

**THE ARMS AND AMMUNITION PROCLAMATION, 1959**

(No. 86 of 1959)

(Promulgated 8th January, 1960)

as amended by

**THE ARMS AND AMMUNITION (AMENDMENT) PROCLAMATION, 1960**

(No. 52 of 1960)

(Promulgated 7th October, 1960)

and

**THE ARMS AND AMMUNITION (AMENDMENT) LAW, 1961**

(No. 12 of 1961)

(Date of Effect 1st January, 1962)

and

**THE REVISED EDITION OF THE LAWS (AMENDMENT) LAW, 1962**

(No. 30 of 1962)

(Promulgated 18th September, 1962)

and

**THE ARMS AND AMMUNITION (AMENDMENT) LAW, 1963**

(No. 9 of 1963)

(Date of Effect 4th June, 1964)

and

**THE ARMS AND AMMUNITION (AMENDMENT) LAW, 1965**

(No. 13 of 1965)

(Promulgated 15th October, 1965)

and

**THE CONSTITUTIONAL AMENDMENT (ADAPTATION OF EXISTING LAWS)  
ORDER, 1965**

(Legal Notice No. 28 of 1965)

and

**THE TRANSFER OF POWERS ORDER 1965 (No 4)**

(Legal Notice No. 55 of 1965)

and

**THE CONSTITUTIONAL AMENDMENT (ADAPTATION OF EXISTING LAWS)  
ORDER, 1966**

(Legal Notice No. 84 of 1966)

and

**THE CONSTITUTIONAL AMENDMENT (ADAPTATION OF EXISTING LAWS)  
ORDER, 1966 (No. 3)  
(Legal Notice No. 94 of 1966)**

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BOTSWANA  
**THE ARMS AND AMMUNITION PROCLAMATION, 1959**  
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**PROCLAMATION**  
No. 86 of 1959  
(Promulgated 8th January, 1960)

BY HIS EXCELLENCY THE HIGH COMMISSIONER  
Entitled the Arms and Ammunition Proclamation, 1959

52 of 1960  
12 of 1961  
30 of 1962  
9 of 1963  
13 of 1965

L.N.28 of 1965  
L.N.55 of 1965  
L.N.84 of 1966  
L.N.94 of 1966

**INTRODUCTORY**

**Short Title and Commencement.**

1. This Proclamation may be cited as the Arms and Ammunition Proclamation, 1959, and shall come into operation on the first day of July, 1960 :

Provided that the President<sup>1</sup> may by notice in the *Gazette* make provision for exempting, for such period from the commencement of this Proclamation as may be specified in the notice, any person or class of persons from any of the provisions of this Proclamation or of any regulation made hereunder :

Provided further that any such order, if made after the commencement of this Proclamation shall, if expressed to take effect retrospectively from the commencement of this Proclamation take effect accordingly.

**Interpretation.**

2. In this Proclamation, unless the context otherwise requires —

“abattoir” means any building, premises or place used by butchers for killing domestic animals for the purposes of food ;

“acquiring” means hiring, accepting as a gift and borrowing, and the expressions “acquire” and “acquisition” shall be construed accordingly ;

“ammunition” means any cartridge or percussion cap designed for use in the discharge of an arm as hereinafter defined and includes gunpowder and grenades, bombs and other like missiles whether capable of use with such an

(1) As amended by L.N. 84/1966

arm or not, and any ammunition containing or designed or adapted to contain any noxious liquid, gas or other thing ;

“approved armourer” means a person who with the approval of the Minister<sup>1</sup> carries on the business of repairing, testing or proving arms ;

“approved carrier or warehouseman” means a carrier or warehouseman approved by the Minister ;<sup>2</sup>

“area” means a district or part of a district for which a licensing officer is appointed under section 3 ;

“arm” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged or which can be adapted for the discharge of any such shot, bullet or other missile, and any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing, and includes the barrel, bolt and chamber and any other essential component part of any such weapon as aforesaid ;

“arm certificate” means an arm certificate granted under section 6 ;

“arms dealer” means a person who by way of trade or business sells, transfers, repairs, tests or proves arms or ammunition ;

“arms of war” means artillery of all kinds, apparatus for the discharge of all kinds of projectiles, explosive or gas-diffusing, flame-throwers, bombs, grenades, machineguns and rifled small-bore breach-loading weapons, but does not include sporting rifles, or personal or other weapons or apparatus not intended for warlike purposes ;

“Board” means the Arms and Ammunition Quota Board constituted under section 25A ;<sup>2</sup>

“customs officer” has the same meaning as is ascribed to “officer” in the Botswana Customs Proclamation, 1956 ;<sup>3</sup>

“immigration officer” has the same meaning as in the Botswana Immigration Proclamation, 1956 ;<sup>3</sup>

“licensing officer” means a person appointed under section 3 to be a licensing officer for the purposes of this Proclamation ;

“munitions of war” means ammunition for use with arms of war ;

“police officer” means any member of the Botswana Police of the rank of Sergeant and upwards ;<sup>3</sup>

“prescribed” means prescribed by regulation under section 34 ;

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(1) As amended by L.N. 55/1965, 84/1966 and 94/1966

(2) As inserted by Law 9/1963

(3) As amended by L.N. 84/1966

“slaughtering instrument” means an arm which is specially designed or adapted for the instantaneous slaughter of animals or for the instantaneous stunning of animals with a view to slaughter;

“transferring” includes letting on hire, giving, lending, and parting with possession, and the expressions “transfer”, “transferee” and “transferor”, shall be construed accordingly.

