

(8) Conditions under which a permanent import permit may be issued to a dealer, manufacturer and gunsmith

A dealer, manufacturer or gunsmith who permanently imports a muzzle loading firearm, firearm or ammunition-

- (a) must lodge the necessary application at least 21 days before the shipment of the muzzle loading firearm, firearm or ammunition to the Republic of South Africa or on good cause shown, such shorter period as the Registrar, within his or her discretion regard as expedient;
- (b) may not arrange for the shipment of the muzzle loading firearm, firearm or ammunition prior to the issuing of the import permit;
- (c) must immediately on the arrival of the muzzle loading firearms, firearms or ammunition in the Republic of South Africa, notify the Head: Central Firearms Register and the Designated Firearms Officer appointed for the port of entry where the shipment has arrived, in writing of the arrival and provide the particulars of the container and place where it can be inspected;
- (d) must ensure that the muzzle loading firearms, firearms or ammunition is stored in terms of the prescripts of these Regulations;
- (e) may not open the container holding the consignment of the muzzle loading firearms, firearms or ammunition unless the Designated Firearms Officer or a police official nominated by the Designated Firearms Officer is present;
- (f) must within 72 hours of the arrival of the muzzle loading firearms, firearms or ammunition in the Republic of South Africa-
 - (i) arrange with the Designated Firearms Officer or a police official nominated by the Designated Firearms Officer, to physically inspect the muzzle loading firearms, firearms or ammunition; and
 - (ii) on finalisation of the physical inspection certify in writing that the imported muzzle loading firearms, firearms or ammunition corresponding with the import permit, arrived in Republic of South Africa.

- (9) Conditions that may be imposed on an export permit issued to the holder of a dealer, gunsmith or manufacturer's licence
The following specific conditions will apply to an export permit issued to the holder of a dealer, gunsmith or manufacturer's licence:
- (a) An export permit will be issued in at least threefold where after the exporter must accept the original, first and second copy of the export permit;
 - (b) within 90 days after the export date stated on the export permit, the exporter must return to The Head: Central Firearms Register, the first copy of the export permit which must bear the signature and an official date and name stamp of the End User or other document accepted by the Registrar, which copy will then serve as a delivery verification certificate;
 - (c) the second copy of the export permit must indicate the date of export of the muzzle loading firearm, firearm or ammunition which date must be duly certified by the Republic of South Africa's Customs Authorities and the export permit must thereafter be returned by the exporter to The Head: Central Firearms Register within 10 days after that export date;
 - (d) on failure by the exporter to comply with subparagraphs (b) or (c) , all pending and future exports by the exporter in which the exporter takes part, will be suspended until the conditions in subparagraph (b) and (c) have been complied with;
 - (e) muzzle loading firearms and firearms that are exported from the Republic of South Africa for the purpose of exhibitions, evaluations and demonstrations must be returned to the Republic of South Africa within six months after the date of export reflected on the export permit, unless the Registrar has indicated otherwise on the export permit on application by the applicant;
 - (f) the import of the muzzle loading firearms and firearms contemplated in subparagraph (e) must again be subjected to an import permit issued by the Registrar;
 - (g) a separate export permit is required for each individual export of muzzle loading firearms, firearms and ammunition and no partial exportation may be allowed with one permit;

- (h) the export permit is not transferable;
- (i) the muzzle loading firearms, firearms or ammunition listed in the export permit must be exported by the dealer, gunsmith or manufacturer except if indicated otherwise by the Registrar on the permit;
- (j) all correspondence pertaining to the export permit, must be directed to The Head: Central Firearms Register and the export permit number must be quoted;
- (k)
 - (i) a specific period of validity must be assigned to the export permit by the Registrar which period of validity may be extended or shortened by the Registrar depending on whether the stated reasons for the export of the muzzle loading firearms, firearms or ammunition has materially changed;
 - (ii) applications for extensions of the period of validity must be submitted in writing to The Head: Central Firearms Register before the expiry date elapses, otherwise a new application will be required;
- (l) if an export transaction is cancelled, or immediately after the period of validity of the export permit has expired before the muzzle loading firearms, firearms or ammunition are exported, the holder of the export permit must immediately return the original and copies of the export permit that were issued, together with a written statement stating the reasons for non-compliance to The Head: Central Firearms Register;
- (m) an exporter must retain the original export permit, the relevant Bill of Lading or Airway Bill, packing list/s and exporter invoice pertaining to the muzzle loading firearms, firearms or ammunition stated on the export permit, for a period of 36 months and produce the documents for inspection whenever required to do so by The Head: Central Firearms Register or a Designated Firearms Officer; and
- (n) an export permit issued in terms of this regulation may only be issued by the Registrar or a police official delegated by the Registrar in writing.

(10) Conditions in respect of the possession and use of a muzzle loading firearm, firearm or ammunition relevant to an import permit

A muzzle loading firearm, firearm and ammunition that is imported into the Republic of South Africa, may only be used where it is safe to use the muzzle loading firearm, firearm and for a lawful purpose, stated on the application submitted in respect of the import of the muzzle loading firearm, firearm or ammunition and in accordance with the provisions of the Act.

[63]65 Conditions in respect of in-transit permits

The Registrar may impose the following conditions in respect of a person who applies to carry a muzzle loading firearm, firearm or ammunition in transit through the Republic of South Africa:

- (1) A person who will for commercial purposes, carry in transit through the Republic of South Africa muzzle loading firearms, firearms or ammunition-
 - (a) must lodge the application for an in-transit permit at the Office of the Central Firearms Register before making arrangements for the transport of the muzzle loading firearm, firearm or ammunition through the Republic of South Africa;
 - (b) may not arrange for the forwarding of the muzzle loading firearm, firearm or ammunition to the Republic of South Africa prior to the issuing of the in-transit permit;
 - (c) must on the arrival of the muzzle loading firearm, firearm or ammunition in the Republic of South Africa, in writing notify the Office of the Central Firearms Register and the Designated Firearms Officer appointed for the area where the shipment has arrived, by way of facsimile of the arrival and provide the particulars of the container and place where it can be inspected;
 - (d) must ensure that the muzzle loading firearm, firearm and ammunition is stored in terms of the prescripts of regulation [67]69

in a bonded warehouse contemplated in the Customs And Excise Act, 1964 (Act 91 of 1964);

- (e) may not open the container holding the consignment of muzzle loading firearms, firearms and ammunition unless the Designated Firearms Officer or a police official nominated by the Designated Firearms Officer, is present;
- (2) a person who will carry in transit through the Republic of South Africa muzzle loading firearms, firearms or ammunition for personal use, may apply for an in-transit permit either to the Office of the Central Firearms Register directly or to the Designated Firearms Officer at the place designated as a port of entry in terms of the Immigration Act, 2002 (Act 13 of 2002) where the applicant will enter the Republic of South Africa;
- (3) an in-transit permit may only be issued if the applicant can provide sufficient documentary proof that the muzzle loading firearms, firearms or ammunition may lawfully be imported into the country of next destination;
- (4) the Registrar may, for security reasons, require that the holder of an in-transit permit make use of a firearm transporter to transport the muzzle loading firearms, firearms and ammunition through the Republic of South Africa;
- (5) the Registrar may, for security reasons, determine the port of entry and exit, the route to be followed through the Republic of South Africa, the method of conveyance or transport and safety measures that must be met;
- (6) where the holder of an in-transit permit need to store the muzzle loading firearms, firearms or ammunition for any period of time in the Republic of South Africa, such storage must conform to the requirements for storage of muzzle loading firearms, firearms and ammunition as provided for in regulation [67]69;
- (7) the muzzle loading firearms, firearms or ammunition must at all times, except when stored as determined in regulation [63]65(1)(d), be under the direct supervision of the holder of the in-transit permit or persons whose particulars are indicated on the permit by the Registrar; and

- (8) muzzle loading firearms, firearms or ammunition which are possessed under an in-transit permit may not, for whatever reason, be used in the Republic of South Africa.

[64]66 Information in respect of import, export and in-transit permits

An import, export and in-transit permit must contain the information as indicated on the applicable form prescribed in Annexure 'A'.

[65]67 Establishment of central importers' and exporters' database

- (1) The Registrar must establish and maintain a central importers' and exporters' database which is linked and can interface with the electronic network connectivity of the workstation of the holder of an import or export permit as determined by the Registrar under section 78(3) of the Act.
- (2) The central importers' and exporters' database must contain-
- (a) the information and supporting documents submitted by an applicant on the prescribed form under regulation [13]15 regarding a permit, renewal or copy thereof, as well as, the relevant information in respect of the suspension or termination thereof; and
 - (b) the information on an importers' and exporters' permit and a renewal or copy thereof, that were issued or refused as a result of the application.

