Republic of Namibia
Annotated Statutes

General Law Amendment Ordinance 12 of 1956, sections 4-9

(OG 2018)
came into force on date of publication: 20 July 1956

as amended by

General Law Amendment Ordinance 36 of 1965 **(OG 2642)**
came into force in relevant part on date of publication: 28 June 1965
Dangerous Weapons Act (Rehoboth) 5 of 1980
(*Official Gazette 34 of Rehoboth*, dated 24 July 1981)
came into force in Rehoboth on date of publication: 24 July 1981

Only sections 4-9 of this Ordinance remain in force.
Section 1 was repealed by the Trades and Occupational Licences Repeal Act 10 of 1995 (GG 1070).
Section 2 was repealed by the Repeal of Certain Laws Proclamation, AG 7 of 1977 (OG 3656).
Section 3 was repealed by the Trades and Occupational Licences Repeal Act 10 of 1995 (GG 1070).

Gomes v Prosecutor-General **[2013] NAHCMD 240 struck down the phrase** "proof of which shall be on such first-mentioned person" **in section 7(1), but this case was reversed by the Supreme Court on appeal in *Prosecutor-General of the Republic of Namibia v Gomes & Others* 2015 (4) NR 1035 (SC), with the effect that section 7(1) remains as it stands.**

ORDINANCE

To amend the Licensing Consolidation Ordinance, 1935, the Immorality Proclamation, 1934, the Magistrate's Courts Proclamation, 1935, and the law relating to the possession of dangerous weapons, to the alienation or mortgage of property, to procedure in civil cases, and to the possession and acquisition of stolen property and to declare the unlawful appropriation of the use of another's property an offence.

[The provisions amending the various laws which are now repealed are no longer in force.]

(Assented to 6th July, 1956)
(English text signed by the Administrator)

ARRANGEMENT OF SECTIONS

[The provisions of this Ordinance have no headings.]

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the Governor-General in so far as such consent is necessary previously obtained and communicated to the Legislative Assembly by message from the Administrator in accordance with the provisions of section *twenty-six* of the South West Africa Constitution Act, 1925, as amended by section *sixteen* of the South West Africa Affairs Amendment Act, 1949, of the Parliament of the Union of South Africa as follows:-

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4. (1) Any person who is in possession of a dangerous weapon as hereinafter defined, shall thereby be guilty of an offence unless he proves that such weapon is reasonably needed by him for a lawful purpose.

(2) Any person who manufactures, sells, or supplies any dangerous weapon shall be guilty of an offence unless he proves that he manufactured it for a lawful purpose or that he had good grounds for believing that the person purchasing such weapon or supplied with it reasonably needed it for a lawful purpose.

(3) For the purposes of this section the expression "dangerous weapon" means and includes the following -

(a) handles with wire, chains or other heavy substances attached;

(b) metal rods or wire exceeding a quarter inch in diameter and six inches in length;

(c) daggers;

(d) battle-axes;

(e) knives -

(i) pocket knives, the blades of which can be fixed when opened;

(ii) knives, including pocket knives, any blade of which exceeds three and a half inches in length; (blade in this context means that part of a knife which does not constitute the shaft or handle);

[The semicolon after "in length" is superfluous.]

(f) spears, assegais and loaded or spiked sticks or any stick exceeding one inch in diameter;

(g) knuckledusters;

(h) sandbags;

(i) jumpers, crowbars or hammers exceeding three pounds in weight;

(j) axes or pickaxes;

(k) solid rubber batons;

(l) articles capable of releasing lachrymatory, asphyxiating, blinding, incapacitating or other harmful substances and also cartridges therefor;

(m) any article which so closely resembles a pistol or other firearm as to be calculated to give the impression that it is a genuine firearm and which is capable, by the discharge of a cartridge (loaded or unloaded) of causing a loud report, calculated to give the impression that a genuine firearm had been discharged, and also cartridges therefor;

(n) any other article declared by the Administrator by notice in the *Official Gazette* to be a dangerous weapon for the purposes of this section.

