

Namibia

Arms and Ammunition Act, 1996

## General Regulations, 1998

Government Notice 67 of 1998

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**Part I – PRELIMINARY**

**1. Definitions**

In these regulations a word or expression to which a meaning has been given in the Act shall bear that meaning and unless the context otherwise indicates-

“**collector of arms or ammunition**” means a person who for the purposes of keeping or selling, collects arms or ammunition by reason of the present or future monetary or intrinsic value of the arms or ammunition and who has been declared to be a *bona fide* collector of arms or ammunition in terms of regulation 15;

“**hunter**” means a person who keeps arms or ammunition for the primary purpose of hunting game and who has been declared to be a *bona fide* hunter in terms of regulation 15; and

“**security officer**” means a person who conducts business to provide a security service for the protection or safeguard of people or property and who has been declared a security officer in terms of regulations 15;

“**sportsperson**” means a person who keeps arms or ammunition for the primary purpose of engaging in the sport of shooting and who has been declared to be a *bona fide* sportsperson in terms of regulation 15.

**Part II – LICENCE TO POSSESS ARMS**

**2. Licence**

- (1) A person who in terms of section 3(1) of the Act wishes to apply for a licence shall complete Form Pol 563 and submit it together with a certified copy of the applicant’s identification document to

- a member of the Police who is stationed at a police station which is situated in the area where the applicant resides, works or carries on business.
- (2) Where the application referred to in subregulation (1) is made by a corporate body or an institution Form Pol 563 shall be completed by a person who has been authorised in writing by the body or institution to make the application and the application shall be accompanied by-
    - (a) if the applicant carries on the business of rendering security services, documentary proof that the body or institution renders security services;
    - (b) documentary proof of registration of the body or institution where applicable; and
    - (c) a copy of the document which authorises the person who makes the application to represent the body or institution.
  - (3) If the person who makes an application under this regulation is a person who is referred to in section 3(3) of the Act, he or she shall in addition to complying with subregulation (1) and (2), submit the licence issued under the repealed law together with the arm in relation to which the licence was issued to a member of the Police.
  - (4) If the applicant referred to in this regulation has removed or caused to be removed the barrel of an arm and replaced the barrel with another barrel he or she shall surrender the replaced barrel to a member of the Police at the time he or she makes the application for a licence and the Inspector-General shall deal with the replaced barrel in terms of section 7 of the Act or if requested by the applicant, the Inspector-General shall deal with the barrel in a way which is appropriate in the circumstances.
  - (5) If the applicant referred to in this regulation is a security officer, collector of arms or ammunition, hunter or sportsperson he or she shall submit to a member of the Police a completed Form Pol 563 together with-
    - (a) a certified copy of the applicant's identification document; and
    - (b) a certified copy of the applicant's certificate of registration as a security officer, collector of arms or ammunition, hunter or sportsperson.
  - (6) If the holder of a licence wishes to transfer ownership of the arm to another person, he or she shall submit the licence which was issued for the arm and documentary proof of the transfer of the arm to the other person to a member of the Police who is stationed at a police station which is situated in the area where the transferee resides, works or carries on business.
  - (7) The person to whom an arm is to be transferred as provided for in subregulation (6) shall submit to a member of the Police stationed at the police station where the transferor has submitted the items referred to in subregulation (6)-
    - (a) a certified copy of the person's identification document; and
    - (b) a completed Form Pol 563.
  - (8) On receipt of the items referred to in subregulations (6) and (7), the Inspector-General shall-
    - (a) issue out a new licence to the transferee; and
    - (b) remove the name of the transferor from the Central Arms Register and insert the name of the transferee as the holder of the licence.

### 3. Authorisations

- (1) The authorisation referred to in section 3(6) of the Act shall be issued on Form Pol 561.

- (2) If the Inspector-General decides to withdraw an authorisation as provided for in section 3(6) of the Act he or she shall deliver by hand to the holder of the authorisation or deliver by registered post at the address supplied in Form Pol 563, a written notice which shall-
  - (a) advise the holder of the authorisation about the withdrawal and the reasons; and
  - (b) demand that the holder of the authorisation surrender the arm and the authorisation to a person who is named in the notice.

#### 4. Copies

A person who in terms of section 6 of the Act wishes to apply for a copy of a licence shall complete Form Pol 564 and submit it to a member of the Police who is stationed at a police station which is situated in the area where the applicant resides, works or carries on business.