[66]68 Extension, renewal and replacement of import, export or in-transit permit

An application for an extension, renewal and replacement of an import, export and in-transit permit must be submitted in writing to The Head: Central Firearms Register at least seven days before the expiry date lapses, otherwise a new application will be required.

**CHAPTER 7
STORAGE, TRANSPORT AND CARRYING OF FIREARMS AND AMMUNITION
PART 1
STORAGE**

[67]69 Storage of firearms and ammunition

- (1) Where a person provides storage facilities for firearms or ammunition to another persons, such storage facilities must conform to the applicable requirements for a safe or strongroom as set in the SABS Standard 953-1 or 953-2.
- (2) Storage may only be provided to a person who may lawfully possess the firearm or ammunition.
- (3) A holder of a dealer or gunsmith's licence may provide storage for firearms and ammunition in the safe or strongroom specified on the dealer's or gunsmith's licence.
- (4) During the storage of a firearm, it must be-
 - (a) unloaded; and
 - (b) not readily accessible to unauthorised use.; and
 - (c) **securely attached with a secure locking device to a non-portable structure in such a manner that it can not readily be removed.**

PART 2

FIREARM TRANSPORTER'S PERMIT

[68]70 Packaging of muzzle loading firearms, firearms and ammunition during transportation

- (1) During transportation of muzzle loading firearms, firearms and ammunition by a holder of a firearm transporter's permit-
 - (a) muzzle loading firearms and firearms must be packed separately from ammunition, and all ammunition must be removed from firearms in a safe manner, before transportation;
 - (b) muzzle loading firearms, firearms and ammunition must be transported in an appropriately locked metal container, and must be packed to ensure maximum safety and minimum exposure; and

- (c) direct continues supervision and control of muzzle loading firearms, firearms and ammunition being transported is required.
- (2) These provisions do not derogate from any other provision in a law prescribing standards for the transportation of muzzle loading firearms, firearms and ammunition.

[69]71 Application in respect of a firearm transporter's permit

- (1) A person who applies for a firearm transporter's permit must, in addition to the requirements of regulation [13]15, submit-
- (a) proof that a proper functioning two way communication system between the vehicle transporting the muzzle loading firearms, firearms or ammunition and the applicant is in operation;
 - (b) a detailed description of the safety measures fitted to the vehicle that will be used; and
 - (c) a detailed description of security precautions that will be in place during the transportation.

[70]72 Conditions in respect of firearm transporter's permit

The Registrar may impose the following conditions on the holder of a firearm transporter's permit:

- (a) A firearm transporter may only lawfully possess and transport muzzle loading firearms, firearms and ammunition, if such firearm transporter has obtained the prior written consent of the holder of a certificate licence, permit or authorisation in respect of the muzzle loading firearms, firearms and ammunition to be transported;
- (b)
 - (i) a firearm transporter making use of road transport must provide to the person in charge of every transportation, a typed list of names of personnel employed by the transporter who will be directly involved in the transportation of the consignment of the muzzle loading firearms, firearms and ammunition;
 - (ii) the list must contain the full names and identity numbers of the employees concerned; and

- (iii) the list must be attached to a certified copy of the firearm transporter's permit and this documentation must during the transportation be in possession of the person directly in charge of the transportation;
- (c) a certified copy of the firearm transporter's permit and the list of names contemplated in subregulation (b)(ii), will, as long as it is in the possession of the person exercising direct continuous control as contemplated in regulation 168170(1)(c), serve as authority to the personnel of a transporter who are named in the list to receive, transport, store and deliver the specified consignment of muzzle loading firearms, firearms or ammunition during the permit period;
- (d) the arrangements for the receipt, carriage and delivery of the muzzle loading firearms, firearms and ammunition, the safe and efficient transportation thereof, the mode of transport by which the transportation is to take place including the type and construction of the vehicle to be used, as well as, the containers, minimum personnel to be involved, and minimum communication facilities available to the transporter must, within the sole discretion of the Registrar, be adequate to ensure the safe and secure transport and storage of the firearms and ammunition;
- (e) a firearm transporter who transports muzzle loading firearms, firearms or ammunition must during the time of such transport be in possession of-
 - (i) a consignment-note on which the following particulars appear:
 - (aa) the full name, surname, identity number or registration number as the case may be, and physical address of the transporter;
 - (bb) the name and address of the consignor and the holder of the certificate licence, permit or authorisation in respect of the muzzle loading firearms, firearms and ammunition;
 - (cc) the quantity, type of action, manufacturer's serial number, model, make and calibre of the firearm and quantity, make and calibre of ammunition; and

- (dd) the physical address where the muzzle loading firearms, firearms and ammunition were collected and the physical address of its final destination;
 - (ii) the permit authorising the transportation of such muzzle loading firearms, firearms and ammunition;
 - (iii) any other document which may under this regulation or any other law be required;
- (f) a firearm transporter must with due regard to the provisions of section 146 of the Act and regulation [1021104](1) keep the documents referred to in subregulation (i) for a period of five years after the transportation at his or her place of business and produce it, on request to any police official for inspection;
- (g) where a firearm transporter is obliged to store the muzzle loading firearms, firearms or ammunition for any period of time after receipt and before delivery, such storage must comply with the requirements for safe custody and storage determined by the Registrar which may not detract from the provisions of regulation [86188];
- (h) while a consignment of muzzle loading firearms, firearms or ammunition is en route it must at all times be under the direct supervision of the firearm transporter or his or her personnel and the transportation must comply with the requirements for the transportation of firearms and ammunition set in terms of subregulation (d) ;
- (i) the firearm transporter must obtain from the consignee a written confirmation of the taking of possession of the consignment of muzzle loading firearms, firearms and ammunition and the confirmation must contain the following information-
- (i) the name and surname of recipient;
 - (ii) the recipient's address;
 - (iii) the date and time of delivery;
 - (iv) the description of muzzle loading firearms, firearms and ammunition received; and

- (v) the signature of the recipient which serves as confirmation of the correctness of the information provided in subparagraphs (i) to (iv).
- (j) a copy of the written confirmation contemplated in subparagraph (i) must be delivered by the firearm transporter to the police official who issued the in-transit permit;
- (k) a firearms transporter's permit is not transferable;
- (l) the firearm transporter must immediately notify the Registrar in writing in the event of non-delivery, loss or theft of any of the muzzle loading firearms, firearms or ammunition reflected in the consignment note; and
- (m) in the event of any change to the particulars reflected in the permit, a new application must be lodged in accordance with these Regulations.

[71]73 Duplicate transporter's permit

- (1) The Registrar may, on good cause shown on application by the holder of a transporter's permit issue a duplicate of a transporter's permit that was issued to that holder.
- (2) Only a duplicate transport permit issued in accordance with this regulation will be valid.

[72]74 Cancellation of transporter's permit

In the event of a transporter requiring the cancellation of a transport permit, the transporter must provide the Registrar with the original transport permit together with a sworn statement stating the reasons for cancellation.

[73]75 Record of prescribed information in respect of firearm transporter's permits

The Office of the Firearms Register must keep a record of the following information in respect of firearm transporter's permits issued under section 86 of the Act-

- (a) name of the police station where the application was submitted;
- (b) details of the person who completed the application;

- (c) reason if the application was refused;
- (d) details of the applicant;
- (e) details of the premises where the business as firearm transporter is conducted;
- (f) details of the safe storage facilities where muzzle loading firearms, firearms and ammunition will be kept;
- (g) details of duplicate permits that were issued; and
- (h) period of validity of the transporters permit.

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

The holder of a licence to possess a firearm, other than a dedicated hunter or dedicated sports person, who wishes to possess an excess of 2400 primers or, for a firearm of which he or she holds a licence in excess of 200 cartridges, must apply to the Registrar for the authorisation contemplated in sections 91(2) (a) and 93(2) (a) of the Act on the applicable form prescribed in Annexure 'A' which must be handed to the relevant Designated Firearms Official.

[75]77 Register of firearm parts

- (1) The holder of a dealer's licence, manufacturer's licence and gunsmith's licence and/or import, export, in-transit permit or transporter's permit must keep a register contemplated in section 94(3) of the Act in respect of firearm parts as defined in section 94(1) of the Act which must contain:
 - (a) date of receipt of the firearm parts;
 - (b) purpose of such receipt and the source of the receipt;
 - (c) a description of the firearms parts;
 - (d) quantity received; and

- (e) particulars of the firearm parts including the full names, identity number and residential or business address of the person to whom it was transferred as well as the licence number pertaining to the firearm on which the possession of the firearm parts in terms of section 94(2) of the Act is founded.
- (2) Subject to the provisions of section 146 and regulation ~~I1021104~~(1) a register prescribed in this regulation must be kept for a period of 10 years from the date of the last entry therein on the business premises specified on the licence, permit or authorisation.

