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REPUBLIC OF SOUTH AFRICA

PORTFOLIO COMMITTEE AMENDMENTS

TO

**PROPOSED AMENDMENTS TO THE
DANGEROUS WEAPONS BILL**

(As agreed to by the Portfolio Committee on Police)

[B 37 — 2012]

AMENDMENTS AGREED TO

PROPOSED AMENDMENTS TO THE DANGEROUS WEAPONS BILL

[B37-2012]**CLAUSE 1**

1. On page 2, from line 5, to omit the definition of “dangerous weapon” and substitute the following:

“**dangerous weapon**” means any object, other than a firearm, capable of inflicting death or serious bodily harm, if it were used to commit an assault;”.

2. On page 2, from line 7, to delete the definitions of “**firearm**” and “**imitation firearm**”.

CLAUSE 2

1. On page 2, from line 12, to omit, “, **firearms and replicas or imitation firearms**”
2. On page 2, from line 15, to omit “— (a)”
3. On page 2, on line 15, to omit “; or”.

4. On page 2, in line 16, to omit paragraph (b).
5. On page 2, in line 18, to omit “, firearm, replica or imitation firearm”.
6. On page 2, in line 18, after “for” to insert “an”.
7. On page 3, from line 3, to omit “, firearm, replica or imitation firearm”.
8. On page 3, from line 9, to omit “, firearm, replica or imitation firearm”.
9. On page 3, in line 10, after “;” to insert “or”.
10. On page 3, from line 11, to omit “, firearm, replica or imitation firearm”.
11. On page 3, in line 13, to omit “; or” and to substitute “.”.
12. On page 3, from line 14, to omit paragraph (e).

NEW CLAUSE

1. That the following be a new clause:

“Exceptions from application of Act

3. This Act does not apply to the following activities:
 - (a) the possession of dangerous weapons in pursuit of any lawful employment, duty or activity;
 - (b) possession of dangerous weapons during the participation in any lawful sport, recreation, or entertainment; or
 - (c) legitimate collection, display or exhibition of weapons.”.

CLAUSE 4

1. On page 3, from line 34, to omit:

“, unless the responsible officer has approved under specific conditions the possession of any article mentioned in paragraphs (a) and (b) during a gathering or demonstration, for cultural or religious purposes or historical enactments”.
2. On page 3, in line 40, to omit “and”.
3. On page 3, after line 40, to insert the following:
 - (b) by the addition in section 12(1) of the following paragraph:

“(k) who is in possession of or carrying any object referred to in section 8(4) in contravention of that section.”;
 - (c) by the substitution in section 12(1) for the words following paragraph (j) of the following words:

“shall be guilty of an offence and on conviction liable—

 - (i) in the case of contravention referred to in paragraph (a) to (j), to a fine or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment; and
 - (ii) in the case of contravention referred to in paragraph (k), to a fine or to imprisonment for a period not exceeding three years.”; and

NEW CLAUSE

1. That the following be a new clause:

Amendment of section 120 of Firearms Control Act, 2000

5. Section 120 of the Firearms Control Act, 2000 (Act No. 60 of 2000), is hereby amended—

(a) by the substitution in subsection (10) for paragraph (b) of the following paragraph:

“(b) be in possession of any firearm, airgun, deactivated firearm, muzzle loading firearm, imitation firearm or ammunition, with intent to commit an offence or to use the firearm, airgun, deactivated firearm, muzzle loading firearm, or an imitation firearm to resist arrest or prevent the arrest of another person.”;

(b) by the insertion of the following subsections after subsection (10):

“(10A) In determining whether a person intends to use the firearm, airgun, deactivated firearm, muzzle loading firearm or imitation firearm 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 general behavior of the person, including the making of any threat or intimidatory behavior;
- (c) the manner in which the firearm, airgun, deactivated firearm, muzzle loading firearm or imitation firearm is carried or displayed; or

(d) whether the possession of the firearm, airgun, deactivated firearm, muzzle loading firearm or imitation firearm was within the context of drug dealing, gang association or any organised crime activity.

(10B). The provisions of subsection 10(b) do not apply to the following activities:

(a) the pursuit of any lawful employment, duty or activity;

(b) the participation in any lawful sport, recreation, or entertainment; or

(c) the legitimate collection, display or exhibition of a firearm, airgun, deactivated firearm, muzzle loading firearm or imitation firearm."

