shall be issued unless the arm has the manufacturer's serial number or any other number by which it may be identified, stamped or engraved on the metal of the arm, excluding the barrel in the case of a pistol: Provided that the Inspector-General may, subject to any conditions imposed by him or her, direct that a licence to possess an arm be issued to a person without such serial number or other number stamped or engraved on the arm.
- (2) The Inspector-General may require any person who applies for a licence to possess an arm, to stamp or engrave on the arm in the manner contemplated in subsection (1) in addition to the manufacturer's serial number or any other number referred to in that subsection, such identification number as the Inspector-General may determine.

8. Possession of arms with consent of licence holder permitted in certain circumstances

- (1) Any person other than a person under the age of 18 years or a disqualified person may, with the prior consent of the holder of a licence to possess an arm, whether or not such consent was granted in pursuance of an agreement of lease, and for such period as such holder may permit, have such arm in his or her possession for his or her lawful personal protection or benefit, including the hunting of game, or for the purpose of keeping custody of the arm, without holding any licence, provided -
 - (a)
 - (i) the permission of the licence holder is contained in a statement in writing signed by him or her and setting forth the period for which permission has been granted and particulars sufficient for identifying the arm; and
 - (ii) if such person is not the spouse of such holder and the said period exceeds 21 days, the said statement has been endorsed by a person acting under the authority of the Inspector-General; or
 - (b) such person has the arm in his or her possession in the immediate vicinity of the licence holder or while on any land belonging to or lawfully occupied by the licence holder.
- (2) Any person other than a person under the age of 18 years or a disqualified person may, with the consent of the holder of a licence to possess an arm, and under the authority and subject to the conditions of a permit in writing issued by a person acting under the authority of the Inspector-General, have such arm in his or her possession for any purpose other than a purpose mentioned in subsection (1), including the rendering of services on behalf of another person, without holding a licence.
- (3) Any permit referred to in subsection (2) may be cancelled at any time by any person acting under the authority of the Inspector-General.
- (4) For the purposes of subsection (1), "spouse" includes a person who is, in terms of the traditional laws and customs, a partner in a customary union.

9. Production of arm and licence, permission, permit or authority

- (1) The holder of a licence to possess an arm or of a written permission, authorization or permit shall at the request of a member of the Police produce such licence, permission, authorization or permit and the arm within such reasonable time and to such person and at such reasonable place as such member may specify.

- (2) Any person having an arm in his or her possession shall at all times have in his or her actual possession the licence or other authority to possess the arm and shall produce the licence or other authority immediately at the request of a member of the Police.

Chapter 2 DECLARATION OF UNFITNESS

10. Declaration of persons to be unfit to possess arms

- (1) If a member of the Police is, on the ground of information contained in a statement made under oath or affirmation, of the opinion that there is reason to believe that any person is a person -
- (a) who has threatened or expressed the intention to kill or injure himself or herself or any other person by means of an arm;
 - (b) whose possession of an arm is not in the interest of that person or any other person as a result of his or her mental condition, his or her inclination to violence, whether an arm was used in the violence or not, or his or her dependence on intoxicating liquor or a drug which has a narcotic effect; or
 - (c) who handles an arm in a reckless manner,
- the member concerned shall forthwith report the matter to the magistrate of the district in which such person is.
- (2)
- (a) This subsection, in so far as it provides for a limitation on the fundamental rights contemplated in Subarticle (1) of Article 13 of the Namibian Constitution by authorizing interference with the privacy of any person's home, is enacted upon the authority conferred by that Subarticle.
 - (b) A member of the Police may, if he or she has reason to believe that a person contemplated in subsection (1) has an arm in his or her possession, *mutatis mutandis* in accordance with Chapter 2 of the Criminal Procedure Act, 1977 ([Act 51 of 1977](#)), without prior notice, enter any premises, vehicle or vessel and search and seize any such arm as if such arm were concerned in the commission of an offence.
- (3) The magistrate referred to in subsection (1) or any other magistrate designated by him or her may, on receipt of a report contemplated in that subsection, direct the Inspector-General to -
- (a) serve a notice in writing upon -
 - (i) the person concerned, calling upon such person to appear before that magistrate at such time and date as may be specified in the notice, in order to answer such alleged grounds of unfitness to possess an arm as may be specified in the notice;
 - (ii) any person who made a statement in connection with the matter, also to appear before that magistrate;
 - (b) instruct the member of the Police contemplated in subsection (1), or any other such member acting in his or her stead, to attend the proceedings.
- (4) Any person appearing in pursuance of a notice issued under paragraph (a)(i) of subsection (3) shall be entitled -
- (a) to be represented by a legal practitioner;
 - (b) to cross-examine the person who has been called upon in terms of paragraph (a)(ii) of subsection (3) to appear, under oath or affirmation taken by the magistrate or cause him or her to be so cross-examined through any such legal practitioner, to such extent as the magistrate with a view to a fair and just investigation may allow.

