

## SA GUNOWNERS' ASSOCIATION (SAGA)

### B. SCHEDULE OF OBJECTIONS TO THE DRAFT BILL

#	DFCAB Sec	FCA Sec	SUBJECT	NEW DFCAB PROVISION	EXISTING FCA PROVISION	COMMENT
1.	(j)	xxi	Occasional hunter	Occasional hunter: a person who participates from time to time in hunting activities. <b>Comment: See point 18 below.</b>	<b>"occasional hunter"</b> means any person who, from time to time, participates in hunting activities but who is not a member of an accredited hunting association;	This restricts freedom of association set out in section 18 of the Constitution
2.	(k)	xxii	Occasional sportsperson	Occasional sportsperson: a person who participates from time to time in sport shooting. <b>See point 18 below.</b>	<b>"occasional sports person"</b> means any person who, from time to time, participates in sports-shooting but who is not a member of an accredited sports-shooting organisation;	This restricts freedom of association set out in section 18 of the Constitution
3.	(l))	<b>New definition</b>	Percussion cap and ball	It means a revolver or rifle with a cylinder or any number of 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— <i>(a)</i> measured charge of black powder or equivalent propellant; and <i>(b)</i> bullet, sabot or shot, functioning as a projectile, and ignited by a percussion cap or primer or other ignition system;";		

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4.	(m)	ix Dedicated Hunter	Professional hunter now is a Dedicated 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, who is authorised to do so in terms of any applicable legislation and is a member of an accredited professional hunting association. <b>See point 19 below.</b>	“ <b>dedicated hunter</b> ” means a person who actively participates in hunting activities and who is a member of an accredited hunting association;	No comment. The existing definition is sufficient.
5.	(n)	<b>New definition</b>	Prohibited firearm	“Any fully automatic firearm or a device or conversion kit to convert a semi-automatic firearm to a fully automatic firearm.” Any grenade or rifle-grenade;” any de-activated (i) restricted firearm; or (ii) prohibited firearm.		This may cause problems as it includes deactivated restricted and prohibited firearms. This portion of the provision does not make sense.
6.	(o)	xxvii	Public collector defined	A person who under section 19 collects firearms or ammunition for display to the public and is accredited as such.	“ <b>public collector</b> ” means a person who collects firearms or ammunition for display to the public and is accredited as such;	No comment. The proposed definition does not differ drastically to the proposed one.
7.	(p)	Xxx	Restricted firearm	(a) Semi-automatic rifle or semi-automatic shotgun, which cannot readily be converted into a fully automatic firearm; or (b) firearm declared by the Minister by notice in the <i>Gazette</i> , to be a restricted firearm.	“ <b>restricted firearm</b> ” means any firearm contemplated in section 14(1);  <b>14. (1)</b> For purposes of this Act, a restricted firearm is any— (a) semi-automatic rifle or shotgun, which cannot readily be converted into a fully automatic firearm	No comment. The proposed definition is in line with the existing.

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8.	2A	2	Principles of the Act	<p>To confirm firearm possession and use as not being a right but a privilege that is conditional on the overriding need to ensure public safety; and</p> <p><i>(b)</i> improve public safety by—</p> <p>(i) imposing strict controls on the possession and use of firearms;</p> <p>(ii) promoting the safe and responsible storage and use of firearms; and</p> <p>(iii) providing a framework for a holistic approach to the control of firearms.</p> <p>...”to secure and protect civilians...”</p>	<p><b>2.</b> The purpose of this Act is to—</p> <p><i>(a)</i> enhance the constitutional rights to life and bodily integrity;</p> <p><i>(b)</i> prevent the proliferation of illegally possessed firearms and, by providing for the removal of those firearms from society and by improving control over legally possessed firearms, to prevent crime involving the use of firearms;</p> <p><i>(c)</i> enable the State to remove illegally possessed firearms from society, to control the supply, possession, safe storage, transfer and use of firearms and to detect and punish the negligent or criminal use of firearms;</p> <p><i>(d)</i> establish a comprehensive and effective system of firearm control and management; and</p> <p><i>(e)</i> ensure the efficient monitoring and enforcement of legislation pertaining to the control of firearms</p>	<p>Controls should not deny a person the right to own a firearm for legitimate purposes.</p> <p>Rather licence the individual and register the firearm if the person is found to be competent. We do not want irresponsible persons being armed and posing a threat to others. The current provisions of the FCA are sufficient and in the Bill there is no emphasis on illegal firearms whereas in the current FCA there is. Why the change?</p>

	DFCAB Sec	FCA Sec	SUBJECT	NEW DFCAB PROVISION	EXISTING FCA PROVISION	COMMENT
9.	2B	<b>New section</b>	Objects of the Act	The objects of this Act are to— <i>(a)</i> prohibit the possession and use of prohibited firearms and self-loading rifles and shotguns, except in special circumstances; <i>(b)</i> establish an integrated licensing and registration scheme for all firearms; <i>(c)</i> require each person who possesses or uses a firearm under the authority of a licence to provide a valid reason for possessing or using the firearm; <i>(d)</i> provide strict requirements that must be satisfied in relation to licensing and renewal of licences in respect of firearms and the acquisition and supply of firearms; and <i>(e)</i> ensure that firearms are stored and conveyed in a safe and secure manner;”.		We object to the use of the wording of “special circumstances” as being too vague.

	DFCAB Sec	FCA Sec	SUBJECT	NEW DFCAB PROVISION	EXISTING FCA PROVISION	COMMENT
10.	5	4	Prohibited firearms, devices and ammunition	<p>The following firearms and devices are prohibited firearms and may not be possessed or licensed in terms of this Act, except as provided for in section 20(1)(b):"; [(b) <i>Despite paragraph (a), a licence in respect of a restricted firearm may be issued to a person contemplated in subsection (2)(c) but such person may only provide the restricted firearm for use in theatrical, film or television productions and then only if the prior written approval of the Registrar has been obtained and on such conditions as the Registrar may impose.</i>']";</p> <p>"(a) Any fully automatic firearm, or a device or conversion kit to convert a semi-automatic firearm to a fully automatic firearm."</p> <p>(d) by the insertion in subsection (1) after paragraph (d) of the following paragraph: "(dA) any grenade or rifle-grenade;";</p> <p>(e) by the substitution in subsection (1) for paragraph (e) of the following paragraph: "(e) any imitation of any device contemplated in paragraph (a), (b), (c), (d) or (dA);"; and</p> <p>"(eA) any de-activated (i) restricted firearm; or (ii) prohibited firearm;".</p> <p>"(aA) The Minister may, by notice in the <i>Gazette</i>, declare any specified type of ammunition to be prohibited ammunition, which may not be possessed in terms of this Act if it is-</p> <p>(i) in the interest of public safety; (ii) desirable for the maintenance of law and order; or (iii) to ensure the safety of law enforcement officials."</p>	<p><b>4.</b> (1) The following firearms and devices are prohibited firearms and may not be possessed or licensed in terms of this Act, except as provided for in sections 17, 18(5), 19 and 20(1)(b):</p> <p>(a) Any fully automatic firearm; (b) any gun, cannon, recoilless gun, mortar, light mortar or launcher manufactured to fire a rocket, grenade, self-propelled grenade, bomb or explosive device; (c) any frame, body or barrel of such a fully automatic firearm, gun, cannon, recoilless gun, mortar, light mortar or launcher; (d) any projectile or rocket manufactured to be discharged from a cannon, recoilless gun or mortar, or rocket launcher; (e) any imitation of any device contemplated in paragraph (a), (b), (c), or (d); (f) any firearm— (i) the mechanism of which has been altered so as to enable the discharging of more than one shot with a single depression of the trigger; (ii) the calibre of which has been altered without the written permission of the Registrar; (iii) the barrel length of which has been altered without the written permission of the Registrar;</p>	<p>As this objection also includes the objections to the proposals set forth in points 21, 31, 32, 35 and 36, and these new provisions will cause major problems for the film industry.</p>

	DFCAB Sec	FCA Sec	SUBJECT	NEW DFCAB PROVISION	EXISTING FCA PROVISION	COMMENT
11.	6	5	Devices not firearms for purposes of this Act.	Antique firearms are now regarded as firearms as well as a deactivated firearm, except a deactivated— (i) restricted firearm; or (ii) prohibited firearm.	<b>Devices not firearms for purposes of this Act</b> <b>5.</b> (1) For purposes of this Act, the following devices are not regarded as firearms: (a) Any explosive powered tool manufactured specifically for use in industrial application, including line-throwing guns and impex-type building pistols; (b) any explosive powered tool manufactured to split rock or concrete by means of discharging an explosive cartridge; (c) any industrial tool manufactured for use in the mining and steel industry to remove refractory material; (d) any captive bolt gun manufactured for use in an abattoir in the humane killing of animals; (e) an antique firearm; (f) an airgun; (g) a tranquiliser firearm; (h) a paintball gun; (i) a flare gun; (j) a deactivated firearm; and (k) any other device which the Minister may, by notice in the <i>Gazette</i> , exempt. (2)A notice contemplated in subsection (1)(k) must be tabled in Parliament at least 14 days before	We object to this provision in its entirety.

					publication thereof if Parliament is then sitting, and if Parliament is not sitting, within seven days after the commencement of the next sitting. (3) A notice contemplated in subsection (1)(k) is of full force and effect until withdrawn by the Minister or by a resolution of Parliament.	
	<b>DFCAB Sec</b>	<b>FCA Sec</b>	<b>SUBJECT</b>	<b>NEW DFCAB PROVISION</b>	<b>EXISTING FCA PROVISION</b>	<b>COMMENT</b>
12.	7	6	Competency certificates and licenses	Such may be issued if the applicant has attained the age of 21 years and complies with all the applicable requirements of this Act. The Registrar may issue a competency certificate, licence, permit or authorisation contemplated in this Act to an applicant who is between the age of 18 years and 21 years if there are compelling reasons. If a person is an applicant for a firearm licence, permit or authorisation, such applicant must have been constantly supervised for a period of 12 months on the use and handling of a firearm by a person who is over the age of 21 years and who has held a licence for a similar type of firearm for a period of at least three years. The applicant must furnish an affidavit from the supervisor confirming that the applicant has been provided with the supervision on the use and handling of a firearm. Any person who provides false information in respect of the supervision is guilty of an offence."	<b>6.</b> (1) The Registrar may issue any competency certificate, licence, permit or authorisation contemplated in this Act— (a) on receipt of an application completed in the prescribed form, including a full set of fingerprints of the applicant; and (b) if the applicant complies with all the applicable requirements of this Act. (2) Subject to section 7, no licence may be issued to a person who is not in possession of the relevant competency certificate. (3) Every application for a competency certificate, licence, permit or authorisation must be accompanied by such information as may be prescribed.	We object to the proposed provision in the Bill as this will delay the development of sports shooters and hunters.

