

STATUS: DRAFT DISCUSSION DOCUMENT ONLY

REPUBLIC OF SOUTH AFRICA

FIREARMS CONTROL AMENDMENT BILL

*(As introduced in the National Assembly (proposed section 75); explanatory summary of
Bill published in Government Gazette No. of 2011)
(The English text is the official text of the Bill)*

(MINISTER OF POLICE)

[B —2011]

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BILL

To amend the Firearms Control Act, 2000 (Act No. 60 of 2000) (the principal Act), and the Firearms Control Amendment Act, 2006 (Act No. 28 of 2006), in order to provide for the substitution of the definitions for “muzzle loading firearm”, “Minister” and to substitute for the definition of “Secretary for Safety and Security” of a definition for “Civilian Secretary for Police Service”; to provide for the verification by accredited associations of applications to possess a firearm; to provide validity period of competency certificates; to provide for consequential amendments to both Acts in respect of muzzle loading firearms in order to provide for control over muzzle loading firearms in respect of trading, manufacturing, marking, display of, disposal of and alterations to muzzle loading firearms; to provide for the designation of a Designated Firearms Officer at each police station in order to strengthen the control over firearms in possession of the police, other Official Institutions and private security service providers and to improve the processing of applications for competency certificates and firearm licences; to provide for the Minister of Police to appoint additional members to the Appeal Board, to provide for the strengthening of the independence of the Appeal Board and the functions of the Appeal Board; to provide for powers of the Minister to prescribe matters pertaining to the processing of applications for firearm licences and competency certificates, the functioning of the Appeal Board and the carrying of firearms by security officers in the executing of their duties and functions; to provide for the number of cartridges that may be possessed; to provide for transitional provisions in respect of percussion/cap-and-ball revolvers, including provision for an additional licence in the category of occasional hunting and sports shooting, in order to accommodate the licensing of percussion/cap-and-ball revolvers; to provide for the compliance by Official Institutions to Chapter 11 of the Act; and to provide for matters connected therewith.

Be it enacted by the Parliament of the Republic of South Africa, as follows:—

1. Amendment of section 1 of Act 60 of 2000

Section 1 of the Firearms Control Amendment Act, 2000 (Act No. 60 of 2000), hereinafter referred to as the principal Act, is hereby amended, by—

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(a) the substitution for the definition of muzzle loading firearm of the following definition:

“muzzle loading firearm’ means-

- (a) a barrelled 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-
 - (i) measured charge of black powder or equivalent propellant;
 - (ii) wad; and
 - (iii) lead bullet, sabot or shot functioning as a projectile,and ignited with a flint, match, wheel, **[or]** percussion cap or primer;”.

(b) the insertion, after the definition of “Appeal Board” of the following definition:

“**percussion/cap-and-ball revolver’** means a handgun with a cylinder or any number of rotating barrels which is capable of discharging more than two shots in succession after loading of the cylinder, or barrels through the muzzle or directly into the cylinder with separate components consisting of a –

- (aa) measured charge of black powder or equivalent propellant; and
 - (bb) projectile which may be a metal ball, bullet, sabot or shot, functioning as such;
- and ignited by a percussion cap or primer;”;

(c) the substitution for the definition of “Minister” of the following definition:

“Minister” means the Minister **[for Safety and Security]** of Police;”.

Amendment of section 8 of Act 60 of 2000

2. Section 8 of the principal Act is hereby amended by the insertion of the following subsections –

“(7) Associations accredited in terms of this Act in respect of sports shooting, hunting and collection of firearms and ammunition may in the prescribed manner

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verify applications for the possession of firearms and ammunition made by members of that association with reference to the applicant, the firearm applied for, the motivation for the application or any other part of the application.

(8) The Registrar must consider the verification by the accredited association when considering the application of a member of that association, but will not be precluded from independently verifying such information or the refusal of the application on good cause, and with provision of the reasons for such refusal to the applicant.

