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## GENERAL NOTICE

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### NOTICE 858 OF 2003

The Minister for Safety and Security intends to make regulations in terms of section 145 of the Firearms Control Act, 2000 (Act No. 60 of 2000).

The draft Regulations are hereby published for general information and comment from interested parties.

Any comment must be submitted to the office of the Head: Central Firearm Registry. The comment must reach the said office on or before 29 April 2003 at the following address:

For Attention:

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Central Firearm Registry  
SA Police Service  
Private Bag X811  
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**FIREARMS CONTROL ACT REGULATIONS, 2003**

## DEFINITIONS

1. In these Regulations (including the Schedules) "the Act" means the Firearms Control Act, 2000 (Act No. 60 of 2000), and any word or expression to which a meaning has been assigned in the Act, shall bear the meaning so assigned in the Act, and, unless the context otherwise indicates-
  - (i) **"accredited shooting range"** means a shooting range that meets the requirements of SABS Code of Practice 0353, and which has been accredited as such in terms of these Regulations;
  - (ii) **"applicant"** includes the responsible person contemplated in section 7(2) of the Act;
  - (iii) **"a firearm transporter"** means a person carrying on business as a transporter of firearms for reward as contemplated in section 86 of the Act ;
  - (iv) **"main firearm component"** means the barrel, receiver or frame of a firearm, but does not include a separable slide, bolt or breech-block;
  - (v) **"multiple import-export permit"** means an import and export permit authorizing the multiple import and export of a firearm or ammunition during a specific period;
  - (vi) **"police station"** includes a police or government office designated by the Registrar at which a function in terms of the Act as specified by the Registrar may be exercised;
  - (vii) **"public collection"** means a collection of firearms or ammunition intended to be displayed to the public;
  - (viii) **"relevant Designated Firearms Officer"** means the Designated Firearms Officer responsible for the area in which the applicant ordinarily resides, and if the application pertains to a business of the applicant, the Designated Firearms Officer responsible for the area in which the business is or will be situated, as the case may be;
  - (ix) **"renewal"** means the issuing of a similar competency certificate, license, permit or authorisation, with respect to the same person, and subject matter, and based on the same grounds, with a validity following immediately upon the termination of the existing competency certificate, licence, permit or authorisation, and includes the extension of such permit or authorisation, as well as the issuing of a licence or temporary authorisation where the applicant is the holder of a valid import permit with respect to the same firearm;
  - (x) **"safe, strongroom, device, apparatus or instrument for the safe-keeping of a firearm"** complies with the requirements set out in these Regulations;

- (xi) **"shooting range"** means a shooting range or a tunnel as described in a relevant standard determined in terms of the Standards Act, 1993 (Act No. 29 of 1993 or any amendment thereof); and
- (xii) **"defer"** in Regulation 3 means deferred or partially deferred and has the effect that the operation of the licence, permit or authorisation applicable to the firearm is postponed until a future date.

APPLICATIONS FOR COMPETENCY CERTIFICATES, FURTHER COMPETENCY CERTIFICATES, LICENCES, PERMITS, TEMPORARY AUTHORISATIONS, DUPLICATES AND RENEWALS

2. (1) An application for a competency certificate, further competency certificate, licence, permit and authorisation as well as a duplicate and renewal, as contemplated in the Act, must be made by the applicant in person on the applicable form prescribed in Schedule "A", and must, unless otherwise specifically stated, in person be presented by the applicant to the relevant Designated Firearms Officer with such information and documents as may be required in the Act and the form.
- (2) When an applicant presents an application in accordance with sub-regulation (1), the applicant must proof his or her identity by means of a photo identification in a valid identity document, passport or permanent residence permit issued in accordance with the laws of the Republic.
- (3) Any person providing a recommendation to be submitted in support of an application under the Act must attest to the fact whether the applicant, within the knowledge of such person, is -
- (a) a fit and proper person to be issued with the certificate, licence, permit or authorisation applied for;
  - (b) of a stable mental condition; and
  - (c) not dependant or addicted to any substance.
- (4) A person who provides a recommendation as envisaged in sub-regulation (3) may be asked by a relevant Designated Firearms Officer, or a person acting on the written authority of the relevant Designated Firearms Officer to provide further particulars regarding the recommendation. Any failure or refusal by the person to provide such reasonable information requested by a relevant Designated Firearms Officer, or person acting on behalf of the relevant Designated Firearms Officer will make the recommendation inoperative. No person is compelled to provide further particulars regarding a recommendation.
- (5) A set of fingerprints of an applicant must be taken by the relevant Designated Firearms Officer or her or his authorized personnel at a police station on the officially prescribed form used in the South African Police Service for such purpose. For the purpose of an import, export or in-transit permit under Chapter 8 of the Act, the Registrar may, in respect of a non-citizen who is not resident in the Republic, accept such other set of fingerprints as may be expedient in the circumstances.