### Part II – DEALER'S LICENCE

#### 5. Licence

- (1) A person who under section 15 of the Act wishes to apply for a licence to deal in arms and ammunition or to deal in ammunitions only shall complete Form Pol 565 and submit it to a member of the Police who is stationed at a police station which is situated in the area where the premises to be used for dealing are situated.
- (2) An application referred to in subregulation (1) shall, unless the Inspector-General directs to the contrary, be accompanied by-
  - (a) a written description of the premises where the business is to be carried on and the location of the premises in relation to surrounding buildings;
  - (b) a diagrammatic plan which is drawn to scale of the premises and the plan must indicate-
    - (i) the dimensions of each room;
    - (ii) the arrangements of the internal structure including the position of doors, windows, counters, safes or strongrooms; and
    - (iii) external or internal connections to the premises;
  - (c) written proof that the premises are fitted with a burglar alarm which complies with the following requirements:
    - (i) there must be passive infrared movement sensors with a lens for solid curtain coverage installed in such a manner that coverage is provided from the floor to the ceiling of the building;
    - (ii) every movement sensor must be equipped with a tamper-proof device;
    - (iii) the alarm, if activated, must be capable of being restored only by using a key or a code adjustment;
    - (iv) in the case of a power failure the alarm must be capable of functioning independently for a minimum period of 10 hours;
    - (v) the control unit of the alarm must be installed in a safeguarded area or the control unit must be fitted with a tamper-proof device;
    - (vi) the alarm must be connected to an automatic telephone contact unit which must be capable of alerting the licensed dealer or other person who is in charge of the premises in the event that the alarm is activated; and

- (vii) the alarm must be connected to a siren which has a sound frequency of at least 93 decibels and a flashing unit;
- (d) proof that the premises are equipped with-
  - (i) a safe which complies with the following requirements:
    - (aa) the trunk and door of the safe must be constructed of mild steel of commercial or higher quality;
    - (bb) the floor, roof and sides of the safe must not be less than 20 mm thick and the door must not be less than 12 mm thick;
    - (cc) when the door is closed the space between the door and the door frame must not exceed 2 mm;
    - (dd) the door must be secured to the trunk by not less than three bolts;
    - (ee) the safe door must be fitted with a one lever lock and the lever lock must have a minimum of 10 levers of which a minimum of 3 must be fitted with false notches, a combination lock with 3 gears or an electronic lock which has been approved by the South African Bureau of Standards; and
    - (ff) there must be at least 2 holes on the back or side walls of the safe and 2 holes on the floor of the safe and each hole must allow a bolt which has a diameter of 25 mm to go through it; or
  - (ii) a strongroom which complies with the following requirements:
    - (aa) the walls, roof and floor must be not less than 300 mm thick and made from reinforced concrete;
    - (bb) the reinforcement must consist of steel bars which are 10 mm in diameter on a square grid and the horizontal and vertical bars must not be less than 125 mm apart;
    - (cc) the concrete must not be less than 30 mega pascal strong after 28 days;
    - (dd) the screed which covers the reinforcement on the walls and slab must not be less than 40 mm;
    - (ee) the door must be made from steel which is 12 mm thick and the door must be secured to the wall by not less than 3 bolts;
    - (ff) the strongroom must be connected to an outside warning device such as a flashing light or an alarm; and
    - (gg) the strongroom door must be fitted with a one lever lock and the lever lock must have a minimum of 10 levers of which a minimum of 3 must be fitted with false notches, a combination lock with 3 gears or an electronic lock which has been approved by the South African Bureau of Standards;
- (e) proof that the building is equipped with burglar proofing installed in the following manner-
  - (i) the horizontal bars must be made of steel, must not be less than 50 mm in diameter and must be placed not less than 500 mm apart; and
  - (ii) the vertical bars must be made of steel, must not be less than 16 mm in diameter and must be fixed to the horizontal bars in spaces of not less than 100 mm apart;

- (f) an affidavit by the applicant or by a person who has knowledge of the facts and the affidavit shall-
    - (i) contain the name, identity document number and address of the applicant and of every person who has a financial interest in the business and the nature and extent of the interest;
    - (ii) contain if the applicant is a registered company, the name and identity document number of each director of the company, the registered address of the company and the registration number of the company;
    - (iii) contain if the applicant is a close corporation, partnership or trust, the name and the identity document number of each person who will be managing the affairs of the close corporation, partnership or trust and the address of the close corporation, partnership or trust; and
    - (iv) be accompanied by documentary proof, if available, of any of the facts stated in the affidavit; and
  - (g) if the applicant is not the registered owner of the land where the premises are situated a written consent by the registered owner acknowledging that the premises can be used by the licensed dealer.
- (3) A holder of a dealer's licence who in terms of section 15(2) of the Act wishes to apply for the renewal of such licence shall within 30 days before the expiry of the existing licence, complete Form Pol 565 and submit it to a member of the police who is stationed at a police station which is situated in the area where the applicant resides, works or carries on business.

