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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

CONTENTS • INHOUD

No.

*Page
No. Gazette
 No.*

GENERAL NOTICE

Safety and Security, Department of

General Notice

1325	Firearms Control Amendment Regulations, 2007: For general information and comment	3	30401
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GENERAL NOTICE

NOTICE 1325 OF 2007

FIREARMS CONTROL AMENDMENT REGULATIONS, 2007

The Minister for Safety and Security intends to review and amend the Firearm Control Regulations, 2004. Draft Regulations are hereby published for general information and comment from interested parties.

IMPORTANT NOTE: This is merely a working document, which is used to obtain the input of interest groups. The finalization of the draft Firearms Control Amendment Regulations will ultimately be done after the consultation process has been concluded. Parliamentary committees will also be involved in the process.

NO PART OF THE CONTENT OF THIS DOCUMENT OR ANY ALTERATION THEREOF MAY BE CONSIDERED AS A COMMITMENT TO THE FINAL PROVISIONS OF THE REGULATIONS.

Kindly note that -

- (a) as this is a working document certain technical corrections with regard to the numbering, spacing and general layout still need to be done; and
- (b) the existing forms as prescribed in the Firearms Control Regulations, 2004, remain unchanged and should therefore be read in conjunction with these proposed amendments.

Any comments, contributions or proposals on the Regulations may be submitted within 6 (six) weeks from the date of publication of this Notice in writing to the following:

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FIREARMS CONTROL REGISTRY: SAPS

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PRETORIA

0001

PROPOSED AMENDMENTS TO THE FIREARM CONTROL REGULATIONS, 2004.

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing Regulations.
Words underlined with a solid line indicate insertions in the existing Regulations.
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No. R. Xxx DEPARTMENT OF SAFETY AND SECURITY **2007**
(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), read with the provisions of section 14 of the Interpretation Act, 1957 (Act No. 33 of 1957) made the regulations in the schedule.

SCHEDULE

Firearms Control Regulations, 2007

Arrangement of regulations

Chapter 1

Introductory provisions

1. Definitions

Chapter 2 Accreditation

2 General provisions relating to accreditation

3 Accreditation of public collector [or a museum]

4 Accreditation of museum

[4]5 Accreditation of hunting association or sports-shooting organisation

[5] Accreditation of collectors association]

6 Accreditation of professional hunting association

7 Accreditation of collectors association

[6]8 Accreditation of shooting ranges

[7]9 Accreditation to provide training in use of firearms

[8]10 Accreditation to provide firearms for use in theatrical, film or television productions

[9]11 Accreditation of game rancher

[10]12 Accreditation to conduct business in hunting

[11]13 Accreditation for other business purposes as determined by the Registrar

[12]14 Accreditation as an Official Institution

Chapter 3

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

[13]15 General provisions regarding applications required in terms of the Act

[14]16 Specific provisions regarding competency certificates

Chapter 4

Licence to possess a firearm

[15]17 Prohibited firearms and devices that may be licensed in a private collection

[16]18 Safety measures for the display of firearms in a private collection

[17]19 Conditions regarding the possession of ammunition in a private collection

[18]20 Safety measures for the display of ammunition in a private collection

[19]21 Prohibited firearms and devices that may be licensed in a public collection

[20]22 Safety measures for the display of firearms in a public collection

- [21]23 Conditions regarding the providing of a firearm for use by another person in respect of a licence to possess a firearm for business purposes
- [22]24 Registers in respect of a holder of a licence for business purposes
- [23]25 Application for a temporary authorisation to possess a firearm
- [24]26 Conditions applicable to a temporary authorisation to possess a firearm
- [25]27 Records in respect of temporary authorisations to possess a firearm
- [26]28 Annual report to be submitted to the Minister
- [27]29 Conditions in respect of use of firearm possessed in terms of section 21 of the Act
- [28]30 Identification marks on firearms
- [29]31 The central firearms database

Chapter 5

Licences issued to particular categories of persons

Part 1

General provisions

- [30]32 Additional particulars to be provided with an application for a dealer, manufacturer and gunsmith's licence

Part 2

Dealers

- [31]33 Conditions in respect of a dealer's licence
- [32]34 Information on a dealer's licence
- [33]35 Application for temporary authorisation to trade in firearms and ammunition on premises other than those specified in dealer's licence
- [34]36 Conditions applicable to temporary authorisations to trade in firearms and ammunition on premises other than those specified in dealer's licence
- [35]37 Record of prescribed information regarding temporary authorisations in respect of dealers
- [36]38 Application by a dealer for the change of premises
- [37]39 Registers in respect of a dealer
- [38]40 Manner in which a workstation must be established, maintained and linked to the central dealers' database
- [39]41 Weekly returns
- [40]42 Establishment of centralised dealers' database

Part 3

Manufacturers

- [41]43 Conditions in respect of a manufacturer's licence
- [42]44 Information on a manufacturer's licence
- [43]45 Applications in respect of temporary authorisation to display firearms and ammunition on premises other than those specified in manufacturer's licence
- [44]46 Conditions applicable to temporary authorisation to display firearms and ammunition on premises other than those specified in a manufacturer's licence
- [45]47 Record of prescribed information regarding temporary authorisations in respect of a manufacturer's licence
- [46]48 Application by a manufacturer for the change of premises
- [47]49 Registers in respect of a manufacturer
- [48]50 Manner in which a workstation must be established, maintained and linked to the central manufacturers' database
- [49]51 Establishment of a centralised manufacturers' database

Part 4 Gunsmiths

- [50]52 Other work that may be performed by gunsmith
- [51]53 Conditions in respect of the issue of gunsmith's licence
- [52]54 Information on gunsmith's licence
- [53]55 Applications for temporary authorisation to conduct business as gunsmith on premises other than those specified in a gunsmith's licence
- [54]56 Conditions applicable to temporary authorisations to conduct business as gunsmith on premises other than those specified in gunsmith's licence
- [55]57 Record of prescribed information regarding temporary authorisations in respect of gunsmiths
- [56]58 Application for change of premises
- [57]59 Registers in respect of gunsmith
- [58]60 Manner in which workstation must be established, maintained and linked to central gunsmiths' database
- [59]61 Weekly returns
- [60]62 Establishment of centralised gunsmiths' database

Chapter 6 Import, export and carriage in-transit of firearms and ammunition

- [61]63 Application regarding in-transit permit
- [62]64 Conditions in respect of application for import or export permit
- [63]65 Conditions in respect of in-transit permits
- [64]66 Information in respect of import, export and in-transit permits

- [65]67 Establishment of central importers' and exporters' database
[66]68 Extension, renewal and replacement of import, export or in-transit permit

Chapter 7
Storage, transport and carrying of firearms and ammunition

Part 1
Storage

- [67]69 Storage of firearms and ammunition

Part 2
Firearm transporter's permit

- [68]70 Packaging of firearms and ammunition during transportation
[69]71 Application in respect of a firearm transporter's permit
[70]72 Conditions in respect of firearm transporter's permit
[71]73 Duplicate transporter's permit
[72]74 Cancellation of firearm transporter's permit
[73]75 Record of prescribed information in respect of firearm transporter's permits

Chapter 8
Control of ammunition and firearm parts

- [74]76 Application for authorisation to possess more than 2400 primers and to possess more than 200 cartridges
[75]77 Register of firearm parts