#### **Appointment of Licensing Officers.**

3. The Minister<sup>1</sup> shall appoint suitable persons to be licensing officers for the purposes of this Proclamation in and for such areas of Botswana<sup>2</sup> as he may prescribe and such appointments may be of named persons or may be *ex officio*.

### **PART I**

#### **REGULATION OF PURCHASE, POSSESSION, MANUFACTURE AND SALE OF ARMS AND AMMUNITION AND OTHER TRANSACTIONS**

##### **Application of this Part.**

4. (1) This Part applies to all arms as defined in section 2, except the following weapons and component parts thereof, namely —

any airgun, air-rifle or air-pistol not being of a type declared by the Minister<sup>1</sup> by notice in the *Gazette* to be specially dangerous.

(2) This Part applies to all ammunition as defined in section 2, except ammunition for an airgun, air-rifle or air-pistol.

##### **Penalty for Purchasing, etc., Arms or Ammunition without Arm Certificate.**

5. (1) Subject to the provisions of this Proclamation, no person shall own, purchase acquire or have in his possession any arm or ammunition unless he holds a valid arm certificate in respect of that arm or ammunition.

(2) If any person owns, purchases, acquires or has in his possession any arm or ammunition without holding a valid arm certificate in respect of that arm or ammunition or, in the case of ammunition, in quantities in excess of those authorised in the certificate, he shall, subject to the provisions of this Proclamation, be guilty of an offence and liable on conviction to imprisonment for a term not exceeding ~~twelve months~~ or to a fine not exceeding R400 or to both such imprisonment and fine.

##### **Grant, etc., of Arm Certificates.**

6. (1) An application for the grant of an arm certificate shall be made in the prescribed manner to the licensing officer for the area in which the applicant resides and the applicant shall state such particulars as may be prescribed.

(1) As amended by L.N. 55/1965, 84/1966 and 94/1966

(2) As amended by L.N. 84/1966

(2) A licensing officer shall consider every such application in the prescribed manner and shall not grant an arm certificate unless —

- (a) he is satisfied that the applicant has a good reason for owning, purchasing, acquiring or having in his possession the arm or ammunition in respect of which the application is made and may possess that arm or ammunition without danger to the public safety or to the peace; and
- (b) where the application relates to an arm or ammunition which is not in Botswana<sup>1</sup> and in respect of which a maximum quantity for importation or an importation restriction has been prescribed he is authorised to issue an import permit therefor in terms of section 25(6)(c).

Provided that an arm certificate shall not be granted to a person whom the licensing officer has reason to believe to be prohibited under this Proclamation from possessing an arm or to be of intemperate habits or unsound mind or to be for any reason unfitted to be entrusted with such an arm.<sup>2</sup>

(3) An arm certificate granted under this section shall be in the prescribed form and shall specify the nature and number of the arm to which it relates, and, as respects ammunition, the quantities authorised to be purchased and to be held at any one time thereunder.

(4) An arm certificate shall, unless previously revoked or cancelled, continue in force until the thirty-first<sup>3</sup> day of December next following the date when it was granted or last renewed but shall be renewable for a further such period by the licensing officer for the area in which the holder resides, and so from time to time, and the foregoing provisions of this section shall apply to the renewal of an arm certificate as they apply to the grant of an arm certificate.

(5) An arm certificate may be revoked by the licensing officer for the area in which the holder resides if the licensing officer is satisfied that the holder is prohibited under this Proclamation from possessing an arm to which the arm certificate relates, or is of intemperate habits or unsound mind, or is otherwise unfitted to be entrusted with such an arm.

(6) In any case where a licensing officer revokes an arm certificate he shall by notice in writing require the holder to surrender the arm certificate, and if the holder fails without reasonable cause, proof whereof shall lie upon him, to do so within fourteen days from the date of the notice, he shall be guilty of an offence and be liable on conviction to a fine not exceeding R100 or in default of payment to imprisonment for a term not exceeding three months:

Provided that, where an appeal is brought against the revocation, this subsection shall not apply to that revocation unless the appeal is abandoned or dismissed and shall in either case have effect as if for the reference to the date

(1) As amended by L.N. 84/1966

(2) As amended by Law 9/1963

(3) As amended by Proclamation 52/1960

of the notice there was substituted a reference to the date on which the appeal was abandoned or dismissed.

(7) If any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of an arm certificate under this section or the renewal of an arm certificate, he shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding R200 or to both such imprisonment and fine.

#### **Fees in Respect of Arm Certificates.**

7. (1) Subject to the provisions of this section, there shall be payable on the grant or renewal of an arm certificate and on the replacement of an arm certificate which has been lost or destroyed, such fees as may be prescribed.

(2) No fee shall be payable on the grant to any officer of a rifle club affiliated to the Botswana' Police Rifle Association in terms of the Botswana' Police Rifle Association Proclamation, 1956, of an arm certificate in respect of arms or ammunition to be used solely for target practice or drill by the members of the club or on the renewal of an arm certificate so granted.

(3) No fee shall be payable on the grant or renewal of an arm certificate if the licensing officer is satisfied that the arm and ammunition to which the certificate relates is —

- (a) a signalling apparatus or ammunition therefor which the applicant requires as part of the equipment of an aircraft or aerodrome; or
- (b) a slaughtering instrument or ammunition therefor which the applicant requires for the purpose of the slaughter of domestic animals.

#### **Exemptions from Holding Arm Certificate.**

8. (1) The following provisions of this section shall have effect notwithstanding anything in section 5.