	DFCAB Sec	FCA Sec	SUBJECT	NEW DFCAB PROVISION	EXISTING FCA PROVISION	COMMENT
13.	9	8	Accreditation	<p>The chairperson or an authorised office bearer of an association or organisation accredited in terms of this Act must, with regard to an application by its member for a licence to possess a firearm for—</p> <p><i>(a)</i> dedicated sports shooting;  <i>(b)</i> dedicated hunting; or  <i>(c)</i> professional hunting.</p> <p>in the prescribed manner, verify the application made by such member of that association regarding the use, purpose and category of the firearm applied for, including the motivation for the application or any other part of the application.</p> <p>The Registrar must take into account the verification by the accredited association or organisation when considering the application.</p>	<p><b>8.</b> (1) Any accreditation required in terms of this Act must be done by the Registrar in accordance with such regulations as may be prescribed.</p> <p>(2) The regulations contemplated in subsection (1) may set out different sets of criteria, in respect of different accreditations, which the Registrar must apply when issuing an accreditation and which criteria must at least include criteria relating to—</p> <p><i>(a)</i> trustworthiness and integrity;  <i>(b)</i> suitability to perform the relevant functions in terms of this Act;  <i>(c)</i> capacity to serve the purpose of the accreditation; and  <i>(d)</i> capacity to advance the purposes of this Act.</p> <p>(3) The Registrar may cancel an accreditation if there is no longer compliance with any criterion for accreditation.</p>	<p>We object to this provision as the current FCA is sufficient.</p>

	DFCAB Sec	FCA Sec	SUBJECT	NEW DFCAB PROVISION	EXISTING FCA PROVISION	COMMENT
14.	10	9	Competency Certificates	<p>An application for a competency certificate to possess a firearm, to possess a muzzle loading firearm, to trade in firearms and ammunition, to manufacture firearms or ammunition, to be a dedicated hunter, to be a dedicated sports person, to be a professional hunter 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 shall be situated, as the case may be."</p> <p>If there is an interim protection order in force in terms of the Domestic Violence Act, 1998 (Act No. 116 of 1998), or the Protection from Harassment Act, 2011 (Act No. 17 of 2011), at the time of the making of the application for a competency certificate or during the consideration of the application, the Registrar may, depending on the nature of the particular order sought, suspend the processing of the application pending the final determination of the interim protection order.</p>	<p><b>9.</b> (1) An application for a competency certificate to possess a firearm, 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.</p> <p>(2) Where a person has not previously obtained a competency certificate, a competency certificate may only be issued to such person if he or she—</p> <p>(a) is 21 years or older on the day the application is received by the Designated Firearms Officer;</p> <p>(b) is a South African citizen or a holder of a permanent South African residence permit;</p> <p>(c) is a fit and proper person to possess a firearm, to trade in firearms, to manufacture firearms or to conduct business as a gunsmith, as the case may be;</p> <p>(d) is of stable mental condition and is not inclined to violence;</p> <p>(e) is not dependent on any substance which has an intoxicating or narcotic effect;</p> <p>(f) has not been convicted of any offence under or in terms of this Act or the previous Act and sentenced</p>	We object as the current FCA is sufficient.

					<p>to a period of imprisonment without the option of a fine;</p> <p><i>(g)</i> has not been convicted, whether in or outside South Africa, of an offence involving the unlawful use or handling of a firearm by him or her or another participant to the offence, whether committed in or outside South Africa;</p> <p><i>(h)</i> has not been convicted, whether in or outside South Africa, of an offence involving—</p> <p>(i) violence or sexual abuse, whether committed in or outside South Africa, and sentenced to a period of imprisonment without the option of a fine; or</p> <p>ii) physical or sexual abuse which occurred within a domestic relationship as defined in section 1 of the Domestic Violence Act, 1998 (Act No. 116 of 1998), whether committed in or outside South Africa;</p> <p><i>(i)</i> has not been convicted of fraud in relation to, or supplying false information for the purposes of, obtaining a competency certificate, licence, permit or authorisation in terms of this Act or the previous Act;</p> <p><i>(j)</i> has not been convicted, whether in or outside South Africa, of an offence involving the abuse of alcohol or drugs, whether omitted in or outside South Africa, and sentenced to a period of imprisonment without the option of</p>	
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					<p>a fine;</p> <p><i>(k)</i> has not been convicted, whether in or outside South Africa, of an offence involving dealing in drugs, whether committed in or outside South Africa, and sentenced to a period of imprisonment without the option of a fine;</p> <p><i>(l)</i> has not been convicted of an offence in terms of the Domestic Violence Act, 1998 (Act No. 116 of 1998), and sentenced to a period of imprisonment without the option of a fine;</p> <p><i>(m)</i> has not been convicted of an offence involving the negligent handling of a firearm;</p> <p><i>(n)</i> has not been convicted of an offence in terms of the Explosives Act, 1956 (Act No. 26 of 1956), and sentenced to a period of imprisonment without the option of a fine;</p> <p><i>(o)</i> has not been convicted, whether inside or outside South Africa, of an offence involving sabotage, terrorism, public violence, arson, intimidation, rape, kidnapping or child stealing, whether committed in or outside South Africa;</p> <p><i>(p)</i> has not become or been declared unfit to possess a firearm in terms of this Act or the previous Act;</p> <p><i>(q)</i> has successfully completed the prescribed test on knowledge of this Act;</p>	
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					<p>(r) has successfully completed the prescribed training and practical tests regarding the safe and efficient handling of a firearm; and</p> <p>(s) has, where applicable, successfully completed the prescribed training and practical tests for firearms dealers, manufacturers, gunsmiths, security officers or other persons who use firearms in the course of their business.</p> <p>(3) Any offence referred to in subsection (2) includes any conspiracy, incitement or attempt to commit such offence, and means an offence in respect of which—</p> <p>(a) a court has not made a determination that the person is not unfit to possess a firearm despite the conviction; and</p> <p>(b) the sentence has been complied with less than five years before the application for a competency certificate was received by the Designated Firearms Officer.</p> <p>(4) The disqualification contemplated in subsection (2)(p) ends upon the expiry of a period of five years calculated from the date on which the person became or was declared unfit, or the expiry of the period for which the declaration is valid, whichever occurs first.</p> <p>(5) (a) Despite subsection (2)(a), the Registrar may allow a person under the age of 21 years to apply for a</p>	
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					<p>competency certificate if there are compelling reasons which require the person to obtain a competency certificate or licence to possess a firearm.</p> <p><i>(b)</i> Compelling reasons contemplated in paragraph <i>(a)</i> may include the fact that the applicant conducts a business, is gainfully employed, a dedicated hunter, a dedicated sports person or a private collector.</p> <p><i>(6) (a)</i> Where a person has previously obtained a competency certificate, a further competency certificate may only be issued to such person if he or she satisfies such requirements as may be prescribed.</p> <p><i>(b)</i> The requirements contemplated in paragraph <i>(a)</i> may not be more onerous than those applicable to a person who has not previously obtained a competency certificate.</p>	
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	DFCAB Sec	FCA Sec	SUBJECT	NEW DFCAB PROVISION	EXISTING FCA PROVISION	COMMENT
15.	11	10	Competency Certificates	Subject to Items 1B and 1G of Schedule 1, a competency certificate contemplated in this section remains valid for a period of 5 years from the date of issue thereof, unless the competency certificate is terminated or renewed in accordance with the provisions of this Act. Any holder of a competency certificate who wishes to renew the competency certificate must apply in the prescribed form to the Registrar for its renewal at least ninety days before its expiry date.	<b>10.</b> (1) A competency certificate must specify— (a) whether it relates to competency to— (i) possess a firearm; (ii) trade in firearms; (iii) manufacture firearms; or (iv) conduct business as a gunsmith; and (b) all the relevant tests successfully completed by the holder. (2) A competency certificate lapses after five years from its date of issue.	A competency is vital to the possession of a firearm but in our view the competency should be valid for 10 (ten) years. Further once a person is deemed competent this should be sufficient to entitle such person to register firearms against his or her name. Therefore “licence” the person and register the firearm.
16.	13	11	Reason for requiring a firearm licence	The Registrar may not issue a licence that authorises the possession of a firearm unless the Registrar is satisfied that the applicant has a valid reason for possessing the firearm in line with the provisions of this Act. (2) The Registrar may only issue a licence in terms of this Act if the applicant— (a) states that he or she intends to possess the firearm for any one or more of the reasons set out in this Chapter; and (b) provides written proof and evidence to the satisfaction of the Registrar in relation to the requirements set out in this Chapter and as prescribed for acquiring a firearm licence under this Act."	<b>11.</b> (1) The Registrar must issue a separate licence in respect of each firearm licensed in terms of this Chapter. (2) Despite subsection (1), the Registrar may issue to a person a single document containing licences in respect of more than one firearm.	No comment.

	DFCAB Sec	FCA Sec	SUBJECT	NEW DFCAB PROVISION	EXISTING FCA PROVISION	COMMENT
17.	15	13 and 14	Licences for self defence	Sections 13 and 14 of the principal Act are hereby repealed. <b>SELF DEFENCE NO LONGER ALLOWED.</b>	<p><b>13.</b> (1) A firearm in respect of which a licence may be issued in terms of this section is any—</p> <p>(a) shotgun which is not fully or semi-automatic; or</p> <p>(b) handgun which is not fully automatic.</p> <p>(2) The Registrar may issue a licence under this section to any natural person who—</p> <p>(a) needs a firearm for self-defence; and</p> <p>(b) cannot reasonably satisfy that need by means other than the possession of a firearm.</p> <p>(3) No person may hold more than one licence issued in terms of this section.</p> <p>(4) A firearm in respect of which a licence has been issued in terms of this section may be used where it is safe to use the firearm and for a lawful purpose.</p> <p><b>SECTION 14</b></p> <p><b>14.</b> (1) For purposes of this Act, a restricted firearm is any—</p> <p>(a) semi-automatic rifle or shotgun, which cannot readily be converted into a fully automatic firearm; or</p> <p>(b) firearm declared by the Minister, by notice in the <i>Gazette</i>, to be a restricted firearm.</p> <p>(2) A notice contemplated in subsection (1)(b) must be tabled in</p>	<p><b>As set out in Section 11 of the Constitution (108 of 1996) – The Right to Life.</b> Everyone has the right to life. This is an absolute right and citizens have the right to protect themselves as well as others against unlawful and unjustified attack. In this regard the Criminal Law provides for the use of force to repel an unlawful attack upon the life of a person or another person’s life.</p> <p>By repealing sections 13 and 14 of the FCA this right to defend oneself against loss of life is violated.</p> <p><b>The existing sections 13 and 14 should thus be retained.</b></p>