Amendment of section 10 of Act 60 of 2000, as amended by Act 28 of 2006

3. Section 10 of the principal Act is hereby amended by—

(a) the substitution for paragraph (i) of subsection (1) of the following paragraph:

(i) possess a firearm for one or more of the following purposes[,]—

(aa) self-defence;

(bb) occasional or dedicated hunting, or occasional or dedicated sports shooting;

(cc) professional hunting;

(dd) private collection;

(ee) for business purposes as game rancher or in hunting;

(ff) for business purposes other than as game rancher or in hunting;

(b) the substitution for subsection (2) of the following subsection:

(2) Subject to subsection (3), [A] a competency certificate mentioned in Column 2 of the Table below remains valid for the period mentioned in Column 3 of that Table calculated from the date of issue [contemplated in subsection (1) (a) (i), (ii), (iii) and (iv), remains valid for the same period of validity as the period determined in this Act in respect of the licence to which the competency certificate relates] , unless the competency certificate is terminated or renewed in accordance with the provisions of this Act.

PERIOD OF VALIDITY OF COMPETENCY CERTIFICATE

Column 1	Column 2	Column 3
<u>Section number</u>	<u>Purpose of competency certificate</u>	<u>Period of validity of competency certificate</u>
<u>10(1)(i)(aa)</u>	<u>self-defence</u>	<u>5 years</u>

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<u>10(1)(i)(bb)</u>	<u>occasional or dedicated hunting or occasional or dedicated sports shooting</u>	<u>10 years</u>
<u>10(1)(i)(cc)</u>	<u>professional hunting</u>	<u>10 years</u>
<u>10(1)(i)(dd)</u>	<u>private collection</u>	<u>10 years</u>
<u>10(1)(i)(ee)</u>	<u>business purposes: Business as game rancher or in hunting</u>	<u>10 years</u>
<u>10(1)(i)(ff)</u>	<u>business purposes: Business other than as game rancher or in hunting</u>	<u>5 years</u>
<u>10(1)(a)(iA)</u>	<u>to possess a muzzle-loading firearm</u>	<u>10 years</u>
<u>10(1)(a)(iB)</u>	<u>to possess a firearm as a private collector</u>	<u>10 years</u>
<u>10(1)(a)(ii)</u>	<u>to trade in firearms</u>	<u>5 years</u>
<u>10(1)(a)(iii)</u>	<u>to manufacture firearms;</u>	<u>5 years</u>
<u>10(1)(a)(iv)</u>	<u>to conduct business as a gunsmith</u>	<u>5 years</u>

(d) the substitution for subsection (3) of the following subsection:

“(3) [A competency certificate relating to a muzzle loading firearm lapses after ten years from its date of issue, unless the competency certificate is terminated or renewed in accordance with the provisions of this Act.] Notwithstanding the expiry date of the competency certificate for self-defence, a person who is the holder of a competency certificate for self-defence, as well as a competency certificate for occasional or dedicated hunting or occasional or dedicated sports shooting or professional hunting which expires after the expiry date of the competency certificate for self-defence, must apply for the renewal of the competency certificate for self-defence at least 90 days before the expiry date of the

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competency certificate in respect of hunting, sports shooting or professional hunting.

Amendment of section 10A of Act 60 of 2000, as inserted by Act 28 of 2006

4. Section 10A of the principal Act is hereby amended by the substitution for subsection (1) and (2) of the following subsections;

“(1) Subject to subsection (3) of section 10, [Any] any holder of a competency certificate contemplated in [subsection (2) and] section 9 (1) and who wishes to renew the competency certificate must apply in the prescribed form to the Registrar for its renewal [together with an application for the renewal of the licence, where applicable, to which the competency certificate relates].

(2) Any **[holder of a competency certificate contemplated in section 9(1) who wishes to renew the competency certificate must apply] application in terms of subsection (1) for the renewal of a competency certificate must be submitted at least 90 days before the date of expiry of the relevant competency certificate **[in the prescribed form to the Registrar for its renewal].”**.**

Amendment of section 15 of Act 60 of 2000

5. Section 15 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(3) (a) Subject to paragraphs (b), (c) and (d), no person may hold more than four licences issued in terms of this section: Provided that a fifth license may be issued to a person in respect of a percussion/cap-and-ball revolver.”