(4) Nothing in this section contained shall prohibit the possession or acquisition of a dangerous weapon as in this section defined by any person solely as a trophy, curiosity or ornament if he is authorised thereto in writing by the Deputy Commissioner of the South African Police of the Territory.

(5) Any person found guilty of an offence in terms of this section shall be liable to a fine not exceeding one hundred pounds or in default of payment to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

**[Section 4 is repealed in respect of Rehoboth by Act 5 of 1980 (Rehoboth).
A fine not exceeding one hundred pounds is equivalent to a fine not exceeding N$200.]**

5. (1) Whenever under a will or other instrument any unborn person will be entitled to any interest in immovable property which is subject to any restriction imposed by such will or other instrument, the High Court of South West Africa may grant its consent on behalf of any such unborn person (whether already conceived or not) to the alienation or mortgage of such property as if such unborn person were a minor *in esse*.

(2) Proceedings in connection with the granting of such consent shall be deemed to be civil proceedings within the meaning of paragraph (c) of section *three* of the Appellate Division Further Jurisdiction Act, 1911 (Act 1 of 1911), of the Parliament of the Union of South Africa.

[The Appellate Division Further Jurisdiction Act 1 of 1911 was repealed by the Supreme Court Act 59 of 1959 (SA), which was applicable to South West Africa, and which was replaced in turn by the Supreme Court Act 15 of 1990.]

6. Any person who is found in possession of any goods, other than stock or produce as defined in section *one* of the Stock Theft Law Amendment Ordinance, 1935 (Ordinance 11 of 1935), in regard to which there is reasonable suspicion that they have been stolen and is unable to give a satisfactory account of such possession, shall be guilty of an offence and liable on conviction to the penalties which may be imposed on a conviction of theft.

[The Stock Theft Law Amendment Ordinance 11 of 1935 has been replaced by the Stock Theft Act 12 of 1990.]

7. (1) Any person who in any manner, otherwise than at a public sale, acquires or receives into his possession from any other person stolen goods, other than stock or produce as defined in section *one* of the Stock Theft Law Amendment Ordinance, 1935 (Ordinance 11 of 1935), without having reasonable cause, proof of which shall be on such firstmentioned person, for believing at the time of such acquisition or receipt that such goods are the property of the person from whom he receives them or that such person has been duly authorized by the owner thereof to deal with or to dispose of them, shall be guilty of an offence and liable on conviction

to the penalties which may be imposed on a conviction of receiving stolen property knowing it to have been stolen except in so far as the imposition of any such penalty may be compulsory.

[Subsection (1) is amended by Ord. 36 of 1965. *Gomes v Prosecutor-General* [2013] NAHCMD 240 struck down the phrase "proof of which shall be on such first-mentioned person" **in section 7(1), but this case was reversed by the Supreme Court on appeal in *Prosecutor-General of the Republic of Namibia v Gomes & Others* 2015 (4) NR 1035 (SC), with the effect that section 7(1) remains as it stands.]**

(2) For the purposes of sub-section (1) "public sale" means a sale effected -

(a) at any public market; or

(b) by any shopkeeper during the hours when his shop may in terms of any law remain open for the transaction of business; or

(c) by a duly licensed auctioneer at a public auction; or

(d) in pursuance of an order of a competent court.

8. (1) Any person who, without a *bona fide* claim of right and without the consent of the owner or the person having the control thereof, removes any property from the control of the owner of such person with intent to use it for his own purposes without the consent of the owner or any other person competent to give such consent, whether or not he intends throughout to return the property to the owner or person from whose control he removes it, shall, unless it is proved that such person, at the time of the removal, had reasonable grounds for believing that the owner or such other person would have consented to such use if he had known about it, be guilty of an offence and on conviction liable to the penalties which may lawfully be imposed for theft.

(2) Any person charged with theft may be found guilty of a contravention of sub-section (1) if such be the facts proved.

9. This Ordinance shall be called the General Law Amendment Ordinance, 1956.