



**Legislation updated to: 31 January 2014**

## **DANGEROUS WEAPONS ACT 15 OF 2013**

[ASSENTED TO 24 JULY 2013]

[DATE OF COMMENCEMENT: 2 JANUARY 2014]

*(English text signed by the President)*

### **ACT**

**To provide for certain prohibitions in respect of the possession of dangerous weapons; to repeal the Dangerous Weapons Acts in operation in the areas of the erstwhile South Africa, Transkei, Bophuthatswana, Venda and Ciskei, as those areas were constituted immediately before 27 April 1994; to amend the Regulation of Gatherings Act, 1993 (Act 205 of 1993), and the Firearms Control Act, 2000 (Act 60 of 2000); and to provide for matters connected therewith.**

#### **Preamble**

WHEREAS the Constitution of the Republic of South Africa, 1996, entrenches the right to security of persons and the right to be free from all forms of violence;

AND WHEREAS the Constitution of the Republic of South Africa, 1996, guarantees the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows: -

#### **1 Definitions**

In this Act, unless the context otherwise indicates-

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

#### **2 Application of Act**

This Act does not apply to the following activities:

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

#### **3 Prohibition of possession of dangerous weapons**

(1) Any person who is in possession of any dangerous weapon under circumstances which may raise a reasonable suspicion that the person intends to use the dangerous weapon for an unlawful purpose, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three years.

(2) In determining whether a person intends to use the object as a dangerous weapon for an unlawful purpose, all relevant factors, including but not limited to, the following must be taken into account:

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

#### 4 Repeal of laws

The laws specified in the Schedule are hereby repealed to the extent indicated in the third column thereof.

#### 5 Amendment of Regulation of Gatherings Act, 1993

Amends the Regulation of Gatherings Act 205 of 1993, as follows: paragraph (a) substitutes section 8 (4); paragraph (b) adds section 12 (1) (k); paragraph (c) substitutes in section 12 (1) the words following paragraph (j); and paragraph (d) substitutes section 13 (1) (a) (ii).

#### 6 Amendment of section 120 of Firearms Control Act, 2000

Amends section 120 of the Firearms Control Act 60 of 2000, as follows: paragraph (a) substitutes subsection (10) (b); and paragraph (b) inserts subsections (10A) and (10B).

#### 7 Short title and commencement

This Act is called the Dangerous Weapons Act, 2013, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

### Schedule LAWS REPEALED

(Section 5 [sic])

No. and year of law	Short title	Extent of repeal
Act 71 of 1968	Dangerous Weapons Act, 1968	The whole
Act 71 of 1968 (Transkei)	Dangerous Weapons Act, 1968	The whole
Act 71 of 1968 (Venda)	Dangerous Weapons Act, 1968	The whole
Act 71 of 1968 (Ciskei)	Dangerous Weapons Act, 1968	The whole
Act 71 of 1982 (Bophuthatswana)	Dangerous Weapons Act, 1982	The whole

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