Chapter 9
Official institutions

- [76]78 Conditions in respect of acquisition, use, safe custody and disposal of firearms by accredited Official Institution
[77]79 Information that the permit issued under section 98 of the Act must contain
[78]80 Carrying of handgun by employee of Official Institution in holster
[79]81 Prescribed training and test in respect of employee of Official Institution
[80]82 Provision of firearm training by Official Institutions
[81]83 Registers to be kept by Official Institution
[82]84 Particulars that register must contain

[83]185 Identification marks in respect of firearms under control of Official Institution

[84]186 Establishment of central Official Institution firearms database

[85]187 Establishment and maintenance of Official Institution's workstation

Chapter 10 Safe custody of firearms and ammunition

[86]188 Safes and safe custody

Chapter 11 Organisational structures

Part 1 The central firearms register

[87]189 Information that the central database must contain

[88]190 Other documentation and information that central database must contain

Part 2 Administrative justice and appeals

[89]191 Administrative justice

[90]192 Appeal Board

[91]193 Appeal procedure

Chapter 12 General provisions

[92]194 Application for compensation

[93]195 Disposal of firearms or ammunition surrendered in compliance with amnesty

[94]196 Surrendering of firearms and ammunition

[95]197 Production and discharge of firearms or ammunition for identification purposes

[96]198 Payment of fees

[97]199 Payment of administrative fines

[98]100 Surrendering and disposal of competency certificate, licence, permit or authorisation

[99]101 Deferment of licences, permits or authorisations in case of theft or loss of firearm

[100]102 Change of address

[101]103 Equipment and material designed for loading of ammunition

[102]104 Disposal of firearms where business ceases to carry on business

[103]	[105]	Disposal of firearms in insolvent or deceased estate
[104]	[106]	Destruction of firearms
[105]	[107]	Deactivation of firearms
[106]	[108]	Proofing of firearms
[107]	[109]	Change of circumstances
[108]	[110]	Correction of information
[109]	[111]	Firearm Free Zones
[110]	[112]	Offences and penalties
[111]	[113]	Receipts
[112]	[114]	Official address
[113]	[115]	Repeal of regulations
[114]	[116]	Title and commencement

Chapter 1 Introductory provisions

1 Definitions

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-

'accredited shooting range' means a shooting range or tunnel that complies with an applicable compulsory specification set in terms of the Standards Act, 1993 (Act 29 of 1993);

'applicant' includes a natural person or juristic person acting through its responsible person;

'conduct business in hunting' means **la licensed professional hunter who escorts a client for reward to enable such client to hunt wild animals or a licensed] conducting the business of a hunting outfitter [who presents or organises the hunting of wild animals for clients];**

'dedicated procedure' means action or procedure directed at promoting conformity with the Act;

'firearm transporter means a person contemplated in section 86 of the Act;

'game farm' means an extensive farm that is fenced in such manner-

- (a) that game on land outside the fence cannot readily gain access to the land which is fenced;

- (b) that game cannot readily escape from the land which is fenced; and
- (c) on which herds of game are kept or raised for the purpose of game farming;

'game farming' means large scale farming operations consisting of breeding and running game on a game farm for the purpose of the game being hunted or harvested for their meat, carcasses, skins or as a trophy, against payment of a fee;

'hunting outfitter' means a person who presents or organises the hunting of game for reward and who is licensed as such in terms of an applicable provincial legislation;

'immediately' means by the end of the following normal business day;

'import' in relation to firearms or ammunition means to bring them, or cause them to be brought, from outside the Republic of South Africa into the Republic of South Africa and includes the bringing thereof into the Republic of South Africa at any harbour or airport or other place on board any vessel or aircraft or other means of conveyance, irrespective of whether or not the firearms or ammunition are off-loaded from such vessel or aircraft or other means of conveyance for conveyance through the Republic of South Africa to any place outside the Republic of South Africa or for any other purpose, or are intended to be so off-loaded; and 'import' , when used as a verb, shall have a corresponding meaning;

'in transit' means the conveyance through the Republic of South Africa to another country firearms or ammunition that has been imported;

'main firearm component' means the barrel, frame, receiver, slide, bolt or breech-block of a firearm;

'multiple import-export permit' means an import and export permit authorising the multiple import and export of a specific firearm or ammunition during a specified period;

'person in good standing' means a person who-

- (a) is or remains acceptable to an accredited hunting association, sports-shooting organisation professional hunters association or collectors'

association as a dedicated member, professional hunter or collector, as the case may be;

- (b) **l**actually fulfils the intent of] promotes conformity with the Act in respect of his or her status as a dedicated hunter or dedicated sports person, professional hunter, or collector as the case may be; and
- (c) is not unfit to possess a firearm in terms of the provisions of the Act;

'police station' includes the offices of a Designated Firearms Officer and a government office designated by the Registrar at which a function in terms of the Act as specified by the Registrar may be exercised;

'Private Security Industry Regulatory Authority' means the Authority as defined in section 1(1) of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001);

'professional hunter' means a person who offers or agrees to escort any other person for reward to hunt game and who is licensed as such in terms of applicable provincial legislation;

'public collection' means a collection of firearms or ammunition intended to be displayed to the public;]

'record' means recorded information regardless of form or medium;

'relevant Designated Firearms Officer' means the Designated Firearms Officer responsible for the area in which the applicant ordinarily resides, and if an application under these Regulations pertains to a business of the applicant, the Designated Firearms Officer responsible for the area in which the business is or will be situated, as the case may be;

'SABS' means the South African Bureau of Standards referred to in section 2(1) of the Standards Act, 1993 (Act 29 of 1993);

'secure locking device' means a device that can only be opened or released by the use of an electronic, magnetic or mechanical key or by setting the device in accordance with an alphabetical or numerical combination and when affixed to a firearm, prevents the firearm from being detached from a fixed structure;

'security service' means a security service as defined in section 1(1) of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001);

'State' means an organ of State as defined in section 239 of the Constitution of the Republic of South Africa, 1996 [(Act 108 of 1996)];

'the Act' means the Firearms Control Act, 2000 (Act 60 of 2000); and

'unloaded' means that any propellant, projectile or cartridge which can be discharged from the firearm is not contained in the breech-block or firing chamber of the firearm nor in the cartridge, magazine or cylinder attached to or inserted into the firearm.

CHAPTER 2 ACCREDITATION

2 General provisions relating to accreditation

- (1) An applicant requiring accreditation for a purpose contemplated in the Act must apply to the Registrar for such accreditation.
- (2) An applicant referred to in subregulation (1), must submit the duly completed relevant application form, prescribed in Annexure 'A' together with any required supporting documents, to the relevant Designated Firearms Officer.
- (3) The application form must be completed in black ink by the applicant personally or, in the case of a juristic person, by the responsible person contemplated in section 7(1) of the Act who must be nominated in writing by the juristic person to act on behalf of the juristic person.
- (4) When an applicant is a juristic person, the Registrar may require from the applicant any information regarding any aspect required on the prescribed form also of any person who is in control of the juristic person or is responsible for the management thereof.
- (5) The information requested by the Registrar under subregulation (4) must be supplied by the person concerned personally on the form required by the Registrar.
- (6) When required by the Registrar, an applicant referred to in subregulation (1), must provide la set of such fingerprints of the applicant as the Registrar may require and an authenticated copy of the identity document of the applicant, if a natural person, or, in the case of a juristic person, of the responsible person and any person who is in control thereof or is responsible for the management thereof.