## 6. Duplicate licence

A person who wishes to apply for a duplicate of a dealer's licence shall complete Form Pol 565 and submit it to a member of the Police who is stationed at a police station which is situated in the area where the premises which are to be used for dealing are situated.

## 7. Transfer of dealer's licence

- (1) A licensed dealer who in terms of section 17(1) of the Act wishes to apply for transfer of a dealer's licence shall complete the relevant portion of Form Pol 565 and submit it together with the dealer's licence to a member of the Police who is stationed at a police station which is situated in the area where the premises to be used by the transferee for dealing are situated.
- (2) A person who wishes to take transfer of a dealer's licence shall complete the relevant portion of Form Pol 565 and submit it to a member of the Police who is stationed at a police station which is situated in the area where the premises to be used for the dealing are situated.
- (3) If the premises to be used by the transferee are different from those which were used by the transferor, the transferee shall submit together with his or her application, the information required in terms of regulation 5(2).

## 8. Change of premises

- (1) A licensed dealer who in terms of section 18 of the Act wishes to apply for change of licensed premises shall complete Form Pol 565 and submit it to a member of the Police who is stationed at a police station which is situated in the area where the new premises are situated.
- (2) An application made under subregulation (1) shall be accompanied by the information which is required in terms of regulation 5(2).

## 9. Temporary licence

- (1) A licensed dealer who in terms of section 16 of the Act wishes to apply for a temporary licence to exhibit and to deal in arms and ammunition shall complete Form Pol 565 and submit it to a member of the Police who is stationed at a police station which is situated in the area where the premises on which the arms and ammunition are to be exhibited are situated.
- (2) An application made under subregulation (1) shall be accompanied by-
  - (a) the applicant's written representations in support of the application;
  - (b) the applicant's written declaration that facilities for safe-keeping the arms and ammunition are available on the premises; and
  - (c) a certified copy of the applicant's dealer's licence.

## 10. Register

- (1) The register which shall be kept under section 20 of the Act by a licensed dealer in respect of arms shall be called the Arms Stock Book in which shall be recorded-
  - (a) against the stock number of each arm in stock on the coming into operation of these regulations, the make, calibre, model, and manufacturer's serial number of each arm in stock;
  - (b) against the stock number of each arm acquired after the coming into operation of these regulations-
    - (i) the manufacturer's serial number;
    - (ii) the make, calibre and model;
    - (iii) the date of acquisition;
    - (iv) the name and address of the person from whom the arm was acquired; and
    - (v) where applicable the, number and date of the licence or permit which relates to the arm;
  - (c) against the stock number of each arm disposed of after the coming into operation of these regulations-
    - (i) the manufacturer's serial number;
    - (ii) the date of sale or transfer of the arm;
    - (iii) the name and address of the person to whom the arm is sold or transferred; and
    - (iv) the number and date of the licence or authorisation produced in terms of section 32(1)(a) of the Act.
- (2) The information which is required to be recorded in terms of subregulation (1)(a) shall be recorded within 30 days after the coming into operation of these regulations and the information required in terms of subregulation (1)(b) and (c) shall be recorded within 7 days after the acquisition or disposal of the arm.
- (3) Subregulation (1) does not apply to an arm which is received in terms of subregulation (15).
- (4) The register which shall be kept under section 20 of the Act by a licensed dealer in respect of ammunition shall be called the Ammunition Stock Book in which shall be recorded-
  - (a) for ammunition which is in stock on the coming into operation of these regulations, the calibre, make and quantity of the ammunition;

- (b) for ammunition received after the coming into operation of these regulations-
  - (i) the calibre, make and quantity;
  - (ii) the date of receipt; and
  - (iii) the name and address of the person from whom the ammunition has been received;
- (c) for ammunition disposed of after the coming into operation of these regulations-
  - (i) the date of sale or transfer;
  - (ii) the calibre, make and quantity;
  - (iii) the name, identity number and address of the person to whom the ammunition has been sold or transferred;
  - (iv) the number and date of the licence, permit or authorisation produced in terms of section 32(1)(b)(i) of the Act; and
  - (v) the number and date of a signed request produced in terms of section 32(1)(b)(i)(aa) of the Act or the signatures required to be made in terms of section 32(1)(b)(i)(bb) of the Act.
- (5) The information which is required to be recorded in terms of subregulation (4)(a) shall be recorded within 30 days after the coming into operation of these regulations and the information required in terms of subregulation (4)(b) and (c) shall be recorded within 7 days after the receipt or disposal of the ammunition
- (6) For the purposes of section 20(3) of the Act a licensed dealer shall at the end of each month-
  - (a) compile on Form Pol 579, a list of all the arms and ammunition which he or she acquired in the course of his or her business during the preceding month; and
  - (b) compile on Form Pol 580 a list of all the arms and ammunition which he or she disposed of in the course of his or her business during the preceding month,and within 7 days after the end of the month, submit the completed forms to the Inspector-General.
- (7) A licensed dealer is obliged to complete the returns referred to in subregulation (2) even if arms are not acquired or disposed of or ammunition is not acquired or disposed of by the licensed dealer during the month.
- (8) The Inspector-General may at any time in writing request a licensed dealer to supply the Inspector-General with the information required in terms of subregulation (7) and the licensed dealer shall submit the required information to the Inspector-General even if the licensed dealer has already supplied that information under subregulation (7).
- (9) A licensed dealer shall keep at the premises where he or she carries on business -
  - (a) the Arms Stock Book and the Ammunition Stock Book for a period of 5 years from the date that the last entry was made in the book; and
  - (b) all written requests or permits which are delivered to the dealer in terms of section 32(1)(b) of the Act for a period of 1 year from the date of sale or supply of the ammunition.
- (10) If a dealer's licence becomes invalid, the licensed dealer or a person who has custody of any document which is required to be kept by a licensed dealer in terms of the Act shall, unless the Inspector-General directs to the contrary, within 30 days after the date on which the licence ceases to be valid, deliver all the documents which are required to be kept by a licensed dealer in terms of the Act to a member of the Police who is stationed at a police station which is situated in the area where the dealer's premises are situated.

