

	FACT SHEET SERIES <i>Brought to you as an informative member service</i>	Library Ref: 112
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SAGA Education Series: Section 12 – Additional / Shared Firearm Licences (FCA 60 of 2000)

1. Purpose of this Factsheet

This factsheet explains the legal framework, statutory interpretation and practical application of Section 12 licences under the Firearms Control Act (FCA).

Section 12 is commonly referred to as an “additional licence” provision. In practical terms, it allows two or more persons to hold licences for the same firearm, provided that each applicant independently satisfies the requirements of the Act.

This factsheet addresses whether a person who holds a valid competency certificate may lawfully obtain a Section 12 additional licence for a firearm already licensed to another person under:

- Section 13 – Firearm for self-defence
- Section 14 – Restricted firearm for self-defence
- Section 15 – Occasional hunting or sport shooting
- Section 16 – Dedicated hunting or sport shooting

2. What Section 12 Provides in Law

Section 12 of the Firearms Control Act expressly permits more than one person to be licensed for the same firearm.

In simple terms:

A firearm may be licensed to an additional person if that person independently qualifies and can justify the need for that firearm.

The Act therefore recognises that lawful possession may legitimately be shared between multiple licensed individuals, provided that each applicant independently satisfies the statutory requirements.

A Section 12 licence is not a separate category of firearm licence. Rather, it is an additional licence linked to a firearm already licensed to another lawful licence holder.

3. Legal Requirements for a Section 12 Additional Licence

An applicant must:

- Hold a valid competency certificate for the relevant firearm type
- Provide a substantiated motivation demonstrating a lawful need for the firearm
- Reside at the same premises as the primary licence holder

Important – Shared Residence Requirement

A Section 12 application is made for an additional licence issued under Section 13, 14, 15 or 16 of the FCA.

In practice, and in the administrative interpretation applied by the Central Firearms Registry (CFR), shared residence is an important requirement.

The rationale is that shared lawful access is only justifiable where:

- Both licence holders reside at the same premises, and
- firearm is stored at that shared residence.

Applications where shared residence cannot be demonstrated are commonly refused.

4. Does the FCA Prohibit Section 13 Firearms from Being Shared?

There is no explicit statutory prohibition in the FCA preventing a firearm licensed under Section 13, 14, 15 or 16 from also being licensed to another person under Section 12. Section 12(1) expressly permits an additional licence to be issued for a firearm already licensed under these sections.

Legally, the Section 12 licence is therefore an additional licence attached to an already-licensed firearm, rather than a primary licensing category.

5. Principle of Administrative Legality

Firearm licensing decisions constitute administrative actions and are therefore governed by the principles of constitutional and administrative law, including the Promotion of Administrative Justice Act (PAJA).

Accordingly:

If legislation does not prohibit an application, a refusal must be justified on lawful statutory grounds. Refusals must therefore be based on:

- A statutory prohibition, or
- Non-compliance with a requirement of the FCA

Refusals may not lawfully be based solely on internal policy assumptions, unofficial practices or blanket administrative interpretations.

6. Legitimate Motivations (Examples)

Examples of legitimate motivations for a Section 12 additional licence may include:

- Spouses sharing a household firearm for self-defence

- Elderly couples requiring reciprocal access during emergencies
- Farm or rural households facing shared security risks
- Situations where both parties operate in identical threat environments
- Contingency access where the primary licence holder is incapacitated or absent

Each applicant must demonstrate their own lawful need for the firearm. Reliance solely on the primary licence holder's motivation is generally insufficient.

7. Practical CFR Administrative Reality

Although Section 12 additional licences are clearly provided for in law, applicants should be aware that administrative practice can vary.

In practice:

- Outcomes may vary between DFO offices and provinces
- Some officials incorrectly assume that Section 12 is limited to certain licence categories
- Administrative refusals do occur

Such refusals constitute administrative decisions, not statements of law, and may be reviewable or appealable if not legally justified.

Important clarification

Section 12 does not require the additional licence to be issued under the same section as the primary licence.

For example:

A firearm may be licensed as:

- Section 13 – for the primary licence holder (self-defence), and
- Section 15 or Section 16 – for the additional licence holder (sport or hunting),
provided each applicant independently satisfies the relevant requirements.

8. Typical Supporting Documentation

Applicants should normally include:

- SAPS 271 application form (tick box "Additional Licence")
- Certified copies of competency certificates
- A detailed motivation letter or affidavit, supported by relevant evidence
- Written consent from the primary licence holder
- Proof of shared residence (critical)
- Safe storage declaration and/or photographs
- Evidence supporting the applicant's lawful need for the firearm

Important

Storage arrangements must ensure that only the licensed persons have lawful access to the firearm concerned. Access to one firearm does not imply lawful access to all firearms stored at the premises.

9. SAGA Interpretation

Based on the wording, structure and intent of the Firearms Control Act:

Section 12 provides a lawful statutory mechanism allowing multiple competent persons residing at the same premises to be licensed for the same firearm, including firearms licensed under Section 13-16, provided all legal requirements are satisfied.

Note: Administrative refusal without lawful statutory grounds may be subject to appeal or administrative review.

10. Practical Application Guidance

When Applying

- ✓ Clearly motivate your own need for the firearm
- ✓ Provide clear proof of shared residence
- ✓ Confirm secure storage arrangements
- ✓ Refer explicitly to Section 12 (Additional Licence) in the motivation

If an Application is refused:

- Request written reasons for refusal
- Verify whether the reasons cite actual statutory authority
- Consider appeal or review if the refusal lacks lawful basis

11. Key Takeaway

Section 12 exists specifically to allow lawful shared possession of a firearm where more than one competent person residing together has a legitimate requirement for the firearm.

The provision allows an additional licence to be issued under Section 13, 14, 15 or 16, provided that all statutory requirements are met and each applicant independently justifies their need.

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guide to firearm owners on compliance and responsible firearm ownership.*

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