

(a) if surrendered by the holder of the accreditation, competency certificate, licence, permit or authorisation to the Registrar;

(b) if the holder of the accreditation, competency certificate, licence, permit or authorisation becomes or is declared unfit to possess a firearm in terms of section 102 or 103;

(c) in the case other than a dealer, manufacturer and gunsmith, if the holder of the licence, permit or authorisation sell, donate or otherwise permanently part with possession of the applicable firearm or ammunition; or

(d) if it is cancelled in terms of this Act.

(2) The Registrar may, by notice in writing, cancel an accreditation, competency certificate, licence, permit or authorisation issued in terms of this Act if the holder of the accreditation, competency certificate, licence, permit or authorization —

(a) no longer qualifies to hold the accreditation, competency certificate, licence, permit or authorisation; or

(b) has contravened or failed to comply with any provision of this Act or any condition specified in the accreditation, competency certificate, licence, permit or authorisation.

(3) A notice contemplated in subsection (2) may only be issued if the Registrar has—

(a) given the holder of the accreditation, competency certificate, licence, permit or authorisation 30 days notice in writing of the grounds on which the cancellation are to be considered and further inform the holder concerned to submit written representations as to why the accreditation, competency certificate, licence, permit or authorisation should not be cancelled; and

(b) duly considered any representations received and all the facts pertaining to the matter.

(4) (a) If a notice contemplated in subsection (2) is issued, the former holder of the accreditation, competency certificate, licence, permit or authorisation must dispose of any firearm in question through a dealer or in such manner as the Registrar may determine and as indicated in the notice.

- (b) The disposal must take place within 60 days after receipt of the notice.
- (5) If the firearm is not disposed of within 60 days, it must be forfeited to the State and the former holder of the accreditation, competency certificate, licence, permit or authorisation must surrender it immediately at such place and in such manner as the Registrar may determine.
- (6) Any period contemplated in this section may be extended by the Registrar on good cause shown.”.

Amendment of section 109 to the principal Act

49. Section 109 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) A police official or any person authorised by the Registrar may enter any-

- (a) place of business of a dealer;
- (b) firearm or ammunition factory or place of business of a manufacturer of firearms and ammunition;
- (c) place of business of a gunsmith;
- (d) place of business of the holder of an import or export permit;
- (e) place of business, including any vehicle, vessel or aircraft, of an authorised transporter of firearms and ammunition;
- (f) office or premises of an Official Institution which may issue a permit to its employees to possess and use firearms;
- (g) place of business, including any vehicle, vessel or aircraft, of the holder of a licence in respect of firearms used for business purposes referred to in section 20; or
- (h) residential premises,

and conduct such inspection as may be necessary in order to determine whether the requirements and conditions of this Act or of any competency certificate, licence, permit or authorisation issued in terms of this Act are being complied with.”

#### Amendment of section 118 of Act 60 of 2000

50. Section 118 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Whenever a person is charged with an offence in terms of this Act of failing to report the loss, theft or destruction of a firearm, or the dispossession of a firearm, and it is proved that such person was, at the time, the licensed or authorised possessor of the firearm alleged to have been lost, stolen, destroyed or dispossessed of, proof that the person has failed to produce such firearm within seven days of the request by a police official to do so, will, in the absence of evidence to the contrary which raises reasonable doubt, be sufficient evidence that the firearm has been lost, stolen, destroyed or dispossessed of.”

#### Insertion of section 119A to Act 60 of 2000

51. The principal Act is hereby amended by the insertion after section 119 of the following section:

“Presumption relating to possession, loss and dispossession in respect of an additional licence

119A Whenever proof is required for purposes of this Act whether the holder of a licence or the holder of an additional licence for that firearm was in possession, have lost, or was dispossessed of that firearm or whether the keys to the safe, strong-room or device where the firearm must be stored on the premises were kept in safe custody, and the State can show that despite the taking of reasonable steps it was not able with reasonable certainty to link the possession, loss or dispossession of the firearm or keeping of the keys to either the holder of the licence or the holder of the additional licence, it will in the absence of evidence to the contrary which raises reasonable doubt, be sufficient evidence of possession, loss or dispossession of the firearm or the keeping of the keys by the holder of the licence where it is proved that adequate documentary proof of the handing over and receipt of the firearm or the keys to the additional holder is not available or could not be produced.”