(2) A person carrying on the business of an arms dealer and registered as such under this Proclamation or a servant of such person may, without holding an arm certificate, purchase, acquire or have in his possession arms or ammunition in the ordinary course of that business.

(3) A person carrying on the business of an approved armourer or a servant of such person may, without holding an arm certificate, have in his possession at any one time not more than six arms and have in his possession ammunition in the ordinary course of that business.

(4) A person carrying on the business of an approved carrier or warehouseman or a servant of such person may, without holding an arm certificate, have in his possession arms or ammunition in the ordinary course of that business.

(1) As amended by L.N. 84/1966

(5) Any person may, without himself holding an arm certificate, have in his possession an arm or ammunition belonging to another person —

- (a) if he is a *bona fide* employee of that other person and is in possession of the arm or ammunition under instructions from that other person ;
- (b) if he is a member of that other person's family residing with that other person or is a *bona fide* household guest of that other person ;
- (c) if he is a member of a rifle club affiliated to the Botswana Police Rifle Association as aforesaid and is in possession of the said arm or ammunition for the purposes of any target practice or drill organised by the said Association ;
- (d) in the case of a miniature rifle not exceeding 0.22 calibre and ammunition suitable therefor, at a miniature rifle range or shooting gallery ;
- (e) at any athletic or sports meeting, for the purpose of starting races at that meeting.

(5A) A person who has obtained an import/export permit under section 25 may, without holding an arm certificate, have in his possession an arm and the ammunition therefor, as specified in the permit, during the period specified in the permit.<sup>2</sup>

- (6)(a) A person who has obtained from the licensing officer for the area in which he resides a permit for the purpose in the prescribed form may, without holding an arm certificate, have in his possession an arm and the ammunition therefor as specified in the permit. No such permit shall be issued in respect of, or be valid for, a period exceeding three months.
- (b) A permit under this sub-section shall not be granted to any person in respect of any arm or ammunition unless the licensing officer is satisfied that such person would, on application, be granted an arm certificate in respect of that arm or ammunition.
- (c) A permit under this sub-section may at any time be revoked by the licensing officer for the area in which the holder resides if the licensing officer is satisfied that the holder would not, on application, be granted an arm certificate in respect of that arm or ammunition.

(7) Where a licensing officer revokes a permit under sub-section (6), he shall by notice in writing require the holder of the permit to surrender it and if the holder fails without reasonable cause, proof whereof shall lie upon him, to surrender it within fourteen days from the date of the notice, he shall be guilty of an offence and liable on conviction to a fine not exceeding R100 or in default of payment to imprisonment for a term not exceeding three months :

Provided that where an appeal is brought against the revocation, this sub-section shall not apply to that revocation unless the appeal is abandoned or

(1) As amended by L.N. 84/1966

(2) As inserted by Law 13/1965

dismissed, and shall in either case have effect as if for the reference to the date of the notice there were substituted a reference to the date on which the appeal was abandoned or dismissed.

(7A)(a) On the application of any person in the prescribed form and on payment of the prescribed fee a licensing officer may issue to such person a certificate of exemption in the prescribed form, if in his opinion the arm to which the application relates is, through reason of age or wear and tear, incapable of being fired without substantial repair.<sup>1</sup>

(b) A certificate of exemption issued under this sub-section shall authorise the holder thereof to have in his possession, without holding an arm certificate, the arm to which the certificate relates.

(c) If an arm in respect of which a certificate of exemption was issued under this sub-section is repaired so as to make it capable of being fired the certificate of exemption shall be deemed to be revoked from the time of such repair.<sup>1</sup>

(8) If any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant or renewal of a permit under sub-section (6) or the grant of an exemption certificate under sub-section (7A)<sup>2</sup> he shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding R200 or to both such imprisonment and fine.

#### **Refusal of Arm Certificate without Production of Arm.**

9. (1) Notwithstanding anything contained in any of the foregoing sections, a licensing officer may refuse to grant or renew or vary an arm certificate or to grant a permit under Section 8(6) or the grant of an exemption certificate under section 8(7A)<sup>2</sup>, unless and until any arm to which the certificate or permit will, if granted, renewed or varied, relate is produced to him for his inspection and for marking, if necessary, in accordance with the requirements of sub-section (2).

(2) No arm certificate shall be granted or renewed and no permit under section 8(6) or the grant of an exemption certificate under section 8(7A)<sup>2</sup> shall be granted in respect of an arm unless that arm bears a mark or number of identification or is first marked with such a mark or number in accordance with the directions of the licensing officer.

#### **Manufacture of Arms and Ammunition.**

10. (1) No person shall manufacture any arm or ammunition in Botswana<sup>3</sup>.

(2) In this section, the word "manufacture", in relation to arms or ammunition, does not include the repair of arms or ammunition or the alteration or

(1) As inserted by Law 9/1963

(2) As amended by Law 9/1963

(3) As amended by L.N. 84/1966

substitution or replacement of any component part of an arm but does include the conversion into an arm of anything which has the appearance of an arm but is so constructed as to be incapable of discharging a missile through the barrel thereof.

(3) Any person contravening the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding five years or to a fine not exceeding R1000 or to both such imprisonment and fine.

#### **Production of Arm Certificate.**

11. (1) Subject to the provisions of sub-section (2), any police officer or customs officer may order any person whom he finds in possession of an arm or ammunition to produce his arm certificate for inspection or to show that he is entitled by virtue of this Proclamation to have the arm or ammunition in his possession without holding an arm certificate, at such place and time and to such police officer or customs officer as he may specify.