CHAPTER 9 OFFICIAL INSTITUTIONS

~~I76~~178 Conditions in respect of acquisition, use, safe custody and disposal of firearms by accredited Official Institution

- (1) Firearms must be stored by an Official Institution in a safe or a strongroom that conforms to the applicable prescripts of SABS Standard 953-1 and 953-2.
- (2) An Official Institution as contemplated in section 95(a)(vi) may only dispose of firearms acquired under this Act in the following manner-
 - (a) transferring in accordance with the provisions of the Act;
 - (b) destruction as provided for under section 149 of the Act; or
 - (c) displaying in a museum that is accredited in terms of these Regulations and which is under the control of the Official Institution: Provided that the provisions of sections 19(2), (3), (5) and (6) of the Act and regulation ~~I19~~21 and ~~I20~~22 shall apply in respect of the acquisition, use and safe custody of firearms and ammunition displayed in such accredited museum.
- (3) An Official Institution accredited in terms of section 95(a)(vi) of the Act must submit the duly completed relevant application form prescribed in Annexure 'A' together with any required supporting documents when acquiring additional firearms.

- (4) The application form must be completed in black ink by the responsible person appointed by the Head of an Official Institution.

[77]79 Information that the permit issued under section 98 of the Act must contain

- (1) The permit issued under Chapter 11 of the Act must contain-
- (a) the name of the Official Institution;
 - (b) initials and surname of the permit holder;
 - (c) official personnel number of the permit holder;
 - (d) full particulars of the firearm issued to the permit holder and must include:
 - (i) the make of the firearm;
 - (ii) type of the firearm;
 - (iii) calibre of the firearm; and
 - (iv) manufacturer's serial number or additional identification mark contemplated in section 23(4) of the Act that is reflected on the firearm;
 - (e) the date of issue of the permit and the date of expiry of the permit;
 - (f) information whether the employee has been authorised to-
 - (i) have the firearm in his or her possession after working hours;
 - (ii) carry the firearm on his or her person outside his or her workplace in compliance with the requirements of section 84 of the Act; and
 - (iii) store the firearm at his or her place of residence in a safe or strongroom that conforms to the prescripts of SABS Standards 953-1 or 953-2; and

- (g) the signature of the authorising official.

[78]80 Carrying of handgun by employee of Official Institution in holster

A holster contemplated in section 98(5)(a) of the Act must conform to the following requirements when the employee of the Official Institution is on duty and performs official duties:

- (a) In uniform, the firearm must be carried in a holster that is worn by or attached to his or her person and the make must be such that a safety-clip to lock in the firearm must be provided and such a holster may be exposed;
- (b) in mufti, the firearm must be carried in a holster that is worn by or attached to his or her person and the make must be such that a safety-clip to lock in the firearm must be provided and such a holster must be concealed.

[79]81 Prescribed training and test in respect of employee of Official Institution

- (1) The training and testing of an employee for the safe use of firearms as contemplated in section 98(8)(b) of the Act, must comply 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).
- (2) (a) The Head of an Official Institution must apply the provisions of section 9(2)(d) to (p) of the Act in respect of an employee who will be required to handle firearms as part of his or her work and to whom the Official Institution will issue a firearm and firearm permit to ensure the competency of the employee of the Official Institution to possess and use a firearm under the control of the Official Institution.
- (b) In order to sustain the competency of an employee of an Official Institution to whom a firearm was issued the head of the Official Institution must-
- (i) ensure that he or she undergo at least two [one] practical training session 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; and

- (ii) undergo psychological debriefing within 48 hours after experiencing any violent incident, discharging their firearm or witnessing a shooting.

[80]82 Provision of firearm training by Official Institutions

- (1) An Official Institution that provide firearms to its employees, must ensure that its employees receive the necessary practical and theoretical training to ensure that the employees are competent to possess and use the firearms.
- (2) All practical training or testing which will involve the actual firing of a firearm shall be conducted at a shooting range that complies with the applicable compulsory specification set in terms of the Standards Act, 1993 (Act 29 of 1993) and which has been accredited under this Act.
- (3) An Official Institution must ensure that the prescribed training is only provided by a person 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) and who is accredited with **IPOSLEC SETAJ SASS** as a service provider to provide training in the safe use and handling of firearms.

[81]83 Registers to be kept by Official Institution

- (1) The head of an Official Institution must keep a register as contemplated in section 99(1) of the Act in the format of an electronic database known as 'the Firearms Stock Register', in respect of every firearm contemplated in section 99(2) of the Act, as well as, all ammunition pertaining to such firearms which it has under its control.
- (2) The Firearms Stock Register must be accessible at the place where the firearms and ammunition are stored and controlled.

[82]84 Particulars that register must contain

-
- (1) A register contemplated in section 99 of the Act must, in addition to the particulars prescribed in section 99(2) of the Act contain-
- (a) the make, type, calibre of the firearm, as well as, every manufacturer's serial number or additional identification mark contemplated in section 99(3) of the Act that is reflected on the firearm under control of the Official Institution;
 - (b) the full particulars and address of the institution from whom the firearm was acquired or to whom and how it was disposed of;
 - (c) calibre, make, type, quantity, date of receipt and handing out of ammunition under its control; and
 - (d) concerning the employee who, in terms of Chapter 11 of the Act is allowed to be in possession of the firearm, a detailed record of the-
 - (i) make, type, calibre of the firearm, as well as, every manufacturer's serial number or additional identification mark contemplated in section 99(3) of the Act that is reflected on the firearm that was handed to the employee concerned;
 - (ii) calibre, make, type and quantity of ammunition that was handed to the employee concerned;
 - (iii) full names, surname, identity number and physical address of the employee to whom the firearm and ammunition was provided;
 - (iv) date and time of issuing of the firearm and ammunition;
 - (v) reference number of the permit contemplated in section 98 of the Act that was issued to the employee; and
 - (vi) date and time of the return of the firearm.
- (2) (a) The head of an Official Institution must keep a printed record at the place where the firearm and ammunition is stored and controlled whereon, at the handing over of and return of the firearm and ammunition, the employee must append his or her signature as proof of receipt and return of the firearm and ammunition.

- (b) The permit contemplated in section 98 of the Act must on the return of the firearm and ammunition be affixed to the record contemplated in subparagraph (a).
- (3) The head of an Official Institution, must keep a register prescribed in this regulation for a period of 10 years from the date of the last entry therein.

183185 Identification marks in respect of firearms under control of Official Institution

The Registrar may allocate a unique identification mark to an Official Institution which must be stamped, engraved, stencilled or etched on the metal part of the firearm and which must not form part of the manufacturer's serial number or additional identification mark contemplated in section 23 of the Act.

184186 Establishment of central Official Institution firearms database

- (1) The Registrar must maintain a central Official Institution firearms database which is linked and can interface with the electronic network connectivity of the workstations of Official Institutions as contemplated in regulation 185187.
- (2) The central Official Institution firearms database must contain the-
 - (a) particulars prescribed in regulation 182184(1); and
 - (b) full names, surname, identity number and physical address of every employee who was issued with a permit contemplated in section 98 of the Act.

185187 Establishment and maintenance of Official Institution's workstation

- (1) The workstation of an Official Institution contemplated in section 101 of the Act, must be linked to the central Official Institution firearms database by way of software and an electronic network connectivity that can interface with the infrastructure and standards of the South African Police Service.
- (2) An Official Institution must establish a 24 hour on line electronic connectivity which links the registers prescribed in regulation 182184 to the central Official Institution firearms database.

- (3) If any circumstance occur which prevents an Official Institution to provide online access by means of the electronic network connectivity as contemplated in section 101(b) of the Act, the Registrar must be informed immediately in order to establish alternative means to gain such access.