- (5) Upon proof that every notice referred to in paragraph (a) of subsection (3) was duly served upon the person to whom it was addressed, the magistrate may at any time subsequent to the time specified in the notice, whether or not such person complies with the notice, declare the person contemplated in subparagraph (i) of that paragraph to be unfit to possess an arm if the magistrate having regard to -
- (a) any reasons, submissions or evidence advanced under oath by or on behalf of such person; and
 - (b) any other sworn or affirmed information or evidence at his or her disposal,
- is satisfied that such person is a person contemplated in paragraph (a), (b) or (c) of subsection (1).
- (6) Subject to subsection (7), a person who is convicted by a court of -
- (a) a contravention of a provision of this Act relating to the unlawful possession of an arm without the required licence, permit or other authorization, or of section 38(1)(i), (j), (k), (l) or (m), or of any other offence in the commission of which an arm was used (excluding any such conviction following upon the payment of an admission of guilt fine in terms of section 57 of the said Criminal Procedure Act, 1977), is deemed to be declared unfit to possess an arm, unless the court determines otherwise;
 - (b) an offence referred to in Schedule 1 of this Act in the commission of which an arm was not used, may except in the case where such a conviction follows upon the payment of an admission of a guilt fine referred to in paragraph (a), be declared unfit to possess an arm in the discretion of the court concerned.
- (7) The court shall upon convicting any person referred to in paragraph (a) of subsection (6) of 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.
- (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 years as may be fixed by the court concerned.

11. Effect of declaration of unfitness

- (1) All licences, authorizations or permits to possess arms and ammunition referred to in paragraphs (a) and (b) of section 12(1), issued to any person declared under section 10 to be unfit or who is deemed in terms of that section to have been declared unfit to possess an arm, shall cease to be valid as from the date of the declaration concerned.
- (2) Subject to sections 29 and 44, no person declared or deemed to be declared under this Chapter to be unfit to possess an arm, shall have an arm in his or her possession at any time while the declaration is of force.

12. Disposal of arms in possession of or taken from person dealt with under section 10

- (1) Subject to sections 29 and 44, any person shall, as soon as possible after having been informed that he or she has been declared or is deemed to have been declared under this Chapter to be unfit to possess an arm, surrender to the member of the Police in charge of a police station -
- (a) all licences, authorizations or permits to possess arms and ammunition issued to him or her under this Chapter or section 44(4) or any law repealed by this Act;
 - (b) all permits issued to him or her which are deemed under section 24 to be licences to possess arms;
 - (c) all arms in respect of which such licences, authorizations or permits have been issued;

- (d) all ammunition in his or her possession belonging to him or her;
in return for which that member shall issue a receipt to him or her.
- (2) The Inspector-General shall -
 - (a) at the request of a disqualified person and within such period as may be fixed by the Minister, hand over any arm seized under section 10(2) belonging to such person or any arm or ammunition surrendered by him or her in terms of subsection (1) of this section, to the holder of a licence issued under section 3 to possess that arm or to a licensed dealer; or
 - (b) after the expiration of the said period -
 - (i) sell, in such manner as the Minister may direct, any arm or ammunition referred to in paragraph (a), which has not been handed over as aforesaid, and shall pay over the proceeds of the sale, after deduction of the expenses incidental thereto, to the disqualified person; 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 disqualified person, whereafter such arm or ammunition shall become the property of the State.

13. Proof of declaration of unfitness

A certificate purporting to have been signed by the clerk of a magistrate's court or a registrar of the High Court of Namibia, stating that a person mentioned in the certificate has under this Chapter been declared to be unfit to possess an arm on a date for a period so mentioned, shall upon its mere production by any person be prima facie proof of the facts stated in such certificate.

Chapter 3 DEALERS IN ARMS AND AMMUNITION

14. Prohibition of dealing in arms and ammunition without licence

- (1) Subject to subsection (3), no person shall deal in arms or ammunition otherwise than under the authority of a dealer's licence.
- (2) Any such licence shall be in addition to any licence or authority required under any other law.
- (3) The provisions of subsection (1) shall not apply to -
 - (a) the sale of arms or ammunition by an auctioneer on instructions given by a staff member in the Public Service in the execution of his or her duties or given by the executor or administrator in a deceased estate or the trustee in an insolvent estate or the liquidator of a company, for the purpose of administering or winding-up that estate or company;
 - (b) the sale of arms or ammunition by any officer of a court of law in the execution of his or her duties;
 - (c) the sale by any person of arms or ammunition held in stock by any person whose dealer's licence or permit to manufacture arms or ammunition has been cancelled or has ceased to be valid in terms of the provisions of this Act or whose application for renewal of a dealer's licence has been refused, if such sale takes place under the authority of a permit issued by the Minister or a person designated by the Minister and in accordance with such conditions as may be stated in such permit;
 - (d) the sale by an authorized manufacturer to a licensed dealer of arms and ammunition manufactured by such manufacturer;
 - (e) any sale of arms or ammunition contemplated in section 12(2)(b).