(2) Any person who is able to give such an officer a satisfactory address within Botswana<sup>1</sup> shall be allowed by that officer thirty days to comply with the provisions of the preceding sub-section.

(3) Any person who fails to comply with the provisions of an order under sub-section (1) or who gives a false name or address to an officer under sub-section (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R100 or in default of payment to imprisonment for a term not exceeding three months.

#### **Production of Arms and Ammunition.**

12. (1) Any police officer or customs officer may require any person who holds an arm certificate or a permit under section 8(6) or the grant of an exemption certificate under section 8(7A)<sup>2</sup> to produce any arm or ammunition to which the certificate or permit relates, at such time and place as the officer may specify, for his own inspection or for the inspection of such other police officer or customs officer as he may specify.

(2) Any person who, without reasonable cause, proof whereof shall lie upon him, fails to produce any arm or ammunition as aforesaid shall be guilty of an offence and liable on conviction to a fine not exceeding R100 or in default of payment to imprisonment for a term not exceeding three months.

#### **Unregistered Dealing in Arms.**

13. (1) Subject to the provisions of this Proclamation, no person shall by way of trade or business —

(1) As amended by L.N. 84/1966

(2) As amended by Law 9/1963

(a) sell or transfer; or

(b) expose for sale or transfer, or have in his possession for sale or transfer, any arm or ammunition, unless he is registered under this Proclamation as an arms dealer.

(2) Any person contravening the provisions of this section shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding R200 or to both such imprisonment and fine.

#### **Registration of Arms Dealers.**

14. (1) For the purposes of this Proclamation the licensing officer for every area shall keep in the prescribed form a register of arms dealers and, subject as hereinafter provided, shall enter therein the name of any person who, having or proposing to have a place of business in his area and not being declared ineligible for registration by order of a court made under section 20, produces the written authority of the President<sup>1</sup> for him to be registered as an arms dealer at that place of business and furnishes the licensing officer with the prescribed particulars.

(2) On the registration of an applicant as an arms dealers there shall be payable such fee as may be prescribed:

Provided that no fee shall be payable if the place of business in respect of which the application is made is one to which the applicant proposes to transfer the business previously carried on by him at a place entered in the register for another area.

(3) If the President<sup>1</sup> having given reasonable notice to any person whose name is on the register, is satisfied that that person cannot be permitted to continue to carry on business as an arms dealer at the registered place of business without danger to the public safety or to the peace, he shall cause the name of that person to be removed from the register.

(4) The licensing officer shall cause the name of any person to be removed from the register if that person so desires, or if, after giving reasonable notice to that person, he is satisfied that that person is no longer carrying on business as an arms dealer at the registered place of business.

(5) If any person, for the purpose of procuring the registration of himself or any other person as an arms dealer, makes any statement which he knows to be false, he shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding R200, or to both such imprisonment and fine.

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(1) As amended by L.N. 84/1966

### **Certificate of Registration.**

15. (1) The licensing officer shall grant or cause to be granted to any person who is registered as an arms dealer under section 14 a certificate of registration.

(2) On or before the first day of January in each year every person for the time being registered as an arms dealer in any area shall —

- (a) apply in the prescribed form for a new certificate of registration; and
- (b) pay such fee as may be prescribed.

and thereupon the licensing officer shall, subject to the provisions of section 14 (3) and (4), grant him a new certificate of registration.

(3) If any such person fails to comply with any of the requirements of sub-section(2) on or before the first day of February in any year, the licensing officer shall cause the name of that person to be removed from the register.

(4) In any case where a licensing officer causes the name of any arms dealer to be removed from the register he shall by notice in writing require the dealer to surrender his certificate of registration, and if the dealer without reasonable cause proof of which shall lie upon him, fails to do so within twenty-one days from the date of the notice, he shall be guilty of an offence and be liable on conviction to a fine not exceeding R100 or in default of payment to imprisonment for a term not exceeding three months:

Provided that —

- (i) where an appeal is brought against the removal, this sub-section shall not apply to that removal unless the appeal is abandoned or dismissed, and shall in that case have effect as if for the reference to the date of the notice there were substituted a reference to the date on which the appeal was abandoned or dismissed;
- (ii) until the dealer surrenders his certificate or registration in accordance with the provisions of this sub-section, or, if he fails so to surrender his said certificate, until the expiration of the aforesaid period of twenty-one days, the dealer shall be deemed to be registered as an arms dealer for the purpose only of disposing of the stock in hand of his business.

### **Separate Places of Business.**

16. No arms dealers shall be registered under section 14 in respect of more than one place of business without a separate registration for each place of business concerned:

Provided that where one business is carried on in premises divided by walls but otherwise forming part of one building or structure, one registration only shall be required therefor:

Provided further that nothing in this section shall prohibit the use of separate premises purely for the purpose of storing goods used or required in the registered business.

**Restrictions on Sale or Transfer.**

17. (1) No person shall sell or transfer to any other person in Botswana<sup>1</sup> any arm or ammunition unless that other person produces an arm certificate authorising him to purchase or acquire it or shows that he is by virtue of this Proclamation entitled to purchase or acquire it, as the case may be, without holding such a certificate:

Provided that this sub-section shall not apply to the delivery of an arm or ammunition by an approved armourer or an approved carrier or a warehouseman, or a servant of an approved armourer or approved carrier or warehouseman in the ordinary course of his business or employment as such.

(2) Any person contravening the provisions of this section shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding R200 or to both such imprisonment and fine.

