

REGERING VAN REHOBOTH/ GOVERNMENT OF REHOBOTH

# AMPSKOERANT OFFICIAL GAZETTE

van/of

# REHOBOTH

UITGEGEE OP GESAG

Issued by Authority

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**WET**

**Act**

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Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information.

## ACT

**To provide for certain prohibitions and restrictions in Rehoboth in respect of the possession, manufacture, sale or supply of certain objects; to provide for the imposition in Rehoboth of prescribed penalties where dangerous weapons or firearms have been used in the commission of offences involving violence; to repeal section 4 of General Law Amendment Ordinance 12 of 1956; and to provide for incidental matters.**

**Act No. 5  
of 1980**

*(Afrikaans text signed by the State President)*

*(Assented to 12 June 1981)*

BE IN ENACTED by the Kaptein's Council and the Legislative Council as follows:-

1. In this Act, unless the context otherwise indicates -  
"dangerous weapon" means any object, other than a firearm, which is likely to cause serious bodily injury if it were used to commit an assault;

Definitions

"firearm" means an arm as defined in section 1 of the Arms and Ammunitions Act, 1969 (Act No. 75 of 1969);

"Kaptein's Council" means the Kaptein's Council of Rehoboth;

"Official Gazette" means the official gazette of Rehoboth mentioned in Section 42 of the Rehoboth Self-Government Act, 1976 (Act No. 56 of 1976).

2. (1) Any person who is in possession of any dangerous weapon or of any object which so resembles a firearm that, under circumstances such as those under which such person is in possession thereof, it is likely to be mistaken for a real firearm, shall be guilty of an offence, unless he is able to prove that he at no time had any intention of using such weapon or object for any unlawful purpose, and shall on conviction be liable to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

Prohibition of the possession of dangerous weapons and certain other objects

(2) The Kaptein's Council may from time to time by notice in the Official Gazette and subject to such exemptions as may be specified in such notice or as may be provided for therein, prohibit any person or any person

belonging to any class of persons specified in such notice from being in possession at any time or during any period so specified and either generally or at or in any place or area so specified or any object belonging to a class or kind of object which, in the opinion of the Kaptein's Council, is a dangerous weapon and which is specified in such notice.

(3) Any person who is in possession of any object in contravention of the provisions of any notice issued in terms of subsection (2) shall be guilty of an offence and liable on conviction to the penalties prescribed in sub-section (1).

(4) The Kaptein's Council may at any time by notice in the Official Gazette amend or repeal any notice issued in terms of subsection (2).

3. (1) The Kaptein's Council may from time to time by notice in the Official Gazette prohibit the manufacture, sale or supply in Rehoboth of any object belonging to a class or kind of object which in his opinion, is a dangerous weapon and which is specified in such notice.

Prohibition of the manufacture, sale or supply of dangerous weapons

(2) The Kaptein's Council may by notice in the Official Gazette and subject to such conditions as he may determine, exempt any person or class of persons specified in such notice, or any person or class of persons other than any person or class of persons so specified, either generally or under such circumstances as may be so specified and either indefinitely or for such period as may be so specified, from the operation of any or all of the provisions of any notice issued in terms of subsection (1).

(3) Any person who manufactures, sells or supplies any object in contravention of the provisions of any notice issued in terms of subsection (1), shall be guilty of an offence and liable on conviction to a fine not exceeding three hundred rand or to imprisonment for a period not exceeding eighteen months or to both such fine and imprisonment.

(4) For the purposes of subsections (1) and (3), "sell" includes to offer for sale, to keep for sale or to keep in a place where goods are sold, offered or kept for sale.

(5) The Kaptein's Council may at any time by notice in the Official Gazette amend or repeal any notice issued in terms of this section.

4. (1) Whenever any person above the age of eighteen years is convicted of an offence involving violence to any other person, and it has been proved that he killed or injured such other person by using a dangerous weapon or a fire-

Penalties when dangerous weapons or fire-arms are used in the commission of offence involving violence.

arm, he shall, except when the death sentence is imposed, or he is in terms of section 286 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), declared an habitual criminal, notwithstanding anything to the contrary in any law contained, be sentenced to imprisonment for a period of not less than two years and, if he is so convicted by a magistrate's court, not exceeding eight years, and may in addition to any such punishment, be sentenced to a whipping not exceeding ten strokes; Provided that if the court is of the opinion that there are circumstances which justify the imposition of a lighter sentence than the punishment prescribed by this section, it shall enter those circumstances on the record of the proceedings and may thereupon impose, such lighter sentence on the person so convicted: Provided further that in the case of a magistrates court and without derogation from its powers to impose a whipping, such lighter sentence shall not exceed a fine of four hundred rand or imprisonment for a period of two years.

(2) Notwithstanding anything to the contrary in any law contained, no person in respect of whom the imposition of a sentence of imprisonment is compulsory in terms of subsection (1), shall be dealt with under section 290, 294 or 297 of the Criminal Procedure Act, 1977.

(3) (a) The provisions of subsections (1) and (2) shall apply only in respect of an offence referred to in subsection (1) which is committed in an area in the district of Rehoboth to which the Kaptein's Council has, by notice in the Official Gazette declared such provisions to be applicable.

(b) The Kaptein's Council may at any time by notice in the Official Gazette amend or repeal any notice issued in terms of paragraph (a).

5. Notwithstanding anything to the contrary in any law contained, but subject to the provision of section 4(1), a magistrate's court shall have jurisdiction to impose any sentence provided for by this Act.

Jurisdiction of Magistrate's courts

6. Section 4 of General Law Amendment Ordinance 12 of 1956 is hereby repealed.

Repeal of Section 4 of Ordinance 12 of 1956

7. This Act shall be called the Dangerous Weapons Act, (Rehoboth), 1980.

Short Title

Accepted by the Kapteins Council and the Legislative Council on 1 May 1980

A. J. STRAUSS  
SPEAKER OF THE LEGISLATIVE COUNCIL