- (11) No person shall use a register which is required to be kept in terms of the Act unless each page of the register has been numbered in sequence and a member of the Police who is stationed at a police station which is situated in the area where the dealer's premises are situated has examined the register and acknowledged in writing that the register is numbered correctly and that no page has been removed from the register.
- (12) Where a register consists of a computer list a licensed dealer shall within 7 days after the end of each month, submit the computer list to a member of the police who is stationed at a police station which is situated in the area where the dealer's premises are situated and the member of the police shall acknowledge receipt of the computer list by making an endorsement on the computer list.

**[The word "receipt" is misspelt in the Government Gazette, as reproduced above]**
- (13) An entry which is made in the register shall be printed or made in ink and any alteration shall not be made by way of erasure but shall be effected by means of interlineation or crossing out in ink and each alteration shall be initialled by the person making it.
- (14) No person shall remove a page from a register which is required to be kept in terms of the Act and where a page has been removed from the register it shall be presumed that the removal was done by the licensed dealer or that the removal was done with the knowledge and connivance of the dealer unless the contrary is proved.
- (15) The register which shall be kept in terms of section 20 of the Act by a licensed dealer in respect of arms which the dealer is holding for sale or other purposes on behalf of licence holders shall be called the Inventory Book.
- (16) A licensed dealer shall in the Inventory Book referred to in subregulation (15), record-
  - (a) the date of receipt of the arm;
  - (b) the name, address and identification document number of the holder of the licence of the arm;
  - (c) the make, model, calibre and manufacturer's serial number of the arm;
  - (d) the date of issue and number of the licence of the arm; and
  - (e) the date of sale or return of the arm.

### **Part III – REGISTRATION OF GUNSMITHS**

#### **11. Trading without certificate prohibited**

- (1) No person shall carry on the trade of gunsmith unless he or she is in possession of a registration certificate which is issued under these regulations and is domiciled in Namibia.
- (2) No person shall carry on the trade of gunsmith if he or she-
  - (i) has been declared to be a disqualified person under section 10 of the Act; or
  - (ii) has, during the 10 years preceding the date of the application, been convicted of an offence of which violence was an element and sentenced to imprisonment without the option of a fine.

#### **12. Registration**

- (1) A person who wishes to apply for a registration certificate which enables him or her to carry on the business of a gunsmith shall complete Form Pol 575 and thereafter submit it together with the fee set out in the Annexure to a member of the Police who is stationed at a police station which is situated in the area where the premises to be used by the applicant for business are situated.

- (2) An application made under subregulation (1) shall be accompanied by the information which is required under regulation 5(2).
- (3) A person who wishes to renew a registration certificate for trading as a gunsmith shall within 30 days before the expiry of the current certificate, complete Form Pol 575 and thereafter submit it together with the fee set out in the Annexure to a member of the Police who is stationed at a police station which is situated in the area where the business of a gunsmith is to be carried on.