**Arm Certificate to be Endorsed on Sale or Transfer of Ammunition.** <sup>2</sup>

17A. (1) When a registered arms dealer sells or transfers ammunition to any person who produces an arm certificate authorising him to purchase or acquire the same the dealer shall forthwith enter upon the certificate such particulars concerning the transaction as may be prescribed.

(2) Any person who —

(a) fails to comply with the provisions of this section; or

(b) knowingly makes any false entry on an arm certificate;

shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding R200, or to both such imprisonment and fine.

**Register of Transactions.**

18. (1) Every person who by way of trade or business deals in, sells or transfers arms or ammunition, or repairs, tests or proves arms shall provide and keep a register of transactions and shall enter or cause to be entered there in such particulars as may be prescribed.

(2) Every such entry shall be made within twenty-four hours after the transaction to which it relates took place, and, in the case of a sale or transfer, every person mentioned in sub-section (1) shall at the time of the transaction require the purchaser or transferee to furnish particulars sufficient for his identification and shall immediately enter the particulars in the register.

(3) Every person mentioned in sub-section (1) shall on demand at any

(1) As amended by L.N. 84/1966

(2) As inserted by Law 12/1961

reasonable time allow any police officer of or above the rank of Sub-Inspector to enter and inspect all arms and ammunition in his possession and shall on request by such officer produce for inspection the register required to be kept as aforesaid.

(3A) Every person mentioned in sub-section (1) shall furnish to the licensing officer returns of the transactions mentioned in that sub-section at such times, in respect of such periods and in such form as may be prescribed. <sup>1</sup>

(4) Any person who —

- (a) fails to comply with any of the provisions of this section; or
- (b) knowingly makes any false entry in a register required to be kept or a return required to be furnished under this section, or falsely alters or erases any entry made in such a register or return; or <sup>1</sup>
- (c) knowingly furnishes any false particular of identification of himself or of any other person;

shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding R200, or to both such imprisonment and fine.

#### **Storage and Safe Custody.**

19. (1) Every registered arms dealer shall make suitable provision at his place of business for the storage and safe custody to the satisfaction of the licensing officer of all arms and ammunition in his possession.

(2) Every person having in his possession any arm or ammunition shall take all reasonable precautions to ensure that that arm or ammunition is not at any time available to any person not lawfully entitled to possess the same.

(3) Any person failing to comply with the provisions of this section shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding R200 or to both such imprisonment and fine.

#### **Powers of Court in Case of Offences by Registered Arms Dealers.**

20. Where a registered arms dealer is convicted of an offence against this Proclamation or against any law for the time being in force in Botswana<sup>2</sup> relating to customs in respect of the import or export of arms or ammunition, the court may

- (a) that the name of the registered arms dealer be removed from the register;
- and
- (b) that neither the dealer nor any person who acquires the business of that dealer, nor any person who took part in the management of the business and

(1) As amended by Law 12/1961

(2) As amended by L.N. 84/1966

was knowingly a party of the offence, shall be registered as an arms dealer ;  
and

- (c) that any person who, after the date of the order, knowingly employs in the management or conduct of his business the dealer convicted of the offence, or any person who was knowingly a party to the offence, shall not be registered as an arms dealer or, if so registered, shall be removed from the register ; and
- (d) that any stock in hand of the business shall be disposed of by sale or otherwise in accordance with such directions as may be contained in the order :

Provided that a person aggrieved by an order made under this section may appeal against the order in the same manner as against the conviction, and the court by which such person is convicted may, if it thinks fit, suspend the operation of the order pending the appeal.

#### **Loss of Arms or Ammunition to be Reported.**

21. Any person having possession of an arm or ammunition shall, if that arm or ammunition is lost, stolen or destroyed, report such loss, theft or destruction as soon as possible after its occurrence to the police officer in charge of the nearest police station and, if such person fails to do so, he shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding R200 or to both such imprisonment and fine.

#### **Appeals. —**

22. (1) Any person aggrieved by the refusal of a licensing officer to grant him an arm certificate under section 6 of this Proclamation or to renew an arm certificate or by the revocation of an arm certificate or by a refusal of a licensing officer to grant him a permit under section 8(6), or by the revocation of such a permit, or by the removal by a licensing officer of his name from the register of arms dealers, under section 14(4), may appeal in writing to the Minister<sup>1</sup>, whose decision shall be final.

(2) Notice of appeal under this section specifying the grounds thereof shall be lodged with the licensing officer within fourteen days after the date on which the appellant first received notice, whether written or oral, of the decision by which he is aggrieved and the licensing officer shall cause the notice of appeal to be sent to the Minister<sup>1</sup> without delay.

(3) On an appeal under this section the Minister<sup>1</sup> may either dismiss the appeal or give such directions as he may think fit to the licensing officer against whose decision the appeal has been lodged.

(1) As amended by L.N. 55/1965, 84/1966 and 94/1966

**Saving.**

23. Nothing in this Part shall relieve any person using or carrying an arm from the obligation to take out a licence to kill game under any law for the time being in force relating to such licences.

**PART II**

**MISCELLANEOUS PROVISIONS AS TO ARMS AND AMMUNITIONS**

**Special Types of Weapons and Ammunition.**

24. (1) It shall not be lawful for any person, other than a person in the service of the State<sup>1</sup> in his capacity as such or a person authorised in writing in that behalf by the President<sup>1</sup> or a person of a class for the time being authorised in that behalf by the President<sup>1</sup> by notice in the *Gazette*, to sell, transfer, purchase, acquire, or have in his possession —

- (a) any arm which is so designed or adapted that, if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty; or
- (b) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or similar thing; or
- (c) any ammunition containing, or designed or adapted to contain, any such noxious thing; or
- (d) any arm or ammunition or type or class thereof specified by the President<sup>1</sup> by notice in the *Gazette*.