15. Licences to deal in arms and ammunition

- (1) On application in the prescribed manner and payment of the prescribed application fee by any person 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 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.
- (2) A dealer's licence shall expire three 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 dealer's licence shall be issued to the partners jointly and shall state the name under which they trade.
- (4) A dealer's licence 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.
- (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 has been issued.

16. Temporary licences to exhibit and to deal in arms and ammunition

On application in the prescribed manner and payment of the prescribed application fee by a licensed dealer, the Inspector-General may, on payment of the prescribed licence fee, issue to such a dealer a temporary licence to exhibit and to deal in arms and ammunition on the premises specified in the temporary licence, and subject to such conditions as may be so specified.

17. Transfer of dealer's licence

- (1) On application in the prescribed manner by a licensed dealer and payment of the prescribed application fee, the Inspector-General may, on payment of the prescribed licence fee, but subject to such conditions as he or she may impose and to section 19, by endorsement of the licence transfer it to any person whom he or she may issue such licence.
- (2) In the case of a dealer's licence issued to persons trading in partnership -
 - (a) the licence shall, if any partner retires from the partnership, becomes a disqualified person or dies, be transferred to the remaining partner or partners jointly by endorsement of the licence by the Inspector-General, on application by the remaining partner or partners and payment of the prescribed transfer fee;
 - (b) the licence may, if a new partner is admitted to the partnership, be transferred to the partners by the Inspector-General, on application by the partners and payment of the prescribed transfer fee,but subject to such conditions as the Inspector-General may impose and to section 19.
- (3) In the event of the death of the holder of a dealer's licence the widow or widower or the executor or administrator of the estate of the deceased or, pending the appointment of an executor, any interim curator appointed to take charge of the estate of the deceased and, in the case of insolvency or assignment of the holder of a dealer's licence, the trustee or assignee of his or her estate and, in the case of a company or other juristic person in liquidation, the liquidator and, in the case where the holder becomes subject to any legal liability, any curator bonis appointed under any order of court, may, in the prescribed manner and on payment of the prescribed application fee, apply for transfer of the licence to the Inspector-General who shall, on payment of the prescribed licence fee, transfer

the licence to the applicant by endorsement thereof, if the applicant is a person to whom he or she may issue such a licence.

18. Change of licensed premises

On application in the prescribed manner by the holder of a licence to deal in arms and ammunition, or of a licence to deal in ammunition, on the premises specified in the licence in question, the Inspector-General may in his or her discretion, but subject to the directions of the Minister and to section 19, endorse such licence without charge, so as to render it valid for other premises instead of the premises so specified, subject to such conditions as the Inspector-General may endorse thereon.

19. Appeal to Minister

Whenever the Inspector-General has refused an application made under this Chapter, or has in granting such application imposed any conditions, the applicant may, within 60 days from the date of such refusal or imposition of conditions, as the case may be, appeal to the Minister, who may confirm the refusal or conditions, or direct the Inspector-General to grant the application subject to such conditions as the Minister may determine.

20. Registers to be kept, documents to be retained and returns to be rendered by licensed dealers

- (1) Every licensed 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 terms of this Act, as may be prescribed.
- (2) Every licensed 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).
- (3) Every licensed dealer shall render such returns relating to his or her business at such times and to such person as may be prescribed.

21. Inspection of licensed dealers' registers and stocks

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 may have in stock.

Chapter 4

IMPORTATION AND EXPORTATION OF ARMS AND AMMUNITION

22. Prohibition of importation or exportation of arms and ammunition without permit

- (1) Subject to the provisions of subsection (2), no person shall, except on behalf of the State, import into or export from Namibia any arms or ammunition, including any arms or ammunition in transit through Namibia to any place outside Namibia, except under the authority of and in accordance with a permit issued under section 23.
- (2) The provisions of subsection (1) shall not apply in respect of the importation of any arm by the holder of a licence issued under this Act to possess that arm or the importation, together with that arm, of ammunition capable of being fired therefrom.

23. Issue of permit for importation or exportation of arms or ammunition

- (1) On application in the prescribed manner and payment of the prescribed application fee by any person, any staff member in the Public Service authorized by the Minister, may, subject to the

directions of the Minister and subsections (2) and (4) of this section and section 30(2), issue to such person a permit to import into or export from Namibia any arm or ammunition specified in the permit, at such time or within such period and subject to conditions as may be so specified.

- (2) Unless the Minister otherwise directs, no such permit shall be issued for the importation of any arm, excluding the barrel of a pistol, which has no manufacturers' serial number or any other number by which it may be identified, stamped or engraved on the metal of the arm.
- (3) Whenever an application made under this section is refused, or has been granted subject to any conditions, the applicant may, within 60 days from the date of such refusal or determination of conditions, as the case may be, appeal against the refusal or conditions to the Minister, who may confirm the refusal or conditions or direct the staff member referred to in subsection (1) to grant the application subject to such conditions as the Minister may determine.