Amendment of section 132 of Act 60 of 2000

52. Section 132 of the principal Act is hereby amended by the substitution of section 132 with the following section:

“Establishment of Ministerial [Committees] Consultative Forum

[(1) The Minister may establish such committees as may be appropriate to assist him or her, or any other person appointed in terms of this Act, in respect of any matter dealt with in this Act.

(2) The composition and functions of the committees may be determined by the Minister.

(3) The conditions of office, remuneration, allowances and other benefits of members of the committees may be prescribed by the Minister with the approval of the Minister of Finance.]

The Minister may, within his or her discretion, establish a consultative forum as may be appropriate, to assist him or her in respect of any matter dealt with in this Act.”

Amendment of section 133 of Act 60 of 2000

53. Section 133 of the principal Act is hereby amended by the addition of the following subsection:

“(5) In order to effect subsection (3) hereof, the Appeal Board shall, where required by a party to an appeal or within its own discretion, issue a notice calling upon any person to give evidence or produce any article, book, accounts or record before the Appeal Board, and such notice shall have the force of a subpoena in a court of law.”

Amendment of section 149 of Act 60 of 2000

54. Section 149 of the principal Act is hereby amended by the addition of the following subsection:

“(3) No person, including the State, may destroy a firearm without the prior written permission of the Registrar. The Registrar shall only consent to the destruction of a firearm with due regard and compliance with the provisions of the

National Heritage Resources Act, 1999 (Act No. 25 of 1999) as imposed by the South African Heritage Resources Authority or their nominated agents.

Amendment to Schedule 1 to the principal Act

55. Schedule 1 to the principal Act is amended -

(a) by the substitution for item 1 of the following item:

“(1) (a) **[Subject to subitem (2) and item 11 any,]** Any licence, other than a licence contemplated in item 2, which was issued in terms of the previous Act and which was valid immediately before the date of commencement of this Amendment Act, remains valid [for a period of five years from the date from which this Act comes into operation,] unless such licence ceases to be valid, is terminated, cancelled or surrendered in terms of this Act.

(b) (i) The holder of a licence to possess a firearm contemplated in subitem (1)(a), must apply for a competency certificate to possess a firearm within a period determined by the Minister by notice in the *Gazette*.

(ii) Different periods may be determined in respect of subparagraph (i) in respect-

(aa) different licences; and

(bb) holders whose surnames start with different letters of the alphabet, or whose dates of birth fall in different months.

(c) A licence contemplated in subitem (1)(a) ceases to be valid on the failure of the holder of the licence to comply with a notice issued in terms of subitem 1(b): Provided that if a prescribed application for a competency certificate has been lodged within the applicable period determined in the notice, the licence remains valid until the application is decided.

(2) (a) The holder of a license to possess a firearm contemplated in subitem (1)(a) must, **[ before the end of the period contemplated in that subitem, in a lawful manner dispose of any firearms in his or her possession in excess of the number that he or she may lawfully possess in terms of this Act.]** in the event of the licence becoming invalid as contemplated in subitem 1(c), within 24 hours surrender to the nearest police station-

(i) all licences issued to him or her as contemplated in subitem 1(a);

- (ii) all firearms in his or her possession that are held in terms of a licence contemplated in subitem 1(c); and  
(iii) all ammunition in respect of the firearms contemplated in subparagraph (ii) which may not otherwise lawfully be in his or her possession.