(2) Any person contravening the provisions of sub-section (1) shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding three years or to a fine not exceeding R500 or to both such imprisonment and fine.

(3) An authority given under this section shall be subject to such conditions as may be specified therein, and, if any person so authorised fails to comply with any such condition, he shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding R200 or to both such imprisonment and fine.

(4) The President<sup>1</sup> may at any time, if he thinks fit, revoke any individual authority given by him to any person under this section by notice in writing requiring that person to deliver up the authority to such person as may be specified in the notice within fourteen days from the date of the notice, and if that person, without reasonable cause, proof of which shall lie upon him, fails to comply with that requirement, he shall be guilty of an offence and be liable on conviction to

(1) As amended by L.N. 84/1966

imprisonment for a term not exceeding six months or to a fine not exceeding R200 or to both such imprisonment and fine.

(5) An authority given by the President<sup>1</sup> under this section to any class of persons may at any time be revoked or varied by the President<sup>1</sup> by notice in the *Gazette*.

(6) The foregoing provisions of this section shall be in addition to and not in derogation of any other provisions of this Proclamation, but a licensing officer shall not refuse to grant or renew and shall not revoke an arm certificate in respect of an arm, weapon or ammunition referred to in sub-section (1) if the applicant is for the time being authorised as aforesaid to have possession of that arm, weapon or ammunition, and where any authority to purchase, acquire or have possession of an arm, weapon or ammunition is revoked under this section, the arm certificate relating to that arm, weapon or ammunition shall be revoked accordingly by the licensing officer by whom it was granted.

#### **Importation and Exportation.**

25. (1) In this section, "arm" and "ammunition" mean respectively an arm and ammunition to which Part I of this Proclamation applies<sup>2</sup>

(2) No person shall import into Botswana<sup>1</sup> any arm or ammunition save under and in accordance with the terms of an import permit or import/export permit<sup>3</sup> issued by a licensing<sup>2</sup> officer or under and in accordance with the terms of any re-entry provisions of an export permit issued by a licensing<sup>2</sup> officer:

Provided that where any arm or ammunition, not being an arm or ammunition the importation of which is for the time being prohibited under this Proclamation or any other law, is imported into Botswana<sup>1</sup> for the personal use of the owner thereof but otherwise than under the authority of an import permit or import/export<sup>3</sup> permit or re-entry conditions of an export permit, the importation shall not be deemed to contravene the provisions of this section if the arm or ammunition is forthwith delivered to a police station until an import permit under this section is obtained in respect of the importation thereof.

(3) No person shall export from Botswana<sup>1</sup> any arm or ammunition save under and in accordance with the terms of an export permit issued by a licensing<sup>2</sup> officer.

(4) No person shall import into or export from Botswana<sup>1</sup> any arm or ammunition, or any arm or ammunition of a class or type of which the importation or exportation, as the case may be, is for the time being prohibited by the President<sup>1</sup> by order published in the *Gazette*.

(5) Any person contravening any of the provisions of sub-sections (2), (3) or (4) shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding R200 or to both such imprisonment and fine.

(1) As amended by L.N. 84/1966

(2) As amended by Law 9/1963

(3) As amended by Law 13/1965

(6) Subject to the provisions of sub-section (6A) hereof, a licensing<sup>1</sup> officer may, in his discretion and without assigning any reason therefor, refuse to grant any import or export permit under this section and shall not grant any permit authorising —

- (a) the importation or exportation of any arms or munitions of war unless the President<sup>2</sup> has sanctioned such importation or exportation; or
- (b) the importation or exportation of any arm or ammunition of which the importation or exportation is for the time being prohibited under this Proclamation or any other law;
- (c)<sup>1</sup> the importation by any person or class of persons of any arm or ammunition —
  - (i) in respect of which a maximum quantity for importation has been prescribed unless authorised to do so by the Board;
  - (ii) in respect of which an importation restriction has been prescribed unless authorised to do so by the President;<sup>2</sup>

(6A) A licensing<sup>1</sup> officer shall not grant an import permit for the importation into Botswana<sup>2</sup> of any ammunition unless —

- (a) the applicant produces an arm certificate which entitles him to acquire and possess such ammunition and the licensing<sup>1</sup> officer enters upon the certificate such particulars concerning the permit as may be prescribed; or
- (b) the applicant is an arms dealer registered as such under this Proclamation; or
- (c) the ammunition is to be imported into Botswana with the arm with which it is to be used.<sup>3</sup>

(6B) A licensing officer shall not grant an import/export permit under this section to any person unless he is satisfied that such person —

- (a) is not at the time of his application for such permit resident in Botswana;<sup>2</sup>
- (b) proposes to enter Botswana<sup>2</sup> for the purposes of a temporary visit only and to leave Botswana<sup>2</sup> at the termination of such visit before the expiration of a period of 90 days from the date of his entry;
- (c) has good reason for bringing an arm and the ammunition therefor with him during his visit; and
- (d) may possess that arm or ammunition without danger to the public safety or peace.<sup>4</sup>

(7) Import, import/export<sup>4</sup> and export permits under this section shall be in the prescribed form and there shall be payable in respect thereof such fees as may be prescribed.