24. Certain import permits temporarily deemed to be licences to possess arms

A permit issued under section 23 for the importation of an arm by any person having such arm in his or her possession on entering Namibia, shall for such period as the staff member contemplated in that section may, in accordance with the directions of the Minister, endorse on the permit, be deemed to be a licence to possess an arm.

Chapter 5 MANUFACTURE OF ARMS AND AMMUNITION

25. Prohibition of unauthorized manufacture of arms

No person shall manufacture arms except -

- (a) in a factory registered under the Factories, Machinery and Building Work Ordinance, 1952 (Ordinance 34 of 1952); and
- (b) under the authority of and in accordance with a permit issued under section 27.

26. Prohibition of unauthorized manufacture of ammunition

- (1) Subject to subsection (2), no person shall manufacture ammunition or any explosive component of ammunition except -
 - (a) in an explosives factory licensed under the Explosives Act, 1956 (Act [26 of 1956](#)); and
 - (b) under the authority of and in accordance with a permit issued under section 27.
- (2) Subsection (1) shall not apply to the loading or reloading of cartridges by the holder of a licence to possess an arm, for use in such arm.

27. Issue of permits for manufacture of arms or ammunition

- (1) On application by any person and payment of the prescribed application fee by any person, the Minister may, on payment of the prescribed permit fee, issue a permit to such person to manufacture arms or ammunition, subject to such terms, conditions, restrictions or directions (including directions as to the keeping of registers or rendering of returns), as may be specified in the permit.
- (2) The Minister may, in his or her discretion, by notice in writing to the holder of a permit issued under subsection (1), vary the terms, conditions, restrictions or directions specified in the permit or cancel such permit.
- (3) Notwithstanding the provisions of this Act, the Minister may, mutatis mutandis in accordance with the provisions of this section, issue a permit to a gunsmith to manufacture rifles for hunting and

sporting purposes, in such limited quantities as the Minister may determine, at any premises which he or she may approve other than a factory referred to in paragraph (a) of section 25.

28. Inspection of arms or ammunition factories

Any member of the Police or other person authorized by the Minister may at all reasonable times enter any arms or ammunition factory or premises contemplated in section 27(3) and carry out such inspection as he or she may consider necessary in order to ascertain whether the requirements of a permit issued under section 27 have been or are being complied with.

Chapter 6 MISCELLANEOUS PROVISIONS

29. Prohibition of unauthorized importation, supply or possession of certain firearms or classes of articles

- (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, 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.
- (2) On application in the prescribed manner and payment of the prescribed application fee by any person, the Minister may, on payment of the prescribed permit fee, but subject to such conditions as the Minister may specify having due cognisance of the purpose for which the permit is required, issue to such person a permit to import, supply or possess any armament referred to in subsection (1).
- (3) The Minister may at any time withdraw a permit issued by him or her under subsection (2) or under the provisions of any Act repealed by section 45.
- (4) The provisions of subsection (1) shall not apply in respect of 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.
- (5) Whenever -
 - (a) any person having in his or her possession any armament under the authority of a permit issued under subsection (1), becomes a disqualified person;
 - (b) such permit is withdrawn under subsection (3),any member of the Police may without warrant seize such armament and the Inspector-General shall deal therewith mutatis mutandis in accordance with section 12(2).

30. Powers which Minister may exercise in the interests of public safety or the maintenance of law and order or in order to prohibit or restrict Importation or possession of certain articles

- (1) The Minister may, whenever he or she considers it to be necessary or expedient in the interests of public safety or the maintenance of law and order -
 - (a) by notice in the Gazette prohibit, regulate or restrict for any period specified in the notice -
 - (i) the supply of all arms or ammunition or arms and ammunition of a class or other than a class so specified, in any area or elsewhere than in any area so specified;
 - (ii) the transportation or removal of any such arms or ammunition from or to any place or area or any place or area other than a place or area so specified;
 - (b) by notice in the Gazette or, in the case of a particular licensed dealer or authorized manufacturer, by notice in writing, direct any particular licensed dealer or authorized manufacturer or all persons or licensed dealers or authorized manufacturers or persons or licensed dealers or authorized manufacturers of a class other than a class specified in the notice, at any place or in any area or elsewhere than at any place or in any area so specified, to surrender in accordance with the directions contained in the notice, for safe-keeping until such time as the Minister may determine, all arms or ammunition or arms or ammunition of a class than a class specified in the notice, which may be in possession of such particular dealer or manufacturer or such persons or dealers or manufacturers.
- (2) Subject to subsection (4), the Minister may by notice in the Gazette, prohibit or restrict the importation into Namibia or the possession or supply of any class of arm or any part thereof, or any class of ammunition, or any article intended for use in connection with any arm, or any article resembling an arm, or any instrument capable of being used for propelling any substance or article, mentioned in the notice.
- (3) The Minister may by notice repeal or amend any notice issued under this section.
- (4) From the day of commencement of this Act, the importation into Namibia or supply of any shotgun that is less than 660 mm in overall length or has a barrel that is less than 457 mm in length, shall be prohibited.