					<p>Parliament at least 14 days before publication thereof if Parliament is then sitting, and if Parliament is not sitting, within seven days after the commencement of the next sitting.</p> <p>(3) A notice contemplated in subsection (1)(b) will be of full force and effect until withdrawn by the Minister or by a resolution of Parliament.</p> <p>(4) The Registrar may issue a licence in terms of this section to any natural person who shows that a firearm contemplated in section 13(1) will not provide sufficient protection, and who submits reasonable information to motivate the need for a restricted firearm for self-defence purposes.</p> <p>(5) No person may hold more than one licence issued in terms of this section.</p> <p>(6) A firearm in respect of which a licence has been issued in terms of this section may be used where it is safe to use the firearm and for a lawful purpose.</p>	
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	DFCAB Sec	FCA Sec	SUBJECT	NEW DFCAB PROVISION	EXISTING FCA PROVISION	COMMENT
18.	16	15	Licences for occasional hunting and sport shooting	<p>A firearm licence for occasional hunting or occasional sport-shooting purposes may only be issued if the applicant—</p> <p><i>(a)</i> is the owner or lawful occupier of property where occasional hunting or occasional sport-shooting shall take place; or</p> <p><i>(b)</i> produces documentary proof of permission by the owner or lawful occupier of property referred to in paragraph <i>(a)</i>, to engage in occasional hunting or occasional sport-shooting on the said property.</p>	<p><b>15.</b> (1) A firearm in respect of which a licence may be issued in terms of this section is any—</p> <p><i>(a)</i> handgun which is not fully automatic;</p> <p><i>(b)</i> rifle or shotgun which is not fully or semi-automatic; or</p> <p><i>(c)</i> barrel, frame or receiver of a handgun, rifle or shotgun contemplated in paragraph <i>(a)</i> or <i>(b)</i>,</p> <p>and which is not a restricted firearm.</p> <p>(2) The Registrar may issue a licence in terms of this section to any natural person who is an occasional hunter or occasional sports person.</p> <p>(3) <i>(a)</i> Subject to paragraphs <i>(b)</i>, <i>(c)</i> and <i>(d)</i>, no person may hold more than four licences issued in terms of this section.</p> <p><i>(b)</i> If a person holds a licence issued in terms of section 13, he or she may only hold three licences issued in terms of this section.</p> <p><i>(c)</i> A person may not hold more than one licence in respect of a handgun contemplated in subsection (1)<i>(a)</i>.</p> <p><i>(d)</i> If a person contemplated in paragraph <i>(a)</i> holds any additional licences contemplated in section 12 in respect of a firearm contemplated in this section and section 13, the number of licences which that person may hold must be</p>	<p>This proposed change will deny any occasional shooter (both hunting and sport shooting) the right to freedom of association as set out in section 18 of the Constitution.</p> <p>It further means that by the time a person who is not a land owner or occupier has applied for and received the licence, it will be too late as the licensing period now takes more than 8 months.</p> <p>The existing section should be retained.</p>

					reduced by the number of such additional licences held. (4)A firearm in respect of which a licence has been issued in terms of this section may be used where it is safe to use the firearm and for a lawful purpose.	
	<b>DFCAB Sec</b>	<b>FCA Sec</b>	<b>SUBJECT</b>	<b>NEW DFCAB PROVISION</b>	<b>EXISTING FCA PROVISION</b>	<b>COMMENT</b>
19.	17	16	Dedicated hunting and dedicated sport shooting	<p>The Registrar may issue a licence in terms of this section to any natural person who is a dedicated hunter or dedicated sports person if the application is accompanied by a sworn statement or solemn declaration from the chairperson of an accredited hunting association or sports-shooting organisation, or someone delegated in writing by him or her, stating that the applicant—</p> <p>(a) is a registered member of that association;</p> <p>(b) has actively participated in hunting or shooting events of the association; and</p> <p>(c) has, during the preceding period of 24 months, complied with requirements of being awarded with a dedicated hunter or dedicated sports person status as prescribed."</p> <p>A person may not hold more than six licences in terms of this section.</p> <p>A person issued with a licence in terms of this section may not hold more than two licences each in respect of a—</p> <p>(a) handgun;</p> <p>(b) semi-automatic rifle; or</p> <p>(c) pump action or semi-automatic shotgun, for dedicated hunting or a dedicated sports-shooting.</p> <p>A semi-automatic rifle or a semi-automatic shotgun may only be registered in terms of this section to a person who has maintained a dedicated status as a</p>	<p><b>16.</b> (1) A firearm in respect of which a licence may be issued in terms of this section is any—</p> <p>(a) handgun which is not fully automatic;</p> <p>(b) rifle or shotgun which is not fully automatic;</p> <p>(c) any semi-automatic shotgun manufactured to fire no more than five shots in succession without having to be reloaded; or</p> <p>(d) barrel, frame or receiver of a handgun, rifle or shotgun contemplated in paragraph (a), (b) or (c).</p> <p>(2) The Registrar may issue a licence in terms of this section to any natural person who is a dedicated hunter or dedicated sports person if the application is accompanied by a sworn statement or solemn declaration from the chairperson of an accredited hunting association or sports-shooting organisation, or someone delegated in writing by him or her, stating that the applicant is a registered member of that association.</p>	Clause c will cause problems with the development of sports shooters and hunters and the limitation of firearms to 6 is a major issue. We thus object to these sections of the Bill.

			<p>hunter or sports-shooter for a period of at least two years and continues to maintain such a dedicated status.</p> <p>Any application for a licence under this section must be accompanied by a written motivation containing at least the following information—</p> <p><i>(a)</i> the needs of the dedicated hunter or dedicated sports shooter;</p> <p><i>(b)</i> the type of firearm required;</p> <p><i>(c)</i> the shooting disciplines that the applicant is involved in; and</p> <p><i>(d)</i> such other information as may be prescribed.</p> <p>The motivation contemplated above must be supported by the chairperson or authorised office bearer of the relevant hunting association or sports-shooting organisation, as the case may be.</p> <p>Where a licence holder under this section ceases to hold the status as dedicated hunter or dedicated sports-shooter, the licence holder must, in writing, notify the Registrar of such cessation within 30 days of ceasing to hold such status, and the Registrar must follow the process in section 28 for the cancellation of the licence.</p> <p>Any failure by the holder to comply with the provisions of this constitutes an offence.</p> <p>The association or organisation which has granted dedicated status to the member involved must, at the end of the association’s year, provide a report in the prescribed manner to the Registrar on all its members who have—</p> <p><i>(a)</i> not renewed their membership;</p> <p><i>(b)</i> had their membership suspended;</p> <p><i>(c)</i> failed to comply with the requirements for awarding dedicated hunter or sport shooter status; and</p> <p><i>(d)</i> been expelled from the association.</p> <p>If a person issued with a licence in terms of this section holds any other licence contemplated in</p>	<p>(3)A firearm in respect of which a licence has been issued in terms of this section may be used where it is safe to use the firearm and for a lawful purpose.</p> <p>(4) Every accredited hunting association and sports-shooting organisation must—</p> <p><i>(a)</i> keep a register which contains such information as may be prescribed; and</p> <p><i>(b)</i> submit an annual report to the Registrar which contains such information as may be prescribed.</p>	
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				sections 12, 15 and 16A, the number of licences which that person may hold in terms of this section must be reduced by the number of such other licences held."		
	<b>DFCAB Sec</b>	<b>FCA Sec</b>	<b>SUBJECT</b>	<b>NEW DFCAB PROVISION</b>	<b>EXISTING FCA PROVISION</b>	<b>COMMENT</b>
20.	18	16A	Professional hunter	<p>A firearm in respect of which a licence has been issued in terms of this section may be used by the professional hunter for his or her private use and professional hunting purposes where it is safe to use the firearm</p> <p>"(5) A person may not hold more than eight licences in terms of this section.</p> <p>(6) A person who is a professional hunter may not be issued with more than two licences each in respect of a—</p> <p>(a) handgun;</p> <p>(b) semi-automatic rifle; or</p> <p>(c) pump action or semi-automatic shotgun.</p> <p>(7) Any application for a licence under this section must be accompanied by a written motivation containing at least the following information:</p> <p>(a) The needs of the professional hunter;</p> <p>(b) the type of firearm required; and</p> <p>(c) such other information as may be prescribed.</p> <p>(8) The motivation contemplated in subsection (7) must be supported by the chairperson or an authorised office bearer of the relevant professional hunting association.</p> <p>(9) Where a licence holder under this section ceases to hold the status as a professional hunter, the licence holder must, in writing, notify the Registrar of such cessation within 90 days of ceasing to hold such status and the Registrar must follow the process in section 28 for the cancellation of the licence.</p> <p>(10) The failure by the holder to comply with the provisions of subsection (9) constitutes an offence.</p>		We object to the limitation on professional hunters to 8 licences.

				<p>(11) The association which has granted the professional hunter status to the member involved must, at the end of the association's year, provide a report in the prescribed manner to the Registrar on all its members who have—</p> <p>(a) not renewed their membership;</p> <p>(b) had their membership suspended;</p> <p>(c) failed to comply with the requirements for awarding professional hunter status; and</p> <p>(d) been expelled from the association.</p> <p>(12) If a person issued with a licence in terms of this section holds any other licence contemplated in sections 12, 15 and 16, the number of licences which that person may hold in terms of this section must be reduced by the number of such other licences held."</p>		
	<b>DFCAB Sec</b>	<b>FCA Sec</b>	<b>SUBJECT</b>	<b>NEW DFCAB PROVISION</b>	<b>EXISTING FCA PROVISION</b>	<b>COMMENT</b>
21.	19	17 and 18	Private Collections	<p>Section 17 and 18 of the principal Act are hereby repealed.</p> <p><b>COLLECTORS NO LONGER ALLOWED.</b></p>	<p><b>17. (1) (a)</b> A firearm which may be possessed in a private collection is any firearm approved for collection by an accredited collectors association.</p> <p>(b) Despite section 4, such prohibited firearm as may be prescribed may be licensed under this section.</p> <p>(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</p>	<p>The proposed repeal is opposed.</p> <p><b>COLLECTOR FACT SHEET</b></p> <p><b>(A) Origins of Collecting</b></p> <p>Collecting as a formally recognised firearm discipline can be traced back to the 1600s – presentation of gold engraved wheel lock to King of France who was a serious collector.</p> <p>Formally organised in SA just after WWII with HFSSA and carried over into legislation from 1994.</p> <p>Mission - To promote the collection, study, research, restoration, conservation, evaluation and</p>