CHAPTER 10 SAFE CUSTODY OF FIREARMS AND AMMUNITION

186188 Safes and safe custody

- (1) When a muzzle loading firearm or firearm is not under the direct personal and physical control of a holder of a certificate, licence, authorisation or permit to possess the muzzle loading firearm or firearm, the muzzle loading firearm or firearm and its ammunition must be stored in a safe or strongroom that conforms to the prescripts of SABS Standard 953-1 and 953- 2, unless otherwise specifically provided in these Regulations.
- (2) Subject to regulation 136138(2) a dealer and gunsmith must store muzzle loading firearms, firearms and ammunition in a safe or strongroom that conforms to the prescriptions of SABS Standard 953-1 and 953-2, at the place of business specified on the applicable licence, authorisation and permit, as the case may be.
- (3) A manufacturer must store muzzle loading firearms, firearms and ammunition in a safe or strongroom that conforms to the prescripts of SABS Standard 953-1 and 953- 2, or an explosives magazine licensed in terms of the Explosives Act, 1956 (Act 26 of 1956) at the place of business specified on the applicable licence, authorisation and permit, as the case may be.
- (4) (a) A person who holds a competency certificate to possess muzzle loading firearms or a licence to possess a firearm may store a muzzle loading firearms or firearm in respect of which he or she does not hold a licence, if-
- (i) he or she is in possession of a written authorisation prescribed in Annexure A [permission] given by the person

- who holds a competency certificate, licence, permit or authorisation to possess that muzzle loading firearm or firearm and which permission is endorsed by a relevant Designated Firearms Officer; and
- (ii) the muzzle loading firearm or firearm is stored in a prescribed safe at the place mentioned in the permission contemplated in subparagraph (i).
- (b) Only the person who holds a competency certificate, licence, permit or authorisation to possess the muzzle loading firearm or firearm may transport that muzzle loading firearm or firearm to and from the place where that muzzle loading firearm or firearm is to be stored in terms of paragraph (a).
- (c) The permissions contemplated in paragraph (a), must specify the period for which the person concerned may store the muzzle loading firearm or firearm, the reason for the storage and it must contain sufficient particulars to identify the competency certificate, licence, permit or authorisation and also the muzzle loading firearm or firearm in question, as well as, the name, identity number and physical address of the holder of the competency certificate or licence and the person to whom the authority is granted.
- (d) A permit contemplated in subparagraph (a) may be cancelled at any time by a relevant Designated Firearms Officer on good cause.
- (e) A muzzle loading firearm or firearm stored in terms of this regulation may not be used by the person who provides the storage or any other person while it is stored in terms of this regulation.
- (f) Only the holder of the competency certificate or licence [applying] applicable to the muzzle loading firearm or firearm may remove the muzzle loading firearm or firearm from the safe or strongroom where it is stored.
- (5) In the case of any premises where firearm control is exercised by the occupier of the premises, the holder of a licence, authority or permit issued in terms of the Act, may hand a muzzle loading firearm, firearm and ammunition that is in the possession of the said holder when entering the premises, to a person designated thereto by the said

occupier, who must hold an authorisation issued in terms of section 21 of the Act, to store the firearm and ammunition on behalf of the holder of the competency certificate, licence, authority or permit for such period as is necessary under the circumstances in a safe or strongroom that complies with the standards set out in SABS Standard 953-1 or 953-2 or a prescribed lock-away safe that can only be opened by the designated person and the holder of the competency certificate or licence jointly and which is installed on the premises.

- (6) Where a temporary authorisation has been issued-
- (a) to possess a firearm in terms of section 21 of the Act;
 - (b) to trade in muzzle loading firearms, firearms or ammunition on premises other than those specified in the applicable dealer's licence in terms of section 36 of the Act;
 - (c) to display muzzle loading firearms, firearms or ammunition at other premises than those specified on the applicable manufacturer's licence in terms of section 50 of the Act; or
 - (d) to conduct business as a gunsmith on premises other than those specified in the applicable gunsmith's licence in terms of section 64 of the Act,

the Registrar may in the absence of specific prescripts in terms of these Regulations impose such reasonable conditions as are necessary under the circumstances concerning the safe custody of the muzzle loading firearms, firearms and ammunition.

- (7) Where an import, export or in-transit permit has been issued in terms of section 74 of the Act, or a firearm transporters permit has been issued in terms of section 86 of the Act, the Registrar may impose such reasonable precautions as are necessary under the circumstances concerning the safe custody of the muzzle loading firearms, firearms and ammunition.
- (8) An existing safe, strongroom, device, apparatus or instrument for the safe custody of firearms, which complies with the regulations under the previous Act, will be deemed to comply with the standards set out in SABS Standard 953-1 and 953-2 for all purposes of this Act, if the Registrar issues a certificate to this effect.

- (9) The Registrar may issue a certificate contemplated in subregulation (8) in respect of any safe, strongroom, device, apparatus or instrument in existence at the inception of these Regulations that does not technically correspond to the specifications set in the Standards referred to in subregulation (8), but that would, in the opinion of the Registrar, effectively and substantively serve the same purpose: Provided that the specification accepted by the Registrar must not be less than as was prescribed in terms of the previous Act at the time of the latest issuing of a licence or other applicable authorisation to possess a firearm for which the safe, strongroom, device, apparatus or instrument was approved.
- (10) Any muzzle loading firearms, firearm or ammunition that is imported into the Republic of South Africa and that needs to be stored in compliance with the Customs and Excise Act, 1964 (Act 91 of 1964) must at all times be stored in compliance with the requirements for safe custody and storage of firearms and ammunition as provided in these Regulations.
- (11) (a) Muzzle loading firearms and firearms other than those in respect of which a licence for self-defence in terms of section 13 of the Act has been issued, must be stored unloaded in accordance with these Regulations.
- (b) Any person who may lawfully possess a muzzle loading firearm, firearm or ammunition shall store these in a prescribed safe or strongroom, to which he or she shall have at all time exclusive access or his or her presence and co-operation shall be a necessary prerequisite for access to the relevant muzzle loading firearm, firearm and ammunition unless-
- (i) the storage is undertaken by the holder of a dealer's of gunsmith's licence in which case the dealer or the dealer's personnel with valid competency certificates, or the gunsmith may have access to the safe or strongroom; or
- (ii) the muzzle loading firearm or firearm is temporarily stored in a safe or strongroom that conforms to the prescripts of SABS Standard 953-1 and 953-2 or a lock-away safe, device, apparatus or instrument for the safe custody of a muzzle loading firearm or firearm that conforms to the prescripts of subregulation (12), that is under the control of a holder of a competency certificate, licence, authorisation or permit

issued in terms of this Act, the person storing the muzzle loading firearm or firearm must in writing notify the Designated Firearm Officer in whose area the firearm is temporarily stored.

- (12) A lock-away safe, apparatus, device and instrument for safe custody of a muzzle loading firearm, firearm or ammunition, must to the satisfaction of the Registrar comply with the following requirements-
- (a) be manufactured from steel of at least 2mm thick;
 - (b) be capable of enclosing or covering the muzzle loading firearm or firearm concerned wholly;
 - (c) have an effective integral locking mechanism;
 - (d) have a hinge mechanism for the cover or lid thereof which shall ensure that when the locking pin thereof is removed, the cover or lid shall not be capable of being opened or removed;
 - (e) have a facility with the aid or use of which the lock-away safe, apparatus, device or instrument may be securely affixed to another structure such as a wall or a floor, or the body of a vehicle; and
 - (f) in the case of a lock-away safe used as contemplated in subregulation (5) if such safe can only be locked or opened with two or more keys that have to be used jointly.
- (13) Before a prohibited or restricted firearm which is licensed in terms of section 17(1A) of the Act is stored by the licensed private collector in terms of section 17(3) of the Act, it must undergo a reversible non-damaging procedure complying with one of the following requirements in order to ensure that no cartridge can be loaded into or discharged from that firearm-
- (a) removal of the bolt carrier or bolt and storage of the bolt carrier or bolt in a separate locked part of a safe contemplated in subregulation (1); or
 - (b) removal of the firing pin and insertion of a suitable chamber block to prevent the immediate loading of a cartridge; or

- (c) fitting of a steel trigger lock and insertion of a suitable chamber block to prevent the immediate loading of a cartridge; or
- (d) fitting of a suitable lockable chamber and barrel block comprising a length of steel cable or rod not less than 4 millimetre in diameter, which is passed through the barrel and which is welded or crimped to a brass chamber block on one end and a steel bush on the muzzle end which can be locked by a suitable locking device; or
- (e) any mechanism which serves the same purpose as paragraph (d) and which is approved by the Registrar, or
- (f) a secure locking device which additionally ensures that no cartridge can be loaded into or discharged from that firearm.