Amendment of section 17 of Act 60 of 2000

6. Section 17 of the principal Act is hereby amended by—

(a) the substitution of paragraph (a) of subsection (1) of the following paragraph:

“(a) A firearm which may be possessed in a private collection is [any] such firearm approved for collection by an accredited collectors association to which the private collector is a member in good standing and where such firearm is related to the private collector’s field of interest.”; and

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(b) the substitution of subsection (2) of the following paragraph:

“(2) The Registrar may issue a licence in terms of this section to a private collector if the application is accompanied by a sworn statement or solemn declaration from the chairperson of an accredited collectors association, or someone delegated in writing by him or her, stating that the applicant is a registered member in good standing of that association and that the applicant has confirmed to the association that he or she complies with the requirements of the Act.”.

Substitution of section 23 of Act 60 of 2000

7. The following subsection is hereby inserted in section 23 of the principal Act:

“(8) Muzzle loading firearms which are imported or kept in a dealer’s stock must be marked with such serial number as may be prescribed and affixed in the prescribed manner.”.

Amendment of section 36 of Act 60 of 2000

8. Section 36 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Registrar may issue a temporary authorisation to a dealer to trade in firearms, muzzle loading firearms and ammunition at premises other than those specified in the dealer's licence.”.

Amendment of section 39 of Act 60 of 2000

9. Section 39 of the principal Act is hereby amended by-

(a) the substitution for subsections (1) and (2) of the following subsections:

“(1) A dealer may trade in firearms, muzzle loading firearms or ammunition only on premises specified in the dealer's licence.

(2) A dealer may not permit any person to trade in firearms, muzzle loading firearms or ammunition on his or her behalf unless that person is in possession of the appropriate competency certificate.”.

(b) the substitution for paragraph (a) of subsection (5) of the following paragraph:

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- “(a) any firearms, muzzle loading firearms or ammunition that the dealer may have in stock;

Substitution of section 46 of Act 60 of 2000

10. The following section is hereby substituted for section 46 of the principal Act:

“Requirements for manufacturer's licence

46(1) A manufacturer's licence may be issued to a person who is a fit and proper person to manufacture firearms, muzzle loading firearms or ammunition.

(2) The Registrar may only issue a manufacturer's licence to-

- (a) a manufacturer of firearms or muzzle loading firearms if the firearms or muzzle loading firearms are manufactured in a factory registered in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993); or
- (b) a manufacturer of ammunition if the ammunition is manufactured in a factory licensed in terms of the Explosives Act, 1956 (Act 26 of 1956).”.

Amendment of section 50 of Act 60 of 2000

11. Section 50 of the principal Act is hereby amended by-

(a) the substitution for subsection (1) of the following subsection:

“(1) The Registrar may issue a temporary authorisation to a manufacturer to display firearms, muzzle loading firearms and ammunition at premises other than those specified in the manufacturer's licence.

(b) the substitution for the words preceding paragraph (a) of subsection (3) of the following words:

“(3) A temporary authorisation to display firearms, muzzle loading firearms and ammunition must specify-“.

Amendment of section 53 of Act 60 of 2000

12. Section 53 of the principal Act is hereby amended by-

(a) the substitution for subsections (1) and (2) of the following subsections:

“(1) A manufacturer may manufacture firearms, muzzle loading firearms or ammunition only on premises specified in the licence.

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(2) A manufacturer must apply or affix such serial number or any other mark to any firearm or muzzle loading firearm manufactured by the manufacturer as may be prescribed.”.

(b) the substitution for paragraph (a) of subsection (5) of the following paragraph:

“(a) any firearms, muzzle loading firearms or ammunition that the manufacturer may have in stock;”.

Amendment of section 56 of Act 60 of 2000

13. Section 56 of the principal Act is hereby amended by—

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

“(a) If a notice contemplated in subsection (2) is issued, the former holder of the licence must dispose of any firearms, muzzle loading firearms and ammunition in his or her possession through a dealer or in such manner as the Registrar may determine.”; and

(b) the substitution for subsection (5) of the following subsection:

“(5) If the firearms and ammunition or muzzle loading firearms are not disposed of within 60 days they must be forfeited to the State and the former holder of the licence must surrender them immediately at such place and in such manner as the Registrar may determine.”.

Amendment of section 84 of Act 60 of 2000

14. Section 84 of the principal Act is hereby amended by—

(a) the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“(1) Subject to subsection (3) [No] no person may carry a firearm in a public place unless the firearm is carried-“.

(b) the insertion after subsection (2) of the following new subsection:

“(3) The Minister may prescribe the manner in which a firearm must be carried by a security officer in the performance of his or her duties and functions.”.