					<p>registered member of that association.</p> <p>(3) The holder of a licence issued in terms of this section—  <i>(a)</i> must store the firearm at the place specified in the licence; and  <i>(b)</i> may only display the firearm in accordance with such safety measures as may be prescribed.</p> <p>(4) A firearm in respect of which a licence has been issued in terms of this section may be used where it is safe to use the firearm and for a lawful purpose.</p> <p><b>SEC 18 AMMUNITION</b></p> <p>(1) Ammunition which may be possessed in a private collection is any ammunition approved for collection by an accredited collectors association.</p> <p>(2) <i>(a)</i> The Registrar may, subject to such regulations as may be prescribed, issue a permit 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 of that association.</p> <p><i>(b)</i> A collector contemplated in paragraph <i>(a)</i> may not possess more than 200 rounds of ammunition of any particular calibre unless the Registrar approves the possession of a higher number in writing.</p>	<p>responsible use of collectible and heritage arms and ammunition, and the appreciation thereof amongst all race groups and cultures in South Africa.</p> <p>Value and legitimacy are recognised world-wide – only about 20% of historic firearms are in museums.</p> <p><b>(B) How are Collectors governed?</b>  Collectable attributes in terms of section 17 of FCA, based on international best practice (Canadian, UK and Australian) are historical, heritage, technological, scientific, educational, cultural, commemorative, investment, rarity, thematic or artistic values.</p> <p>All collectors must be members of a SAPS' Accredited Association and must have Field of Interest (Fol) and/or Theme with demonstrable knowledge of and interest in the collectible firearms and the Fol/theme.</p> <p><b>(C) What value do Collectors have to society?</b>  Major role in the conservation of the “National Estate” as defined in the National Heritage Resources Act, which recognises the Heritage importance of weapons – members could be as appointed agents of SAHRA where/when required.</p>
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					<p>(3) The holder of a permit issued in terms of this section may not discharge any ammunition in his or her collection.</p> <p>(4) The holder of a permit issued in terms of this section—  <i>(a)</i> must store the ammunition at the place specified in the permit; and  <i>(b)</i> may only display the ammunition in accordance with such safety measures as may be prescribed.</p> <p>(5) Despite section 4, the holder of a permit issued in terms of this section may possess projectiles and cartridges manufactured to be discharged by prohibited firearms if the propellant, high explosive and primer of the projectiles and cartridges have been removed or deactivated..</p>	<p>Role model of responsible firearm ownership, with an excellent crime free track record.</p> <p>High standard of safekeeping requirements.</p> <p><b>(D) How many Collectors are there?</b>  About 2052 firearms and ammunition collectors, spread across 14 Accredited Associations nationally, all members of the National Arms and Ammunition Collectors Confederation of South Africa (NAACCSA). Numbers have remained constant over the last 12 years – strict conditions ensure <i>bona fide</i> collectors only.</p> <p><b>(E) How many firearms do Collectors have?</b>  Private collections range from half a dozen examples to a few hundred, informed by the number of approved Themes, the available funding and secure safe keeping arrangements, but as elsewhere in the world collecting is not about numbers – which is not a necessary concern, given the strict controls. As examples, there are 150 variants of the plain .303 Lee Enfield rifle, and 600 better known Lugers. Maximum collection in SA, based on quantity, is about 500 artefacts which is still modest by international standards, but the majority of these artefacts are over 100 years old, and the collection in question is recognised by the Imperial</p>
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					<p>War Museum as an international reference.</p> <p><b>(F) How active are collectors?</b>  On average, collectors annually add one firearm to their collections, of which 91.35% are unrestricted, 8.05% restricted, 0,6% prohibited firearms. The bulk is from the existing “pool” of historic or heritage firearms, owned by the collectors themselves. Nett addition is therefore small. Modern firearms are generally added to collections only when the collectible attributes are technology or investment grade firearms. These do not include prohibited and restricted firearms.  <i><b>(Source: National Arms and Ammunition Collectors Confederation of South Africa (NAACCSA) 2 June 2021.)</b></i></p> <p>Looking at the attributes that a firearm must conform to before being declared a collectable item by an accredited association to which every collector must belong, the following are apparent and important:</p> <p><b>a). Historical:</b>  The history of firearms dates back many hundreds of years. Their development tells the story of necessity in times of attack, defence in times of conflict as well as in defeat, survival in times of famine and victory in times of competition.</p>
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						<p>From the first recorded use of a firearm in 1364 to the introduction of automatic handguns in 1892, the development of more effective and efficient firearms has been one long ongoing story.</p> <p><b>b). Heritage:</b> This is very closely associated with the historical attribute in that firearms are very often handed down from generation to generation. It tells the story of the use that the particular firearm saw in the past. As such they are greatly treasured and handled with great reverence.</p> <p><b>c). Technological:</b> Technological development of firearms is the story of the historical development of firearms from the earliest matchlock, where a burning wick was held to a touch-hole in the barrel to ignite the powder to the most up to date modern-era electronically triggered firearms. As technology improves, so firearms become more reliable, safer and more accurate.</p> <p><b>d). Scientific:</b> The development of firearms over the years has brought about the necessity to improve ballistics, accuracy and reliability. This has always been at the forefront - Propellants are constantly being experimented with to improved ballistics. In addition, metallurgical</p>
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						<p>processes to prepare the steel for particular functions are constantly being improved to extend the life of barrels.</p> <p><b>e). Educational:</b> Technological and scientific attributes educate persons as to the development of firearms in general. When a firearm that was used in a particular situation is described, the story of its use and involvement is of great educational value as it is visible and tangible proof of the occurrence. Examples are the various surviving firearms that were used in the various conflicts in the sub-continent.</p> <p><b>f). Cultural:</b> If one considers the unique firearms used by different ethnic groups all over the world in various battles and skirmishes, it becomes clear that these are greatly sought after and valuable collectors' items. Take for instance a homemade musket called a Khyber Jezailichis (jezail) used in the early 1880s by the British Indian Army during the North West Frontier wars. Today these are recognised as being of great cultural value and therefor collectable. Matchlock and flintlock muskets and rifles that were used by North-African tribes are examples not only of the gun-makers craft but can be traced to the particular group that used it.</p> <p><b>g). Commemorative:</b></p>
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						<p>The commemorative value of a firearm depends on the action/s it saw, where, when and also by whom it was used. In our own history rifles have been made to commemorate Anglo Boer War battles. Examples are Mauser rifles manufactured by Musgrave to commemorate the battles of Sannaspos, Magersfontein, Stormberg, Colenso, Spioenkop, Dalmanutha, Nooitgedacht, Groenkop, Ysterspruit and Tweebosch. Apart from being exquisitely engraved with gold inlay, the stock was of the best Turkish walnut. These rifles were delivered in an elephant hide covered custom-made case which contained a silver oil bottle and a leather-bound booklet that gave details of the particular battle associated with that rifle.</p> <p><b>h). Investment:</b> Collectors have invested large amounts of money in their collections. An example of the investment value of firearms is that the saddle pistols that belonged to US President George Washington's were sold at auction for US\$1,986,000 in 2002. This is a staggering R19 860 000.00 in today's price. In South African collections are worth many hundreds of thousands, if not millions of Rands.</p> <p><b>i). Rarity:</b> This attribute speaks for itself. It not only represents firearms with</p>
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					<p>consecutive serial numbers but also prototypes that were never put into production. The gun that killed US President Lincoln is said to be priceless. The gun used by David Pratt in an assassination attempt of Hendrik Verwoerd is also extremely rare. Its whereabouts as well as that of the Makarov pistol that allegedly belonged to Nelson Mandela are unknown. Mandela's pistol, which is said to have been buried somewhere on the Lilliesleaf estate in the Johannesburg area where he was active, would be of immeasurable value if it were found.</p> <p><b>j. Thematic:</b> Collectors collect according to an approved Field of Interest in which their various Themes are clearly described and set out. It gives a vivid picture of what the person collects and how the firearm fits into the chosen Field of Interest. The Field of Interest is approved by the accredited association only after the person has completed the required period as a collector and after having convinced the association of his/her knowledge and background of the anticipated Field of Interest and accompanying Themes.</p> <p>.</p> <p><b>k). Artistic:</b> The gun makers' art really finds expression in the delicate engraving, the master inlay of gold, silver and other precious metals and even</p>
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					<p>precious stones used to decorate some of the most exquisite firearms. Firearms so adorned are not only unique and rare but also in great demand from persons that have the financial means to possess them.</p> <p>There are many firearm collectors in South Africa who hold collections that are extremely valuable and worth many millions of Rands. In many cases they also represent massive investments the loss of which mean financial ruin.</p> <p>Having regard to section 30 of the Proposed Bill, which is to be read in conjunction with this proposed section repealing collections, the termination of a licence means that the firearm must be disposed of within 60 days of termination. The Bill speaks of a) surrender to the nearest police station for destruction; b) to a dealer or c) by deactivation. It is inconceivable that any firearm described above would be disposed of in that manner. The Bill has effectively outlawed collections. It means that the market for such collectable firearms has been destroyed. No dealer will therefore purchase any such collections which mean that they will have to be destroyed or deactivated. To find markets overseas is also a problem as the SAHRA legislation prohibits the export of heritage items.</p> <p>The firearms collectors' fraternity is well organized and is accredited in</p>
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						<p>terms of the law. Its members are well disciplined and comply in all respects with the FCA and the Regulations.</p> <p>By repealing these section the provisions of section 18 of the Constitution (108 of 1996) – Freedom of association is violated. The removal of section 17 and section 18 of the FCA and placing further restrictions on occasional sportshooters and occasional hunters means in effect that all collectors associations will cease to exist. In most instances these associations have employees who will lose their jobs and income. This is also a violation of section 22 of the Constitution.</p> <p>The proposed Bill will, if enacted, effectively mean the end of the firearms industry as we know it. It will lead to financial ruin of smaller dealers, gunsmiths and shooting ranges. These will suffer and close down. By repealing sections 17, 18 and 93 of the FCA a gross violation of both sections 22 and 25 will take place.</p> <p>Sections 17 and 18 should be retained and not repealed.</p>
	<b>DFCAB Sec</b>	<b>FCA Sec</b>	<b>SUBJECT</b>	<b>NEW DFCAB PROVISION</b>	<b>EXISTING FCA PROVISION</b>	<b>COMMENT</b>
22.	20	20	Firearm for business purposes	<p>A firearm in respect of which a licence may be issued in terms of this section is any firearm other than a prohibited or restricted firearm.</p> <p><i>(b)</i> Despite paragraph <i>(a)</i>, a licence in respect of a restricted firearm may be issued to a person contemplated in subsection (2)<i>(c)</i> but such person</p>	<p><b>20. (1) (a)</b> A firearm in respect of which a licence may be issued in terms of this section is any firearm other than a prohibited firearm.</p> <p><i>(b)</i> Despite paragraph <i>(a)</i>, a licence in respect of a prohibited firearm</p>	<p>We object to the provisions of the Bill. The Constitution provides for freedom of trade, occupation and profession. It's guaranteed in section 22 of the Constitution (108 of 1996) – Every</p>

			<p>may only provide the restricted firearm for use in theatrical, film or television productions and then only if the prior written approval of the Registrar has been obtained and on such conditions as the Registrar may impose.";</p> <p><i>(b)</i> by the addition in subsection (1) of the following paragraphs:</p> <p>"<i>(c)</i> Despite paragraph <i>(a)</i>, a licence in respect of a restricted firearm may be issued to a person contemplated in subsection (2)<i>(a),(b),(d),(e)</i> and <i>(f)</i> if the Registrar is satisfied, taking into account the nature of the business of the applicant, the extent of the risks involved in conducting the business and the need for a restricted firearm.</p> <p><i>(d)</i> In evaluating the extent of the risk referred to in paragraph <i>(bA)</i>, the Registrar may require the applicant to furnish a risk assessment report from an independent security service provider who specialises in business risk assessment.";</p> <p><i>(c)</i> by the deletion of paragraph <i>(f)</i> in subsection (2)</p> <p><i>(d)</i> by the insertion after subsection (2) of the following subsection:</p> <p>"(2A) The Registrar, in considering the application in terms of this section must take into account the nature, the size, the extent, the purpose of the business and a genuine need for the use of firearms in that type of business."; and</p> <p><i>(e)</i> by the addition of the following subsections:</p> <p>"(8) <i>(a)</i> The Authority must inform the Registrar of any new registration, suspension, sale, transfer, liquidation, merger, lapsing or termination of the registration or ownership of a security service provider or any other material change or reason that would necessitate the licensing, relicensing or disposal of firearms in the possession of such security service provider.</p> <p><i>(b)</i> The association that accredits persons referred to in subsection (2)<i>(b),(c),(d)</i> and <i>(e)</i> must inform the</p>	<p>may be issued to a person contemplated in subsection (2)<i>(c)</i> but such person may only provide the prohibited firearm for use in theatrical, film or television productions and then only if the prior written approval of the Registrar has been obtained and on such conditions as the Registrar may impose.</p> <p>(2) The Registrar may issue a licence in terms of this section to—</p> <p><i>(a)</i> a security company;</p> <p><i>(b)</i> a person who is accredited to provide training in the use of firearms;</p> <p><i>(c)</i> a person who is accredited to provide firearms for use in theatrical, film or television productions;</p> <p><i>(d)</i> a person who is accredited as a game hunter;</p> <p><i>(e)</i> a person who is accredited to conduct business in hunting; or</p> <p><i>(f)</i> any person who is accredited to use firearms for such other business purpose as the Registrar may determine.</p> <p>(3) A licence issued in terms of this section must specify the business purpose in respect of which it is issued.</p> <p>(4) A firearm in respect of which a licence was issued in terms of this section may only be used as specified in the licence.</p> <p>(5) <i>(a)</i> The holder of a licence issued in terms of this section may only</p>	<p>citizen has the right to choose their trade, occupation or profession freely.</p> <p>Many firearm businesses including the security, training, film industry, hunting, game ranching and corporates will be severely affected by these provisions.</p>
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	<b>DFCAB Sec</b>	<b>FCA Sec</b>	<b>SUBJECT</b>	<b>NEW DFCAB PROVISION</b>	<b>EXISTING FCA PROVISION</b>	<b>COMMENT</b>
23.	21	20A, 20B, 20C, 20D New	Consultative Forum	<p>20A-Establishment of Consultative Forum</p> <p>20B-Composition of Forum</p> <p>20C-Functions of Forum</p> <p>20D-Meetings of Forum and administrative support</p>		We object as only PSIRA and SAPS are in this Forum and no other stakeholders or role players.

