

EXTRACT

GOVERNMENT NOTICE

DEPARTMENT FOR SAFETY AND SECURITY

No. R.

2004

(English text signed by the Minister)

FIREARMS CONTROL ACT, 2000

Firearms Control Regulations

The Minister for Safety and Security has, under section 145 of the Firearms Control Act, 2000 (Act No. 60 of 2000), made the regulations in the Schedule.

**Chapter 1
Introductory provisions**

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act, shall have that meaning and, unless the context otherwise indicates -
 - (ii) **"applicant"** includes a natural person or juristic person acting through its responsible person;
 - (iii)
 - (iv) **"dedicated procedure"** means action or procedure directed at promoting conformity with the Act;
 - (xiv) **"person in good standing"** means a person who -
 - (a) **is or remains acceptable** to an accredited hunting organisation, sports-shooting or collectors' association as a dedicated member or collector, as the case may be;
 - (b) **actually fulfills the intent of the Act** in respect of his or her status as a dedicated hunter or dedicated sports person, or collector as the case may be; and
 - (c) **is not unfit** to possess a firearm in terms of the provisions of the Act;

General provisions relating to accreditation

- (7) In deciding whether an applicant qualifies for accreditation under the Act, the Registrar must take into account any relevant factor that reflects on the applicant, if a natural person, or, **in the case of a juristic person, of the responsible person and every person who is in control of, or is responsible for the management** of the juristic person regarding -
- (a) trustworthiness and integrity;
 - (b) **the suitability to perform the relevant functions in terms of the Act;**
 - (c) the capacity to serve the purposes of the accreditation;
 - (d) **the capacity to advance the purposes of the Act as referred to in section 2 of the Act; and**
 - (e) a written report compiled by the relevant Designated Firearms Officer as well as any written submissions by the applicant to such report.
- (8) In deciding whether an applicant fulfils the criteria referred to in subregulation (7), the Registrar may also take into account, where applicable -
- (a) the infra-structure of the applicant;
 - (b) **any relevant qualifications of the applicant or his or her employees;**
 - (c) the time period of the applicant's existence or functioning;
 - (d) the main purpose of the applicant, and the applicant's interest and experience in the applicable field for which accreditation is applied for;
 - (e) **the code of conduct or ethical code of the applicant, and any disciplinary code or measures** applicable to the members or employees of the applicant;
 - (f) the constitution of the applicant;
 - (g) the number of paid-up members and **the conditions required to become a member of the applicant and maintain or forfeit membership;**
 - (h) any organisational affiliation of applicant;
 - (i) **the intent of the applicant to fulfil the purpose of the accreditation;**
 - (j) any interest or conflict of interest which may render the applicant unsuitable for accreditation;
 - (k) **the intent of the applicant to promote the purposes of the Act referred to in section 2 of the Act;**
 - (l) the region that the operations or functions of the applicant covers;
 - (m) any other fact that will in the Registrar's opinion be relevant to ascertain the suitability for accreditation; and
 - (n) written representations by any other person in support of the application.

Accreditation of collectors association

5. (1) A collectors association that **applies for accreditation** must, in addition to the relevant information required by regulation 2, **submit proof** to the satisfaction of the Registrar that the association -
- (a) **has a dedicated procedure in place to evaluate its members for their bona fides to be a private collector in respect of a particular category in respect of their interest in, and knowledge of, the historical, technological, scientific, heritage, educational, cultural and artistic value or any other aspect as the association may determine appropriate, of a specific theme or field of interest and that the relevant documentation pertaining to such evaluation is kept on record by the association;**
 - (b) **will only allow membership of a person to the association as long as the person is in good standing with the association;**
 - (c) **is a member of a national or international association or organisation of which the primary bona fide object is to promote the responsible collecting of firearms or ammunition, or both;**
 - (d) **has provided in its founding document for a dedicated procedure whereby its members are classified in the following categories of collectors:**
 - (i) **Category A - being a category whereby the collectors association may approve any class of firearms for collection as contemplated in section 17(1)(a) of the Act;**
 - (ii) **Category B - being a category whereby the collectors association may only approve firearms for collection as contemplated in section 17(1)(a) of the Act, which excludes prohibited firearms referred to in section 4(1) of the Act;**
 - (iii) **Category C - being a category whereby the collectors association may only approve firearms for collection as contemplated in section 17(1)(a) of the Act, which excludes prohibited firearms referred to in section 4(1) and restricted firearms referred to in section 14(1) of the Act;**
 - (e) **does not in terms of the dedicated procedures required in subparagraph (d), declare a private collector in a higher category than category C unless the private collector had been granted approval Of or restricted or prohibited firearms as part of his or her collection under the previous Act: Provided that a private collector previously granted such approval may be declared in such higher category as may be appropriate in terms of this regulation, being category B where the collector has restricted firearms as part of his or her collection, and category A where the collector has prohibited firearms as a part of his or her collection; and**
 - (f) **will only declare a private collector in a higher category strictly in accordance with the dedicated procedure required by subparagraph (d).**
- (2) (a) **An accredited collectors' association contemplated in section 17(2) of the Act must in addition to regulation 2(12)(a) and (b) annually, before the official year end of the association submit to the Registrar a written**