**CHAPTER 11
ORGANISATIONAL STRUCTURES
PART 1
THE CENTRAL FIREARMS REGISTER**

187189 Information that the central database must contain

The central database must, as contemplated by section 125(2) (a) of the Act contain the information that was submitted to the Registrar in a prescribed form, as well as, the information in respect of-

- (a) additional documents provided with an application form for the purpose of accreditation, the issuing of a competency certificate, licence, authorisation, permit, renewal or duplicate thereof;
- (b) a competency certificate, licence, authorisation, permit and a renewal or duplicate thereof, that was issued or refused as a result of an application;
- (c) the termination or cancellation of a competency certificate, licence, authorisation or permit;
- (d) a declaration of unfitness contemplated in Chapter 12 of the Act;
- (e) a disposal of a firearm effected in terms of the Act; and
- (f) regarding the loss, recovery, theft or destruction of firearms-
 - (i) date when the loss, recovery, theft or destruction occurred;

- (ii) circumstances under which the loss, recovery, theft or destruction occurred;
- (iii) full names, surname, identity number and physical address of the person who reported the loss, recovery, theft or destruction of the firearms;
- (iv) particulars of the licence, authorisation or permit pertaining to the firearm or ammunition;
- (v) particulars of the holder as reflected on the licence, authorisation or permit pertaining to the firearm or ammunition;
- (vi) reference number of the police investigation case docket or enquiry file; and
- (vii) police station where the loss, recovery, theft or destruction was reported.

[88]90 Other documentation and information that central database must contain

The Central database must, in addition to information required by regulation [87]89 contain information concerning-

- (a) declarations of unfitness to possess a muzzle loading firearm or firearm in terms of section 102 of the Act;
- (b) the becoming of unfitness to possess a muzzle loading firearm or firearm in terms of section 103 of the Act;
- (c) users of the central database; and
- (d) accreditations.

**PART 2
ADMINISTRATIVE JUSTICE AND APPEALS**

[89]91 Administrative justice

Any police official taking an administrative decision in terms of the Act which may detrimentally affect the rights of a person, must-

- (a) immediately when the decision is made, record in writing the reasons for the decision;
- (b) append his or her signature, together with the date, to the reasons; and
- (c) without delay notify the person concerned in writing of the decision stating the reasons referred to in paragraph (a) and the date and place where the decision was taken.

[90]92 Appeal board

- (1) The conditions of office, remuneration and allowance of the members of the Appeal Board referred to in section 129(1) of the Act shall be as prescribed in terms of the Public Service Act, 1994 (Proclamation 103 of 1994) as at the date of promulgation of these Regulations for persons with qualifications and experience corresponding to those of the members of the Appeal Board.
- (2) A person may only act as a member of the Appeal Board if he or she has practiced in his or her specific field of knowledge for five years.
- (3) Subject to the provisions of section 129(2) of the Act, a member of the Appeal Board will be appointed for a period of five years.
- (4) A member of the Appeal Board may be re-appointed.
- (5) The seat of the Appeal Board shall be in Pretoria, but the Board may sit in any other locality for the purpose of hearing an appeal where oral submissions have been allowed.
- (6) The Minister shall nominate a member of the Appeal Board as Chairperson of the Appeal Board.
- (7) The Chairperson shall determine the times when the Appeal Board shall meet and the procedure to be followed at meetings.
- (8)
 - (a) For the purposes of a meeting of the Appeal Board the Chairperson and two members shall form a quorum.
 - (b) The decision of the majority of the members present at a meeting of the Appeal Board shall constitute a decision of the Appeal Board: Provided that in the event of an equality of votes on any matter,

the Chairperson of the Appeal Board shall have a casting vote in addition to his or her deliberative vote.

[91]93 Appeal procedure

- (1) An appeal by a person referred to in section 133 of the Act, must be noted by the person or his or her legal representative-
 - (a) within 90 days after the date on which the Registrar made the decision; and
 - (b) by submitting an appeal notice to the Appeal Board in the form prescribed in Annexure 'A' to these Regulations.
- (2) An appeal notice must clearly indicate the decision that was taken, the date of the decision, ground or grounds of appeal, and by attaching written submissions in support of the appeal to the appeal notice.
- (3) The Appeal Board may condone the late submission of an appeal notice on good cause shown by the appellant why it was impossible for him or her to comply with the relevant provision as to time, or that there is any other sound reason why the appellant cannot or could not comply with such provision.
- (4) A copy of the notification contemplated in regulation [89]91(c) must be attached to appeal notice.
- (5) An appeal must be submitted to the Appeal Board by hand, facsimile or by post and must be addressed to the Chairperson of the Appeal Board at the following addresses or numbers-

Postal address: Private Bag X811, Pretoria, 0001;

Physical address: Ground Floor, Veritas Building, Volkstem Avenue, Pretoria;

Facsimile address: (012) 353 6211;

E-mail address: cfr-appealboard@saps.gov.za.

- (6) The Appeal Board must acknowledge receipt of an appeal notice and the date of such receipt in writing, and may do so by post, facsimile or by

appending the acknowledgment on a copy of the appeal notice in the event of the appeal being delivered by hand.

- (7) The Appeal Board must inform the relevant official who made the decision in question of the appeal, supply him or her with a copy of the documents referred to in subregulation (2), and request him or her to respond in writing within 21 days, as to why the appeal should not be upheld.
- (8) The Appeal Board may request an appellant or the appellant's legal representative to address the Board during the hearing of that appeal, in which case the Appeal Board shall inform the appellant and the official in question that oral representation by the parties will be allowed during the hearing, and afford both parties the opportunity of making oral submissions during the hearing.
- (9) Subject to the provisions of section 133(3) of the Act the Appeal Board may, if it deems it necessary, request additional evidence of facts from any party, in order to allow it to come to a just and fair decision.
- (10) The Appeal Board must-
 - (a) finalise an appeal within 45 days after expiry of the 21 days contemplated in subregulation (7); and
 - (b) notify an appellant, or his or her legal representative in writing of the outcome of an appeal, within 14 days of the Appeal Board's decision.
- (11) Nothing in this regulation must be construed as referring to a decision of a court acting under section 103 of the Act.

CHAPTER 12 GENERAL PROVISIONS

192194 Application for compensation

- (1) A person who applies for compensation as contemplated in section 137 of the Act, must submit the duly completed relevant application form, prescribed in Annexure 'A', together with any required supporting documents, to the relevant Designated Firearms Officer.

- (2) 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 as contemplated in section 7 of the Act.

[93]95 Disposal of firearms or ammunition surrendered in compliance with amnesty

- (1) A person who surrenders a firearm or ammunition in terms of an amnesty notice published in terms of section 139 of the Act, must surrender the firearm or ammunition to a police station.
- (2) In all instances where any firearm has been surrendered during a period of amnesty under section 139 of the Act, it must be destroyed subject to the provisions of regulation [104]106.
- (3) In all instances where ammunition has been surrendered during a period of amnesty under section 139 of the Act, the cartridge case and bullet may only be destroyed by melting or in any other manner approved by the Registrar.
- (4) Firearms and ammunition surrendered in compliance with an amnesty notice published in terms of section 139 of the Act, must subject to the provisions of regulation [104]106(5), section 114(2) and section 139(4) of the Act be destroyed within a period of six months after-
 - (a) the expiry of the amnesty period; or
 - (b) an application contemplated in section 139(4) of the Act was refused.

[94]96 Surrendering of muzzle loading firearm, firearms and ammunition

- (1) A person who is legally entitled to possess a muzzle loading firearm, firearm or ammunition in terms of this Act and who is the owner of the muzzle loading firearm, firearm or ammunition may surrender that muzzle loading firearm, firearm or ammunition to the South African Police Service.
- (2) The muzzle loading firearm firearm or ammunition must be surrendered to the South African Police Service by the handing over of the muzzle loading firearm, firearm or ammunition to a police station and in the case of a firearm [and] or ammunition, together with the applicable licence,

permit or authorisation, [together with] and the applicable form determined by the Registrar.

- (3) The South African Police Service may, in accordance with the provisions of the Act, dispose of a muzzle loading firearm, firearm or ammunition that is surrendered in terms of subregulation (2).
- (4) In all instances where a muzzle loading firearm, firearm or ammunition is surrendered to a police station, or a muzzle loading firearm, firearm or ammunition is found, the circumstances may be investigated to establish whether an offence has been committed with, or in respect of such muzzle loading firearm, firearm or ammunition and the South African Police Service must dispose of such muzzle loading firearm, firearm or ammunition as provided in the Act, subject to the rights of any person who may lawfully possess such muzzle loading firearm, firearm or ammunition.
- (5) A receipt must be handed over to the person from whom the muzzle loading firearm, firearm or ammunition is received.

[95]97 Production and discharge of muzzle loading firearms, firearms or ammunition for identification purposes

- (1) A relevant Designated Firearms Officer may require that a muzzle loading firearm or firearm to which an application in terms of the Act relates must be surrendered by the applicant for the purpose of identification at the office of the Designated Firearms Officer.
- (2) Whenever the Registrar deems it necessary he or she may for the purpose of identifying a muzzle loading firearm, firearm or ammunition by written notice direct any person who is in possession of a muzzle loading firearm, firearm or ammunition to produce the muzzle loading firearm, firearm or ammunition within the period stipulated in the notice at a time and to a police official at a police station nearest to the residential address of [that] the holder of [a] the relevant competency certificate or the licence, authority or permit, as the case may be. provided to the Registrar.]
- (3) A police official may test fire a muzzle loading firearm or firearm or discharge the ammunition contemplated in subregulation (2) for identification purposes.