24.	22	21	Temporary authorisation	<p>The Registrar may issue a temporary authorisation to a person contemplated in section 147A.</p> <p>(1B) The validity period of a temporary authorisation issued in terms of this section for a specific firearm as determined by the Registrar may not be extended; and</p> <p>(1C) Despite subsection (1B), a temporary authorisation issued in terms of subsection (1A) may be extended if the winding-up of the deceased estate is not finalised."; and</p> <p>(c) by the deletion of subsection (2);</p> <p>(d) by the substitution in subsection (5) for paragraph (a) of the following paragraph:  "(a) if the Registrar, at the time of the issuing of the authorisation, by endorsement on the authorisation, permits such use</p>	<p><b>21.</b> (1) The Registrar may issue a temporary authorisation to possess a firearm to any person, including a non-citizen—</p> <p>(a) for such period as the Registrar may determine; and</p> <p>(b) subject to such conditions as may be prescribed and imposed by the Registrar.</p> <p>(2) The Registrar may at any time withdraw an authorisation if any condition contemplated in subsection (1)(b) is not complied with.</p> <p>(3) The Office of the Central Firearms Register must keep a record containing such information as may be prescribed in respect of all authorisations issued in terms of this section.</p> <p>(4) The Registrar must submit an annual report to the Minister containing such information as may be prescribed in respect of all authorisations issued in terms of this section.</p> <p>(5) A firearm in respect of which an authorisation has been issued in terms of this section may be used only—</p> <p>(a) if the Registrar by endorsement on the authorisation permits such use; and</p> <p>(b) in accordance with such conditions as may be prescribed and imposed by the Registrar.</p> <p>(6) A firearm in respect of which an authorisation has been issued in</p>	We object to the provisions of the Bill.
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					terms of this section may be disposed of only with the written consent of the Registrar and subject to such conditions as he or she may impose.	
	<b>DFCAB Sec</b>	<b>FCA Sec</b>	<b>SUBJECT</b>	<b>NEW DFCAB PROVISION</b>	<b>EXISTING FCA PROVISION</b>	<b>COMMENT</b>
25.	23	22	Holder of licence may allow another person to use firearm	Any person who is— (a) at least 21 years of age and who, for at least three years, is the holder of a valid licence to possess a firearm issued in terms of this Act, may allow any person above the age of 16 years to use that firearm while under his or her immediate supervision where it is safe to use the firearm or. (b) a professional hunter between the age of 18 and 21 who is a valid holder of a firearm licence issued in terms of this Act may allow any person above the age of 16 years to use that firearm while under his or her immediate supervision where it is safe to use the firearm.	<b>22.</b> Despite anything to the contrary in this Act but subject to section 120(5), any person who is at least 21 years of age and the holder of a licence to possess a firearm issued in terms of this Act may allow any other person to use that firearm while under his or her immediate supervision where it is safe to use the firearm and for a lawful purpose.	We object to these provisions as teaching young people under the age of 16 in the safe and proper use of firearms will become illegal.
26.	24	23	Identification marks on firearms	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."	<b>23.</b> (1) No firearm licence may be issued unless the firearm bears the manufacturer's serial number or any other mark by which the firearm can be identified. (2) The identification number must be stamped and the mark affixed in the prescribed manner on the	We object to these provisions as there is no necessity to licence muzzle loading firearms.

					<p>barrel, frame or receiver of the firearm.</p> <p>(3) Despite subsections (1) and (2), the Registrar may, on good cause shown by the applicant and subject to such conditions as the Registrar may impose, issue a licence in respect of a firearm which does not comply with the provisions of those subsections.</p> <p>(4) The Registrar may direct that any firearm in respect of which an application for a licence has been made, be marked with such additional identification mark as he or she may determine.</p> <p>(5) No person may erase, alter or in any other manner tamper with the manufacturer's serial number or any other identification mark on a firearm with the intention of changing the identity of the firearm.</p> <p>(6) A person who is in possession of a firearm of which the manufacturer's serial number or other identification mark has been erased, altered or in any other manner tampered with or has become illegible, must forthwith notify the Registrar of such fact.</p> <p>(7) The Registrar may direct in writing that such firearm be marked with such identification mark as he or she may determine.</p>	
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	DFCAB Sec	FCA Sec	SUBJECT	NEW DFCAB PROVISION	EXISTING FCA PROVISION	COMMENT
27.	25 NEW	23	Ballistic sampling of firearms	<p>The owner of every firearm, including any firearm licensed for—</p> <p><i>!1) (a) business purposes;</i>  <i>(b) business purposes related to the private security industry in terms of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001);</i>  <i>(c) occasional and dedicated sports shooting;</i>  <i>(d) occasional and dedicated hunting;</i>  <i>(e) professional hunting; or</i>  <i>(f) public collection, subject to the firearm being able to safely fire any ammunition and the availability of ammunition for such firearm, must comply with a programme published by the Minister by notice in the Gazette to have the firearms in their possession ballistically sampled.</i></p> <p>(2) Whenever any firearms licence referred to in subsection (1) is renewed or when there is a change in ownership, the original owner must ensure that the firearm is submitted to the designated firearms officer for ballistic sampling of the firearm, before the renewal or before the ownership of the firearm is transferred to any other person.</p> <p>(3) A firearm submitted in terms of subsection (1) must be subjected to the relevant sampling process and handed back forthright to the owner and may</p>		<p>This new section is opposed.</p> <ol style="list-style-type: none"> <li>1. There is sufficient scientific evidence showing that ballistic sampling is not practical. In this regard reference is made to a comprehensive study by Dr. David Klatzow. The study is readily available but is too voluminous to include here.</li> <li>2. Taking a firearm to a police station is dangerous in the extreme due to the constant threat of armed gangs attacking persons who will have to wait in queues outside and possibly robbing them of their firearms.</li> <li>3. The Designated Firearms Officer does not have the technical expertise or equipment to do the sampling and where multiple firearms are concerned does not have safe storage available.</li> <li>4. This provision is impractical. The DFO does not have the staff available for this purpose.</li> <li>5. This provision is impractical as not every person may be available for this purpose.</li> </ol>

				<p>not be kept by the officer designated by the Registrar to perform the sampling test.</p> <p>(4) The sampling of firearms must be arranged in advance with the officer designated by the Registrar to perform the sampling test.</p> <p>(5) The Minister may, by notice in the <i>Gazette</i>, determine a date by which firearms in the possession of different categories of owners must have been submitted for ballistic sampling, which date may be extended by the Minister.</p> <p>(6) This section may be implemented over a period of time subject to financial and technical capability to give effect thereto.</p> <p>(7) A person who in terms of this section submits his or her firearm for ballistic sampling must provide a cartridge for that purpose.</p> <p>(8) If the person contemplated in subsection (7) cannot provide a cartridge due to its scarcity, the State will where possible provide a cartridge."</p>		<p>6. There is not sufficient financial or technical capability in the police to give effect to this. Both manpower and finances are being used for policing duties.</p> <p>7. The requirement that the owner of a firearm provide a cartridge is impractical and unworkable. Some cartridges are very expensive and may cost in excess of R1000 each in case of the most expensive rifles.</p> <p>8. This provision is equally impractical and unworkable. There are antique and historical firearms that are so rare that ammunition is no longer available. In these cases the owners have resorted to reloading. But, with reloading now prohibited nobody will be able to provide ammunition.</p>
	<b>DFCAB Sec</b>	<b>FCA Sec</b>	<b>SUBJECT</b>	<b>NEW DFCAB PROVISION</b>	<b>EXISTING FCA PROVISION</b>	<b>COMMENT</b>
28.	26	24	Renewal of licences	<p>If an application for the renewal of a licence has been lodged before the expiry of that licence, the licence remains valid until the application is decided."; and</p> <p>"(5) If an application for the renewal of a firearm licence is made less than 90 days before the date of expiry of the licence, an administrative fine, as provided for in section 122 may be imposed, taking into account any explanation which the applicant may have presented in the application form for renewal of the licence; and</p>	<p><b>24.</b> (1) The holder of a licence issued in terms of this Chapter who wishes to renew the licence must at least 90 days before the date of expiry of the licence apply to the Registrar for its renewal.</p> <p>(2) The application must be—</p> <p>(a) accompanied by such information as may be prescribed; and</p> <p>(b) delivered to the Designated Firearms Officer responsible for the</p>	<p>The Bill does not provide for the renewal of an expired firearm licence. Thus the Bill misses out on an opportunity of dealing with this issue.</p>

