

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



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THE PRESIDENCY

No. 775

22 August 2007

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 28 of 2006: Firearms Control Amendment Act, 2006



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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.
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(English text signed by the President.)
(Assented to 17 August 2007.)

ACT

To amend the Firearms Control Act, 2000, so as to amend, delete and insert certain definitions; to provide for the control of muzzle loading firearms; to provide for the control of a certain device; to provide for the Registrar to determine the sufficiency of the set of fingerprints an applicant must from time to time provide; to provide for a written notification in respect of the substitution of a responsible person; to provide for a procedure to cancel an accreditation; to provide for the renewal of a competency certificate; to delete the restriction on magazine capacity of a semi-automatic shotgun for use by a dedicated hunter or sports person; to provide for a licence to possess a firearm for professional hunting; to provide that prohibited and restricted firearms may only be collected if made inoperable; to provide for the cancellation of a temporary permit to possess a firearm; to extend the validity period of licences and permits; to subject the export of firearms and ammunition to the relevant provisions of the National Conventional Arms Control Act, 2002; to provide for non-automatic disqualification to possess a firearm in the event of the payment of an admission of guilt fine; to provide for the holding of an inquiry contemplated in section 102 in the absence of the person concerned under certain circumstances; to amend the procedure for the cancellation of certain licences, permits, authorisations and competency certificates; to provide for the establishment of an informal consultative forum, and to provide for compliance with the provisions of the National Heritage Resources Act, 1999, in instances where firearms are to be destroyed; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 60 of 2000, as amended by section 1 of Act 43 of 2003

1. Section 1 of the Firearms Control Act, 2000 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for the definition of “ammunition” of the following definition:
 “‘**ammunition**’ means a primer or [complete] cartridge;”;
- (b) by the deletion of the definition of “antique firearm”;

- (c) by the insertion after the definition of **“Appeal Board”** of the following definition:
“‘calibre’, for the purposes of sections 18(2)(b) and 19(3), means a cartridge as described by dimensions and make, mark, model or type;”
- (d) by the substitution for the definition of **“cartridge”** of the following definition: 5
“‘cartridge’ means a complete object consisting of a cartridge case, primer (whether rimfire or otherwise), propellant and a bullet or shot, as the case may be;”
- (e) by the insertion after the definition of **“Designated Firearms Officer”** of the following definition: 10
“‘dispossession’, for the purposes of section 118, means selling, supplying or in any other manner giving possession in contravention of section 120(10)(a);”
- (f) by the substitution in the definition of **“firearm”** for the words following upon paragraph (e) of the following words: 15
“but does not include a muzzle loading firearm or any device contemplated in section 5;”
- (g) by the insertion after the definition of **“firearm”** of the following definition: 20
“‘fit and proper person’ means a person who complies with the requirements of section 9(2) and any regulations relevant to the competency of a person to possess a firearm in terms of this act;”
- (h) by the substitution for the definition of **“juristic person”** of the following definition: 25
“‘juristic person’ includes a trust [a partnership and any other association of persons];”
- (i) by the insertion after the definition of **Minister** of the following definition:
“‘muzzle loading firearm’ means—
 (a) a barreled device that can fire only a single shot, per barrel, and requires after each shot fired the individual reloading through the muzzle end of the barrel with separate components consisting of a— 30
 (i) measured charge of black powder or equivalent propellant;
 (ii) wad; and
 (iii) lead bullet, sabot or shot functioning as a projectile, 35
and ignited with a flint, match, wheel or percussion cap;”
- (j) by the substitution for the definition of **“occasional hunter”** of the following definition:
“‘occasional hunter’ means any person who, from time to time, participates in hunting activities [but who is not a member of an accredited hunting association];” 40
- (k) by the substitution for the definition of **“occasional sports person”** of the following definition:
“‘occasional sports person’ means any person who, from time to time, participates in sports-shooting [but who is not a member of an accredited sports-shooting organisation];” 45
- (l) by the insertion, after the definition of **“private collector”** of the following definition:
“‘professional hunter’ means any person who supervises, escorts, offers to, or agrees to supervise or escort a client, for reward in connection with the hunting of a wild or exotic animal and who is authorised to do so in terms of any applicable provincial law;” 50
- (m) by the insertion after the definition of **“restricted firearm”** of the following definition:
“‘Secretary for Safety and Security’ means the Secretary for Safety and Security appointed under section 2(2) of the South African Police Service Act, 1995 (Act No. 68 of 1995);” 55

Substitution of section 3 of Act 60 of 2000

2. The following section is hereby substituted for section 3 of the principal Act:

“General prohibition in respect of firearms and muzzle loading firearms

3. (1) No person may possess a firearm unless he or she holds for that 5
firearm—

(a) a licence, permit or authorisation issued in terms of this Act [for that
firearm]; or

(b) a licence, permit, authorisation or registration certificate contemplated 10
in item 1, 2, 3, 4, 4A or 5 of Schedule 1.