- (4) A receipt must be handed over to the person from whom the muzzle loading firearm, firearm or ammunition is received.
- (5) The muzzle loading firearm, firearm and balance of the ammunition not used during the test firing, must be returned to the person who may lawfully possess the muzzle loading firearm, firearm, within a reasonable period of time, unless it is seized in terms of law.
- (6) Nothing in this regulation derogates from any right of search and seizure that police officials may have in terms of any law.

[96]98 Payment of fees

- (1) For the purposes of these Regulations, and notwithstanding anything to the contrary contained therein, the fees set out in Annexure 'B' to these Regulations shall be paid as stipulated hereunder.
- (2) Payment of fees shall be made at a police station.
- (3) Payment of the fees shall be made by means of cash or bank guaranteed cheque only.
- (4) If an applicant effects payment by cheque such cheque must be-
 - (a) made payable to the South African Police Service;
 - (b) duly crossed; and
 - (c) not be post dated.
- (5) A receipt must be issued on receipt of all payments.

[97]99 Payment of administrative fines

- (1) Payment of an administrative fine must be made at the police station responsible for issuing the administrative fine.
- (2) Payment of the administrative fine must be made in cash or by bank guaranteed cheque.
- (3) Where the person effects payment by cheque such cheque must be-
 - (a) made payable to the South African Police Service;

- (b) duly crossed; and
 - (c) not be post dated.
- (4) The Registrar may allow the person to pay the administrative fine in not more than four equal instalments.
- (5) A receipt must be issued on receipt of all payments.

1981100 Surrendering and disposal of competency certificate, licence, permit or authorisation

- (1) The holder of a competency certificate, licence, permit or authorisation to possess a firearm issued in terms of the Act must immediately surrender such competency certificate, licence, permit or authorisation to the relevant Designated Firearms Officer in the circumstances contemplated in section 145(1)(h) of the Act and also in the following circumstances-
- (a) in respect of a firearm disposed of or transferred but in the case of a transfer, after the transferee takes possession of the firearm subsequent to the new licence having been received by the transferee;
 - (b) the holder of a licence, permit or authorisation voluntarily surrenders the firearms to the South African Police Service;
 - (c) the firearm is forfeited to the State;
 - (d) the firearm is destroyed;
 - (e) after the disposal of a firearm in respect of which the licence, permit or authorisation has been cancelled by the Registrar;
 - (f) the licence, permit or authorisation has terminated or which have ceased to be valid; or
 - (g) the firearm is deactivated.
- (2) A duly completed form as prescribed in Annexure 'A' must be delivered to the relevant Designated Firearms Officer when a competency

- certificate, licence, permit or authorisation is surrendered in compliance with subregulation (1).
- (3) Where a person holds an additional licence in terms of section 12(1) of the Act in respect of a firearm contemplated in subregulation (1), the holder of the additional licence must forthwith surrender such additional licence to the relevant Designated Firearms Officer.
 - (4) Where the firearm contemplated in subregulation (3) is acquired by the additional licence holder, the additional licence holder must forthwith apply in the manner set out in these Regulations for an applicable licence to possess the firearm. Provided that the Registrar may, within his or her sole discretion, pending approval of the licence applied for, issue a temporary authorisation in terms of the Act for the possession of the said firearm.
 - (5) A person other than the holder of the competency certificate, licence, permit or authorisation may surrender the competency certificate, licence, permit or authorisation on behalf of the holder of the competency certificate, licence, permit or authorisation provided that person submits proof that he or she is authorised to surrender the competency certificate, licence, permit or authorisation on behalf of the holder of the competency certificate, licence, permit or authorisation.

1991101 Deferment of licences, permits or authorisations in case of theft or loss of firearm

- (1) For the purpose of this regulation 'defer' means deferred or partially deferred, resulting in the operation of the licence, permit or authorisation applicable to the firearm being postponed until a future date.
- (2) Whenever the theft or loss of a firearm has been reported as required in terms of section 120(11) of the Act, all licences, permits or authorisations applicable to the firearm at the date of such report, shall be deferred indefinitely, but only with respect to the specific firearm in question.
- (3) The holder of a deferred licence, permit or authorisation is obliged to ensure that the Central Firearms Register is at all times notified in writing of any permanent change to his or her existing postal or residential address.

- (4) Whenever a stolen or lost firearm has been recovered or found and such fact has been reported to the Central Firearms Register, the deferment of such licence, permit or authorisation shall lapse from the day that the holder of the licence, permit or authorisation receives the firearm and such licence, permit or authorisation shall be valid for the remaining period of validity of the licence, permit or authorisation unless, in the case of a licence, it would amount to a licensee having more licences than the Act would allow for, in which case such licensee shall be afforded an opportunity of disposing any of the excess firearms within 60 days after the service of the notice referred to in subregulation (4) or on good cause shown, such extended period as the Registrar may determine.
- (5) The holder of a deferred licence, permit or authorisation shall be notified by the Registrar by serving at his or her last recorded address notification of the finding or recovery of the relevant firearm within 30 days after such recovery or finding.

[100]102 Change of address

- (1) A notification of the change of an address as required under the Act must be submitted to the relevant Designated Firearms Officer on the applicable form prescribed in Annexure 'A'.
- (2) With every notification for a change of the physical address the relevant Designated Firearms Officer must ensure that the safe custody facilities at the new address complies with the applicable provision in regulation 186188.

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

- (1) No person may without being the holder of a manufacturer's licence possess loading equipment or material designed for the large scale commercial loading of ammunition.
- (2) A person who loads ammunition as contemplated in section 93(1) of the Act may not supply that ammunition to any other person.

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

- (1) A person contemplated in section 146 of the Act must-

-
- (a) notify the Registrar in writing of the date on which the business will cease to carry on business and in the notice provide the Registrar with a detailed list with full particulars of all muzzle loading firearm, firearms and ammunition in his or her possession;
 - (b) inform the Registrar of the steps taken to safeguard the muzzle loading firearm, firearms and ammunition with full particulars of the physical address where and the person who was or will be placed in possession of the muzzle loading firearms and firearms;
 - (c) dispose of the muzzle loading firearms, firearms and ammunition in her or his possession by way of-
 - (i) sale;
 - (ii) donation;
 - (iii) destruction;
 - (iv) deactivation;
 - (v) export;
 - (vi) surrender;
 - (vii) barter; or
 - (viii) any other legal form of passing ownership to another person as may be allowed by the Registrar within his or her sole discretion to be the most expedient manner of disposal under the particular circumstances.
 - (d) notify the Registrar in writing of the particulars of the disposal; and
 - (e) hand the registers prescribed in these Regulations to the relevant Designated Firearms Officer, for safe custody.
- (2) A disposal contemplated in subregulation (1) (c) must take place within 90 days of the person having ceased to carry on business.

- (3) The Registrar may on good cause shown by the person contemplated in section 146 of the Act, extend the period of 90 days prescribed by subregulation (2) for a further period not exceeding 90 days.
- (4) Where the person fails to dispose of the muzzle loading firearms, firearms and ammunition within the prescribed period including any such extended period that the Registrar have allowed-
 - (a) the muzzle loading firearms, firearms and ammunition, as well as, all licences, authorisations and permits issued in terms of the Act in respect the firearms and ammunition, immediately be surrendered to the South African Police Service at the police station nearest to the place where the firearms and ammunition were stored; and
 - (b) the State must dispose of the muzzle loading firearms, firearms and ammunition in accordance with the relevant provisions of the Act.