31. Exemption from certain provisions of laws relating to explosives

The prohibition contained in the Explosives Act, 1956 (Act [26 of 1956](#)), against selling or dealing in or the importation of explosives without being in possession of or obtaining any licence, permit or authority, shall not apply to the sale of or dealing in or importation of ammunition in accordance with a dealer's licence or any permit or authority granted under this Act.

32. Prohibition of unauthorized supply of arms or ammunition

- (1) Subject to the provisions of sections 8 and 45, no person shall supply to any other person not being a licensed dealer -
 - (a) any arm, frame, receiver or magazine of an arm, or cylinder of a revolver, unless such other person has produced to the supplier a licence or authorization to possess that arm, or holds a licence to possess an arm with which that frame, receiver, magazine or cylinder can be used;

- (b) any ammunition -
 - (i) unless such other person has produced to the supplier a licence, permit or authorization to possess an arm capable of firing the ammunition supplied, or a permit issued under section 23 to import an arm which is so capable, and -
 - (aa) he or she has delivered to the supplier a request for the supply of the ammunition signed by the holder of the licence, permit or authorization so produced; or
 - (bb) the holder of that licence, permit or authorization has signed the prescribed register opposite the prescribed particulars required to be entered in the said register in connection with the supply;
 - (ii) unless such other person has delivered to the supplier a permit issued under subsection (2) for the acquisition of the ammunition supplied; or
 - (iii) unless the ammunition is a reasonable quantity supplied to such other person by any person permitting him or her in accordance with the provisions of section 8 to be in possession of an arm capable of firing the ammunition supplied.
- (2) Subject to the directions of the Minister, the Inspector-General or any member of the Police acting under his or her authority, may issue free of charge to any staff member in the Public Service who is in possession of an arm by virtue of his or her office, a permit to acquire for such purpose and subject to such conditions as may be specified in the permit, such quantity of ammunition for such arm as may be so specified.

33. Prohibition of possession of ammunition in certain circumstances

Subject to sections 34(2) and 44, no person shall be in possession of any ammunition unless he or she is in lawful possession of an arm capable of firing that ammunition.

34. Possession of arms or ammunition by juveniles

- (1) No person shall permit or enable a person younger than 18 years to be in possession of any arm or ammunition.
- (2) Whenever any such juvenile is in possession of any arm or ammunition, it may be seized by any member of the Police or by any person who has attained the age of 18 years who or whose employer is the owner or lawful occupier of the land on which the juvenile is in possession of the arm or ammunition.
- (3) Any arm or ammunition so seized shall be delivered forthwith to the member of the Police in charge of a police station and shall be forfeited to the State, unless the owner thereof has, within a period of three months from the date it was so delivered, satisfied the Inspector-General that he or she was unable to prevent the juvenile from obtaining possession of the arm or ammunition or that the seizure was contrary to the provisions of this section.
- (4) Whenever the Inspector-General refuses to return an arm or ammunition under subsection (3) to the owner thereof, the owner may, within 90 days after the date on which the Inspector-General has refused, appeal to the Minister, who may confirm the refusal or direct the Inspector-General to return such arm or ammunition to the owner.

35. Loss of arms to be reported to Police

Whenever any arm in the possession of any person is lost, stolen or destroyed, he or she shall within 7 days after having become aware of the loss, theft or destruction of the arm, report such loss, theft or destruction in person or through a person authorized thereto by him or her, to a member of the Police on duty at a police station, and shall, at the request of such member furnish him or her with such particulars

relating to the arm, the place where and the time when it was lost, stolen or destroyed as such member may require.

36. Requirements as to arms in public places

- (1) No person shall in a public place have with him or her any arm, unless -
 - (a) in the case of a pistol or revolver, he or she carries such arm in his or her pocket or in a holster or similar holder designed, manufactured or adapted for the carrying of a pistol or revolver in such a way that it is completely covered by his or her clothing, or carries it in a handbag or attached case, or in a rucksack or similar holder;
 - (b) in the case of any other arm, such arm is carried in a holder designed, manufactured or adapted for the carrying of such arm in such a way that it is completely covered,and in such a manner that he or she at all times has and can exercise effective control over such arm.
- (2) Notwithstanding subsection (1), no person shall in a public place have with him or her any loaded arm.
- (3) The provisions of this section shall not apply to any security officer or person in the employ of a security officer.

37. Destruction of arms

An arm shall only be destroyed with the written consent of the Inspector-General and in the manner he or she may determine.