				(6) If an application for the renewal of a licence is made in less than 90 days before expiry thereof and an administrative fine has been imposed, this does not disqualify the applicant from the renewal of the licence.".	area in which the applicant ordinarily resides or in which the applicant's business is, as the case may be. (3) No application for the renewal of a licence may be granted unless the applicant shows that he or she has continued to comply with the requirements for the licence in terms of this Act. (4) If an application for the renewal of a licence has been lodged within the period provided for in subsection (1), the licence remains valid until the application is decided.																						
29.	29	27	Period of validity of licences	<table border="1"> <thead> <tr> <th>Section number</th> <th>Type of licence or permit</th> <th>Validity period</th> </tr> </thead> <tbody> <tr> <td>15</td> <td>Licence to possess firearm for occasional hunting and occasional sports-shooting</td> <td>5 years</td> </tr> <tr> <td>16</td> <td>Licence to possess firearm for dedicated hunting and dedicated sports-shooting</td> <td>5 years</td> </tr> <tr> <td>16A</td> <td>Licence to possess a firearm for professional hunting</td> <td>5 years</td> </tr> <tr> <td>19</td> <td>Licence to possess firearm, and permit to possess ammunition, in public collection</td> <td>5 years</td> </tr> <tr> <td>20</td> <td>Licence to possess firearm for business purposes: Business as game rancher and in hunting</td> <td>five years</td> </tr> <tr> <td>20</td> <td>Licence to possess firearm for business purposes: Business other than as game rancher and in hunting.</td> <td>Two years".</td> </tr> </tbody> </table>	Section number	Type of licence or permit	Validity period	15	Licence to possess firearm for occasional hunting and occasional sports-shooting	5 years	16	Licence to possess firearm for dedicated hunting and dedicated sports-shooting	5 years	16A	Licence to possess a firearm for professional hunting	5 years	19	Licence to possess firearm, and permit to possess ammunition, in public collection	5 years	20	Licence to possess firearm for business purposes: Business as game rancher and in hunting	five years	20	Licence to possess firearm for business purposes: Business other than as game rancher and in hunting.	Two years".	<p>13. Licence to possess firearm for self-defence Five years</p> <p>14 Licence to possess restricted firearm for self-defence Two years</p> <p>15 Licence to possess firearm for occasional hunting and sports-shooting Ten years</p> <p>16 Licence to possess firearm for dedicated hunting and dedicated sports-shooting Ten years</p> <p>17 Licence to possess firearm in private collection Ten years</p> <p>18 Permit to possess ammunition in private collection Ten years</p> <p>19 Licence to possess firearm, and permit to possess ammunition, in public collection Ten years</p> <p>20 Licence to possess firearm for business purposes: Business</p>	<p>We object to these provisions. This proposed change will inevitably lead to greater chaos at the CFR than is currently the case. New licence applications and renewals are stacked up in corridors all over the place and the process has slowed down to more than 12 months. It means that where the period is shortened as proposed, the licence will hardly have been approved than a re-application will have to be made.</p> <p>The existing section should be retained.</p>
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	<b>DFCAB Sec</b>	<b>FCA Sec</b>	<b>SUBJECT</b>	<b>NEW DFCAB PROVISION</b>	<b>EXISTING FCA PROVISION</b>	<b>COMMENT</b>
30.	30	28	Termination of licences	<p>1A) If the licence is terminated in terms of subsection (1) the holder of a licence must dispose of his or her firearm within 60 days of the termination of the licence in the following manner <i>(a)</i> by surrendering the firearm to the nearest police station for destruction; <i>(b)</i> through a dealer; or <i>(c)</i> by having the firearm deactivated in the prescribed manner."</p> <p>(1B) A holder of a firearm licence must surrender a firearm for ballistic profiling to a police station, before disposing of it in the manner referred to in paragraphs (b) and (c) of subsection (1A),"</p> <p>"The Registrar may, by notice in writing, cancel a licence as contemplated in subsection (1)(d) that is issued in terms of this Chapter if the holder of the licence—"; and <i>(c) by the substitution for subsection (6) of the following subsection:</i></p> <p>"(6) Any period contemplated in sub-sections (3), (4) and (5) may be extended by the Registrar on good cause shown."</p>	<p><b>28.</b> (1) A licence issued in terms of this Chapter terminates— <i>(a)</i> upon the expiry of the relevant period contemplated in section 27, unless renewed in terms of section 24; <i>(b)</i> if surrendered by the holder of the licence to the Registrar; <i>(c)</i> if the holder of the licence becomes or is declared unfit to possess a firearm in terms of section 102 or 103; or <i>(d)</i> if it is cancelled in terms of this Act.</p> <p>(2) The Registrar may, by notice in writing, cancel a licence issued in terms of this Chapter if the holder of the licence— <i>(a)</i> no longer qualifies to hold the licence; or <i>(b)</i> has contravened or failed to comply with any provision of this Act or any condition specified in the licence.</p> <p>(3) A notice contemplated in subsection (2) may only be issued if the Registrar has—</p>	<p>This section is opposed.</p> <p>As previously stated, in cases where licenses for rare and valuable collections have expired and not been renewed in terms of the new Proposed Bill neither of the proposals in section (a), (b) or (c) are either practical or legal in terms of the Constitution. A rare and valuable rifle can cost up to R1 million and to expect an owner to comply with this requirement is not logical or practical.</p> <p>There is also a great risk of rare and valuable firearms of being damaged, destroyed, lost or stolen.</p>

					<p>(a) given the holder of the licence 30 days' notice in writing to submit written representations as to why the licence should not be cancelled; and</p> <p>(b) duly considered any representations received and all the facts pertaining to the matter.</p> <p>(4) (a) If a notice contemplated in subsection (2) is issued, the former holder of the licence must dispose of the firearm in question through a dealer or in such manner as the Registrar may determine.</p> <p>(b) The disposal must take place within 60 days after receipt of the notice.</p> <p>(5) If the firearm is not disposed of within 60 days, it must be forfeited to the State and the former holder of the licence must surrender it immediately at such place and in such manner as the Registrar may determine.</p> <p>(6) Any period contemplated in this section may be extended by the Registrar on good cause shown.</p>	
	<b>DFCAB Sec</b>	<b>FCA Sec</b>	<b>SUBJECT</b>	<b>NEW DFCAB PROVISION</b>	<b>EXISTING FCA PROVISION</b>	<b>COMMENT</b>
31.	31	31	Unlicensed trading	<p>A person who is not a dealer may dispose of a firearm or ammunition only through a dealer or as otherwise provided for in this Act.";</p> <p><b>PRIVATE SELLING PROHIBITED.</b></p>	<b>31. (1)</b> No person may trade in any firearm or ammunition without a dealer's licence.	This new provision is opposed. The existing section 31 (3) is in line with ordinary trade and should be retained. If the proposed new section is enacted it will cause greater costs in trading due

					<p>(2) Subject to subsection (3), a person who is not a dealer may dispose of a firearm or ammunition only through a dealer or as otherwise provided for in this Act.</p> <p>(3)A person who wishes to sell or donate a firearm to a willing buyer or donee, as the case may be, may do so without the intervention of a dealer, but on such conditions as the Designated Firearms Officer may determine.</p>	to the fact that a dealer will have to take the firearm in stock together with all the required administration involved and then resell the firearm to the prospective new owner. This could result in further unnecessary related costs or by including sizable storage fees.
	<b>DFCAB Sec</b>	<b>FCA Sec</b>	<b>SUBJECT</b>	<b>NEW DFCAB PROVISION</b>	<b>EXISTING FCA PROVISION</b>	<b>COMMENT</b>
32.	36	45	Unlicensed manufacture of firearms and ammunition	<p>It is an offence for any person, except the manufacturer of ammunition to be in possession of equipment designed and manufactured to reload ammunition”.</p> <p><b>RELOADING PROHIBITED. SEE POINT 36.</b></p>	<p><b>45.</b> (1) No person may manufacture any firearm or ammunition without a manufacturer’s licence.</p> <p>(2)A manufacturer may only sell firearms and ammunition to a dealer or to the State, and may export firearms and ammunition subject to section 73(1)</p> <p>SEE SECTION 93(1) Below.</p> <p><b>93.</b> (1) Section 45(1) does not apply to the loading of ammunition by the holder of a licence to possess a firearm for use in his or her licensed firearm.</p>	<p>We object to this section.</p> <p>The proposed changes impact on a persons rights in terms of the Constitution.</p> <p>Many hunters, sport shooters, (both occasional and dedicated) as well as collectors engage in the reloading of ammunition to save costs and to improve ballistic performance of ammunition. The quest for greater accuracy in competitions, target shooting and hunting is what every shooter strives for. Because each firearm performs differently to the next, it is vital that ammunition be used that would produce the best possible results. Ammunition manufacturers</p>

					<p>cannot produce ammunition that would suit all the various makes of firearms and produce the same degree of accuracy. Optimal accuracy for a particular firearm can only be attained by using the best and latest equipment to test and reload its ammunition. Equipment to reload ammunition is extremely expensive. This equipment is manufactured to the highest degree of accuracy according to strict scientific protocols.</p> <p>It is not the purpose of this objection to deal with the process of reloading but only to show that it is much more than merely putting a bullet into a cartridge case. There are at least 8 steps in the reloading process, each step requiring specialized equipment.</p> <p>There are many old and obsolete firearms in collections for which ammunition is not available. This necessitates reloading. Therefore a person with such a firearm, who wishes to shoot it, must engage in reloading. The first problem is obtaining the correct bullet as well as the correct cartridge case. If these are unobtainable they must be manufactured. This means casting or turning bullets on a lathe (which incidentally is a universal tool used for other purposes as well). The cartridge case must similarly be manufactured which could mean either annealing or turning. Reloading of ammunition is not only confined to pouring a</p>
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						<p>measured amount of propellant into a cartridge case and pressing a projectile. The process goes much further than that. The cartridge case must undergo a certain process to ensure that it will fit the chamber of the firearm correctly and snugly. The bullet itself has to be properly seated in the cartridge case to a high degree of precision. All this means that expensive precision instruments must be used. It must be borne in mind that equipment such as a lathe is not designed especially for reloading purposes and that it will, by necessity fall into this prohibited category. Firearm dealers that specialize in reloading equipment have invested vast sums of money into this market.</p> <p>The repeal of these sections is a serious violation of a person's rights. The basis of this objection is that vast amounts of money invested in reloading equipment that are in private hands will become illegal and will have to be disposed of in a market saturated by used and unwanted equipment. The damage to the economy will be great.</p>
	<b>DFCAB Sec</b>	<b>FCA Sec</b>	<b>SUBJECT</b>	<b>NEW DFCAB PROVISION</b>	<b>EXISTING FCA PROVISION</b>	<b>COMMENT</b>
33.	51	84	Carrying of firearm in public place	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."	1) No person may carry a firearm in a public place unless the firearm is carried— (a) in the case of a handgun— (i) in a holster or similar holder designed, manufactured or adapted	This proposed section is opposed. The existing section should be retained.

					for the carrying of a handgun and attached to his or her person; or (ii) in a rucksack or similar holder; or (b) in the case of any other firearm, in a holder designed, manufactured or adapted for the carrying of the firearm. (2) A firearm contemplated in subsection (1) must be completely covered and the person carrying the firearm must be able to exercise effective control over such firearm.	
34.	52	<b>85A NEW ADDITION</b>	Firearm storage permit	No person other than a dealer may provide storage facilities for firearms or ammunition to another person without a permit. (2) Notwithstanding subsection (1) a holder of a firearm licence may in the prescribed manner authorise in writing another licence holder to store his or her firearm for a specified period. (3) The provisions of subsection (2) do not apply to section 20 licence holders”.		The SAPS 539 provides already for storage of firearms.
	<b>DFCAB Sec</b>	<b>FCA Sec</b>	<b>SUBJECT</b>	<b>NEW DFCAB PROVISION</b>	<b>EXISTING FCA PROVISION</b>	<b>COMMENT</b>
35.	54	91	Possession of ammunition	The holder of a licence to possess a firearm referred to in Chapter 6 may not possess more than 100 cartridges for each firearm in respect of which he or she holds a licence.”; “(a) a dedicated hunter, dedicated sports person a professional hunter, occasional hunter, occasional sports person or an accredited training service provider who holds a licence issued in terms of this Act or any other holder of a licence issued in terms of this Act to possess more than 100 cartridges for a firearm in respect of which he or she holds a licence or”; and (d) by the addition of the following subsection:	<b>91.</b> (1) The holder of a licence to possess a firearm referred to in Chapter 6 may not possess more than 200 cartridges for each firearm in respect of which he or she holds a licence. (2) The limitation in subsection (1) does not apply to— (a) a dedicated hunter or dedicated sports person who holds a licence issued in terms of this Act or any other holder of a licence issued in terms of this Act authorised by the	This proposed provision is impractical as far as sport shooting, hunting and firearm businesses is concerned. During competitions far more than 100 rounds may be expended, thus leaving the shooter in a position where he/she cannot proceed or compete or practise. Businesses often need more ammunition because of the nature of the business itself. That is for instance training providers can expend hundreds of rounds in training, the film industry can utilise many blanks in a film shoot,