report reflecting the details of all members whose registered membership with such accredited collectors association terminated; and

- (b) of the reasons for the termination of such membership.

Chapter 3

General provisions regarding application for competency certificate, further competency certificate, licence, permit, temporary authorisation , duplicate and renewal

General provisions regarding applications required in terms of the Act

- (14) A private or public collector who **applies for a licence to possess a prohibited or restricted firearm**, must in addition to the requirements of regulation 14, submit the following additional information -
- (a) **a detailed written motivation in support of the application which must be verified as correct by the accredited collectors association of which the applicant is a member; and**
- (b) in the event of a projectile or rocket contemplated in section 4(1)(d) of the Act, a report from the local explosives officer appointed in terms of the Explosives Act, 1956 (Act No. 26 of 1956).

Specific provisions regarding competency certificates

- (4) (a) The Registrar must, after having determined that a person is a fit and proper person as contemplated in section 9(2)(c) of the Act who qualifies in terms of the Act to be issued with a competency certificate to possess a firearm as a private collector, **specify in that competency certificate the category in which the accredited collectors association has duly classified a member as a private collector.**
- (b) On proof to the satisfaction of the Registrar that the private collector concerned has been declared to be in a higher category by the collectors association of which the private collector is a member the Registrar may alter the competency certificate accordingly.
- (c) The **Registrar may only licence a firearm to a private collector in accordance with the category reflected on the competency certificate issued in accordance with this regulation.**

Prohibited firearms and devices that may be licensed in a private collection

15. The following prohibited firearms and devices may be licensed under section 17 of the Act:
- (a) A prohibited firearm and device contemplated in section 4 of the Act, that may be possessed in terms of the transitional provisions in Annexure 1 of the Act;
- (b) A prohibited firearm and device contemplated in section 4 of the Act which does not fall under paragraph (a), which must not be less than 50 years calculated from the date of it's manufacture, together with an attribute of collectability regarding it's historical, technological, scientific, heritage, educational, cultural and artistic value or any other aspect as may be deemed appropriate: Provided

that if the firearm or device does not readily conform to the set combination of age and attribute of collectability, the following further considerations may apply -

- (i) that its production has been discontinued for at least 10 years with the real likelihood of it becoming of collectable interest from a historic, technological, scientific, heritage, educational, cultural or artistic perspective;
 - (ii) that it is part of a commemorative issuance or limited edition;
 - (iii) that it will fit in as part of a demonstrable theme of future value, where a real likelihood of such future value can be sufficiently demonstrated or motivated;
 - (iv) its proven or generally accepted association with famous or infamous people or events;
 - (v) its current national or international scarcity or rarity based on an acceptable reason;
 - (vi) its unusual or unique design, materials or method of manufacture of historic interest;
 - (vii) custom or one-off building by a well known gun maker or gunsmith, with significant value;
 - (viii) that it is a prototype or part of a limited production run;
 - (ix) that it is a replica of a well known historical firearm; or
 - (x) that it is an investment grade firearm or device of significant value.
- (c) A miniature cannon.

Safety measures for the display of firearms in a private collection

16. A private collector may publicly display a firearm if -

- (a) the firearm is unloaded;
- (b) the firearm, if it is a handgun, is displayed in a lockable display cabinet; or
- (c) where the firearm is on open display, it must be rendered inoperable by means of a secure locking device; or
- (d) the firearm is securely attached to a non-portable structure on which, or in which, it is displayed by a metal attachment, chain, metal cable or similar device in such manner that the firearm cannot readily be removed; and
- (e) the firearm is not displayed with, and is not readily accessible to, ammunition that can be discharged from it, except where such firearm or ammunition is displayed in a locked display cabinet or similar device.