38. Offences and penalties

- (1) Any person who -
 - (a) forges or utters, knowing it to be forged or makes any unauthorized alteration in any licence, permit, certificate, authority or other document issued under or provided for in this Act;
 - (b) makes any false entry in any register to be kept under section 20 or furnishes any false information in any return to be rendered under that section;
 - (c) obstructs or hinders any person in the performance of any duty under this Act;
 - (d) contravenes or fails to comply with any provision, direction or requirement of any notice issued under this Act;
 - (e) fails to comply with or performs any act contrary to the terms, conditions, restrictions or directions subject to which any licence, permit or authority has been issued or granted to him or her under this Act;
 - (f) for the purpose of obtaining, whether for himself or herself or for any other person, any licence, permit or authority under this Act, makes any statement or representation knowing it to be false or not knowing or believing it to be true;
 - (g) fails to comply with a request made under section 9, 21 or 35;
 - (h) contravenes or fails to comply with any provision of this Act;
 - (i) wilfully points any arm or air rifle which is not an arm at any person;
 - (j) fails to lock away an arm in his or her lawful possession in a strong-room or other place of safety or safe, device, apparatus or instrument for the safe-keeping of an arm referred to in section 3(8) when such arm is not carried on his or her person or is not under his or her direct control;

- (k) while in lawful possession of an arm, loses such arm, or from whom it is stolen owing to that person's failure;
 - (i) to lock the arm away as contemplated in paragraph (j); or
 - (ii) to take reasonable steps to prevent the loss or theft of the arm while the arm was on his or her person or under his or her direct control;
- (l) discharges an arm and thereby negligently kills, injures, endangers the life or limb of another person or damages property of any other person, or who handles an arm in a negligent manner, whether that arm discharges or not;
- (m) handles an arm while he or she is under the influence of liquor or a drug which has a narcotic effect, or supplies an arm to a person whom he or she knows or should reasonably suspect to be under the influence of liquor or a drug which has a narcotic effect;
- (n) adapts a shotgun in such a manner that the arm, as so adapted, has a barrel that is less than 457mm in length or is less than 660mm in overall length;
- (o) other than in the exercise of any power or the performance of any duty granted to or imposed upon him or her under or by virtue of the provisions of any law, or under circumstances where such action is justified under the common law, discharges an arm in or on any public place or on any public road, or any other place or road to which the public or a part thereof has access,

shall be guilty of an offence.

- (2) Subject to the provisions of this section, any person convicted of an offence under this Act shall be liable -

- (a) in the case of a contravention of section 29(1)(a), (b) or (c), to imprisonment for a period of not less than 10 years, but not exceeding 25 years;

[S v Likuwa 1999 NR 151 (HC) strikes out the words "of not less than 10 years, but" from paragraph (a) on constitutional grounds.]

- (b) in the case of -
 - (i) the possession of an arm in contravention of section 2;
 - (ii) a contravention of section 29(1)(d) or (e);
 - (iii) a contravention of section 33, on account of being in possession of more than one hundred rounds of ammunition intended for firing in an arm contemplated in subparagraph (i),

to a fine not exceeding N\$40 000 or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment;

- (c) in the case of -
 - (i) a contravention of or failure to comply with any provision of section 14, 22, 25, 26, 32 or 33 (not being a contravention referred to in paragraph (b)(iii) of this subsection);
 - (ii) a contravention or failure to comply with any provision, direction or requirement of a notice issued under section 30;
 - (iii) an offence referred to in subsection (1)(a), (b), (e), (f), (j) or (k),

to a fine not exceeding N\$12 000 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment, or in the case of a second or subsequent conviction for an offence referred to in this paragraph, to imprisonment for a period not exceeding five years;

- (d) in the case of a contravention of any other provision of this Act, to a fine not exceeding N \$4 000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.
- (3) Notwithstanding anything to the contrary in any law contained, a magistrate's court shall have jurisdiction to impose any penalty provided for in this section.
- (4) Notwithstanding anything to the contrary in any law contained, no person shall on a conviction in terms of subsection (2)(a) be dealt with in accordance with section 297 of the Criminal Procedure Act, 1977 (Act [51 of 1977](#)), if such person was at the time of commission of the offence in question 18 years of age or older.
- (5) The court convicting any person of an offence under this Act may, in addition to any punishment imposed for such offence -
 - (a) declare the convicted person's rights to any article in respect of which the offence has been committed, to be forfeited to the State;
 - (b) if the convicted person is the holder or joint holder of a dealer's licence, cancel such licence.