**REPUBLIC OF SOUTH AFRICA
DANGEROUS WEAPONS BILL**

**TEXT OF THE DANGEROUS WEAPONS BILL, 2012, WITH DRAFT AMENDMENTS
PROPOSED TO PORTFOLIO COMMITTEE ON TEXT**

(MINISTER OF POLICE)

[B 37—2012] ISBN 978-1-4850-0027-3

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

BILL

To provide for certain prohibitions and restrictions in respect of the possession of a dangerous weapon, firearm or replica or imitation firearm; 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 an Act; 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:—

Definitions

1. In this Act, unless the context otherwise indicates—

~~["dangerous weapon" means any object, other than a firearm, [designed as a weapon and capable of producing death or seriously bodily harm];~~

"dangerous weapon" means any object, other than a firearm, capable of inflicting death or serious bodily harm, if it were used to commit an assault;

~~["firearm" bears the same meaning as defined in section 1 of the Firearms Control Act, 2000 (Act No. 60 of 2000), and includes a muzzle loading firearm or an airgun as defined in the said Act;~~

~~“imitation firearm” means an imitation firearm as defined in section 1 of the Firearms Control Act, and “replica” has a corresponding meaning.]~~

Prohibition of possession of dangerous weapons[, firearms and replicas or imitations firearms]

2. (1) Any person who is in possession of~~—~~

~~(a)} any dangerous weapon[; or]~~

~~[(b) any firearm, replica or imitation firearm,]~~

under circumstances which may raise a reasonable suspicion that the person intends to use the dangerous weapon~~[, firearm, replica or imitation firearm 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 dangerous weapon~~[, firearm, replica or imitation firearm]~~ 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 general behaviour of the person, including the making of any threat or intimidatory behaviour;
- (c) the manner in which the dangerous weapon~~[, firearm, replica or imitation firearm]~~ is carried or displayed; or
- (d) whether the possession of the dangerous weapon~~[, firearm, replica or imitation firearm]~~ was within the context of drug dealing, gang association or any organised crime activity~~[; or]~~.
- ~~[(e) whether the person in whose possession the dangerous weapon, firearm, replica or imitation firearm was found, was at the time part of a group of persons who were also in possession of dangerous weapons, firearms, replicas or imitation firearms].~~

Exceptions from application of Act

3. This Act does not apply to the following activities:

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

Repeal of laws

~~3~~4. The laws specified in the Schedule are hereby repealed to the extent indicated in the third column thereof.

Amendment of Regulation of Gatherings Act, 1993

~~4~~5. The Regulation of Gatherings Act, 1993 (Act No. 205 of 1993), is hereby amended—

(a) by the substitution in section 8 for subsection (4) of the following subsection:

“(4) **[Participants]** No participants at a gathering or demonstration **[shall abide by any law in respect of the carrying of dangerous weapons,]** may have in his or her possession—

(a) any airgun, firearm, imitation firearm or any muzzle loading firearm, as defined in section 1 of the Firearms Control Act, 2000 (Act No. 60 of 2000), or any object which resembles a firearm and that is likely to be mistaken for a firearm; or

(b) any dangerous weapon, as defined in the Dangerous Weapons Act, 2012, or any other object that is likely to cause injury to a person or damage to property, ~~[unless the responsible officer has approved under specific conditions the possession of any article mentioned in paragraphs (a) and (b) during a gathering or demonstration, for cultural or religious purposes or historical enactments]~~ and the convener and marshals, if any, shall take all reasonable steps to ensure that **[the said laws are]** this section is complied with.”; [and]

(b) by the substitution, after paragraph (j) of the following: “[,] ; or”;

(c) by the insertion of the following new paragraph:

- “(k) who is in possession of or carrying any object referred to in paragraphs (a) or (b) of section 8(4) in contravention of that section;” and
- (d) to substitute for the words after paragraph (j):
- “shall be guilty of an offence and on conviction liable-
- (i) in the case of a contravention referred to in paragraph (a) to (j), to a fine or to imprisonment for a period not exceeding one year or to both such fine or such imprisonment; and
- (ii) in the case of a contravention referred to in paragraph (k) to a fine or to imprisonment for a period not exceeding three years.”; and
- (e) by the substitution in section 13(1)(a) for subparagraph (ii) of the following subparagraph:
- “(ii) **[Dangerous Weapons Act, 1968 (Act No. 71 of 1968)] Dangerous Weapons Act, 2012; or”.**

Amendment of Firearms Control Act, 2000

6. Section 120 of the Firearms Control Act, 2000 (Act No. 60 of 2000), is hereby amended—

(a) by the substitution in subsection (10) for paragraph (b) of the following paragraph:

“(b) be in possession of any firearm, airgun, deactivated firearm, muzzle loading firearm, imitation firearm or ammunition, with intent to commit an offence or to use the firearm, airgun, deactivated firearm, muzzle loading firearm, or an imitation firearm to resist arrest or prevent the arrest of another person.”;

(b) by the insertion of the following subsections after subsection (10):

“(10A) In determining whether a person intends to use the, firearm, airgun, deactivated firearm, muzzle loading firearm or imitation firearm 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 general behavior of the person, including the making of any threat or intimidatory behavior;
- (c) the manner in which the firearm, airgun, deactivated firearm, muzzle loading firearm or imitation firearm is carried or displayed; or
- (d) whether the possession of the firearm, airgun, deactivated firearm, muzzle loading firearm or imitation firearm was within the context of drug dealing, gang association or any organised crime activity.

(10B). The provisions of subsection 10(b) do not apply to the following activities:

- (a) the pursuit of any lawful employment, duty or activity;
- (b) the participation in any lawful sport, recreation, or entertainment; or
- (c) the legitimate collection, display or exhibition of a firearm, airgun, deactivated firearm, muzzle loading firearm or imitation firearm.”.

Short title and commencement

[6]7. This Act is called the Dangerous Weapons Act, 2012, and comes into operation on a date determined by the President by proclamation in the Gazette.

SCHEDULE
Laws repealed
(Section 5)

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

MEMORANDUM ON THE OBJECTS OF THE DANGEROUS WEAPONS BILL, 2012

1. BACKGROUND

1.1 In *The State v KW Thunzi and S Mlonzi v The State*, (Eastern Cape Division of the High Court, Mthatha, Case No. 213749), the Court considered the constitutionality of section 4 of the Dangerous Weapons Act, 1968 (Act No. 71 of 1968) (Transkei) (hereinafter referred to as "the Dangerous Weapons Act (Transkei)"). In terms of the said section 4, provision is made for the imposition of minimum sentences which are applicable to offences involving dangerous weapons and are committed in an area to which the Minister of Justice and Constitutional Development has made the sentences applicable. The High Court did not declare section 4 of the Dangerous Weapons Act (Transkei) to be unconstitutional, but only the applicability thereof in the former Republic of Transkei.

1.2 The matter was referred to the Constitutional Court for confirmation. On 5 August 2010 the Constitutional Court handed down judgment in *S v Thunzi and S v Mlonzi* (Case CCT 81/09) (hereinafter referred to as "the Thunzi case"). The Constitutional Court declared Government Notice R.409 published in Government Gazette No. 4601 of 7 March 1975 (hereinafter referred to as "Government Notice R. 409 (Transkei)") to be inconsistent with the Constitution and hence invalid. The Constitutional Court therefore set the notice aside. In terms of this notice the provisions of section 4(1) and (2) of the Dangerous Weapons Act, 1968 (Act No. 71 of 1968) (hereinafter referred to as "the Dangerous Weapons Act (South Africa)"), were declared to be applicable to the former Republic of Transkei (which at that stage formed part of the Republic of South Africa).

1.3 On 10 November 2010 Government Notices withdrawing Government Notice R.409 (Transkei) (and thereby giving effect to the Constitutional Court's order) and the above-mentioned Government Notice R.2095 were published in the Government Gazette.

1.4 The Constitutional Court considered whether there was a constitutional obligation on Parliament to establish uniform legislation on the use of dangerous weapons in the

Republic. The Constitutional Court called for further submissions on whether the continued existence of the Dangerous Weapons Act (Transkei), the Dangerous Weapons Act, 1982 (Act No. 28 of 1982) (Bophuthatswana), the Dangerous Weapons Act, 1968 (Venda), and the Dangerous Weapons Act, 1968 (Act No. 71 of 1968) (Ciskei), on our statute books is constitutionally acceptable. In this regard, the Constitutional Court held as follows at paragraph 70 of the judgment:

“A just order in the circumstances of this case requires that we consider the constitutional validity of the legislative scheme currently governing the use of dangerous weapons in South Africa.”

The Constitutional Court required the Speaker of the National Assembly, the Chairperson of the National Council of Provinces and the Minister of Justice and Constitutional Development to notify the Constitutional Court, by 8 November 2011, of the legislative steps that have been taken in fulfillment of their undertaking to rationalise the Dangerous Weapons Acts of the erstwhile Republics of South Africa, Transkei, Bophuthatswana, Venda and Ciskei.