### **13. Registration certificate**

- (1) On receipt of an application made under regulation (12), the Inspector-General may-
  - (a) grant the application and issue out a registration certificate to the applicant;
  - (b) grant the application and impose conditions which are reasonably necessary in the circumstances; or
  - (c) refuse the application.
- (2) If the Inspector-General refuses an application pursuant to subregulation (1)(c) he or she shall advise the applicant by written notice and the notice shall-
  - (a) contain the reasons for the refusal; and
  - (b) be delivered by hand to the applicant or delivered by registered post at the address which was supplied by the applicant in the application.
- (3) A registration certificate which is issued under this regulation is valid for 3 years.
- (4) If a registration certificate is issued out to a partnership, the certificate shall be issued out jointly to the partners and the name under which the partners carry on business shall be written on the certificate.
- (5) A registration certificate issued under this regulation shall cease to be valid if the holder, a joint holder in the case of a partnership or the manager in the case of a corporate body, becomes a disqualified person.
- (6) If a registration certificate becomes invalid for any reason, the holder of the certificate shall within 30 days after the certificate ceases to be valid, deliver the registration certificate together with any other document which he or she is required to keep under these regulations, to a member of the Police who is stationed at a police station which is situated in the area where the gunsmith's business premises are situated.
- (7) Unless authorised in writing by the Inspector-General, no person shall alter the barrel or chamber of a licensed arm or alter the firing mechanism of a licensed arm to the extent that the arm is capable of discharging continuously as long as pressure is applied to the trigger of the arm.
- (8) The Inspector-General may in writing, authorise a person to make alterations to a licensed arm and impose conditions which are reasonably necessary in the circumstances.

### **14. Documents to be kept**

- (1) A registered gunsmith shall keep on the premises mentioned in the registration certificate a register in which shall be recorded:-
  - (a) for each arm received-
    - (i) the name, address and identification document number of the person who delivered the arm and the date of delivery;
    - (ii) the number and date of issue of the licence relating to the arm; and

- (iii) the make, calibre and manufacturer's serial number or the number which was engraved or stamped in terms of section 7 of the Act;
  - (b) for each arm returned-
    - (i) the nature of repairs done to the arm; and
    - (ii) the date of return;
  - (c) those components of arms which the Inspector-General determines are held by the gunsmith exclusively for the purpose of the manufacture and supply of fitting components for the arms received by the gunsmith under paragraph (a).
- (2) If a gunsmith replaces the barrel of an arm during the course of his or her trade, he or she shall refer the arm and the register referred to in subregulation (1), to a member of the police in order for an endorsement to be made in the register.
- (3) A registered gunsmith shall keep the register referred to in this regulation for a period of 5 years calculated from the date when the last entry was made in the register.
- (4) An entry which is required to be made in the register referred to in subregulation (1) shall be made within 7 days after the arm or instrument is received or disposed of.
- (5) Subject to alterations which are necessary for the purposes of the trade of a gunsmith, a registered gunsmith shall comply with the requirements of regulation 10(6), (7), (8), (10), (11), (12), (13) and (14).

#### **Part IV – SECURITY OFFICERS, COLLECTORS OF ARMS OR AMMUNITION, HUNTERS AND SPORTSPERSONS**

##### **15. Declaration as security officer, collector of arms or ammunition, hunter or sportsperson**

- (1) A person who wishes to apply to be declared a security officer, collector of arms or ammunition, hunter or sportsperson shall complete Form Pol 559 and submit it to a member of the Police who is stationed at a police station which is situated in the area where the applicant resides, works or carries on business.
- (2) An application referred to in subregulation (1) shall be accompanied by-
- (a) a sworn statement made by the applicant in which the applicant states that he or she has access to a safe, strongroom or a device, apparatus or instrument mentioned in regulations 26, 27 and 28, where he or she can keep the arms or ammunition;
  - (b) a set of the applicant's fingerprints or if the applicant is an institution or corporate body, a set of the fingerprints of each of the persons who will manage the institution or corporate body;
  - (c) written representation by the applicant in support of the application;
  - (d) a certified copy of the applicant's identity document or if the applicant is an institution or corporate body, a certified copy of the identity document of each of the persons who will manage the institution or corporate body;
  - (e) where applicable, documentary proof of membership of an institution whose primary object is to render a security service, collect arms or ammunition, hunt or to do sport; and
  - (f) the fee which is set out in the Annexure.
- (3) On receipt of the application referred to in subregulation (1), the officer in charge of the police station where the application was made, shall make written comments about the suitability of the

applicant to be declared a security officer, collector of arms, hunter or sportsperson and attach the comments to the application and thereafter submit both documents to the Inspector-General.

- (4) After considering the application made under subregulation (1) and the comments made under subregulation (3) the Inspector-General may-
  - (a) allow the application and issue out a registration certificate to the applicant; or
  - (b) refuse the application.
- (5) If the Inspector-General refuses an application pursuant to subregulation (4)(b) he or she shall supply the applicant with written reasons for the refusal.
- (6) A person whose application has been refused in terms of subregulation (4)(b) may within 60 days after receiving the reasons for the refusal, appeal against the decision to the Minister.
- (7) A person who has been declared a security officer, collector of arms or ammunition, hunter or sportsperson shall, in respect of each arm or ammunition, apply to the Inspector-General for a licence to possess the arm or ammunition in question.
- (8) The application referred to in subregulation (7) shall be on Form Pol 563 and the Inspector-General shall on receipt of the application issue out a licence which authorises the applicant to keep the arms which are stated in the licence or the ammunition which is stated in the licence.