39. Presumptions

- (1) Whenever in any prosecution for the failure to report the loss, theft or destruction of any arm as required by section 35, it is proved that the accused person was at any time in possession of or is the holder of a licence or authorization to possess the arm alleged to have been lost, stolen or destroyed, it shall be prima facie evidence that -
 - (a) such arm has been lost, stolen or destroyed, if it is proved that he or she failed to produce the arm at the request of a member of the Police;
 - (b) he or she has failed to report the loss, theft or destruction of the arm as so required, if it is proved that such arm has been lost, stolen or destroyed.
- (2) Whenever in any prosecution on account of the loss or theft of an arm in terms of section 38(1)(k) it is proved that the accused person is the holder of an authorization or a licence to possess the arm alleged to have been lost or stolen, it shall be prima facie evidence that -
 - (a) such arm has been lost or stolen, if it is proved that the accused failed to produce the arm at the request of a member of the Police and that he or she was unable to furnish such member with a reasonable explanation as to such failure;
 - (b) the loss or theft is due to -
 - (i) the accused's neglect to lock the arm away as contemplated in paragraph (j) of section 38(1); or
 - (ii) his or her neglect, while the arm was on his or her person or under his or her direct control, to take reasonable steps to prevent the loss or theft thereof.

40. Fingerprints

Any person who, for the first time makes an application in terms of this Act, shall have his or her fingerprints taken in the prescribed manner if the Inspector-General deems it necessary.

41. Register to be kept by Inspector-General and proof of entries in register

- (1) The Inspector-General shall keep a register in which he or she shall cause to be recorded such particulars as may be prescribed or may from time to time be determined by the Minister, in respect of such matters to which this Act applies or relating to the forfeiture or disposal of arms or ammunition under any other law or relating to arms or ammunition in general as may be prescribed or as may be so determined.

- (2) A certificate on the face of it appearing to have been signed by the Inspector-General or any person acting under his or her authority stating any fact recorded in the register referred to in subsection (1), shall for all purposes be prima facie proof of the fact so stated.

42. Regulations

- (1) Subject to subsection (2), the Minister may make regulations relating to -
- (a) the manner in which application shall be made under this Act for any licence or for a copy or transfer thereof or for endorsement of a dealer's licence in the event of change of licensed premises or for any permit, including -
 - (i) the particulars or information to be furnished in the application;
 - (ii) any documents which shall accompany any such application or shall be produced when making any such application;
 - (iii) the production of any arm to which any application relates for the purpose of identification, and the firing of ammunition for identification purposes;
 - (iv) the person to whom an application shall be submitted;
 - (b) the form of the authorization referred to in section 3(5), the period for which an arm may be possessed by virtue of such an authorization and the manner in which such an authorization may be withdrawn;
 - (c) the registers to be kept by licensed dealers, the particulars to be entered in such registers and the period for which licensed dealers shall retain such registers or any documents to be retained in terms of section 20(2);
 - (d) the returns to be rendered by licensed dealers and the times at which and persons to whom such returns shall be rendered;
 - (e) the particulars to be recorded in the register to be kept by the Inspector-General under this Act and the matters in respect of which such particulars shall be recorded;
 - (f) the surrender and disposal of permits, licences, authorizations or certificates of competence issued under this Act which have been cancelled or suspended or have ceased to be valid;
 - (g) the registration of and the payment of an annual registration fee, the keeping of registers and the rendering of returns by gunsmiths and the conditions subject to which they may carry on their trade;
 - (h) the notification of a permanent change in the ordinary place of residence or the postal address of the holder of a licence to possess an arm;
 - (i) the transportation of arms or ammunition;
 - (j) the storage of arms and ammunition by licensed dealers and registered gunsmiths;
 - (k) the acquisition, disposal, possession, importation or exportation of equipment and material designed for the charging or recharging of ammunition;
 - (l) the declaration of persons of categories of persons as security officers, bona fide collectors of arms and ammunition, bona fide sportsmen or bona fide hunters, subject to such terms, conditions, restrictions, directions or exemptions as may be determined, including the particulars or information to be furnished by such persons in an application to possess arms and ammunition, any documents which shall accompany such application, the registration of such persons and the acquisition and disposal of arms or ammunition by such persons;
 - (m) the persons who acquire arms and ammunition by way of inheritance, subject to such terms, conditions, restrictions, directions or exemptions as may be specified;

- (n) the reporting by any person in his or her capacity as executor, administrator, trustee or liquidator of the estate of the former owner of arms and ammunition, of such arms and ammunition;
 - (o) all matters which in terms of this Act are required or permitted to be prescribed, and generally, relating to all matter which the Minister considers it to be necessary or expedient to prescribe for achieving the objects of this Act.
- (2) Any regulation relating to the payment of fees shall be made by the Minister acting in consultation with the Minister of Finance.
 - (3) Different regulations, other than regulations contemplated in subregulation (2), may be made with reference to different areas in Namibia.
 - (4) Any regulation made under this section may prescribe a fine not exceeding N\$2 000 or imprisonment for a period not exceeding six months as a penalty for the contravention of such regulation or failure to comply therewith or both such fine and such imprisonment.