(8) So long as an arm certificate in respect thereof continues to be in force, a licensing<sup>1</sup> officer in his discretion may permit —

(1) As amended by Law 9/1963 (3) As amended by Law 12/1966  
(2) As amended by L.N. 84/1966 (4) As amended by Law 13/1965

- (a) the exportation of any arm and a reasonable quantity of ammunition therefor; and
- (b) the re-importation of the said arm and such of the said ammunition as remains.

on any number of occasions in the same year.

(9) A licensing<sup>1</sup> officer may, without assigning any reason therefor, revoke any import, import/export<sup>2</sup> or export permit granted under this section at any time before the arm or ammunition to which it relates have been imported or in the case of an export permit exported<sup>2</sup>, in pursuance thereof.

(10) Any person making any statement which he knows to be false for the purpose of procuring, whether for himself or for any other person, the issue of an import, import/export<sup>2</sup> or export permit under this section, shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding R200 or to both such imprisonment and fine.

#### **Constitution of Arms and Ammunition Quota Board.<sup>3</sup>**

25A. (1) There is hereby constituted a board to be known as the Arms and Ammunition Quota Board consisting of a Chairman appointed by the Minister by notice in the *Gazette*, the Commissioner of Police, or, if the Commissioner of Police so directs, the Deputy Commissioner of Police, and the Game Officer.

(2) The functions of the Board shall be to consider in the prescribed manner all applications for import permits relating to arms or ammunition in respect of which a maximum quantity for importation has been prescribed and in its absolute discretion to authorise or refuse the issue of such permits.

(3) If it appears to the President\* to be expedient to make any change in the composition of the Board, he may, by order published in the *Gazette*, direct that sub-section (1) shall have effect with such modification as may be specified in the order.

#### **Places of Importation.**

26. (1) In this section "arm" and "ammunition" mean respectively an arm and ammunition to which Part I applies.

(2) No person shall import any arm or ammunition into Botswana<sup>4</sup> other than to the districts of Chobe, Ghanzi, or Kgalagadi by way of trade or business or for the purpose of any trade or business or for any purposes other than his own personal use otherwise than by railway.

(3) A person who imports into Botswana<sup>4</sup> any arm or ammunition by way of trade or business or for the purposes of any trade or business or for any purpose other than his own personal use shall consign or cause to be consigned such arm

(1) As amended by Law 9/1963

(3) As inserted by Law 9/1963, L.N. 28/1965 and 84/1966

(2) As amended by Law 13/1965

(4) As amended by L.N. 84/1966

or ammunition to a railway station designated for this purpose by the Minister,<sup>1</sup> and no arm or ammunition so imported shall be removed from the railway station to any place other than the office of the nearest customs officer.

(4) Any person contravening any of the provisions of this section shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding R200 or to both such imprisonment and fine.

#### **Arms and Ammunition in Transit by Railway.**

27. Notwithstanding anything in this Part contained, the transit of arms and ammunition through Botswana<sup>2</sup> in the course of a single railway journey shall be lawful and shall not of itself constitute any offence under this Proclamation.

#### **Possession of Arms and Ammunition by Young Persons.**

28. No person under the age of fifteen years shall have in his possession any arm or ammunition to which Part I applies except under the immediate supervision of an adult who is the holder of an arm certificate or permit or is entitled under the said Part to possess the arm or ammunition in question without an arm certificate or permit, and, in addition no person under the age of twelve years shall possess any such arm or ammunition except with the written permission of the licensing officer and in accordance with any conditions imposed therein.

#### **Carrying an Arm While Drunk or Disorderly.**

29. Any person who is drunk or who behaves in a disorderly manner while carrying an arm to which Part I of this Proclamation applies shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding R200 or to both such imprisonment and fine.

#### **Penalty for Use and Possession of Arms or Imitation Arms.**

30. (1) Any person who makes or attempts to make any use whatsoever of an arm or imitation arm with intent to resist or prevent the lawful apprehension or detention of himself or any other person shall be liable on conviction to imprisonment for a term not exceeding fourteen years: and where any person commits any such offence in respect of the lawful apprehension or detention of himself for any other offence committed by him, he shall be liable to the penalty provided in this sub-section in addition to any penalty to which he may be sentenced for that other offence.

(2) In this section, the expression "imitation arm" means anything which has the appearance of being an arm, whether it is capable of discharging any shot, bullet or other missile or not.

(1) As amended by L.N. 55/1965, 84/1966 and 94/1966  
(2) As amended by L.N. 84/1966

### **Forging Arm Certificate or Permit. <sup>1</sup>**

30A. Any person who —

- (a) forges any certificate or any permit mentioned in this Proclamation; or
- (b) alters or erases any part of any such certificate or permit or any entry lawfully made thereon; or
- (c) produces or uses any certificate or permit which to his knowledge has been unlawfully altered or from which erasures have been unlawfully made; or
- (d) produces or uses any certificate or permit in the name of some other person, living or dead, or of a fictitious person;

shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding R200, or to both such imprisonment and fine.

### **Appeals.**

31. (1) Any person who is aggrieved by the refusal of a licensing officer to issue to him an import permit under section 25 other than an import permit for an arm or ammunition in respect of which a maximum quantity for importation has been prescribed, or an import/export permit or an export permit under section 25 or by the revocation of any such permit, may appeal in writing to the Minister whose decision shall be final.<sup>2</sup>

(2) The provisions of section 22(2) and (3) shall apply *mutatis mutandis* to appeals under this section.