- (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.
- (9) The Registrar may refuse an application for accreditation if, on information at his or her disposal, it is shown that the applicant does not qualify to be accredited or when the responsible person or any controlling or managing person referred to in subregulation (4) would be disqualified to be issued with a competency certificate in terms of section 9(2) (a), (c) to (p) of the Act.
- (10) The Registrar must record in the Central Firearms Register referred to in section 125(1) (g) of the Act, the information required in the forms prescribed in Annexure A.
- [(11) The Registrar may only cancel an accreditation under section 8(3) of the Act if the Registrar has followed the procedure, read with the necessary changes, to that set out in section 102(2) to (4) of the Act.**
- (12)11(a)** An applicant who was accredited in terms of the Act, must annually, before the 31st day of December of that year and annually thereafter or such extended period as may be agreed to in writing by the Registrar, submit to the Registrar a written report

in respect of the responsible person and all members involved in the management thereof [any person] who-

(i) holds a competency certificate, licence, permit, or authorisation issued under the Act; and

[(ii) is a member of or is employed in the business of the accredited person or juristic person, as the case may be; and

[(iii)](ii) had been the subject of disciplinary action involving a contravention or failure to comply with a provision of the Act or any condition specified on a licence issued to the applicant under the Act, or conduct contemplated in section 102(1), section 103(1) or 103(2) of the Act.

(b) The report must list the full names and the identification number of the person concerned, particulars of the competency certificate, licence, permit or authorisation and of the disciplinary transgression and the result of the disciplinary action.

[(13)](12) (a) A juristic person accredited for a purpose contemplated in the Act must notify the Registrar in writing within 30 days if there is a change of any person who is in control of or is responsible for the management of the juristic person.

(b) The Registrar may on receipt of a notification referred to in paragraph (a) request any particulars referred to in subregulation (4) regarding a person who acquires control of or is responsible for the management of the juristic person referred to in paragraph (a).

(c) Nothing in this regulation must be construed as granting to the Registrar any power or authority whatsoever to determine the control or management of such a juristic person by any specific person: However, if the juristic person appoints a person who is in control of or is responsible for the management thereof and such appointment has the effect that the criteria referred to in subregulation (7) are no longer complied with, the Registrar may invoke the procedures prescribed in **[regulation 2(11)] sections 8(3) and 8(4) of the Act.**

3 Accreditation of public collector

-
- (1) A person who applies for accreditation as a public collector must, in addition to the relevant information required by regulation 2, submit-
- (a) a description of the display mechanisms that will be used to display the firearms;
 - (b) a description and specifications of the security measures pertaining to the storage, transport and safe custody of the firearms to be displayed;
 - (c) a description of the access control to the public collection where the firearms will be displayed;
 - (d) a certificate confirming that the public collection is open to the public; and
 - (e) written confirmation that-
 - (i) no firearm or ammunition will be supplied or transferred to any person who does not hold a temporary authorisation issued under section 21 of the Act, authorising the possession of the firearm, or a permit to possess the ammunition, as the case may be;
 - (ii) the firearm and ammunition will be displayed or stored under the control of an appointed person authorised thereto in writing by the public collector;
 - (iii) the person authorised thereto in writing by the public collector, will ensure that any physical access to the firearms and ammunition other than those provided for in subparagraph (i) will be under her or his personal control and that all necessary steps will be taken to prevent the loss of the firearm and ammunition; and
 - (iv) the firearm and ammunition will only be used for the display and/or storage by the public collector, on the registered premises of the public collector.
- (2) A public collector that applies for accreditation must submit written confirmation that-

- (a) it administers the collection of firearms for purposes that include collecting, preserving, studying, interpreting, assembling and exhibiting to the public for its education and enjoyment, objects and specimens of historical, technological, scientific, heritage, educational, cultural, commemorative, investment, rarity, thematic or artistic value;
 - (b) the collection of firearms is open to the public or is put on demonstration or displays for the public on a regular basis;
 - (c) it is a member in good standing of a national organisation whose prime purpose is to promote the collection and preservation of firearms, ammunition and related artefacts, or is a member of an accredited collectors association;
 - (d) it conforms to provincial and municipal or local government land use and zoning regulations;
 - (e) it maintains safety rules and regulations with regard to the safe storage and display of firearms that conform to the prescribed standards; and
 - (f) the nominated responsible person is employed by public collector and who will be responsible for the safe keeping of firearms and ammunition in possession of the public collector, is in possession of a competence certificate for possession of the firearms.
- (3) The person authorised thereto in writing by the public collector, must keep an updated record of all firearms and ammunition held in the collection on the registered premises of the public collector.
- (4) No deliberate change in the circumstances regarding the displaying or storage relevant to the firearms may take place unless prior approval of the Registrar has been obtained.

4 Accreditation of a museum

- (1) A person who applies for accreditation, as a museum must, in addition to the relevant information required by regulation 2, submit-

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- (a) a description of the display mechanisms that will be used to display the firearms;
 - (b) acceptable documentary proof that the display will be in a museum that is registered or accredited in terms of any other applicable national or provincial legislation as a museum;
 - (c) a description and specifications of the security measures pertaining to the storage, transport and safe custody of the firearms to be displayed;
 - (d) a description of the access control to the museum where the firearms will be displayed;
 - (e) a certificate confirming that the museum is open to the public; and
 - (f) written confirmation that-
 - (i) no firearm or ammunition will be supplied or transferred to any person who does not hold a temporary authorisation issued under section 21 of the Act, authorising the possession of the firearm, or a permit to possess the ammunition, as the case may be;
 - (ii) the firearm and ammunition will be displayed or stored under the control of the appointed curator of the museum or a person authorised thereto in writing by the curator;
 - (iii) the curator of the museum or a person authorised in writing thereto by the curator will ensure that any physical access to the firearms and ammunition other than those provided for in subparagraph (i) will be under her or his personal control and that all necessary steps will be taken to prevent the loss of the firearm and ammunition; and
 - (iv) the firearm and ammunition will only be used for the display and/or storage by the museum on the registered premises of the museum.
- (2) A museum, including a private museum, that applies for accreditation must submit written confirmation that it has been rated and accredited by the South African Heritage Resources Agency in accordance with the applicable legislation.

- (3) A museum, including a private museum, that applies for accreditation must submit written confirmation that it-
- (a) is administered for purposes that include collecting, preserving, studying, interpreting, assembling and exhibiting to the public for its education and enjoyment, objects and specimens of historical, technological, scientific, heritage, educational, cultural, commemorative, investment, rarity, thematic or artistic value;
 - (b) is open to the public or puts on demonstration or displays for the public on a regular basis;
 - (c) has a curator who is a member in good standing of a national or provincial museum association;
 - (d) conforms to provincial and municipal or local government land use and zoning regulations;
 - (e) maintains safety rules and regulations with regard to the safe storage and display of firearms that conform to the prescribed standards; and
 - (f) has a nominated responsible person who is employed by the museum who is possession of a competence certificate for possession of the firearms, who will be responsible for the safe keeping of firearms and ammunition in possession of the museum.
- (4) The curator must keep an updated record of all firearms and ammunition held on the registered premises of the museum.
- (5) No deliberate change in the circumstances regarding the displaying or storage relevant to the firearms may take place unless prior approval of the Registrar has been obtained.

