

# **Combined Comments on the Dangerous Weapons Bill**

THE PORTFOLIO COMMITTEE

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Presented by Martin Hood

# **Introduction to Participating Parties**

## **Security Industry Alliance**

employer body

represents employer interests in private security industry

[www.securityalliance.co.za](http://www.securityalliance.co.za)

## **Blade Tool and Sporting Goods Forum**

body of importers and resellers of knives, airsoft air guns and air guns

service wholesale and retail markets

[www.bladetool.co.za](http://www.bladetool.co.za)

## **South African Gun Owners Association**

mandated to represent firearm owners

[www.saga.org.za](http://www.saga.org.za)

# General Comments:

Legislation potentially extremely problematic  
focus on conduct and circumstances  
of individual  
instead of actual dangerous object

## Proving

state of mind and intent  
beyond reasonable doubt  
variable circumstances  
without proper policy guidelines  
extremely difficult

# Definition of a Dangerous Weapon:

Imprecise

Restrictively limited

brick or rock

thrown with intent

excluded

Suggested Amendment of Definition

“any object other than a firearm, designed as a weapon or intended to be used as a weapon and which is capable of producing death or serious bodily harm.”

# **Imitation Firearm /Replica Firearms**

National Arms and Ammunitions Collectors  
Confederation of South Africa

Conflicting definitions

Firearms Control Act

proposed Dangerous Weapons Act

Ambiguity and confusion

Fully support proposed amendments by  
NAACCSA

## Ad Paragraph 2

Understand purpose of this provision

police require discretion

effort made re circumstances and facts

Discretion = subjectivity

Removes objectivity

Misapplication

abuse of the legislation

Section 2 creates an implied presumption of  
guilt

# Ad Paragraph 2 - Proposed Changes

If section retained in present format:

Written policy - how legislation is implemented  
defining how and in what manner discretion is exercised

“**may**” substituted with “**does** give rise to a  
reasonable suspicion”

eliminate some subjectivity

requires greater degree of consideration

## **Proposed Insertion before sub section 2**

**No dangerous weapons may be possessed, carried, displayed or transported:**

- at any illegal gathering
- at any gathering / protest action in public place, employer's premises, municipal or government buildings
- in a march public
- in a protest action on private property where land owner / legal occupier indicated dangerous weapons not allowed on property
- during any organised union or labour activity /protest.



# **Provision for Exemption: Security Industry**

**Registered security service providers and their employees**

**carrying out of lawful duties  
traveling to, from and through  
without contravening Dangerous Weapons Bill**

**Framed to accord with**

**Private Security Industry Regulatory Authority Act and  
Regulations (Act number 56 of 2001)  
as read with Regulation 21 of the Firearms Control Act 60  
of 2000.**

# **Amendment of Regulation of Gatherings Act 1993**

**Opposed to proposed amendments**

**No exemption for cultural or religious  
purposes**

**Exemption for historical enactments must  
remain**

**Specific provision for**

**use of firearms for hunting and sporting purposes  
making of films for public or commercial use**

# **Memorandum on the Objectives of the Dangerous Weapons Bill**

Objectives - prohibit possession of dangerous weapons / firearms / replicas / imitation firearms in public.

Misleading and confusing

Policy ban on carrying firearms in public

Must be removed

Carrying of firearms in public is legal and imperative

## **Ad Clause 3.3 (Clause 4) suggestions**

Explanatory note be amended along with bill  
providing exemption for

historical enactments

film production

hunting and competitive shooting events

# In Summation

Proposed legislation potentially problematic

Definitions imprecise and conflicting with other Acts

Discretion = Subjective consideration

Presumption of guilt.

Ban on the carrying of firearms in public

Exemption considerations

**Thank you for your time**

**Questions**

**Martin Hood**

**MJ Hood & Associates Attorneys**

**011 234 7520 or [martin@mjhood.co.za](mailto:martin@mjhood.co.za)**

**MJ Hood  
& Associates  
ATTORNEYS**