				<p>"(3) The Registrar in determining good cause must take into terms of this Act to possess more than 100 cartridges for a firearm in respect of which he or she holds a licence or"; and  <i>(d)</i> by the addition of the following subsection:  "(3) The Registrar in determining good cause must take into account the following:  <i>(a)</i> Proof of the frequency of the use of the firearm;  <i>(b)</i> the level of participation in the activity for which the firearm is registered;  <i>(c)</i> the number of cartridges used per occasion for the particular activity; and  <i>(d)</i> any other relevant factors or circumstances which may be prescribed."</p>	<p>Registrar to possess more than 200 cartridges for a firearm in respect of which he or she holds a licence on good cause shown; or  <i>(b)</i> the holder of a licence to possess a firearm issued in terms of this Act in respect of ammunition bought and discharged at an accredited shooting range</p>	<p>corporate shooting and utilise hundreds of rounds at a time. All this will effect the efficient operation of these businesses.</p>
	<b>DFCAB Sec</b>	<b>FCA Sec</b>	<b>SUBJECT</b>	<b>NEW DFCAB PROVISION</b>	<b>EXISTING FCA PROVISION</b>	<b>COMMENT</b>
36.	55	93	Reloading of ammunition	<p>Section 93 of the principal Act is hereby repealed.  <b>RELOADING PROHIBITED</b></p>	<p><b>93.</b> (1) Section 45(1) does not apply to the loading of ammunition by the holder of a licence to possess a firearm for use in his or her licensed firearm.  (2) <i>(a)</i> A holder of a licence contemplated in subsection (1) may not have more than 2 400 primers in his or her possession for each firearm in respect of which he or she holds a licence.  <i>(b)</i> The limitation in paragraph <i>(a)</i> does not apply to a dedicated hunter or dedicated sports person who holds a licence issued in terms of this Act or any other holder of a licence issued in terms of this Act authorised by the Registrar to possess more than 2 400 primers for a firearm in respect of which he or</p>	<p>The objection to Section 36 above also applies to the objection to Section 55 of the Bill.</p> <p>Many hunters, sports hooters, (both occasional and dedicated) as well as collectors, engage in the reloading of ammunition to save costs and to improve ballistic performance of ammunition. The repeal of these sections is a serious violation of a person's rights set out in the Constitution.</p> <p>The existing section more than adequately provides for this and should be retained</p>

					she holds a licence on good cause shown. (3) No person may load prohibited ammunition contemplated in section 92.	
	<b>DFCAB Sec</b>	<b>FCA Sec</b>	<b>SUBJECT</b>	<b>NEW DFCAB PROVISION</b>	<b>EXISTING FCA PROVISION</b>	<b>COMMENT</b>
37.	59	102	Suspension of firearm licence and declaration of persons as unfit to possess firearms.	<p>"(5) If the Registrar in terms of subsection (1) declares a person unfit to possess a firearm he or she must determine the period of such unfitness.</p> <p>(6) The Registrar may suspend a licence in accordance with this section if the Registrar becomes aware that the licence holder has been—</p> <p>(a) charged with any offence that involves an element of violence; or</p> <p>(b) served with an interim protection order in terms of the Domestic Violence Act, 1998 (Act No. 116 of 1998), or the Protection from Harassment Act, 2011 (Act No. 17 of 2011), the nature of which involves an element of violence.</p> <p>(7) Where a licence has been suspended in terms of subsection (5), the Registrar must serve personally or by post on that person a notice stating that the licence is suspended and the reasons for its suspension.</p> <p>(8) A licence that authorises a person to possess a firearm is automatically suspended on the making of an interim protection order issued against such person in terms of the Domestic Violence Act, 1998 (Act No. 116 of 1998), or the Protection from Harassment Act, Harassment Act, 2011 (Act No. 17 of 2011).</p> <p>(9) A suspension in terms of subsection (5) remains valid until the—</p> <p>(a) process in terms of this section has been finalised;</p>	<p>(1) The Registrar may declare a person unfit to possess a firearm if, on the grounds of information contained in a statement under oath or affirmation including a statement made by any person called as a witness, it appears that—</p> <p>(a) a final protection order has been issued against such person in terms of the Domestic Violence Act, 1998 (Act No. 116 of 1998);</p> <p>(b) that person has expressed the intention to kill or injure himself or herself or any other person by means of a firearm or any other dangerous weapon;</p> <p>(c) because of that person's mental condition, inclination to violence or dependence on any substance Which has an intoxicating or narcotic effect, the possession of a firearm by that person is not in the interests of that person or of any other person;</p> <p>(d) that person has failed to take the prescribed steps for the safekeeping of any firearm; or</p> <p>(e) that person has provided information required in terms of this Act which is false or misleading.</p>	The current provisions are sufficient.

			<p>(b) interim protection order is confirmed or revoked; or</p> <p>(c) licence holder is acquitted of the relevant charge or such charge is withdrawn.</p> <p>(10) Whenever an interim or final protection order is revoked or a charge that has an element of violence is withdrawn or a licence holder is acquitted of such charge, the firearm must be returned to the licence holder.</p> <p>(11) A person whose firearm licence is suspended in terms of this section must, within 24 hours of being issued with a notice of suspension, surrender all firearms registered in his or her name and in his or her possession to the nearest police station for safekeeping, pending the final determination of his or her fitness to possess a firearm.</p> <p>(12) Once an interim protection order is confirmed, or a final protection order has been issued against a licensee in terms of the Domestic Violence Act, 1998 (Act No. 116 of 1998), or an interim protection order is confirmed, or a final protection order has been issued against the licensee in terms of the Protection from Harassment Act, 2011 (Act No. 17 of 2011), the licence holder is automatically unfit to possess a firearm.</p> <p>(13) If a licence has been suspended in terms of this section all—</p> <p>(a) licences, authorisations and permits issued to the relevant person in terms of this Act;</p> <p>(b) firearms in his or her possession; and</p> <p>(c) ammunition in his or her possession, must be seized in terms of this Act."</p>	<p>(2) A declaration under subsection (1) may only be issued if the Registrar—</p> <p>(a) by notice in writing delivered by hand to the person, has called upon the person to appear before the Registrar at a time and place determined therein in order to advance reasons as to why that person should not be declared unfit to possess a firearm;</p> <p>(b) has given that person a reasonable opportunity to advance reasons as to why the declaration should not be issued;</p> <p>(c) has duly considered the matter;</p> <p>(d) is satisfied that the person is unfit as contemplated in subsection (1); and</p> <p>(e) does not rely solely on the same facts relating to a conviction in respect of which a court has made a determination in terms of section 103(1) or (2) that the person is not unfit to possess a firearm.</p> <p>(3) Any person appearing in pursuance of a notice issued in terms of subsection (2)(a) is entitled to—</p> <p>(a) be represented by a legal representative;</p> <p>(b) request the Registrar to call, in the manner referred to in subsection (2)(a), any person who made a statement referred to in subsection (1), to appear before the Registrar; and</p>	
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					<p>(c) examine the person who has been called in terms of subsection (1) or paragraph (b) to appear, or to cause him or her to be so examined by such legal representative.</p> <p>(4) (a) Section 183 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), applies with the necessary changes to any person called to appear before the Registrar in terms of subsection (2)(a), including any witness.</p> <p>(b) For purposes of paragraph (a) the expression “to a fine not exceeding R300 or to imprisonment for a period not exceeding three months” where it occurs in section 183(2) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), must be construed to read as follows:  “to a fine or to imprisonment for a period not exceeding 12 months”.</p> <p>(c) Section 181 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), applies with the necessary changes in respect of any witness whose appearance has been requested as contemplated in subsection (3)(b).</p>	
	<b>DFCAB Sec</b>	<b>FCA Sec</b>	<b>SUBJECT</b>	<b>NEW DFCAB PROVISION</b>	<b>EXISTING FCA PROVISION</b>	<b>COMMENT</b>
38.	61	103	Declaration by court of person to be unfit to	A court which has convicted a person of a crime or an offence contemplated in subsection (1), has made a determination contemplated in that subsection or has made a declaration in terms of subsection (2) must notify the Registrar in writing of that	<b>103.</b> (1) Unless the court determines otherwise, a person becomes unfit to possess a firearm if convicted of—	The existing provisions are sufficient.

			possess firearm.	conviction, determination or declaration including the period of that declaration.	<p>(a) the unlawful possession of a firearm or ammunition;</p> <p>(b) any crime or offence involving the unlawful use or handling of a firearm, whether the firearm was used or handled by that person or by another participant in that offence;</p> <p>(c) an offence regarding the failure to store firearms or ammunition in accordance with the requirements of this Act;</p> <p>(d) an offence involving the negligent handling or loss of a firearm while the firearm was in his or her possession or under his or her direct control;</p> <p>(e) an offence involving the handling of a firearm while under the influence of any substance which has an intoxicating or narcotic effect;</p> <p>(f) any other crime or offence in the commission of which a firearm was used, whether the firearm was used or handled by that person or by another participant in the offence;</p> <p>(g) any offence involving violence, sexual abuse or dishonesty, for which the accused is sentenced to a period of imprisonment without the option of a fine;</p> <p>(h) any other offence under or in terms of this Act in respect of which the accused is sentenced to a period of imprisonment without the option of a fine;</p>	
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					<p>(i) any offence involving physical or sexual abuse occurring in a domestic relationship as defined in section 1 of the Domestic Violence Act, 1998 (Act No. 116 of 1998);</p> <p>(j) any offence involving the abuse of alcohol or drugs;</p> <p>(k) any offence involving dealing in drugs;</p> <p>(l) any offence in terms of the Domestic Violence Act, 1998 (Act No. 116 of 1998) in respect of which the accused is sentenced to a period of imprisonment without the option of a fine;</p> <p>(m) any offence in terms of the Explosives Act, 1956 (Act No. 26 of 1956), in respect of which the accused is sentenced to a period of imprisonment without the option of a fine;</p> <p>(n) any offence involving sabotage, terrorism, public violence, arson, intimidation, rape, kidnapping, or child stealing; or</p> <p>(o) any conspiracy, incitement or attempt to commit an offence referred to above.</p> <p>(2) (a) A court which convicts a person of a crime or offence referred to in Schedule 2 and which is not a crime or offence contemplated in subsection (1), must enquire and determine whether that person is unfit to possess a firearm.</p> <p>(b) If a court, acting in terms of paragraph (a), determines that a</p>	
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					<p>person is unfit to possess a firearm, it must make a declaration to that effect.</p> <p>(3) A court which has convicted a person of a crime or an offence contemplated in subsection (1), has made a determination contemplated in that subsection or has made a declaration in terms of subsection (2) must notify the Registrar in writing of that conviction, determination or declaration.</p> <p>(4) Unless a determination that a person is not unfit to possess a firearm has been made in terms of subsection (1), a notice contemplated in subsection (3) must be accompanied by a court order for the immediate search for and seizure of—</p> <p>(a) all competency certificates, licences, authorisations and permits issued to the relevant person in terms of this Act;</p> <p>(b) all firearms in his or her possession; and</p> <p>(c) all ammunition in his or her possession.</p> <p>(5) A firearm and any other item seized in terms of subsection (4) must be kept by the South African Police Service or, if appropriate, by the Military Police, until an appeal against the conviction or sentence has been finalised or the time for an appeal has elapsed.</p>	
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	DFCAB Sec	FCA Sec	SUBJECT	NEW DFCAB PROVISION	EXISTING FCA PROVISION	COMMENT
39.	77	147	Disposal of firearms and ammunition in case of death or incapacitation.	<p>(1) In the case of the death or incapacitation of the holder of a firearm licence, the firearm in question and any ammunition relating thereto must be disposed of as prescribed.</p> <p>(2) The executor of the estate of a deceased person or the curator of the incapacitated person who comes into possession of a firearm licensed to the deceased or incapacitated person, and any ammunition relating thereto, must store the firearm and ammunition as prescribed."</p> <p><b>"Deceased Estates</b></p> <p><b>147A.</b> (1) The executor or administrator of the estate of a deceased person who was authorised by a licence or permit to possess a firearm or ammunition, does not commit an offence in terms of this Act in respect of the possession of the firearm or ammunition if the executor or administrator retains possession of the firearm for the purposes of lawfully disposing of it.</p> <p>(2) The executor or administrator referred to in subsection (1) must—</p> <p>(a) notify the Registrar of the death of the person who possessed the firearm or ammunition as soon as practicable after the person's death; and</p> <p>(b) notify the Registrar of the place where the firearm or ammunition will be kept;</p> <p>(c) while retaining possession of the firearm or ammunition, comply with the same requirements as to the safe keeping of the firearm or ammunition that would apply to a person who is authorised by a</p>	<p><b>147.</b> (1) In the case of the death of the holder of a firearm licence, the firearm in question must be disposed of as prescribed.</p> <p>(2) The executor of the estate of a deceased person who comes into possession of a firearm licensed to the deceased must store the firearm as prescribed.</p>	Existing section of FCA sufficient.