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Amendment of section 124 of Act 60 of 2000 as amended by Act 43 of 2003

15. Section 124 of the principal Act is hereby amended by the insertion of the following new subsections:

(4) A Designated Firearms Officer must be designated at each police station and must, in addition to such firearm-related duties assigned to him or her by the Registrar or the Head of the Central Firearms Register, perform the following duties—

- (a) receive and process all applications for competency certificates and licenses;
- (b) ensure compliance with Chapter 11 of this Act by police members, including undergoing prescribed competency testing, and that an official firearm is only issued to a member who has passed the prescribed tests and has been issued with the prescribed permit to be in possession of a firearm;
- (c) perform inspections at Official Institutions within the police station area to ensure compliance with Chapter 11 of this Act;
- (d) perform regular and random inspections at the business premises of security service providers registered in terms of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001), to ensure compliance with this Act, in particular in respect of the safe-keeping and issuing of firearms to employees;
- (e) ensure that firearms kept in the station are kept safely in accordance with prescripts, including national instructions made under the South African Police Service Act, 1995 (Act No. 68 of 1995);
- (f) make recommendations to the station commander on disciplinary steps to be taken against members who have lost firearms through negligence;
- (g) ensure that-
 - (i) losses of official firearms are reported speedily;
 - (ii) losses of firearms are investigated immediately;
 - (iii) that firearms are not re-issued to members against whom any of the above actions are still pending;

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- (iv) to ensure that steps are taken to recover losses caused through negligence of members;
 - (v) ensure that firearms kept as exhibits at the police station are kept safely and in accordance with prescripts, including relevant national instructions; and
 - (vi) ensure that regular and random inspections of official registers for the booking in and out of firearms to police members are performed and also to personally perform such inspections.
- (4) A Designated Firearms Officer must be responsible solely for issues relating to the administration and compliance of this Act.

Amendment of section 128 of Act 60 of 2000

16. Section 128 of the principal Act is hereby amended by—

- (a) the substitution for subsection (2) of the following subsection:

“(2) The Appeal Board, subject to subsection (3), consists of **[no more than]** at least five members who must be appointed by the Minister and who, when viewed collectively, must as far as possible be broadly representative of the population of the Republic.”
- (b) the insertion of the following subsections (3) and (4):

“(3) If the Minister deems it necessary in view of the workload of the Appeal Board or other exceptional circumstances, he or she may appoint an additional member or members to the Appeal Board.

(4) The Appeal Board must-

 - (a) consider appeals against decisions of the Registrar;
 - (b) consider any representation made;
 - (c) determine the appeal procedure;
 - (d) ensure that appeals are dealt with in accordance with such guidelines as the Minister may prescribe ;
 - (e) identify systemic problems that result in appeals;
 - (f) submit reports on systemic problems to the Minister, at least once every year; and
 - (g) invite a person or persons with a sound knowledge of

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firearms to assist the Appeal Board on technical aspects of firearms where the Appeal Board deems it necessary.”.

Substitution of section 131 of Act 60 of 2000, as amended by Act 43 of 2003

17. The following section is hereby substituted for section 131 of the principal Act:
- “131.(1) The administrative work of the Appeal Board must be performed by such members of the South African Police Service, or any other employee of the South African Police Service as may be designated by the National Commissioner; Provided that a member employed at the Office of the Central Firearms Register may not be designated to perform the administrative work of the Appeal Board.
- (2) The Appeal Board must function independently of the Office of the Central Firearms Register.”.

Amendment of section 140 of Act 60 of 2000

18. Section 140 of the principal Act is hereby amended by the substitution for the words in subsection (1), preceding paragraph (a) of subsection (1) of the following words:
- “(1) The Minister may, after consultation with the National Commissioner and the Secretary for **[Safety and Security]** the Police Service, by notice in the *Gazette* declare any premises or categories of premises to be firearm-free zones, if it is-“.