(b) A person who has surrendered his or her firearm as contemplated in subitem (2)(a) must dispose of the firearm and ammunition through a dealer or in such manner as the Registrar may determine-

(i) if an appeal is lodged and that appeal is unsuccessful, within 60 days of the finalisation of the appeal; or

(ii) if no appeal is lodged, within 60 days of the the date on which the licence ceased to be valid in accordance with subitem 1 (c).

(c) If the firearm and ammunition are not disposed of within 60 days, they must be forfeited to the State and destroyed or disposed of as prescribed.

(d) The period of 60 days referred to in this subitem may be extended by the Registrar on good cause shown.

(e) For purposes of subitem (2)(b), the Registrar must release the firearm and ammunition in question to a dealer identified by the relevant person, for disposal by that dealer on behalf of the person.

(3)(a) Nothing in this subitem must be construed as preventing the holder of a licence contemplated in subitem 1(a) to dispose of the relevant firearm or ammunition in a lawful manner before the provisions of subitem 1(c) becomes effective.

(b) For the purpose of subitem (3)(a), section 31(2) does not apply.

(b) by the substitution for item 10(1) of the following item:

“(1) Despite this Schedule, the Registrar may at any time notify any person who holds a licence, permit or authorisation contemplated in item 1, 2, 3, 4, 4A or 5 that he or she intends investigating the validity of that licence, permit, certificate or authorisation.”; and

(c) by the substitution for item 11 of the following item:

“11(1)(a) The holder of a licence contemplated in item 1(a) must, within the period determined by the Minister by notice in the *Gazette*, produce to the Designated Firearms Officer responsible for the area in which the applicant ordinarily resides or in which the applicant’s business is or will be situated, as the case may be, the licence for inspection and verification together with such other

information as may be required and when requested by the Designated Firearms Officer concerned, also produce the firearm in respect of which the licence is issued.

[(a)](b) The holder of a licence, permit, certificate or authorization contemplated in item [1], 2, 3, 4, 4A or 5 must apply for the corresponding licence, permit, certificate or authorisation in terms of this Act within the period determined by the Minister by notice in the *Gazette*.

[(b)](c) Different periods may be determined in terms of paragraph (a) or (b) in respect of-

(i) different licences, permits, certificates or authorisations;  
and

(ii) holders whose surnames start with different letters of the alphabet, or whose dates of birth fall in different months.

[(c)](d) The period contemplated in paragraph [(a)](b) must end before the end of the relevant period contemplated in item [1 (1)] 2, 3, 4, 4A or 5 and may not exceed the period contemplated in item 2, 3, 4, 4A or 5.

[(d)](e) If an application for the renewal of a licence, permit, certificate or authorisation contemplated in subitem (1)(b) has been lodged within the period provided for in [**this section**] item 2, 3, 4, 4A or 5, as the case may be, the licence, permit, certificate or authorisation remains valid until the application is decided.

(2) An application for a licence, permit, certificate or authorisation contemplated in subitem (1)(b) must, in addition to any requirement in terms of this Act be accompanied by-

(a) a certified copy of the existing licence, permit, certificate or authorisation; and

(b) such other information as may be required.

(3) For purposes of this item, section 9 (2) (r) does not apply.

(4) Any holder of a licence, permit, certificate or authorisation who fails to **[apply for the renewal of his or her licence, permit or authorisation before the end of the period determined by the Minister in terms of subitem (1)]** comply

with the provisions of this item, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year or to both a fine and such imprisonment.”.

Amendment to Schedule 4 of the principal Act

56. The following Schedule is hereby substituted for Schedule 4 of the principal Act:

**SCHEDULE 4  
PENALTIES  
(Section 121)**

Section	Maximum period of imprisonment
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NOTE: Schedule 4, prescribing the penalties that may be imposed in respect of the various sections in the Act, will be amended in conjunction with the Portfolio Committee once the final amendments to the Act have been approved by the Committee
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**Short title**

**54.** This Act is called the Firearms Control Amendment Act, 2006, and shall come into operation on a date determined by the President by Proclamation in the *Gazette*.



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