(2) No person may possess a muzzle loading firearm unless he or she has
been issued with the relevant competency certificate.”.

Amendment of section 4 of Act 60 of 2000, as amended by section 2 of Act 43 of 2003

3. Section 4 of the principal Act is hereby amended by the substitution in subsection 15
(1) for paragraph (e) of the following paragraph:

“(e) any imitation of any device contemplated in paragraph [(a),] (b), (c) excluding
the frame, body or barrel of a fully automatic firearm, or (d);”.

Amendment of section 5 of Act 60 of 2000

4. Section 5 of the principal Act is hereby amended by the substitution in subsection 20
(1) for paragraph (e) of the following paragraph:

“(e) [an antique] a muzzle loading firearm;”.

Amendment of section 6 of Act 60 of 2000

5. Section 6 of the principal Act is hereby amended by the substitution in subsection
(1) for paragraph (a) of the following paragraph:

“(a) on receipt of an application completed in the prescribed form, including [a full 25
set of] such fingerprints of the applicant as the Registrar may require; and”.

Amendment of section 7 of Act 60 of 2000

6. Section 7 of the principal Act is hereby amended—

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

“(4) If it becomes necessary to replace a responsible person for any 30
reason, the juristic person must in writing—

(a) nominate a new responsible person who must be in possession of
the relevant competency certificate; and

(b) notify the Registrar of the nomination within seven days from the 35
date of the nomination.”; and

(b) by the addition of the following subsection:

“(5) For the purposes of this Act, a juristic person includes a trust, as
long as the trust deed—

(a) clearly provides for the possession of firearms, ammunition or 40
muzzle loading firearms by the trust;

(b) stipulates clearly the intended purpose of the possession of firearms,
ammunition or muzzle loading firearms by the trust; and

(c) indicates that the possession of the firearms, ammunition or muzzle
loading firearms by the trust may only endure as long as the 45
possession is necessary to achieve the stated intended purpose.”.

Amendment of section 8 of Act 60 of 2000**7. Section 8 of the principal Act is hereby amended—**

(a) by the substitution for subsection (3) of the following subsection:

- “(3) (a) The Registrar may, by notice in writing, cancel an accreditation issued in terms of this Act if—
- (i) there is no longer compliance with any criterion for accreditation;
 - (ii) the holder of the accreditation no longer qualifies to hold the accreditation in terms of this Act; or
 - (iii) the holder of the accreditation has contravened or failed to comply with any provision of this Act or any condition specified in the accreditation.
- (b) A notice contemplated in subparagraph (a) may only be issued if the Registrar has—
- (i) given the holder of the accreditation notice in writing of the grounds on which the cancellation is to be considered;
 - (ii) informed the holder concerned in writing that he or she may submit written representations, within 30 days, as to why the accreditation should not be cancelled; and
 - (iii) duly considered any representations received and all the facts pertaining to the matter.”; and

(b) by the addition of the following subsections:

- “(4) (a) If a notice contemplated in subsection (3) is issued in the case of an accreditation in respect of an association or organisation contemplated in section 16, 17, 18 or 19—
- (i) such notice must be published in the *Gazette*; and
 - (ii) the registered members of that association or organisation must, within six months from the date of publication, join another relevant accredited association or organisation.
- (b) If a notice contemplated in subsection (3) is issued in the case of a licence issued in terms of section 20(2)(b) to (f), the former holder of the accreditation must dispose of the firearm in question through a dealer or in such manner as the Registrar may determine.
- (c) The disposal must take place within 60 days of the receipt of the notice or determination.
- (5) If the firearm is not disposed of within 60 days—
- (a) it must be forfeited to the State; and
 - (b) the former holder of the accreditation must surrender it immediately at such place and in such manner as the Registrar may determine.
- (6) Any period contemplated in this section may be extended by the Registrar on good cause shown.”.

Amendment of section 9 of Act 60 of 2000, as amended by section 3 of Act 43 of 2003**8. Section 9 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:**

“(1) An application for a competency certificate to possess a firearm, to possess a muzzle loading firearm, to possess a firearm as a private collector in such specific category as may be prescribed, to trade in firearms, to manufacture firearms or to carry on business as a gunsmith must be delivered to the Designated Firearms Officer responsible for the area in which the applicant ordinarily resides or in which the applicant's business is or will be situated, as the case may be.”.