## 16. Disqualification

No person shall be declared to be a security officer, collector of arms or ammunition, hunter or sportsperson if the applicant or in the case of an institution or corporate body the person who is to manage the institution or corporate body-

- (a) has been declared to be a disqualified person under section 10 of the Act;
- (b) is not domiciled in Namibia;
- (c) has not attained the age of 18 years on the date when the application is determined; and
- (d) has, during the 10 years preceding the date of the application, been convicted of an offence of which violence was an element and sentenced to imprisonment without the option of a fine.

## 17. Withdrawal of declaration

- (1) The Inspector-General may by written notice withdraw the registration of the holder of a registration certificate which was issued under regulation 15 if the holder of the certificate or in the case of an institution or a corporate body, the person who is managing the institution or corporate body-
  - (a) has been declared to be a disqualified person in terms of section 10 of the Act; or
  - (b) is no longer domiciled in Namibia.
- (2) The notice referred to in subregulation (1) shall be delivered by hand to the holder of the certificate or delivered by registered post at the address which was given in the application for a declaration.
- (3) A person whose registration has been withdrawn in terms of subregulation (1) shall as soon as possible after receiving the notice, deliver the registration certificate, arms in his or her possession and any ammunition in his or her possession to a person who has been authorised in the notice by the Inspector-General to receive the certificate, arms or ammunition.
- (4) Where a person has surrendered arms or ammunition under this regulation, the Inspector-General shall, in respect of the arms or ammunition, exercise the powers conferred on him or her by section 12(2) of the Act.

**18. Licensed dealers**

No licensed dealer shall carry on the activities of a collector of arms or ammunition, hunter or sportsperson unless he or she has been declared to be so in terms of regulation 15.

**Part V – PERMITS****19. Permit to possess arms**

A person who in terms of section 8 (2) of the Act, wishes to apply for a permit to possess an arm shall complete Form Pol 625 and submit the completed form to a member of the Police who is stationed at a police station which is situated in the area where the applicant resides, works or carries on business.

**20. Permit to import or export arms and ammunition**

- (1) A person who in terms of section 23(1) of the Act wishes to apply for a permit to import or export arms or ammunition shall complete Form Pol 573 and submit the completed form to a staff member who has been authorised to receive the application by the Minister.
- (2) The permit to be issued in terms of section 23(1) of the Act shall be in Form Pol 574.

**21. Permit to import, supply or possess armaments**

- (1) A person who in terms of section 29(2) of the Act wishes to apply for a permit to import, supply or possess armaments shall complete Form Pol 573 and submit the completed form to a person who has been authorised to receive the application by the Minister.
- (2) The application made under subregulation (1) shall be accompanied by-
  - (a) a report compiled by the officer in charge of the police station which is situated in the area where the applicant resides, works or carries on business and the report shall contain the officer in charge's comments on the applicant's suitability to be issued with a permit;
  - (b) a report compiled by the Chief of Explosives which report shall contain comments on the nature of armaments which are to be imported, supplied or possessed and the handling and storage facilities; and
  - (c) the information which is required to be supplied in terms of regulation 5(2).

**22. Permit to possess or supply ammunition**

A person who in terms of section 44(4) of the Act wishes to apply for a permit to possess or supply ammunition shall complete Form Pol 573 and submit the completed form to a member of the Police who is stationed at a police station which is situated in the area where the applicant resides, works or carries on business.

**23. Permit to manufacture arms or ammunition**

A person who in terms of section 27(1) of the Act wishes to apply for a permit to manufacture arms or ammunition shall complete Form 567 and submit the completed form to a staff member who has been authorised to receive the application by the Minister.

**24. Permit to manufacture arms by a gunsmith**

A gunsmith who in terms of section 27(3) of the Act wishes to apply for a permit to manufacture rifles for hunting and sporting purposes shall complete Form Pol 624 and submit the completed form to a person who has been authorised to receive the application by the Minister.

## 25. Permit to acquire ammunition

A staff member who in terms of section 32(2) of the Act wishes to apply for a permit to acquire ammunition shall complete Form Pol 560 and submit the completed form to a member of the Police who is stationed at a police station which is situated in the area where the applicant resides or works.