## **PART III**

### **GENERAL**

### **Restriction on Convicted Person Possessing Arms or Ammunition.**

32. (1) Where any person —

- (a) is convicted of an offence under this Proclamation or is convicted of an offence for which he is sentenced to imprisonment or to detention of any description; or
- (b) has been ordered to enter into recognizance to keep the peace or to be of good behaviour a condition of which is that the offender shall not possess, use or carry an arm,

(1) As inserted by Law 12/1961 and 9/1963

(2) As amended by Law 9/1963, L.N. 55/1965, 84/1966 and 94/1966

the following provisions shall apply —

- (i) the court before whom such person is convicted or by whom the order is made may order the forfeiture to the State<sup>1</sup> of any arm or ammunition which was found in that person's possession or in respect of which the offence of which he is convicted was committed and may cancel any arm certificate or permit under section 8(6) held by the person convicted;
- (ii) in the case of a person convicted, or convicted and sentenced, as mentioned in paragraph (a) of this sub-section, the court before which he is convicted may order that such person shall not, at any time during such period, not exceeding ten years from the date of his conviction or release, as may be specified in the order, have in his possession any arm or ammunition or any type or class thereof specified in the order;
- (iii) any arms or ammunition forfeit to the State<sup>1</sup> under this sub-section shall be sold or otherwise disposed of as the Minister<sup>2</sup> may direct.

(2) Subject to the provisions of this section, no person who is subject to a recognizance to keep the peace or to be of good behaviour a condition of which is that he shall not possess, use or carry an arm shall at any time during which he is so subject as aforesaid have an arm or ammunition in his possession.

(3) Subject to the provisions of any other law for the time being in force under which a condition or requirement such as is referred to in sub-section (2) of this section is imposed or made, a person prohibited by the said sub-section from having in his possession an arm or ammunition may apply to the Minister<sup>2</sup> for exemption from such prohibition, and if the application is granted, the provisions of the said sub-section shall cease to apply to that person.

(4) The Minister<sup>2</sup> may, in his absolute discretion, grant or refuse any such application for exemption as aforesaid and shall not be required to assign any reason for the refusal of any such application.

(5) Where a court cancels an arm certificate or permit under this section —

- (a) the court shall cause notice to be sent to the licensing officer by whom the arm certificate or permit was granted; and
- (b) the licensing officer shall by notice in writing require the holder of the arm certificate or permit to surrender it; and
- (c) if the holder fails without reasonable cause, proof of which shall lie upon him, to surrender the arm certificate or permit within fourteen days from the date of the last-mentioned notice, he shall be guilty of an offence and liable on conviction to a fine not exceeding R100 or in default of payment to imprisonment for a term not exceeding three months.

(6) Subject to the provisions of sub-section (5)(c), if any person contravenes this section or any order made thereunder, he shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding six months

(1) As amended by L.N. 84/1966

(2) As amended by L.N. 55/1965 and 94/1966

or to a fine not exceeding R200 or to both such imprisonment and fine.

**Service of Notices.**

33. Any notice required or authorised by this Proclamation to be given to any person may be sent by registered post in a letter addressed to him at his last or usual place of abode, or in the case of a registered arms dealer, at the place of business in respect of which he is registered.

**Power to Make Regulations and Issue Orders.**

34. (1) The President<sup>1</sup> may make regulations —

- (a) prescribing the form of an arm certificate and of any register required to be kept under this Proclamation and of any other permit or document under this Proclamation;
- (b) prescribing the fees to be paid for anything done or for any permit, document or authorisation issued or granted under this Proclamation;
- (c) prescribing maximum quantities for the importation of any arm or ammunition or any class thereof by any person or class of persons;
- (d) prescribing any other thing which under this Proclamation is to be prescribed;
- (e) prohibiting or restricting the importation of any arm or ammunition or any class thereof;
- (f) providing for the establishment and maintenance of a central registry of arms and ammunition;
- (g) regulating the manner in which licensing officers and other officers are to carry out their duties under this Proclamation;
- (h) enabling all or any of the functions of a licensing officer to be discharged by deputy in the event of the illness or absence or a vacancy in the office of a licensing officer;
- (i) generally for carrying this Proclamation into effect.

(2) The Minister<sup>2</sup> may issue orders relating to the powers and duties of licensing officers under this Proclamation for the better carrying into effect of the purposes and provisions of this Proclamation.

**Savings.**

35. (1) The provisions of each Part of this Proclamation shall be in addition to and not in derogation of the provisions of any other Part of this Proclamation or of any other law for the time being in force in Botswana<sup>1</sup> and relating to the

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(1) As amended by L.N. 84/1966

(2) As amended by L.N. 55/1965 and 94/1966

manufacture, sale, transfer, purchase, acquisition, possession, use, storage, carriage, transportation, importation or exportation of arms, ammunition or explosives.

(2) Nothing in this Proclamation relating to arms shall apply to an antique arm which is sold, transferred, purchased, acquired, imported, exported, transported or possessed as a curiosity or ornament.

(3) Notwithstanding any rule of law whereunder the provisions of this Proclamation do not bind the State<sup>1</sup>, the provisions of section 19(2) and (3) and section 29 shall apply to persons in the service of State<sup>1</sup> in their capacity and in the course of their duty as such.

**Repeal.**

36. The Arms and Ammunition Proclamation is hereby repealed, and all regulations made, and licences, permits and authorisations issued or granted thereunder shall, on the commencement of this Proclamation, cease to be of effect.

37.<sup>2</sup>

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(1) As amended by L.N. 84/1966

(2) Repealed by Law 30/1962