I415 Accreditation of hunting association or sports-shooting organisation

- (1) A hunting association or sports-shooting organisation that applies for accreditation must, in addition to the relevant information required by regulation 2, submit proof to the satisfaction of the Registrar that-

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- (a) in respect of its registered members it provides in its founding document for a category of dedicated membership that applies for a licence as contemplated in section 16 of the Act;
- (b) (i) in the case of a hunting association, that it will [the hunting association] conducts a relevant training course as recognised by the Registrar in respect of dedicated hunters [that complies with the provisions of the South African Qualifications Authority Act, 1995 (Act 58 of 1995) read with the Skills Development Act, 1998 (Act 97 of 1998)] of which it shall be a prerequisite that a member of the hunting association must successfully complete before that member may be registered as a dedicated member and dedicated hunter with the hunting association; or
- (ii) in the case of a sports-shooting organisation, that it will [the sports-shooting organization] only register a person as a dedicated member and dedicated sports person with the sports-shooting organisation if such person has successfully completed a relevant training course as recognised by the Registrar [that complies with the provisions of the South African Qualifications Authority Act, 1995 (Act 58 of 1998) read with the Skills Development Act, 1998 (Act 97 of 1998)];
- (c) it has a dedicated procedure in place to regularly evaluate its dedicated members for their-
- (i) bona fides to be or remain a dedicated hunter or sports person, as the case may be; and
- (ii) dedicated participation in their applicable hunting or sports-shooting activities, as the case may be;
- (d) it keeps on record the particulars of the participation by a dedicated member in his or her hunting or sports-shooting activities as a dedicated hunter or dedicated sport person, as the case may be;
- (e) it will in respect of a registered member only allow dedicated membership to the association or organisation as long as-

- (i) the dedicated member is a person in good standing as a dedicated member with the association or organisation, as the case may be; and
 - (ii) in the case of a hunting association [dedicated hunter] that it will not allow the registration of [register] a person as a dedicated hunter with the association [organization] while that [registered member] person conducts [business] the profession of a professional hunter [in hunting] on the strength of a dedicated hunters licence that was issued in terms of section 16 of the Act.
- (f) documentary proof of membership by the hunting association or sports-shooting organisation of a national or international association or organisation which, to the satisfaction of the Registrar, has the primary bona fide object to promote responsible hunting or sports-shooting as the case may be.
- (2) (a) A register contemplated in section 16(4) (a) of the Act must contain the following information-
- (i) the full names, identity number and residential address of all persons having applied for dedicated membership;
 - (ii) the motivation for the application by the person applying for dedicated membership;
 - (iii) whether dedicated membership was granted or refused and if refused the reason therefore; and
 - (iv) dedicated membership number and expiry date of membership.
- (b) An accredited organisation or association contemplated in section 16(2) of the Act must in addition to regulation 2[(12)](11) (a) and (b) annually **[and before the official year end of the organisation or association, as the case may be]** before the 31st day of December of that year and annually thereafter or such extended period as may be agreed to in writing by the Registrar, submit to the Registrar a written report reflecting-

- (i) the details of all dedicated members whose registered dedicated membership with such accredited organisation or association terminated; and
- (ii) the reasons for the termination of such dedicated membership.

6 Accreditation of professional hunting association

(1) A professional hunting 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-

- (a) [the professional hunting association conducts a relevant training course in respect of professional hunters that complies with the provisions of the South African Qualifications Authority Act, 1995 (Act 58 of 1995) read with the Skills Development Act, 1998 (Act 97 of 1998) of which] it shall be a prerequisite that a full member of the professional hunting association must successfully complete his or her professional hunter's licence in terms of any applicable nature conservation legislation, before that member may be registered as a full member and professional hunter with the professional hunting association;
- (b) it has a dedicated procedure in place to regularly evaluate its members for their-
 - (i) bona fides to be or remain a professional hunter; and
 - (ii) dedicated participation in their professional hunting activities;
- (c) it keeps on record the particulars of the participation by a member in his or her hunting activities as a professional hunter;
- (d) it will in respect of a registered member only allow membership to the association as long as-
 - (i) the member is a person in good standing as a professional hunter with the association; and
 - (ii) documentary proof of membership by the professional hunting association of a national or international association

or organisation which, to the satisfaction of the Registrar, has the primary bona fide object to promote responsible professional hunting.

(2) (a) A register contemplated in section 16A(4) (a) of the Act must contain the following information-

(i) the full names, identity number and residential address of all persons having applied for membership;

(ii) the motivation for the application by the person applying for membership;

(iii) whether membership was granted or refused and if refused the reason therefore; and

(iv) membership number and expiry date of membership.

(b) An accredited association contemplated in section 16A(2) of the Act must in addition to regulation 2(11) (a) and (b) annually and before the official year end of the association, submit to the Registrar a written report reflecting-

(i) the details of all members whose registered membership with such accredited association terminated; and

(ii) the reasons for the termination of such membership.

15] 7 Accreditation of collectors association

(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 a particular category in respect of their interest in, and knowledge of, the historical, technological, scientific, heritage, educational, cultural, commemorative, investment, rarity, thematic [and] or 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]** 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 and as prescribed in regulation 17;
 - (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 and as prescribed in Regulation 17;
 - (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;and
 - (iv) Category E - being an entry level category whereby the collectors association may only approve up to six 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 subparagraphs (a) and (d), initially declare a private collector in a higher category than category C unless the private collector had been granted approval for 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 subsequently only declare a private collector in a higher category strictly in accordance with the dedicated procedure required by subparagraphs (a) and (d).
- (2) (a) An accredited collectors' association contemplated in section 17(2) of the Act must in addition to regulation 2[(12)](11) (a) and (b) annually, before [the official year end of the association] the 31st day of December of that year and annually thereafter or such extended period as may be agreed to in writing by the Registrar, submit to the Registrar a written report reflecting-
- (i) the details of all members whose registered membership with such accredited collectors association terminated; and
 - (ii) the reasons for the termination of such membership.

1618 Accreditation of shooting ranges

- (1) An application must be made in accordance with regulation 2 for the accreditation of a shooting range that will be used for the purposes of regulation 1719 and sections 19(5) and 91(2) (b) of the Act.
- (2) Practical training and testing regarding the safe and efficient handling of a firearm during which ammunition will be fired, in order to obtain a competency certificate, may only be undertaken on a shooting range that complies with the applicable compulsory specifications set in terms of the Standards Act, 1993 (Act 29 of 1993).
- (3) The Registrar may only accredit a shooting range as contemplated in sections 19(5) and 91(2) (b) of the Act and for the purpose of regulation 1719 on proof by the applicant that the shooting range complies with the applicable compulsory specifications set in terms of the Standards Act, 1993 (Act 29 of 1993).

[719] Accreditation to provide training in use of firearms

- (1) An applicant who applies to be accredited to provide training in the use of firearms for the purposes of section 20(2) (b) of the Act must, in addition to the relevant information required by regulation 2, submit-
 - (a) a written undertaking that only a relevant training course in respect of testing and training in the use and handling of firearms which complies with the requirement of the South African Qualifications Authority Act, 1995 (Act 58 of 1995) read with the Skills Development Act, 1998 (Act 97 of 1998) will be used to train persons;
 - (b) a description of the security measures pertaining to the storage, transport and safe custody of the firearms to be used in the training;
 - (c) a written undertaking that any practical training or testing which will involve the actual firing of a firearm will only be conducted at an accredited shooting range; and
 - (d) documentary proof that the applicant is registered in terms of the South African Qualifications Authority Act, 1995 (Act 58 of 1995) read with the Skills Development Act, 1998 (Act 97 of 1998) with Poslec-Seta as a service provider to provide the training contemplated in section 9(2)(q) and (r) and (s) of the Act.
- (2) A person accredited in terms of subregulation (1) must keep a register wherein the following particulars must be recorded in respect of every person successfully trained by such accredited person-
 - (a) the identity number and full names of the person trained;
 - (b) the date and place of the training;
 - (c) the type of prescribed training;
 - (d) in respect of practical training and testing, the type of firearm namely a handgun, rifle or shotgun including the action of the

firearm for which training and testing was provided and the test results; and

- (e) a certificate undersigned by both the trainer and the person concerned confirming the particulars in subregulation 2 (a) to (d).
- (3) The register contemplated in subregulation (2) must be available at the place of business of the accredited person and must be retained for a period of six years.