43. Delegation

- (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, excluding the powers conferred by sections 1(2), 3(4) and (5), 19 and 42.
- (2) The Inspector-General may, on such conditions as he or she considers appropriate, delegate to any member of the Police any power conferred upon him or her and, with the approval of the Minister, any power delegated to him or her.
- (3) Any member of the Police contemplated in subsection (2) may, on such conditions as he or she considers appropriate and with the approval of the Inspector-General, delegate to any other member of the Police serving under his or her command any power delegated to him or her.
- (4) The delegation of any power under subsection (1), (2) or (3) shall not divest the Minister or Inspector-General or member of the Police concerned, as the case may be, of the power so delegated and the Minister or Inspector-General or such member, as the case may be, may, subject to the rights of others, amend or set aside anything done by the delegate in the exercise of such a power

44. Savings

- (1) The provisions of this Act, other than the provisions of Chapter 2 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;
 - (c) any person for the purpose of the Defence Act, 1957 (Act [44 of 1957](#)).

[The Defence Act [44 of 1957](#) has been replaced by the Defence Act [1 of 2002](#). Section 2 of Act [1 of 2002](#) provides that the Namibian Defence Force established by section 5 of Act [44 of 1957](#) continues to exist notwithstanding the repeal. Section 94 of Act [1 of 2002](#) provides that any force, auxiliary services or medical service established, or training or service provided for, under any law repealed by Act [1 of 2002](#) is deemed to correspond to the closest equivalent under Act [1 of 2002](#).]

- (2) The provisions of sections 2, 31 and 32 shall not apply to -
 - (a) the possession or supply of any arm or ammunition by any person in his or her capacity as a person in the service of such State-aided body or institution as the Minister may determine from time to time;

- (b) the possession of arms or ammunition by -
 - (i) any person in the ordinary course of his or her business or the business of his or her employer as licensed dealer, authorized manufacturer or gunsmith, carrier or storage contractor;
 - (ii) any person or persons who convey or store arms under the written consent of the Inspector-General and in the manner which he or she may determine;
 - (iii) any person in his or her capacity as executor, administrator, trustee or liquidator of the estate of the former owner thereof;
 - (iv) the seller for the purposes of any sale contemplated in section 14(3);
 - (v) any person under the authority of a permit issued by the Minister
- (c) the supply of arms or ammunition to any person who may by virtue of paragraph (b) have such arms or ammunition in his or her possession.
- (3) Notwithstanding anything to the contrary contained in this Act, it shall be permissible for any person who has attained the age of 21 years who is in lawful possession of an arm, to allow a person under the age of 18 years to use such arm under his or her immediate supervision.
- (4) The provisions of sections 32 and 33 shall not apply to the possession or the supply of ammunition if it is possessed or supplied under a permit issued in the discretion of the Inspector-General and on payment of the prescribed fee.

45. Repeal of laws and transitional provisions

- (1) Subject to the provisions of this section, the laws specified in Schedule 2 are hereby repealed to the extent set out in the third column thereof.
- (2) Subject to the provisions of this Act, anything done under a provision of a law repealed by subsection (1) which could have been done under a corresponding provision of this Act, shall be deemed to have been done under such corresponding provision of this Act.
- (3) The provisions of this Act shall not affect the validity of any licence, authorization, permission or permit to possess an arm lawfully issued or granted under the provisions of a law repealed by subsection (1) to any person younger than 18 years, and any such person shall, for the purpose of the possession of any arm to which such licence, authorization, permission or permit relates, be deemed to be a person who has attained the age of 18 years.

46. Short title and commencement

- (1) This Act shall be called the Arms and Ammunition Act, 1996, and shall come into operation on a date to be determined by the Minister by notice in the Gazette.
- (2) Different dates may be determined under subsection (1) in respect of different provisions of this Act.
- (3) Any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the date determined under subsection (2) in relation to such provision.

Schedule 1

LIST OF CERTAIN OFFENCES

(Section 10(6))

High treason

Subversion

Sabotage

Public violence

Intimidation

Murder

Malicious injury to property

Rape

Assault with intent to do grievous bodily harm

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 conspiracy, incitement or attempt to commit any offence referred to in this Schedule.

A domestic violence offence involving physical abuse as defined in the Combating of Domestic Violence Act, 2003.

[Schedule 1 amended by Act [4 of 2003](#)]

Schedule 2

LAWS REPEALED

(Section 45)

Column 1	Column 2	Column 3
No. and year of law	Title	Extent of repeal
Act 75 of 1969	Arms and Ammunition Act, 1969	The whole
Act 80 of 1971	General Law Amendment Act, 1971	Section 25
Act 35 of 1973	Arms and Ammunition Amendment Act, 1973	The whole
Act 94 of 1974	Second General Law Amendment Act, 1974	Section 48
Act 16 of 1978	Arms and Ammunition Amendment Act, 1978	The whole
Act 7 of 1981	Arms and Ammunition Amendment Act, 1981	The whole
Proclamation AG.15 of 1985	Arms and Ammunition Amendment Proclamation, 1985	The whole
Act 1 of 1988	Arms and Ammunition Amendment Act, 1988	The whole