11031105 Disposal of firearms in insolvent or deceased estate

- (1) Prior to the issuing of a Letter of Executorship by the Master, the nominated executor in the will and in the absence of such nominated executor, the heir, next of kin or close relative of a deceased who was the holder of a licence, permit or authorisation in terms of the Act, may under authority of a permit issued in terms of section 21 of the Act, possess the firearms of the deceased until subregulation (2) takes effect.
- (2) Subject to the provisions of any other law, any person who under any execution warrant issued by a court of law, or an appointment, letter of executorship, letter of administration or letter of curatorship from the High Court or the Master of the High Court, as the case may be, acts as messenger of the court, bailiff, executor, administrator, trustee, curator or liquidator of the estate of a person who possess a muzzle loading firearm, firearm or ammunition, must take steps to ensure the safe custody of the muzzle loading firearm, firearm and ammunition and store the muzzle loading firearm, firearms and ammunition in a storage facility as prescribed in regulation ~~186~~188: Provided that if an heir of a deceased estate is a holder of a licence, authorisation or permit to possess a firearm or in the case of a muzzle loading firearm, a relevant competency certificate issued under the Act, that heir may provide for

the safe custody of the muzzle loading firearm, firearm and ammunition on condition that-

- (a) the executor does not have the required storage facilities;
 - (b) the executor issues a letter of consent to the heir for the safe custody of the muzzle loading firearm, firearm and ammunition, stating the licence particulars of the deceased and make, type, calibre of the firearm, as well as, every manufacturer's serial number or additional identification mark that is reflected on the firearm; and
 - (c) a copy of the letter of consent must be filed with the Designated Firearms Officer for the area where the heir resides.
- (3) On seizure by a messenger of the court or a bailiff or on appointment as executor, administrator, trustee, curator or liquidator of the estate the messenger, bailiff or appointee must-
- (a) compile an inventory-
 - (i) of all the muzzle loading firearms, firearms and ammunition of the holder of a licence, authorisation or permit clearly indicating the make, type, calibre of the firearm, as well as, every manufacturer's serial number or additional identification mark that is reflected on the firearm and the quantity, calibre and make of the ammunition; and
 - (ii) of firearm parts;
 - (b) on seizure or receipt of the letter of appointment, as the case may be, deliver a letter, document or facsimile within 14 days to the Registrar, furnishing the following particulars-
 - (i) the name and address of the holder of the licence, authorisation or permit;
 - (ii) the address where the muzzle loading firearms, firearms or ammunition are stored;
 - (iii) a copy of the inventory referred to in subparagraph (b) ;

- (iv) a copy of the execution warrant or letter of appointment and if the holder of the licence, authorisation or permit is deceased, a copy of the death notice;
 - (v) if the muzzle loading firearms, firearms and ammunition devolve by testamentary or intestate succession, the names, addresses and identity numbers of all beneficiaries; and
 - (vi) documentary proof of appointment as executor, administrator, trustee, curator or liquidator, as the case may be, of the estate concerned.
- (5) The particulars in the notification referred to in subregulation (4) (b) must be recorded by the Registrar in the Central Firearms Register.
- (6) The Registrar must within 30 days after receipt of the notification referred to in subregulation (4) (b) furnish an acknowledgment of receipt to the person from whom it was received.
- (7) The messenger of the court, bailiff, executor, administrator, trustee, curator or liquidator of the estate, as the case may be, must at least every three months inform the Registrar in writing of the progress that has been made and steps which have been taken in respect of the transfer of such muzzle loading firearms, firearms and ammunition together with the details of the person to whom the muzzle loading firearms, firearm or ammunition was transferred to.
- (8) The Registrar may at any time by written notice direct the messenger of the court, bailiff, executor, administrator, trustee, curator or liquidator of the estate to inform him or her within the period mentioned in the notice of the progress that has been made and steps that have been taken in respect of any such transfer.
- (9) The executor, administrator, trustee, curator or liquidator of the estate may only apply to the Master of the High Court to finalise the estate after notification has been received from the Registrar that all muzzle loading firearms and firearms involved have been transferred in terms of the Act.
- (10) A messenger of the court or bailiff may not deliver a muzzle loading firearm and firearm sold in execution or which must be transferred in terms of the relevant warrant of execution to any person unless that person is in possession of a relevant competency certificate in the case of a muzzle loading firearm or licence, authorisation or permit to possess that firearm.

- (11) (a) A practicing attorney, or a person contemplated in regulation 2 and 3 of the Regulations Prohibiting the Liquidation or Distribution of the Estates of Deceased Persons by any Person other than an Attorney, Notary, Conveyancer or Law Agent, 1968, who is rendering a professional service in the administration of a deceased estate on behalf of the nominated or appointed executor of that estate, may-
- (i) store all muzzle loading firearms, and
 - (ii) under authority of a permit issued in terms of section 21 of the Act, store the firearms and ammunition in the possession of the deceased estate of the person in respect of whom the attorney or person is rendering the service, until the muzzle loading firearms, firearms and ammunition are transferred or surrendered in terms of the Act: Provided that such storage is subject to the provisions of regulation 167169(1) and 167169(4) as well as, insofar as is applicable, regulation 186188.
- (b) The provisions of regulation 11031105 are applicable to those attorneys or persons contemplated in subparagraph (a) and such attorneys or persons shall in all respects comply to these Regulations in the same manner as required from the executor of the estate on whose behalf such attorneys or persons are acting.

11041106 Destruction of firearms

- (1) Where the State has decided or is obliged to destroy a muzzle loading firearm, firearm or ammunition under the Act, the following procedure is applicable-
- (a) every firearm that does not bear the manufacturer's serial number or additional identification mark that is reflected on the firearm, should be marked forthwith in accordance with section 23(4) of the Act, and those particulars must be registered with the Office of the Central Firearms Register;
 - (b) the Office of the Central Firearms Register must be informed that the relevant firearm is to be destroyed, accompanied by the particulars regarding the make, type, calibre of the firearm, as well

as, every manufacturer's serial number or additional identification mark that is reflected on the firearm;

- (c) an audit is to be carried out by a Designated Firearms Officer designated for that purpose by the Registrar before the destruction of the firearm and ammunition to verify the particulars recorded on the list to be supplied to the Registrar in terms of subparagraph (e) ;
 - (d) a muzzle loading firearm, firearm and ammunition may only be destroyed in the presence of a Designated Firearms Officer; and
 - (e) a list of muzzle loading firearms, firearms and ammunition destroyed with the particulars of such firearms contemplated in subparagraph (b) , must be supplied by the Designated Firearms Officer contemplated in subparagraph (c) or (d) to the Registrar within 14 days after the destruction has been completed.
- (2) Where a person lawfully possess a muzzle loading firearm or firearm and who is the owner of the relevant muzzle loading firearm or firearm wishes to destroy the muzzle loading firearm or firearm, he or she may surrender the muzzle loading firearm or firearm to the relevant Designated Firearms Officer in terms of regulation ~~94~~96.
 - (3) In all other instances of the destruction of a firearm, such destruction shall be reported under section 120(11) of the Act, to the police station nearest to the place where the destruction occurred within 24 hours after becoming aware thereof, by the persons referred to in that section.
 - (4) Muzzle loading firearms and IFfirearms must only be destroyed under this regulation by melting, pressing or in another manner determined by the Registrar, so that the original intent, design and purpose of the muzzle loading firearm or firearm or any part thereof is permanently and irrevocably destroyed.
 - (5) No person including the State may destroy a muzzle loading firearm or firearm without the prior written permission of the Registrar. The Registrar shall only consent to the destruction of a muzzle loading firearm and firearm with due regard and compliance with the provisions of the National Heritage Resources Act, 1999 (Act 25 of 1999) as imposed by the South African Heritage Resources Authority or their nominated agents.

I1051107 Deactivation of firearms

- (1) An application by the holder of a licence, authorisation or permit to deactivate a firearm must be made on the applicable form determined in Annexure 'A'.
- (2) The application and the firearm must be submitted to the Designated Firearms Officer, together with the licence, authorisation or permit to possess the firearm.
- (3) On receipt of the application, licence, authorisation or permit and the firearm, the Designated Firearms Officer must issue an acknowledgment of receipt.
- (4) The Designated Firearms Officer must forward the firearm for ballistic testing.
- (5) The Designated Firearms Officer must forward the application and ballistic report to the Registrar for necessary consideration.
- (6) The Registrar must, after consideration provide the Designated Firearms Officer with a notice of approval or refusal to deactivate the firearm.
- (7) After approval has been obtained from the Registrar, the Designated Firearms Officer must against a written acknowledgment of receipt, hand the firearm to the gunsmith appointed by the holder of the licence, authorisation or permit to deactivate the firearm.
- (8) The gunsmith must update the 'Firearms Repair Register' by indicating that the authority to deactivate the firearm has been received.
- (9) A gunsmith must deactivate a firearm in the following manner:
 - (a) **Barrel and Chamber:**
A tight fitting metal plug to be inserted from the rear end and welded in place to prevent chambering of a cartridge or loading of a powder charge.
 - (b) **Revolver cylinder:**
A tight fitting metal plug to be inserted from the rear end and welded in place to prevent chambering of a cartridge or loading of a powder charge.