Amendment of section 145 of Act 60 of 2000

19. Section 145 of the principal Act is hereby amended by—
- (a) the substitution for paragraph (m) of the following paragraph:
- (m) the training and testing and such other measures as may be necessary to ensure the competency of employees of an Official Institution who may possess and use firearms under the control of the Official Institution; **[and]**”
- (b) the insertion of the following new paragraphs in subsection (1):
- “(mA) the consideration and processing of applications for competency certificates and licenses to possess firearms;
- (mB) the consideration and processing of appeals being considered by the

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Appeal Board referred to in section 128, including time-frames within which appeals must be disposed of; and ”.

Substitution of section 59 of Act 60 of 2000

20. The following section is hereby substituted for section 59 of the principal Act:

“Prohibition of certain work

59. No person may, without being the holder of a gunsmith's licence or being registered as an apprentice to such holder-

- (a) alter the mechanism of a firearm so as to enable the discharging of more than one shot with a single depression of the trigger;
- (b) alter the calibre of a firearm or muzzle loading firearm;
- (c) alter the barrel length of a firearm or muzzle loading firearm;
- (d) alter or remove the serial number or any other identifying mark of a firearm or muzzle loading firearm; or
- (e) perform such other work as may be prescribed.”

Amendment of section 1 of Act 28 of 2006

21. Section 1 of the Firearms Control Amendment Act, 2006, is hereby amended by the substitution for paragraph (m) of the following paragraph:

“(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).] “Secretary for the Police Service’ means the Secretary for the Police Service appointed in terms of section 7(1) of the Civilian Secretariat for Police Service Act, 2011;”;

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Substitution of section 26 of Act 28 of 2006

22. The following section is hereby substituted for section 26 of the Firearms Control Amendment Act, 2006:

“Amendment of section 91 of Act 60 of 2000

26. Section 91 of the principal Act is hereby amended by the substitution of paragraph (a) of subsection (2) of the following paragraph:

- “(a) (i) a dedicated hunter, **[or]** dedicated sports person, a private collector, an accredited training service provider or a professional hunter who holds a licence issued in terms of this Act; or
- (ii) any other holder of a licence issued in terms of this Act, except for a licence issued for self defence, authorised in writing by the Registrar, on good cause shown to possess [more than] the number of cartridges in excess of 200 cartridges for a firearm in respect of which he or she holds a licence, **[on good cause shown;]** specified in the written authorisation and which number must be commensurate with the cause shown; or”.

Amendment of section 96 of Act 60 of 2000

23. Section 96 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) No provision of this Act other than this Chapter, section 109, **[and]** section 145, in so far as it relates to Official Institutions, and Item 1C of Schedule 1, applies to an Official Institution.”.

Amendment of Schedule 1 of Act 60 of 2000, as amended by section 52 of Act 28 of 2006

24. Schedule 1 to the principal Act is hereby amended by—

- (a) the substitution for sub-item (3) of item 1A in the English text of the Act, of the following sub-item:
- (3) The period referred to in **[subsection]** sub-item 1 may be extended by the Minister for such period as the Minister may determine by notice in the *Gazette*.”.
- (b) the insertion after Item 1A, of the following Items:

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“Transitional provisions and surrendering of percussion/cap-and-ball revolvers

1B.(1) Any person who possesses a percussion/cap-and-ball revolver—

- (a) must before the expiry of 18 months from the date of commencement of this Act apply for a firearms licence to possess such percussion/cap-and- ball revolver;
- (b) may lawfully possess such percussion/cap-and-ball revolver until the expiry of the period mentioned in paragraph (a), or if an application has been made for a licence to possess such percussion/cap-and- ball revolver upon expiry of the said period, until such application has been decided; and
- (c) has not applied for a firearm licence in respect of that percussion/cap-and-ball revolver before the expiry of the period referred to in paragraph (a), must surrender such percussion/cap-and-ball revolver to a police station.’.

(2) No prosecution may be instituted during the period referred to in sub-item (1) against any person found in possession of a percussion/cap-and-ball revolver without being in possession of a license.

(3) The South African Police Service may dispose of any percussion/cap-and-ball revolver surrendered to it in terms of paragraph (c) in accordance with the provisions of the Act.

(4) A receipt must be issued to the person who surrenders a percussion/cap-and-ball revolver contemplated in paragraph (c).”.

Compliance by Official Institutions

1C. All official institutions must within one year of the commencement of the Firearms Control Amendment Act, 2011, be fully compliant with the

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provisions of Chapter 11, and Heads of Official Institutions must report to Parliament on progress made on a quarterly basis.”.