1.5 The Dangerous Weapons Act (South Africa) and related legislation are still in force in the areas mentioned in paragraph 1.4. This legislation is outdated and consequently necessitated the drafting of a new Dangerous Weapons Bill, taking into account Constitutional principles as well as present policing needs in respect of the possession and carrying of dangerous weapons. A huge number of murders and robberies, as well as other violent crimes, are being committed annually with dangerous weapons such as knives. Imitation firearms have also been found amongst robbery suspects where other members of a group had been armed with real firearms.

2. OBJECTS OF THE BILL

2.1 ~~[The Bill therefore seeks to repeal all the existing legislation regulating dangerous weapons in the Republic and to provide for uniform legislation that will apply throughout the Republic. The Bill furthermore seeks to prohibit the possession of dangerous weapons, firearms or replicas or imitation firearms in public. “Dangerous weapon” is defined as meaning “any object, other than a firearm, designed as a weapon and capable of producing death or serious bodily harm.]~~ The Bill furthermore seeks to

prohibit the possession of dangerous weapons under circumstances which may raise a reasonable suspicion that the person intends to use the dangerous weapon for an unlawful purpose. "Dangerous weapon" is defined as: "any object, other than a firearm, capable of inflicting death or serious bodily harm, if it were used to commit an assault;".

3. CLAUSE BY CLAUSE ANALYSIS

3.1 Clause 2

3.1.1 [~~Clause 2(1) prohibits the possession of dangerous weapons, firearms or replicas or imitation firearms and provides that any person who is in possession of any dangerous weapon or any firearm, replica or imitation firearm under circumstances which may raise a reasonable suspicion that the person intends to use the dangerous weapon, firearm, replica or imitation firearm for unlawful purposes, is guilty of an offence. The penalty provided for is a fine or imprisonment for a period not exceeding three years.~~] Clause 2(1) criminalises the possession of a dangerous weapon under circumstances which may raise a reasonable suspicion that the person intends to use the dangerous weapon for an unlawful purpose.

3.1.2 Clause 2(2) provides for factors which must be taken into account in determining whether a person intends to use the dangerous weapon[~~, firearm, replica or imitation firearm~~] for unlawful purposes.

3.2 Clause 3

Provides for exceptions where the Bill is not applicable, namely:

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

3.3 Clause 4

Clause 4(1) repeals, in whole, all the Dangerous Weapons Acts presently in force in the Republic and the areas mentioned in paragraph 1.4 which were formerly known as the TBVC states.

3.4 Clause 5

Clause 5 amends the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993), in order to provide for a prohibition on the possession of—

- (a) airguns, firearms, imitation firearms, muzzle loading firearms or any object which resembles a firearm and that is likely to be mistaken for a firearm; and
- (b) dangerous weapons, during gatherings and demonstrations. ~~[Exceptions which may be allowed under certain conditions are in respect of cultural, ceremonial and religious purposes and historical enactments.]~~

3.5 Clause 6 amends the provisions of section 120(10) of the Firearms Control Act, 2000(Act No. 60 of 2000) by extending the existing provisions of sub-section (10) which criminalises the possession of a firearm with the intent to commit an offence, to include an airgun, deactivated firearm and muzzle loading firearm. Clause 6 also provides for the factors which can be taken into account in determining whether the specific object is being possessed with the intent to commit an offence and include a reference to activities to which the Act is not applicable.

4. DEPARTMENTS/BODIES/PERSONS CONSULTED

The Bill was drafted by a Task Team consisting of officials from both the Department of Police and the Department of Justice and Constitutional Development. A previous draft Bill was published in the Government Gazette for public comments and extensive inputs were received. The Bill had also been consulted with the National Prosecuting Authority.

5. FINANCIAL IMPLICATIONS FOR THE STATE

Only incidental costs pertaining to implementation, such as informing the public and police officers, will be incurred.

6. PARLIAMENTARY PROCEDURE

6.1 The State Law Advisers and the Department of Police are of the opinion that this Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.

6.2 The State Law Advisers are further of the opinion that it is not necessary to refer this Bill to the National House of Traditional Leaders in terms of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), since it does not contain provisions pertaining to customary law or customs of traditional communities.