18110 Accreditation to provide firearms for use in theatrical, film or television productions

An applicant who applies for accreditation to provide firearms for use in theatrical, film or television productions must, in addition to the relevant information required by regulation 2, submit-

- (a) a certificate confirming that any modification of firearms licensed to the applicant will only be performed by a gunsmith;
- (b) proof to the satisfaction of the Registrar that the applicant is actually involved in the business of providing firearms for theatrical, film or television productions; and
- (c) a comprehensive report comprising the following information-
 - (i) a description of the safe custody facilities and safety control procedures regarding the safeguarding of firearms to be utilised by the applicant;
 - (ii) details regarding the records that will be used to control the firearms;
 - (iii) the initials, surname, identity number and two proof signatures of the person who will be responsible for the control, safe custody and issuing of firearms;
 - (iv) confirmation, if it is required that the persons to whom firearms are issued will have to use live ammunition with the firearm, that such person will have received basic training in the safe use of the firearm, prior to the firearm being used by such person;

- (v) the details of the type of firearms and the quantity of ammunition the applicant intends acquiring;
- (vi) details of the place where records in respect of the issuing of every firearm will be kept for inspection by a police official; and
- (vii) a motivation regarding the need for the applicant to possess the firearms.

19]11 Accreditation of game rancher

A person who applies for accreditation as a game rancher, as contemplated in section 20(2) (d) of the Act, must, in addition to the relevant information required by regulation 2, submit-

- (a) proof of-
 - (i) legal ownership of a game farm or, other sole legal occupation or access for the purpose of game farming to a game farm, on which game farming is being conducted and which game farm serves as the game farm to which the accreditation will apply;
 - (ii) actual personal involvement in the game farming activities conducted on the applicable game farm;
 - (iii) registration in terms of applicable provincial nature conservation legislation that the game farm on which the game farming is being conducted is either exempted from the provisions relating to hunting in that province or that the game farm is sufficiently fenced in for the purpose of hunting as provided for in the provincial nature conservation legislation applicable to the farm, as the case may be; and
 - (iv) the actual need to be accredited as a game rancher.
- (b) a description of the security measures regarding the safe handling, storage and transport of firearms to be used in conducting such business; and
- (c) proof of membership of a game farmers' association or organisation which, to the satisfaction of the Registrar has the primary bona fide object to promote responsible game farming.

[10]12 Accreditation to conduct business in hunting

An applicant who applies to be accredited to conduct business in hunting must, in addition to the relevant information required by regulation 2, submit-

- (a) a certified copy of his or her **[professional hunting or]** hunting outfitters licence or permit issued by a relevant provincial nature conservation authority of the province in which he or she will conduct the business;
- (b) a description of the security measures pertaining to the safe handling, storage and transport of the firearms to be used in conducting such business;
- (c) documentary proof to the satisfaction of the Registrar, of actual personal involvement in conducting a business in hunting as a **[n acknowledged professional hunter or]** hunting outfitter, **[as the case may be]**; and
- (d) documentary proof of membership of a national association or organisation which, to the satisfaction of the Registrar, has the primary bona fide object to promote responsible hunting.

[11]13 Accreditation for other business purposes as determined by the Registrar

- (1) An applicant who applies to be accredited to use firearms for a business purpose determined by the Registrar as intended in section 20(2) (f) of the Act must, in addition to the relevant information required by regulation 2 submit-
 - (a) detailed particulars in respect of the scope of the business;
 - (b) full motivation for the use of firearms;
 - (c) a detailed description of the firearms that will be used, as well as, a detailed motivation for the use of those firearms;
 - (d) a description of the security measures pertaining to the safe handling, transport and storage of the firearms to be used in conducting such business;
 - (e) the total number of persons who will be issued with firearms; and

- (f) a description of the premises from where the business will be conducted.
- (2) If the application for accreditation concerns an applicant using his or her own employees to protect or safeguard merely his or her own property or other interests, or persons or property on his or her premises or under his or her control, the applicant must, in addition to the requirements set out in subregulation (1), submit a detailed description of the scope of what business and interests are to be protected.

[12]14 Accreditation as an Official Institution

A government institution as contemplated in section 95 (a) (vi) of the Act that applies for accreditation must, in addition to the relevant information required by regulation 2, submit-

- (1) official documentary proof that the applicant is a government institution; and
- (2) a comprehensive report signed by the head of the government institution comprising the following information-
 - (a) the purpose for which the firearms are needed;
 - (b) a description of the safe custody facilities and safety control procedures regarding the safeguarding of firearms to be utilised by the applicant;
 - (c) details regarding the records that will be used to control the firearms;
 - (d) the initials, surname, identity number and two proof signatures of a designated person who will be the responsible person for the control, safe custody and issuing of the firearms in the possession of the government institution;
 - (e) confirmation that persons to whom firearms are issued will have at least two shooting practices per year with the relevant firearms;
 - (f) the details of the type of firearms and the quantity of ammunition the government institution intends maintaining;
 - (g) details of the place where records in respect of the issuing of every firearm will be kept for inspection by a police official;

- (h) a full motivation regarding the need for the government institution to possess the firearms; and
- (i) confirmation that a permit contemplated in terms of section 98 of the Act, will only be issued to an employee of the government institution who **[holds a valid competency certificate]** has successfully completed the training and testing prescribed in regulation 81(1).

CHAPTER 3
GENERAL PROVISIONS REGARDING APPLICATION FOR COMPETENCY
CERTIFICATE, FURTHER COMPETENCY CERTIFICATE, LICENCE, PERMIT,
TEMPORARY AUTHORISATION, DUPLICATE AND RENEWAL

[13]15 General provisions regarding applications required in terms of the Act

- (1) A person requiring a competency certificate, licence, permit, authorisation, as well as, a duplicate thereof or renewal to be issued for a purpose contemplated in the Act, must apply to the Registrar for such competency certificate, licence, permit, authorisation, duplicate or renewal.
- (2) An applicant referred to in subregulation (1), must submit the duly completed relevant application form, prescribed in Annexure 'A' and the required information together with any required supporting documents.
- (3) The application form must be completed in black ink by the applicant personally or, in the case of a juristic person, by the responsible person contemplated in section 7 of the Act.
- (4) (a) An application must, unless otherwise specifically stated, be submitted by the applicant in person to the relevant Designated Firearms Officer.