## Part IV – STORAGE OF ARMS AND AMMUNITION

### 26. Safes

- (1) For the purposes of section 3(8) of the Act the safe which shall be used for the storage of an arm shall comply with the requirements of regulation 5(2)(d)(i).
- (2) The safe which is referred to in subregulation (1) shall-
  - (a) be affixed to the immovable part of the building where the arm is to be kept; or
  - (b) if the safe is to be installed in a vehicle, it shall be fitted in such a manner that it is not conspicuous from outside the vehicle and the applicant must produce a written document from the person who installed the safe and the document must contain-
    - (i) the date of installation;
    - (ii) the name and address of the installer;
    - (iii) the registration number, engine and chassis number and make of the vehicle; and
    - (iv) a statement that the vehicle is fitted with an immobiliser.

### 27. Strongrooms

The strongroom which is referred to in section 3(8) of the Act shall in so far as is applicable comply with the requirements of regulation 5(2)(d)(ii).

### 28. Apparatus, devices and instruments

The apparatus, device or instrument which is referred to in section 3(8) of the Act shall-

- (a) be made of mild steel of commercial or higher quality which is not less than 2 mm thick;
- (b) be capable of covering the whole arm;
- (c) have a locking mechanism;
- (d) have a hinge mechanism for the lid or cover which mechanism is designed in such a way that if the locking pin is removed the lid or cover cannot be opened or removed;
- (e) have a mechanism which ensures that if the hinge mechanism is removed the cover or lid cannot be removed or opened; and
- (f) have a facility which enables it to be affixed to another structure or to the body of a vehicle.

### 29. Storage of arms or ammunition

- (1) A licensed dealer or a registered gunsmith shall take reasonable measures to prevent loss of arms which are under his or her charge and ammunition which is under his or her charge.
- (2) No licensed dealer or registered gunsmith shall display an arm or ammunition in such a manner that the arm or ammunition can be seen by a person who is outside the premises where the arm or ammunition is stored, unless the licensed dealer or registered gunsmith is in possession of a temporary licence which was issued under regulation 9.

- (3) A licensed dealer or a registered gunsmith shall during the period when his or her premises are closed for business, ensure that arms which are kept on the premises are kept in the safe or strongroom and that ammunition which is kept on the premises is kept in a safe or strongroom.

[Please note: numbering as in original.]

## Part VII – GENERAL

### 30. Register to be kept by Inspector-General

The register which is to be kept under section 41 of the Act shall be called the Central Arms Register and it shall contain a record of-

- (a) applications for licences, permits and certificates made in terms of the Act;
- (b) licences, permits, authorisations and certificates which are issued in terms of the Act;
- (c) persons who in terms of the Act are declared to be unfit to possess arms;
- (d) persons whose arms have been declared forfeited in terms of the Act;
- (e) the identification numbers which have in terms of section 7(2) of the Act, been engraved on arms;
- (f) arms which are possessed by a person referred to in section 42(1)(l) and (n) of the Act; and
- (g) arms which are stolen or lost.

### 31. Reports by representatives

- (1) A person who acts as executor, administrator, trustee, curator or liquidator of an estate the assets of which include arms or ammunition shall-
- (a) take measures to ensure that the arms which belong to the estate are secure or that the ammunition which belongs to the estate is secure;
  - (b) compile an inventory of the arms or ammunition which belong to the estate and record the make, calibre and serial number of each arm and the quantity, calibre and make of the ammunition; and
  - (c) on receipt of the document which authorises him or her to act on behalf of the estate deliver to the Inspector-General a document which-
    - (i) contains the name and address of the owner or former owner of the arms or ammunition;
    - (ii) contains the address where the arms are kept or where the ammunition is kept;
    - (iii) is accompanied by a copy of the inventory referred to in paragraph (b);
- [The word “accompanied” is misspelt in the Government Gazette, as reproduced above]**
- (iv) if the owner is deceased, is accompanied by a copy of the death notice;
  - (v) if the arms or ammunition devolve by succession, contains the name, address and identification document number of each heir; and
  - (vi) is accompanied by a copy of the document which authorises the person to act on behalf of the estate.
- (2) On receipt of the document referred to in subregulation (1)(c), the Inspector-General shall record the information contained in the document onto the Central Arms Register and within 30 days of

receiving the document he or she shall send out to the person referred to in subregulation (1), a written acknowledgement that the document has been received.

- (3) After the end of every 3 months, the person referred to in subregulation (1) shall advise the Inspector-General in writing about the disposal of the arms or ammunition or the steps which have been taken to dispose of the arms or ammunition.
- (4) Notwithstanding subregulation 3, the Inspector-General may at any time in writing, request the person referred to in subregulation (1) to furnish the Inspector-General with a written report on the progress made in disposing of the arms or ammunition.