**REPUBLIC OF SOUTH AFRICA
DANGEROUS WEAPONS BILL**

**TEXT OF THE DANGEROUS WEAPONS BILL, 2012, WITH DRAFT AMENDMENTS
PROPOSED TO PORTFOLIO COMMITTEE ON TEXT**

(MINISTER OF POLICE)

GENERAL EXPLANATORY NOTE:

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BILL

To provide for certain prohibitions and restrictions in respect of the possession of a dangerous weapon, firearm or replica or imitation firearm; 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 an Act; 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:—

Definitions

1. In this Act, unless the context otherwise indicates—

“**dangerous weapon**” means any object, other than a firearm, capable of inflicting death or serious bodily harm, if it were used to commit an assault.

Prohibition of possession of dangerous weapons

2. (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 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 general behaviour of the person, including the making of any threat or intimidatory behaviour;
- (c) the manner in which the dangerous weapon is carried or displayed; or
- (d) whether the possession of the dangerous weapon was within the context of drug dealing, gang association or any organised crime activity.

Exceptions from application of Act

3. This Act does not apply to the following activities:
- (a) the possession of dangerous weapons in pursuit of any lawful employment, duty or activity;
 - (b) possession of dangerous weapons during the participation in any lawful sport, recreation, or entertainment; or
 - (c) legitimate collection, display or exhibition of weapons.

Repeal of laws

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

Amendment of Regulation of Gatherings Act, 1993

5. The Regulation of Gatherings Act, 1993 (Act No. 205 of 1993), is hereby amended—

- (a) by the substitution in section 8 for subsection (4) of the following subsection:
“(4) **[Participants]** No participants at a gathering or demonstration **[shall abide by any law in respect of the carrying of dangerous weapons,]** may have in his or her possession—
(a) any airgun, firearm, imitation firearm or any muzzle loading firearm, as defined in section 1 of the Firearms Control Act, 2000 (Act No. 60 of

- 2000), or any object which resembles a firearm and that is likely to be mistaken for a firearm; or
- (b) any dangerous weapon, as defined in the Dangerous Weapons Act, 2012, or any other object that is likely to cause injury to a person or damage to property, and the convener and marshals, if any, shall take all reasonable steps to ensure that [the said laws are] this section is complied with.”;
- (b) by the substitution, after paragraph (j) of the following: “[,] ; or”;
- (c) by the insertion of the following new paragraph:
“(k) who is in possession of or carrying any object referred to in paragraphs (a) or (b) of section 8(4) in contravention of that section;” and
- (d) to substitute for the words after paragraph (j):
“shall be guilty of an offence and on conviction liable-
- (i) in the case of a contravention referred to in paragraph (a) to (j), to a fine or to imprisonment for a period not exceeding one year or to both such fine or such imprisonment; and
- (ii) in the case of a contravention referred to in paragraph (k) to a fine or to imprisonment for a period not exceeding three years.”; and
- (e) by the substitution in section 13(1)(a) for subparagraph (ii) of the following subparagraph:
“(ii) **[Dangerous Weapons Act, 1968 (Act No. 71 of 1968)]** Dangerous Weapons Act, 2012; or”.

Amendment of Firearms Control Act, 2000

6. Section 120 of the Firearms Control Act, 2000 (Act No. 60 of 2000), is hereby amended—

(a) by the substitution in subsection (10) for paragraph (b) of the following paragraph:

“(b) be in possession of any firearm, airgun, deactivated firearm, muzzle loading firearm, imitation firearm or ammunition, with intent to commit an offence or to

use the firearm, airgun, deactivated firearm, muzzle loading firearm, or an imitation firearm to resist arrest or prevent the arrest of another person.”;

(b) by the insertion of the following subsections after subsection (10):

“(10A) In determining whether a person intends to use the, firearm, airgun, deactivated firearm, muzzle loading firearm or imitation firearm 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 general behavior of the person, including the making of any threat or intimidatory behavior;

(c) the manner in which the firearm, airgun, deactivated firearm, muzzle loading firearm or imitation firearm is carried or displayed; or

(d) whether the possession of the firearm, airgun, deactivated firearm, muzzle loading firearm or imitation firearm was within the context of drug dealing, gang association or any organised crime activity.

(10B). The provisions of subsection 10(b) do not apply to the following activities:

(a) the pursuit of any lawful employment, duty or activity;

(b) the participation in any lawful sport, recreation, or entertainment; or

(c) the legitimate collection, display or exhibition of a firearm, airgun, deactivated firearm, muzzle loading firearm or imitation firearm.

Short title and commencement

7. This Act is called the Dangerous Weapons Act, 2012, and comes into operation on a date determined by the President by proclamation in the Gazette.