(b) When an applicant submits an application in accordance with subparagraph (a), the applicant must provide a certified copy of the page in his or her officially issued identity document or passport on which his or her photo and particulars are reflected.
- (5) When the applicant is a juristic person-

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- (a) the Registrar may require additional information to the information requested on the application form, in respect, of any person who is in control of the juristic person or is responsible for the management thereof;
 - (b) the application must be accompanied by proof of the registration or incorporation, as the case may be, of the juristic person in accordance with the laws of the Republic of South Africa;
 - (c) the application must be accompanied by a certified copy of the resolution or decision of the juristic person, nominating the responsible person to apply on its behalf; and
 - (d) rendering a security service as defined in section 1 of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001), the application must be accompanied by documentary proof of registration with the Private Security Industry Regulatory Authority, contemplated in the Private Security Industry Regulation Act, 2001 (Act 56 of 2001).
- (6) Whenever payment of any prescribed fee has been made at a police station under regulation 196~~198~~, documentary proof of the payment, must be attached to the relevant application.
- (7) Any person providing a recommendation concerning the character of an applicant in support of an application made for a purpose contemplated in the Act, must also state whether the applicant, to the best of such person's knowledge and belief, is-
- (a) a fit and proper person to be issued with the competency certificate, licence, permit or authorisation applied for;
 - (b) of a stable mental condition and is not inclined to violence; and
 - (c) not dependent on any substance which has an intoxicating or narcotic effect.
- (8) (a) A person who provides a recommendation as envisaged in subregulation (7) may be asked by a relevant Designated Firearms Officer, or a person acting on the written authority of the relevant Designated Firearms Officer to provide further information regarding the recommendation.

- (b) Any failure or refusal by the person to provide such reasonable and relevant information requested by a relevant Designated Firearms Officer may render the recommendation ineffective.
 - (c) No person is compelled to provide further information regarding a recommendation.
- (9)
 - (a) A [full] set of fingerprints of an applicant as required in section 6(1) (a) of the Act, must be taken by the relevant Designated Firearms Officer or designated personnel at a police station on the officially prescribed form used by the South African Police Service for such purpose.
 - (b) For the purpose of an import, export or in-transit permit contemplated in Chapter 8 of the Act, the Registrar may, in respect of a non-citizen who is not resident in the Republic of South Africa, accept such set of fingerprints as may be expedient in the circumstances.
- (10) An acknowledgment of receipt of an application must only be issued to the applicant if the application is, to the satisfaction of the Registrar, duly completed and accompanied by all the required information and documentation, and after the identity of the applicant on the required set of her or his fingerprints, has been verified by the relevant Designated Firearms Officer.
- (11) A nomination replacing a responsible person in compliance with section 7(4) of the Act must be made and be accompanied by such documents and information as required on the prescribed form in Annexure 'A'.
- (12) The Registrar may only issue a licence, permit, authorisation or renewal to a person who complies with the requirements as prescribed in these Regulations regarding the safe custody of firearms or ammunition.
- (13) An acknowledgment of receipt as contemplated in subregulation 10 issued for an application for a renewal, is upon production in a court sufficient proof of compliance with the requirement of section 24 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]16, submit the following additional information-

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- (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 rifle grenade, projectile or rocket contemplated in section 4(1) (d) of the Act, a ~~[report]~~ certificate from the local explosives officer appointed in terms of the Explosives Act, 1956 (Act 26 of 1956) confirming that the rifle grenade, projectile or rocket is free from explosives and are marked as such in a non-damaging way by means of a securely attached metal tag.
- (15) The holder of a manufacturer's licence who wishes to apply to manufacture a type of firearm or calibre of ammunition that is not specified on the manufacturer's licence, must, with every such application, in addition to the requirements of regulation ~~[13]~~15, submit the following additional information-
- (a) the technical specifications regarding the firearm and ammunition;
- (b) the technical drawings regarding the firearm and ammunition;
- (c) a South African Police Service ballistics evaluation report; and
- (d) insofar as is applicable, a permit or authorisation issued in terms of the Explosives Act, 1956 (Act 26 of 1956) and the National Conventional Arms Control Act, 2002 (Act 41 of 2002).
- (16) (a) The Registrar may for the purpose of identification of the holder of a licence, permit or authorisation, affix a photograph and fingerprint of the holder to the relevant licence, permit or authorisation.
- (b) The applicant must provide a photograph at the request of the Registrar.
- (c) A photograph contemplated in paragraphs (a) and (b) must-
- (i) be recently taken;
- (ii) be in colour;
- (iii) show a full unobscured front view of the applicant's head, face and shoulders and have a neutral background; and

(iv) be to the dimensions of 32mm (width) x 40mm (height).

- (17) The Registrar may require from an applicant to furnish any such further information as may be necessary for the Registrar to exercise discretion to fulfil his or her functions under the Act.

[14]16 Specific provisions regarding competency certificates

- (1) The Registrar may, apart from any other relevant aspect, consider the existence of any of the following circumstances, when applicable to an applicant that applies for a competency certificate, as key indicators in order to launch an investigation or enquiry contemplated in section 124(3) of the Act to determine whether the applicant for the competency certificate is a fit and proper person as contemplated in section 9(2)(c) of the Act, of a stable mental condition and is not inclined to violence as contemplated in section 9(2)(d) of the Act, and is not dependent on any substance which has an intoxicating or narcotic effect as contemplated in section 9(2)(e) of the Act, as the case may be-
- (a) whether in the past five years the applicant has been served with a protection order in terms of the Domestic Violence Act, 1998 (Act 116 of 1998), or visited by a police official concerning allegations of violence in the applicant's home;
 - (b) whether in the past five years the applicant has been denied a licence, permit or authorisation regarding a firearm and the reason for such denial;
 - (c) whether in the past five years the applicant has threatened or attempted suicide, suffered from major depression or emotional problems, or engaged in intoxicating or narcotic substance abuse;
 - (d) whether in the past five years the applicant has been diagnosed or treated by a medical practitioner for depression, drug, intoxicating or narcotic substance abuse, behavioural problems or emotional problems;
 - (e) whether in the past five years the applicant has been reported to the police or social services for alleged threatened or attempted violence or other conflict in the applicant's home or elsewhere;

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- (f) whether in the past two years the applicant has experienced a divorce or separation from an intimate partner with whom the applicant resided where there were written allegations of violence; or
 - (g) whether in the past two years the applicant has experienced a forced job loss.
- (2) In order to determine whether an applicant is a fit and proper person as contemplated in section 9(2)(c) of the Act to be issued with a competency certificate-
- (a) to carry on business as a gunsmith, the Registrar may take into account whether the applicant has successfully passed an applicable acknowledged national or international trade test that substantially complies with the requirements of the Skills Development Act, 1998 (Act 97 of 1998); and
 - (b) in the case of the manufacturing of ammunition consisting of the loading of ammunition other than contemplated in section 93(1) of the Act, whether the applicant can provide proof of sufficient applicable previous experience or a qualification approved by the Registrar in the field of ammunition loading together with a detailed evaluation report from The Head of the Ballistic Unit of the South African Police Service's Forensic Science Laboratory regarding the applicable experience and knowledge of the applicant.
- (3) When the Registrar performs a function as contemplated in section 124(3) of the Act in order to make a determination as contemplated in subregulation (1), the Registrar may require from a person applying for a competency certificate, to provide-
- (a) a certificate issued by a medical doctor regarding the applicant's dependence on any substance which has an intoxicating or narcotic effect;
 - (b) a report compiled by a psychologist or psychiatrist, or both, regarding the stable mental condition and inclination to violence of the applicant; or
 - (c) both such certificate and report.

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- (4) (a) The Registrar ~~must~~ may, 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 subsequently 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.
- (5) The Registrar may, by means of a written notice served on the holder of a competency certificate contemplated in subregulation (4), and after a procedure similar to that referred to in section 28(2) and (3) of the Act was followed, ~~withdraw~~ terminate a competency certificate if the person, and in the case of a juristic person, any person who is in control thereof or is responsible for the management thereof-
- (a) is no longer domiciled or ordinarily resident in the Republic of South Africa; or
- (b) has been sentenced in or outside the Republic of South Africa for any offence to a period of imprisonment without the option of a fine.
- (6) The test on knowledge of the Act as contemplated in section 9(2) (q) , must comply with the requirements of the South African Qualifications Authority, 1995 (Act 58 of 1995) read with the Skills Development Act, 1998 (Act 97 of 1998).
- (7) The training and practical tests regarding the safe and efficient handling of a firearm as contemplated in section 9(2)(r) of the Act, must comply with the requirements of the South African Qualifications Authority Act, 1995 (Act 58 of 1995) read with the Skills Development Act, 1998 (Act 97 of 1998).

