

NAACCSA

NATIONAL ARMS AND AMMUNITION COLLECTORS CONFEDERATION OF SOUTH AFRICA

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16th February 2007

Director P van Vuuren
Legal Services
SAPS
Pretoria

Dear Director van Vuuren,

Re. Comments and Proposals on the draft Firearms Control Regulations, 2007

Thank for the opportunity to comment on the proposed draft Regulations , and to make certain proposals in this regard .

With the exception of the concerns outlined below , this Association is of the opinion that the Draft Regulations correctly reflect the intent and requirements of the Firearms Control Amendment Bill, and our comments are therefore directed at clarifying various issues in the interests of implementation , or interpretation, or both .

This input has been compiled primarily from a Collector's perspective , although certain other disciplines and interest groups may be alluded to where appropriate .

To this end the format of this submission comprises certain general concerns set out below , and detailed comments in the text of the Draft Regulations in the form of the proposed change , and a comment in italics and brackets , as to the rationale for the proposal / comment . This is attached as "*Annexure I*" to this submission , and forms an integral part of it . Pages on which no input has been made have been deleted in the interests of keeping this document as brief as possible

General concerns

(1) Validity period of Competency Certificates

We believe this remains unresolved, with the differing periods of Competency Certificates and different types of licences resulting in an unmanageable situation . In our opinion the validity period of the Competency Certificate should correspond with the longest period of the type of licence held by the firearm owner . In the case of Collectors this would be 10 years . This would further move the focus to the person rather than the firearm , and would be analogous to e.g. a driver's licence situation .

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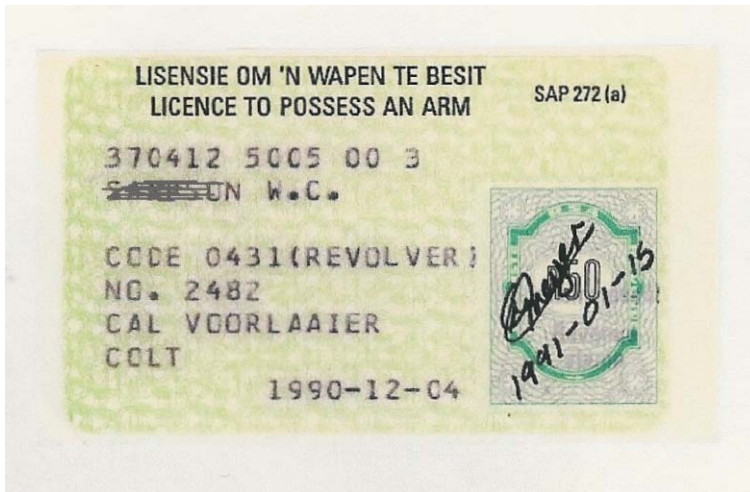
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(2) Licencing , or re-licencing of Percussion (‘Cap & Ball’) revolvers in Private Collection

Under the previous Act (1969) , Percussion , or Cap & Ball revolvers, were licenced and described as ‘muzzle loaders’ or ‘Voorlaaiers ‘ , as per the following example –



With the Deregulation of ‘Muzzle Loaders’ in the FCA 2000 , many Collectors have applied to the SAPS to have their muzzle loaders , including C & B revolvers , deregistered . These applications have been accepted by the DFO’s , and the firearms have been deregistered and the licences cancelled.

With the revision of the definition of ‘Muzzle Loader’ in the FCAB to exclude C & B revolvers , and the absence of any transitional provision to enable the reversal of the process and the relicencing of such revolvers , together with the absence of any mechanism in the Draft Regulations to address the issue , many collectors will be left in an untenable situation when the FCAB is signed into law , and will become ‘technical criminals’ through no fault of their own .

It is the opinion of this Association that this issue must be equitably addressed before promulgation , and that previously cancelled licences of C & B revolvers still held by collectors after legitimate deregistration be re-instated at no cost .

A similar dilemma confronts other owners of Percussion revolvers , or Replicas thereof

(3) Muzzle Loaders – general

It is our understanding that the changes to the FCA and the associated Regulations are designed to be able to effect sufficient control over Muzzle Loaders in terms of the FCAB , without having to treat them as fully licencable firearms . If this assumption is correct , then there are a couple of issues that require further clarification –

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- What are the conditions for transport and storage of muzzle loaders *by Private Owners* e.g. must it be kept in a safe ?
- Although there will initially be record of the details of the muzzle loader with the Dealer who sold it , we see no mechanism for keeping track of these details thereafter i.e. if the muzzle loader is resold by the Private Owner(s) which could happen a number of times .

Many of the stipulations in the Regulations which presume knowledge of the whereabouts and ownership of the muzzle loader may then be un–implementable

- One of the reasons why it was determined that a separate competency certificate needed to be obtained for a muzzle loader , was the perceived hazards of working with Black Powder (or equivalent) .

The anomaly now exists that a Black Powder Proficiency Certificate must be obtained for a muzzle loader, whereas a normal Handgun Proficiency Certificate is required for a Percussion revolver , which is surely no less “hazardous” , if not more so (possible multiple ignition) ?

This Association is therefore of the view that the owner of a Black Powder firearm should only require a Muzzle Loader Competency Certificate *if he or she does not own any other firearms* , and that a normal competency certificate (with Black Powder proficiency added if necessary) should suffice if the owner has a mixture of Black Powder and cartridge Loading firearms which has worked very well for the last number of years without incident to our knowledge.

- The one year grace period in the Schedule 1 of the Act for application of a muzzle loader competency certificate will in our opinion be way too short , given that the applicant first has to complete the necessary training before he or she can apply for the Competency Certificate . It is anticipated that the approval of the Unit standard, preparation of training material , and training of the trainers will in itself take at least a year .

(4) Storage of Collectible or other firearms at a Registered Dealer premises .

The requirement to have firearms secured by cables while in storage in a Dealer premises is impractical, and should only apply to firearms in a publicly accessible display area at most . This requirement has forced many Dealers to refuse to store firearms for Private Owners while they are away on holiday etc , leading to situations which are contrary to the intent of the Act . This requirement does not apply to a private person storing another persons firearms (with permission) , and it is not clear why this should apply to Dealers where facilities are often to a higher specification .

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(5) Conclusion

Detail comments on various provisions are included in the attached *Annexure 1* to this submission .

As previously stated , this Association holds itself ready to discuss the above or any other issues on a mutually constructive basis in the interests of enduring and workable legislation and implementation ,

Kind Regards,

Carvel Webb

(Chairman)