Short title and commencement

25. This Act is called the Firearms Control Amendment Bill, 2011, and comes into operation on a date determined by the President in the *Gazette*.

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MEMORANDUM ON THE OBJECTS OF THE FIREARMS CONTROL AMENDMENT BILL, 2011

1. BACKGROUND AND PURPOSE

1.1 In the process of the putting into operation of the Firearms Control Amendment Act, 2006 (Act No. 28 of 2006), some deficiencies in the Act had been noted, namely a that some consequential amendments are required in order to align the control over muzzle loading firearms with the control over firearms. Submissions were also made by the National Association of Arms Collectors of South Africa, pertaining to a lack of transitional provisions in respect of percussion/cap-and-ball revolvers. Although the same could be provided for in regulations, the impact of licensing percussion/cap-and-ball revolvers on the number of firearms which may be possessed can only be addressed through legislative amendment.

1.2 A Task team appointed by the Minister of Police in the meantime investigated the Central Firearms Register and made recommendations to the Minister in order to address the backlog in respect of the issuing of firearm licences as well as the volume of litigation instituted against the Department as a result of such backlog. In following up the report of the Task Team, some sections of the Firearms Control Amendment Act, 2006 were put into operation, namely sections 1(b), 1(i), 2, 4, 8, 9, 10, 18 and 52. These sections pertain to the issue of renewing competency certificates as well as the regulation of muzzle loading firearms.

1.3 Whilst the amendment of the principal Act as well as the Firearms Control Amendment Act, 2006, is necessary there was a critical review of all issues pertaining to the principal Act, and other amendments also included, such as providing for the validity period of competency certificates in view of legal uncertainties which emanated from the previous amendment of the Act in the practical application thereof, the designation of a Designated Firearms Officer at each police station to improve control over firearms in possession of the police and other Official Institutions and private security service providers.

2. PROVISIONS OF THE BILL

2.1 **Clause 1** substitutes the definition of “Minister” and “muzzle loading firearm”, defines a “percussion/cap-and-ball revolver” as a handgun with a cylinder or any number of rotating barrels which when loaded, is capable of discharging more

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than two shots in succession, before requiring the reloading of the cylinder, or barrels through the muzzle or directly into the cylinder with separate components consisting of a –

- (aa) measured charge of black powder or equivalent propellant;
- (bb) projectile which may be a metal ball, bullet, sabot or shot, functioning as such;

and ignited by a percussion cap or primer”.

2.2 **Clause 2** The Bill provides in clause 2 for the verification by accredited associations of applications to possess firearms.

2.3 **Clause 3** provides for the issuing of competency certificates according to the purpose of the possession of a firearm licence, and the validity period in respect of category of competency certificate, namely 5 years for self-defence, 10 years in respect of occasional and dedicated hunting or occasional and dedicated sports shooting, professional hunting, private collection, business purposes: Business as game rancher or in hunting, 5 years for business purposes: Business other than game ranching and in hunting, 10 years in respect of both possession of a muzzle loading firearm and to possess a firearm as a private collector, and 5 years in respect of trading in firearms, manufacturing of firearms and to conduct business as a gunsmith. In respect of persons who are holders of competency certificates in respect self-defence as well as for hunting, sports shooting and professional hunting, which expires after the expiry date of the competency certificate for self-defence, provision is made that the self-defence competency certificate be renewed in tandem with the validity date of the latest competency certificate.

2.4 **Clause 4** provides that all renewals of competency certificates must be made at least 90 days before the date of expiry thereof, on the prescribed form. an additional licence (in addition to the four licences provided for in section 15 of the Act in respect of occasional hunting and occasional sports shooting), may be issued in respect of a percussion/cap-and-ball revolver in view of the requirement to license a percussion/cap-and-ball revolver.

2.5 **Clause 5** provides for a fifth licence to be issued in the category of occasional sports shooting or occasional hunting in order to accommodate the licensing of percussion/cap-and-ball revolvers where a person has already licensed four firearms in that category.