- (8) The training and practical test for dealers, manufacturers, gunsmiths, security officers or other persons who use firearms in the course of their business as contemplated in section 9(2)(s) of the Act, must comply with the requirements of the South African Qualifications Authority Act, 1995 (Act 58 of 1995) read with the Skills Development Act, 1998 (Act 97 of 1998).
- (9) A person who has previously obtained a competency certificate and who applies for a further competency certificate during the period of validity of that competency certificate may in addition to the requirements of regulation [14]16 submit proof of the previously successful completion of the applicable prescribed training and practical test in which event the applicant need not complete further applicable training or a practical test.
- (10) Whenever a certified copy of any protection order or a warrant of arrest contemplated in section 8(1)(a) of the Domestic Violence Act is received at a police station, the station commissioner must refer it to the relevant Designated Firearms Officer, in order to determine whether it relates to any application for a licence, competency certificate, permit or authorization received by him.

CHAPTER 4 LICENCE TO POSSESS A FIREARM

[15]17 **Prohibited firearms and devices [or restricted firearm] that may be licensed in a private collection**

The following prohibited firearms and devices [or restricted firearm] may be licensed under section 17 of the Act:

- (a) A prohibited firearm and device contemplated in section 4 of the Act [or restricted firearm] that may be possessed in terms of the transitional provisions in [Annexure] Schedule 1 of the Act;
- (b) A prohibited firearm and device contemplated in section 4 of the Act [or restricted firearm] which does not fall under paragraph (a), which must not be less than 50 years old, calculated from the date of its manufacture, together with an attribute of collectability regarding its historical, technological, scientific, heritage, educational, cultural, commemorative, investment, rarity, thematic [and] or artistic value or any other aspect as may be deemed appropriate by the Registrar: Provided that if the prohibited firearm or device or restricted firearm

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 commemorative, investment, rarity, thematic 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 muzzle loading cannon

[16]18 Safety measures for the display of firearms in a private collection

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.

[17]19 Conditions regarding the possession of ammunition in a private collection

The Registrar may issue a permit as contemplated in section 18(2) of the Act to a private collector that qualifies in terms of the Act and who is-

- (a) 18 years or older on the day of the application; and
- (b) a fit and proper person to possess ammunition.

[18]20 Safety measures for the display of ammunition in a private collection

A private collector may display ammunition only if-

- (a) it is displayed-
 - (i) in a vault, safe or other receptacle that has been specifically constructed or modified for secure and safe display and that when unattended is kept securely locked;
 - (ii) on a premises where there is an electronic burglar alarm system; and
 - (iii) on the premises, every window that can be opened is secured with burglar proofing and every exterior door can be securely locked and has a security gate; or
- (b) it is displayed under security measures that will, within the discretion of the Registrar, be equal or superior to those set in paragraph (a) and that are approved by the Registrar.

[19]21 Prohibited firearms and devices that may be licensed in a public collection or an accredited museum

The following prohibited firearms and devices may be licensed under section 19 of the Act-

- (a) prohibited firearms and devices that may be possessed in terms of the relevant provisions of the transitional provisions in [Annexure] Schedule 1 of the Act; and
- (b) a prohibited firearm or device that does not fall under paragraph (a), when that prohibited firearm or device has a clearly definable intrinsic and remarkable heritage significance acknowledged by the South African Heritage Resources Agency in accordance with the National Heritage Resources Act, 1999 (Act 25 of 1999); and
- (c) a prohibited firearm and device contemplated in section 4 of the Act, that does not fall under paragraph (a) or (b) is collectable in view of the age thereof, which must not be less than 50 years calculated from the date of its manufacture, together with at least one attribute of collectability regarding its historical, technological, scientific, heritage, educational, cultural, commemorative, investment, rarity, thematic or [and] artistic value or any other aspect as may be deemed appropriate by the Registrar: Provided that if the prohibited firearm or devices 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 prohibited firearm; or
- (x) that it is an investment grade prohibited firearm or device of significant value.

[20]22 Safety measures for the display of firearms in a public collection and museum

A public collector and museum may display a firearm only if-

- (a) the firearm is unloaded;
- (b) the firearm is secured by a chain or metal cable that is passed through the trigger guard, with one end of the chain or cable attached to a wall or permanent fixture on the premises and the other end attached by a lock to a wall or permanent fixture, in such a manner as to prevent the removal of the firearm by a person other than the public collector or a person so authorised; or
- (c) the firearm is rendered inoperable by means of a secure locking device and in the case of a prohibited and restricted firearm, by the removal of the bolt, bolt carrier or firing pin and displayed in a location that is accessible only to the public collector or a person so authorised.

[21]23 Conditions regarding the providing of a firearm for use by another person in respect of a licence to possess a firearm for business purposes

- (1) The holder of a licence to possess a firearm for business purposes, may only provide the firearm for use by another person if such other person-
 - (a) possesses the firearm for the business purpose specified on the licence;

- (b) has in his or her possession a valid official identity document or passport by means of which he or she may be identified and which contains at least his or her full names, identity number and a photograph;
- (c) is in possession of a written authorisation, issued under signature of the holder of the licence, or person authorised thereto in writing by the holder of the licence which contains the-
 - (i) full names and identity number or passport number of the person to whom the firearm is provided for use;
 - (ii) name and address of the holder of the licence, the licence number and date of issue of the licence as reflected on the licence applicable to the firearm;
 - (iii) type, calibre, make, model and all marked serial numbers or other identification marks on the firearm;
 - (iv) intended business purpose for which the firearm will be issued; and
 - (v) period, reason and place for which possession is granted: Provided that the period stipulated may not exceed a continuous period of 72 hours or a succession of such periods or, in the case of a licence issued in terms of section 20(2) (d) or (e) of the Act, for a period not exceeding the duration of a specific hunting trip for which the person is contracted as a client, employee or sub-contractor of the business;
- (d) in cases other than a security service provider or person accredited as contemplated in regulation [11]13(2)-
 - (i) where a firearm is not provided to the same person on a regular basis, and where the firearm will be used to fire ammunition, that the person, if not the holder of a competency certificate, has the necessary knowledge of the safe and efficient handling of the firearm; or
 - (ii) where a firearm is provided to the same person on a regular basis, and where the firearm may be used to fire ammunition, that the person, if not the holder of a

competency certificate, has successfully completed the prescribed test and training in the safe and efficient handling of a firearm as contemplated in regulation [7]9(1)(a); and

- (e) is not prohibited in law to possess the firearm.
- (2) If the holder of a licence to possess a firearm for business purposes is a security service provider or a person accredited as contemplated in regulation [11]13(2), that security service provider or accredited person may, in addition to the requirements of section 20(5)(b) of the Act and the conditions in subregulation (1)(a) and (b), only provide a firearm to a person if-
- (a) that person is a security officer employed by the security service provider or accredited person for the rendering of a security service;
 - (b) that security officer is in possession of a competency certificate to possess a firearm;
 - (c) the receipt, possession and carrying of the firearm by the security officer is in accordance with the Act;
 - (d) in the case of a security service provider, such provider and the security officer are both registered as security service providers in terms of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001), and their respective registrations are not suspended;
 - (e) the security officer is in possession of his or her certificate of identification that was issued to him or her in accordance with the provisions of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001);
 - (f) the security officer is in possession of an original written authorisation, issued under the signature of the holder of the licence in respect of the firearm, or a person authorised thereto in writing by the holder of the licence, containing the following information-
 - (i) the full names, identity number, registration number allocated to the security officer by the Private Security