- (c) **Firing Pin:**
To be shortened and the firing pin hole in the breech face to be closed by welding.
 - (d) **Breech face:**
75% or more to be removed at an angle of 45 (degrees).
In the case of a revolver 'breech face' refers to the area supporting the base of the cartridge in line with the barrel.
 - (e) **Slide, Bolt or Breech-block:**
75% or more of the locking surfaces to be removed at an angle of 45 (degrees).
 - (f) **Frame or Receiver:**
75% or more of the feed-ramp, locking shoulders and supports to be removed and a metal obstruction welded in place to prevent a standard slide, bolt or breech-block from being fitted.
 - (g) **Firearms deactivated to a previous South African Police Service specification applicable prior to the implementation of this Act or to the official United Kingdom Proof-house or European Union specification will be deemed to have been deactivated according to this Act.**
- (10) The deactivated firearm and a certificate issued by the gunsmith wherein it is confirmed that the deactivation in accordance with those prescripts have been completed must be handed to the Designated Firearms Officer.
 - (11) On receipt of the deactivation certificate and after the inspection of the firearm by the Designated Firearms Officer, the Registrar must cause the licence, authorisation or permit to be cancelled and destroyed.
 - (12) The Registrar must forward a notice of the cancellation to the holder of the licence, authorisation or permit.
 - (13) No person may deactivate a firearm without the prior permission by the Registrar having been obtained in writing. The Registrar shall only consent to the deactivation of a firearm with due regard and compliance with the provisions of the National Heritage Resources Act, 1999 (Act 25

of 1999) as imposed by the South African Heritage Resources Authority or their nominated agents.

I106I108 Proofing of firearms

The Registrar may refuse to grant a licence for the manufacturing of a firearm unless the manufacturer, at the request of the Registrar, is able to provide proof of compliance of proofing in terms of the Standards Act, 1993 (Act 29 of 1993), or in accordance with an internationally accepted standard of proofing.

I107I109 Change of circumstances

- (1) A person in respect of whom a change of information occurred as contemplated in sections 26(1), 38(1), 52(1) and 66(1) of the Act, must notify the Registrar thereof by submitting to the relevant Designated Firearms Officer a written notification of such change of circumstances on the applicable form as prescribed in Annexure 'A'.
- (2) When the replacement of a responsible person as contemplated in section 7(4) of the Act occurs, the juristic person must notify the Registrar thereof by submitting the duly completed applicable form together with a copy of the identity document and a set of fingerprints of the newly nominated person, as well as, documentary proof that the person may lawfully act on behalf of the juristic person.

I108I110 Correction of information

- (1) An application to the Registrar to correct information regarding the details of the holder of a licence, permit or authorisation or the information on a licence, permit or authorisation must be made by submitting a duly completed application form as prescribed in Annexure 'A' together with any supporting documents to the relevant Designated Firearms Officer.
- (2) Where an application referred to in subregulation (1) concerns the detail of a firearm which is incorrectly reflected on a licence, permit or authorisation the Registrar may require a certificate from a gunsmith confirming the details of the firearm.
- (3) The gunsmith must issue a certificate, which must state the bolt action, design, type, make, model, calibre and serial number or additional markings of the firearm.

- (4) Where as a result of a correction performed in terms of subregulation (1) the licence, permit or authorisation's detail is not correct the holder of such licence, permit or authorisation is deemed to have applied for the re-issue of the licence, permit or authorisation.
- (5) The re-issue of such licence, permit or authorisation will take place at no cost to the applicant only where the applicant submitted the correct details in the original application.

[109]111 Firearm Free Zones

- (1) The owner or the lawful occupier of premises or category of premises may submit a duly completed application form as prescribed in Annexure 'A' together with any required supporting documents, to have the said premises declared a Firearm Free Zone.
- (2) Such application must be submitted to the relevant Designated Firearms Officer and must be accompanied by a full motivation which shall include the following:
 - (a) Reason why the premises or category of premises must be declared as Firearm Free Zone;
 - (b) capacity to maintain the premises or category of premises as a Firearm Free Zone; and
 - (c) medium of communication to inform the public.
- (3) The following specific conditions shall in all respects apply to Firearm Free Zones:
 - (a) the premises declared a Firearm Free Zone must be clearly identified and demarcated;
 - (b) notices must be posted at all the main entrances or at strategic places on the premises or category of premises in at least English and where applicable in the predominant local language promoting the premises or category of premises as Firearm Free Zones;
 - (c) the notices and signs must be clearly visible and unobscured at all times;

- (d) the institution where premises are declared Firearm Free Zone must endeavour to mark all correspondence accordingly to reflect the premises or category of premises as a Firearm Free Zone status; and
- (e) the person applying on behalf of the Institution must notify the relevant Designated Firearms Officer of any changes that may occur to any information submitted in the application.

110112 Offences and penalties

- (1) Any person who contravenes or fails to comply with any provision of these Regulations shall be guilty of an offence.
- (2) A person who-
 - (a) falsely represents himself or herself or any other person or juristic person as being accredited for the purpose of the Act; or
 - (b) supplies particulars, information or answers in an application, notice or form required in terms of these Regulations, knowing it to be false, incorrect or misleading or not believing it to be correct, commits an offence and is liable on conviction to a fine or imprisonment for a period not exceeding 12 months or both such a fine and imprisonment.
- (3) Any person convicted of a contravention of or a failure to comply with any provision contained in these Regulations may on conviction be sentenced to a fine or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

111113 Receipts

A receipt issued in terms of this Act must bear the following particulars-

- (a) serially numbered pages to the receipt form or book;
- (b) an official control or tracking number, specific and unique to each application;
- (c) full date and time of receipt of the full and complete application;

- (d) a description of the type of application, including the particulars of the firearm for which the application may be;
- (e) details and amount in full, of payments received in terms of the application, where this is not administered by any other receipt form;
- (f) the full signature of the official acknowledging receipt of the application or amount paid;
- (g) the service number of the official acknowledging receipt of the application or amount paid;
- (h) the full signature of the person making the application;
- (i) the name in full and title of the person making the application; and
- (j) the official stamp of the office acknowledging receipt of the application or amount paid.

[112]114 Official address

The official addresses for communication in accordance with the provisions of these Regulations, shall be the following:

- (1) The National Commissioner: South African Police Service, Private Bag X94 Pretoria, 0001.
- (2) The Chairperson: Appeal Board, Private Bag X811, Pretoria, 0001.
- (3) The Head: Central Firearms Register, Private Bag X811, Pretoria, 0001.

[113]115 Repeal of regulations

- (1) [The] Regulations 1 to 114 promulgated by Government Notice RI521 345 published in Gazette [25153] 26156 of [30 June 2003] 26 March 2004 are hereby repealed and substituted with regulations 1 to 116 of these regulations.
- (2) The following forms prescribed in Annexure A of the Firearms Control Regulations, 2004, promulgated by Government Notice 345 published in Gazette 26156 of 26 March 2004 are hereby repealed and substituted with the forms prescribed in Annexure B:

- (a)
(b)

NOTE: The forms that need to be amended in view of the above amendments to the text of the regulations will be identified and amended only after finalisation of the amendments to the text

- (13)** Anything done under a provision of any regulation which is repealed by subregulation (1), shall be deemed to have been done under the corresponding provision of these Regulations.
- (14)** An accreditation that was granted in terms of any of the regulations that are repealed in terms of subregulation (1) will continue to be valid after implementation of these Regulations. **Provided that a person, organisation or association, as the case may be, that was accredited in terms of the repealed regulations, must provided sufficient proof of compliance with all the relevant provisions of these Regulations to the Registrar within six months of the date on which these Regulations comes into operation and on failing to do so the Registrar may implement the provisions of regulation 2(11) to cancel the accreditation granted to the person, organisation or association concerned.]**
- (15)** Any person who possess a firearm part as contemplated in section 94 of the Act, and whose possession does not fall under section 94(2) (a) or (b) of the Act, must within **[30 days] one year** of the implementation of these Regulations apply in writing to a relevant Designated Firearms Officer for an authorisation contemplated in section 94(2) (c), to possess such firearm part.

[114]116 Title and commencement

These Regulations shall be called the Firearms Control Regulations, 200**[4]6**, and shall, come into operation on the **[1st of July 2004] date of implementation of the Firearms Control Amendment Act, 2007.**

Annexure A

NOTE: THE FORMS THAT NEED TO BE AMMENDED IN VIEW OF THE ABOVE AMENDMENTS TO THE TEXT OF THE REGULATIONS WIL BE IDENTIFIED AND AMMENDED ONLY AFTER FINALISATION OF THE AMENDMENTS TO THE TEXT

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Publications: Tel: (012) 334-4508, 334-4509, 334-4510
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510
Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504
Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737
Kaapstad-tak: Tel: (021) 465-7531