### **32. Transportation of arms and ammunition**

- (1) No carrier shall transport arms or ammunition unless-
  - (a) he or she has obtained the written consent of the person who is legally entitled to possess the arms or ammunition; and
  - (b) the Inspector-General has consented in writing to the transportation of the arms or ammunition.
- (2) A carrier who in terms of subregulation (1) has been authorised to transport arms or ammunition shall during the course of the transportation keep on the transporting vehicle-
  - (a) a consignment note which contains the following information-
    - (i) the name and address of the person who is transporting the arms or ammunition;
    - (ii) the name and address of the person on whose behalf the arms are being transported or the ammunition is being transported;
    - (iii) particulars of the arms or ammunition being transported; and
    - (iv) the origin and destination of the arms or ammunition;
  - (b) any other document which the person is required to keep in terms of the Act or any other law.
- (3) The person referred to in subregulation (2) shall on being requested, produce the documents referred to in that subregulation to a member of the police.
- (4) For the purposes of this regulation-

“carrier” means a person who carries on the business of carrying persons or goods for a reward; and

“transporting vehicle” means anything by means of which the arms are or ammunition is transported.

### **33. Fingerprints**

- (1) The fingerprints which are required to be taken in terms of section 40 of the Act shall be taken by a member of the police on Form Pol 151 and the person whose fingerprints are taken shall complete the relevant portions of Form Pol 151.
- (2) The taking of fingerprints shall be done in a place which is out of sight of the public and which is not accessible to the public during the taking of fingerprints and at least one witness other than the person taking the fingerprints shall be present during the taking of the fingerprints.
- (3) If a person who has been requested by a member of the Police to have his or her fingerprints taken refuses, the member of the Police shall refer the matter to the Inspector-General for a decision.
- (4) The Inspector-General shall as soon as possible after the determination of an application made under the Act, cause the form on which fingerprints were taken to be destroyed.

### **34. Appeals**

- (1) A person-
  - (a) whose application has been refused in terms of regulation 13(1) or 15(4); or
  - (b) who is aggrieved by a decision of the Inspector-General made under these regulations, may within 60 days of receiving the decision, appeal against the decision to the Minister.
- (2) An appeal made in terms of sections 3(4), 19 or 23(3) of the Act and an appeal made in terms of subregulation (1) shall-
  - (a) be in writing;
  - (b) contain the grounds for the appeal and submissions in support of the appeal; and
  - (c) be served on the Inspector-General.
- (3) On receipt of the appeal made in terms subregulation (2), the Inspector-General shall-
  - (a) prepare a written reply to the appeal which reply contains the reasons for the refusal or decision; and
  - (b) forward the appeal and the reply to the Minister within 14 days of receiving the appeal.

### **35. Change of address**

- (1) Where the holder of a licence, authorisation, permit or registration certificate issued under the Act or these regulations changes his or her address permanently, he or she shall within 30 days of the change notify the Inspector-General about the change on Form Pol 558.
- (2) The notice referred to in subregulation (1) shall-
  - (a) be delivered by hand to the Inspector-General or be send by registered post to the Inspector-General;
  - (b) contain particulars of the arms or ammunition referred to in the licence, authorisation, permit or registration certificate; and
  - (c) contain the new address of the holder.
- (3) On receipt of the notice referred to in this regulation, the Inspector-General shall make the necessary changes in the Central Arms Register.

### **36. Fees**

The fees payable for a thing done in terms of the Act or these regulations are set out in the Annexure to these regulations.

### **37. Offences and penalties**

A person who contravenes or fails to comply with these regulations commits an offence and is liable on conviction to a fine which does not exceed N\$2000 or to be imprisoned for a period which does not exceed 6 months or to both the fine and imprisonment.

### **38. Repeals**

Government Notices No. R 1474 of 27 August 1971, No. R 1235 of 20 July 1973, No. R 1023 of 26 May 1978 and No. 2216 of 31 October 1980 are repealed.

## ANNEXURE

## FEES PAYABLE IN TERMS OF THE ACT AND REGULATIONS: REGULATION 36

*(All fees payable in revenue stamps)*

	Purpose	Fee
1.	application for licence to possess arm (section 3(1) of the Act)	N\$50.00
2.	application for a copy of licence (section 6 of the Act)	N\$25.00
3.	application for licence to deal in arms and ammunition (section 15 of the Act)	N\$250.00
4.	application for transfer of dealer's licence (section 17(1) of the Act)	N\$200.00
5.	application for temporary licence licence (section 16 of the Act)  [The word "licence" is repeated.]	N\$200.00
6.	application for registration as gunsmith (regulation 12(1))	N\$250.00
7.	application for renewal of registration as gunsmith (regulation 12(1))	N\$250.00
8.	application for declaration as collector of arms, sportsperson or hunter (regulation 15(3))	N\$100.00
9.	application for permit to import, supply or possess armaments (section 29(2) of the Act)	N\$250.00
10.	application for permit to possess or supply ammunition (section 44(4) of the Act)	N\$250.00