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2.6 **Clause 6** provides that a firearm which may be possessed in a private collection is any firearm approved by an accredited collectors association to which the private collector is a member in good standing and where such firearm is related to the private collector's filed of interest. The requirement in section 17(2) of the principal Act that an application in terms of section 17 must be accompanied by a sworn statement or solemn declaration by the chairperson of an accredited association is qualified in that the proposed amendment provides that such chairperson must qualify that the applicant is a member in good standing and that the applicant has confirmed to the association that he or she complies with the requirements of the Act.

2.7 **Clause 7** of the Bill provides for affixing of a serial number in the prescribed manner to muzzle loading firearms which are imported or kept in dealers' stocks.

2.8 **Clauses 8, 9, 10, 11, 12, 13 and 20** are consequential amendments to the insertion to regulate muzzle loading firearms in respect of trading, manufacturing, marking, display of and disposal of and alterations to muzzle loading firearms.

2.9 **Clause 14** provides for a power to the Minister to prescribe the carrying of firearms by security officers.

2.10 **Clause 15** provides for the designation of a Designated Firearms Officer at each police station in order to provide a focused and undivided attention to control over firearms in the possession of the police as well as other official institutions and the security industry. It will also enhance access by the public to services and the speedy processing of applications for competency certificates and licenses.

2.11 **Clause 16** provides for the appointment by the Minister of an additional member or members to the Appeal Board as well as for functions of the Appeal Board.

2.12 **Clause 17** provides for the enhancement of the independence of the Appeal Board by providing that administrative work of the Appeal Board may not be performed by members attached to the Office of the Central Firearms Register and that the Appeal Board must function independent from the Office of the Central Firearms Register.

2.13 **Clause 18** provides for the correct reference to the Secretary for the Police Service in the provisions relating to firearm-free zones.

2.14 **Clause 19** provides for powers of the Minister to prescribe by regulation on

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the consideration and processing of applications for competency certificates and licences, and consideration and processing of appeals to the Appeal Board.

2.15 **Clause 21** provides for the substitution for the definition of “**Secretary for Safety and Security**” inserted in the principal Act by section 1(m) of the Firearms Control Amendment Act, 2006, which section has not yet been put into operation, by the definition for “**Secretary for the Police Service**”.

2.16 **Clause 22** provides for the insertion of the following in respect of the exclusion of the limit of 200 cartridges: a private collector, an accredited training service provider.

2.17 **Clause 23** provides for the applicability of the newly inserted Item 1C in Schedule 1.

2.18 **Clause 24** provides for a correction to the English text of the Firearms Control Amendment Act, 2006 (reference to “section” instead of “Item”), and also inserts a transitional provision in respect of the licensing of percussion/cap-and-ball revolvers, namely to provide 18 months of grace to license percussion/cap-and-ball revolvers, without fear of prosecution. It also provides that all Official Institutions must be compliant within one year with Chapter 11 of the Act.

2.19 **Clause 25** is the short title of the Act and provides for the commencement of the Act on a date determined by the President by Proclamation in the *Gazette*.

3. DEPARTMENTS/BODIES/PERSONS CONSULTED

The Bill was drafted by a Task Team consisting of officials of both the South African Police Service and the Secretariat of Police. The draft Bill was consulted with interested groups including dealers, collectors and trainers. The provisions relating to percussion/cap-and-ball revolvers were inserted following representations by the National Association of Arms and Ammunition Collectors of South Africa (NAACSA).

4. IMPLICATIONS FOR PROVINCES

None.

5. CONSTITUTIONAL IMPLICATIONS

None.

STATUS: DRAFT DISCUSSION DOCUMENT ONLY

6. ORGANISATIONAL AND PERSONNEL IMPLICATIONS

The appointment of Designated Firearms Officers at each police station will have an effect on identifying and training of members, but this will spread workload and improve effectiveness as well as access by the public to services. The appointment of additional members to the Appeal Board is seen as a temporary measure to address backlogs.

7. FINANCIAL IMPLICATIONS FOR THE STATE

Additional costs such as the appointment of additional members to the Appeal Board can be met from existing budgets.

8. COMMUNICATION IMPLICATIONS

None.

9. PARLIAMENTARY PROCEDURE

The State Law Advisers and the Department of Justice and Constitutional Development are of the opinion that this Bill should be dealt with in terms of the procedure established by section 75 of the Constitution of the Republic of South Africa, 1996, since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.

(The draft Bill still needs to be certified by the Chief State Law Adviser).