Industry Regulatory Authority and the employment address of the security officer to whom the firearm is issued;

- (ii) the name and address of the security service provider or person accredited as contemplated in regulation [11]13(2) who is the holder of the licence, the licence number and date of issue of the licence as reflected on the licence, and, in the case of a security service provider, the registration number allocated to such provider by the Private Security Industry Regulatory Authority;
 - (iii) the type, calibre, make, model and all marked serial numbers or other identification marks of the firearm;
 - (iv) an authorisation to possess the firearm for the rendering of a security service which is clearly stated; and
 - (v) the period and place for which possession of the firearm is granted;
- (g) the security officer is on duty or standby duty, or is about to perform duty or standby duty;
 - (h) the necessary particulars of the issuing of the firearm and ammunition are entered into all the registers that must be kept in terms of the Act;
 - (i) the security officer is not charged for a criminal offence or has not signed a warning statement to a police official advising him or her that he or she is under such investigation in respect of an offence relating to the unlawful use of force with a firearm or is not being criminally prosecuted in respect of such an offence;
 - (j) the security officer is not charged under an improper conduct enquiry initiated by the Private Security Industry Regulatory Authority into an alleged violation by the security officer relating to an offence contemplated in paragraph (i);
 - (k) the possession of the firearm by the security officer is necessary for rendering a security service, taking into account the nature of the security service, the contract between the security service provider and its client, the circumstances under which the security service is rendered, the type of firearm and any other relevant fact;

- (l) the security officer has successfully completed the security training required in terms of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001) for the rendering of the security service in question;
- (m) the security officer is not under the influence of a substance which has an intoxicating or narcotic effect;
- (n) the security officer is apparently in a mentally stable condition and the security service provider or person accredited as contemplated in regulation [11113(2) has no reason to believe that the security officer will use the firearm for an unlawful purpose or in an unlawful or negligent manner;
- (o) in the case where the firearm is to be carried in a public place, the security officer is in possession of the holster, holder or other container required in terms of the Act for the carrying of the firearm in a public place;
- (p) the security officer is under proper control in the rendering of the security service for the purposes of which a firearm is issued;
- (q) the security officer is issued with no more than the necessary quantity of ammunition for the purposes of rendering the relevant security service;
- (r) the security officer signs for receipt of the firearm and all ammunition issued to him or her upon such receipt;
- (s) the security service provider or person accredited as contemplated in regulation [11113(2) issuing firearms to security officers employed by it-
 - (i) maintains all firearms licensed to it and which are issued to security officers in a proper working condition, free of any defects which may render them an inherent source of danger;
 - (ii) has and adheres to proper and safe procedures in respect of the issuing and returning of and control over firearms and ammunition issued to security officers;

- (iii) enforces a proper disciplinary code in respect of the conduct of security officers regarding their receipt, possession, carrying, use, safe custody and return of the firearms and ammunition, and in respect of the conduct of all its other personnel involved with such functions;
- (iv) ensures that firearms and ammunition issued to security officers are returned for safe custody as soon as possible after completion of their duties or work shifts;
- (v) actively monitors whether security officers who are issued with firearms and ammunition are trained, instructed and guided in respect of the possession, handling and use of firearms as required by law;
- (vi) actively monitors whether security officers also possess their own firearms or are issued with firearms by any other person while rendering a security service, and takes such firearms in custody for safe storage during the period that the security officer is in possession of the firearm issued by the security service provider;
- (vii) ensures that security officers issued with firearms are properly assessed, which does not include psychological or psychiatric testing, at least every 24 months or within a shorter period as may be reasonably necessary in the circumstances, to verify that they do not suffer from any condition that would render their continued possession of a firearm and ammunition as posing an unreasonable risk to any person;
- (viii) ensures that the security officers issued with firearms undergo at least one proper practical training session, at the cost of the security service provider or person accredited as contemplated in regulation [11]13(2), at least every 12 months, or within a shorter period as may be reasonably necessary in the circumstances, in the proper and safe handling and use of the relevant firearm and ammunition;
- (ix) ensures that the security officers issued with firearms attend at least one proper briefing session, at the cost of the security service provider or person accredited as contemplated in regulation [11]13(2), every 12 months, or

within a shorter period as may be reasonably necessary in the circumstances, during which they are properly informed of the relevant legal principles, rules and procedures and of their legal duties regarding the possession, carrying, safe custody and use of firearms and ammunition issued to them;

- (x) informs a client of the security service provider on whose premises a security officer will be rendering a security service, of the possession of a firearm by the security officer, unless the contract between the security service provider and its client provides for the possession of a firearm;
 - (xi) properly investigates, or causes such an investigation to be conducted, to establish all the relevant facts concerning every incident involving the discharge of a firearm by a security officer, and keeps a full record of such an investigation;
 - (xii) takes all relevant steps provided for by law, and all further steps that may be necessary or prudent in the circumstances, with regard to the discharge of a firearm by a security officer, including appropriate counseling and debriefing at the cost of the security service provider or person accredited as contemplated in regulation [11]13(2), if the security officer has used a firearm against any person and has caused death or injury; and
 - (xiii) immediately informs a police official at the nearest police station and the relevant Designated Firearms Officer after the use of a firearm by a security officer whether or not such use caused any death, personal injury or damage, providing the particulars within the knowledge of the security service provider or person contemplated in regulation [11]13(2), as well as particulars contemplated in regulation [22]24(3).
- (3) A firearm may only be provided for use to another person if it is in good working condition and free of any apparent defect which may render it an inherent source of danger to any person.

[22]24 Registers in respect of a holder of a licence for business purposes

- (1) A register as contemplated in section 20(6) (a) of the Act-

- (a) must consist of pages which are all numbered in sequence and all information recorded in it must be written or printed in permanent ink;
 - (b) all changes to the information recorded in it must be effected by means of crossing out in permanent ink and not by way of erasure;
 - (c) no pages may be removed from it and every alteration must be signed by the person effecting it;
 - (d) particulars that must be entered in terms of this regulation must be recorded on the receipt, transfer or disposal of the firearm concerned;
 - (e) must contain the following information of all firearms in respect of which the business has a licence, permit or authorisation-
 - (i) the make, type, calibre, as well as, every manufacturer's serial number or additional identification mark contemplated in section 23(4) of the Act that is reflected on the firearm;
 - (ii) the licence, permit or authorisation number and date of issue in respect of the firearm;
 - (iii) the date of acquisition and disposal of the firearm; and
 - (iv) the full names, identity number, address and firearm licence, permit or authorisation number of the person from whom the firearm was acquired or to whom it was disposed to.
- (2) With regard to the providing of a firearm for use by another person, as contemplated in section 20(5) (a) of the Act, a register that complies with subregulation 1 (a) to (d) must be maintained containing the following information-
- (a) the make, type, calibre of the firearm, as well as, every manufacturer's serial number or additional identification mark contemplated in section 23(4) of the Act that is reflected on the firearm;
 - (b) the initials, surname and the identity number of the person to whom the firearm was provided;