			<p>license or permit to keep a firearm or ammunition of that kind.</p> <p>(3) Nothing in this section authorises the use of a firearm or ammunition.</p> <p>(4) The Registrar may provide a temporary authorisation on such conditions as he or she may determine to a person who is licensed to possess a firearm to be in possession of a firearm or ammunition in a deceased estate—</p> <p><i>(a)</i> until such time the executor or administrator of the estate has been appointed; or</p> <p><i>(b)</i> if the executor or administrator does not have at his or her disposal the prescribed safekeeping facilities available.</p> <p>(5) The authorisation contemplated in subsection (4) shall terminate upon the finalisation of the estate.</p> <p>(6) Despite subsection (5) the Registrar may at any time withdraw the temporary authorisations if any condition contemplated in subsection (4) is not complied with".</p>		
<b>DFCAB</b>	<b>FCA Sec</b>	<b>SUBJECT</b>	<b>NEW DFCAB PROVISION</b>	<b>EXISTING FCA PROVISION</b>	<b>COMMENT</b>

	Sec					
40.	79	148	Inherited firearms or ammunition.	<p>(1) A person who inherits a firearm or ammunition must—</p> <p>(a) if he or she wishes to keep the firearm or ammunition, apply for an appropriate licence, permit or authorisation in terms of this Act; or</p> <p>(c) if he or she does not wish to acquire the firearm or ammunition, or fails to obtain the appropriate licence, permit or authorisation or competency certificate, have the firearm deactivated or dispose of it in terms of this Act.</p> <p>2) The executor or administrator of a deceased estate or a person authorised in terms of section 147A(6) may remain in possession of a deceased estate firearm until such time that the application of the licence to possess such firearm has been decided.</p> <p>(3) If no application for a firearm licence is made in terms of this Act, or if an application for a firearm licence is refused, the executor or the administrator of the deceased estate must lawfully dispose of the firearm or ammunition within a reasonable period, in which case the authorisation issued in terms of section 147A(6) remains valid until such disposal.</p> <p>(4) A contravention of subsection (3) is an offence."</p>	<p><b>148.</b> (1) A person who inherits a firearm must—</p> <p>(a) if he or she wishes to keep the firearm, apply for an appropriate licence, permit or authorisation in terms of this Act; or</p> <p>(b) if he or she does not wish to acquire the firearm, or fails to obtain the appropriate licence, permit or authorisation, have the firearm deactivated or dispose of it in terms of this Act.</p> <p>(2) The Registrar may issue a temporary authorization contemplated in section 21, to allow a person who inherits a firearm a reasonable time to dispose of it.</p>	Existing provisions of the FCA is sufficient.
	DFCAB Sec	FCA Sec	SUBJECT	NEW DFCAB PROVISION	EXISTING FCA PROVISION	COMMENT

41.	81	Schedule 1 Transitional provisions	Licensing of muzzle loading firearms	<p>The period referred to in sub-item (1) may be extended by the Minister for such period as the Minister may determine by notice in the <i>Gazette</i>.";</p> <p><b>1B.</b> (1) Any person who possess a muzzle loading firearm at the time of the commencement of the Firearms Control Amendment Act, 2017, must apply for the licensing thereof within two years from the commencement of the Firearms Control Amendment Act, 2021, using a valid competency certificate.</p> <p>(2) The competency certificate required in respect of a muzzle loading firearm at the time of the application for the licensing thereof shall remain valid until the date of the licence that had been issued and must be renewed in terms section 10A together with the renewal of the said licence.</p> <p><b>Possession and surrendering of percussion cap-and-ball and other firearms</b></p> <p><b>1C.</b> (1) Any person who possesses a percussion cap-and ball firearm or a firearm in respect of which a licence was issued to that person prior to the coming into operation of the Arms and Ammunition Act, 1969—</p> <p>(a) must, before the expiry of 18 months from the date of commencement of the Firearms Control Amendment Act, 2021, apply for a firearms licence to possess such percussion cap-and-ball firearm or a firearm in respect of which a licence was issued to that person prior to the coming into operation of the Arms and Ammunition Act, 1969;</p> <p>(b) may lawfully possess such percussion cap-and-ball firearm or firearm—</p> <p>(i) until the expiry of the period referred to in paragraph (a);</p> <p>or</p>		<p>We object to this provision as there is no need to licence muzzle loading firearms and to do so would create a further administrative burden on SAPS for no good reason.</p> <p>No comment</p>
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			<p>(ii) if an application has been made for a licence to possess such percussion cap-and-ball firearm or firearm during the period referred to in paragraph (a), until such application has been decided; and (c) who has not applied for a firearm licence in respect of that percussion cap-and-ball firearm or firearm before the expiry of the period referred to in paragraph (a), must surrender such percussion cap-and-ball firearm or firearm to the nearest police station.</p> <p>(2) No prosecution may be instituted during the period referred to in sub item (1)(a) against any person found in possession of a percussion cap-and-ball firearm or firearm, referred to in sub item (1), without being in possession of a licence.</p> <p>(3) The Service may dispose of any percussion cap-and-ball firearm or firearm surrendered to it in terms of sub item (1)(c) in accordance with the provisions of the Act.</p> <p>(4) A receipt must be issued to the person who surrenders a percussion cap-and-ball firearm or firearm in accordance with sub item (1)(c).</p> <p>(5) Percussion cap-and-ball firearms which were registered before 30 June 2004 as firearms must be licensed free of charge before the expiry of the period referred to in sub item (1).</p> <p><b>Surrendering or licensing of actions, frames and receivers</b></p> <p><b>1E.</b> (1) Any person who possesses an action, a frame or receiver—</p> <p>(a) must, before the expiry of 18 months from the date of commencement of the Firearms Control Amendment Act, 2021, apply for a firearms licence to possess such action, frame or receiver;</p> <p>(b) may lawfully possess such action, frame or receiver—</p>		<p>No Comment</p>
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			<p>(i) until the expiry of the period referred to in paragraph (a); or</p> <p>(ii) if an application has been made for a licence to possess such action, frame or receiver during the period referred to in paragraph (a), until the said application has been decided; and</p> <p>(c) who has not applied for a firearm licence in respect of that action, frame or receiver before the expiry of the period referred to in paragraph (a), must surrender such action, frame or receiver to a police station.</p> <p>(2) In the case where such action, frame or receiver is not numbered, the required serial number must be applied in such non damaging way as may be prescribed.</p> <p>(3) No prosecution may be instituted during the period referred to in subitem (1) against any person found in possession of an action, frame or receiver without being in possession of a licence.</p> <p>(4) The South African Police Service may dispose of any frame or receiver surrendered to it in terms of sub item (1)(c) in accordance with the provisions of the Act.</p> <p>(5) A receipt must be issued to the person who surrenders a frame or receiver in accordance with sub item (1)(c).</p> <p><b>Re-licensing of firearms</b></p> <p><b>1F.</b> (1) Any licence which was—</p> <p>(a) issued in terms of the Arms and Ammunition Act, 1969 or previous legislation; and</p> <p>(b) not renewed as contemplated in this Act, remains valid for a period of two years from the coming into operation of the Firearms Control Amendment Act, 2021.</p> <p>(2) The Minister may, with the approval of Parliament, extend the period referred to in sub item (1) for a maximum period of two years.</p>		<p>No Comment</p>
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			<p>((3) Item 1(1) and (3) apply with the necessary changes required by the context, to item 1A."; and (c) by the insertion in item 11 after sub item (3) of the following sub items:  "(3A) The holder of a licence contemplated in item 1F must apply for the corresponding licence in terms of this Act within the period specified in item 1F(1) or the extended period referred to in sub item 1F(2).  (3B) Sub items (1)(a), (2), (3) and (4) are applicable, with the necessary changes required by the context, to any application made in terms of item 1F."</p> <p><b>"Validity of competency certificates</b>  <b>1G. (1)</b> All competency certificates issued in terms of this Act before commencement of the Firearms Control Amendment Act, 2021, remain valid in the case —  (a) where no firearms licence had been issued before the commencement of the Firearms Control Amendment Act, for a period of five years from the date of commencement of the said Act;  (b) where a firearms licence had been issued before the commencement of the Firearms Control Amendment Act, 2021, until the expiry of any such firearms licence issued to the person, in which case the person must apply for the renewal of the competency certificate together with the renewal of the said licence."  (2) All firearm licences which had been issued before the commencement of the Firearms Control Amendment Act, 2021 remain valid until the date of expiry of such firearm licences, as indicated on the licence, unless—  (a) the firearm is surrendered by the holder of the licence to the Registrar;</p>	<p>(1) (a) The holder of a licence, permit or authorisation contemplated in item 1, 2, 3, 4 or 5 must apply for the corresponding licence, permit or authorisation in terms of this Act within the period determined by the Minister by notice in the <i>Gazette</i>.  (b) Different periods may be determined in terms of paragraph (a) in respect of—  (i) different licences, permits or authorisations; and  (ii) holders whose surnames start with different letters of the alphabet, or whose dates of birth fall in different months.</p>	<p>We submit that a competency should be valid for ten years.</p> <p>Further once a person is deemed competent then in that event firearms should thereafter be registered to the person and not licenced.</p> <p>Therefore "licence" the person and register the firearm.</p>
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				(b) the holder of the licence becomes or is declared unfit to possess a firearm in terms of section 102 or 103.		
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