- (6) Duly completed application forms together with the information and documents as may be required in the applicable form, including proof of payment of any applicable prescribed fee must, subject to regulation 45(3) and (4), in person be delivered by an applicant to the relevant Designated Firearms Officer.
- (7) Acknowledgment of receipt of an application shall only be issued to the applicant if the application is duly completed and accompanied by all the required information and documentation and after the identity of the applicant and her or his fingerprints, when required, have been verified by the relevant Designated Firearms Officer.
- (8) Any application by a juristic person must be made by the responsible person contemplated in section 7 of the Act, to the relevant Designated Firearms Officer, and shall be accompanied –
  - (a) by documentary proof of registration of the applicant with the Private Security Industry Regulatory Authority where a security service referred to in section 1 of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001), is rendered;
  - (b) by a certificate or document prescribed by law for incorporation or existence as an entity recognised by law for the carrying on of business, as the case may be, (if any); and
  - (c) by an authenticated copy of the resolution or decision of the body corporate or un-incorporate, partnership, club, association, trust or other institution properly authorizing the said person to represent the body corporate or un-incorporate, partnership, club, association, trust or other institution.
- (9) A nomination replacing a responsible person in compliance with section 7(4) of the Act must be made on the prescribed form, accompanied by such documents and information as required on the applicable form prescribed in Schedule A.
- (10) The Registrar may only issue a licence, permit or temporary authorisation to a person who complies with the relevant provision in regulation 39 regarding the applicable safekeeping device.
- (11) A receipt issued in accordance with sub-regulation (7) shall for the purpose of section 24 (4) of the Act, be prima facie proof of compliance with the requirements of section 24(1) and (2) of the Act.

#### DEFERMENT OF LICENCES, PERMITS OR AUTHORISATIONS IN CASE OF THEFT OR LOSS OF FIREARM

3. (1) 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.

- (2) The holder of a deferred licence, permit or authorisation is obliged to ensure that the Central Firearms Register is at all times in possession of his or her existing postal address.
- (3) 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 sub regulation (4) or on good cause shown, such extended period as the Registrar may determine.
- (4) 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 find.

#### SURRENDER OF COMPETENCY CERTIFICATE, LICENCE, PERMIT OR AUTHORISATION

4. (1) The holder of a licence, permit or authorisation to possess a firearm issued in terms of the Act must surrender such licence, permit or authorisation immediately to the relevant Designated Firearms Officer in the following circumstances:
  - (a) in respect of a firearm disposed of or sold, 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; or
  - (f) the licence, permit or authorisation has terminated or which have ceased to be valid.
- (2) A duly completed form as prescribed in Schedule A must be delivered to the relevant Designated Firearms Officer when a licence, permit or authorisation is surrendered in compliance with sub-regulation (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 sub-regulation (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 sub-regulation (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 permit in terms of the Act for the possession of the said firearm.
- (5) A person other than the holder of the licence, permit or authorisation may surrender the licence, permit or authorisation on behalf of the holder of the licence, permit or authorisation provided that person submits proof that he or she is authorized to surrender the licence, permit or authorisation on behalf of the holder of the licence, permit or authorisation.

#### LICENCE TO POSSESS A FIREARM FOR BUSINESS PURPOSES

5. (1) The holder of a licence issued in terms of section 20 of the Act, may only provide the firearm for use by another person as contemplated in section 20(5) of the Act on condition that the person to whom the firearm is provided:
  - (a) is employed by, or is a member of such business, or is involved in the operation and for the purpose of the business as described on the licence;
  - (b) is in possession of a document by means of which he or she can be identified and which contains at least his or her full names, identity number and a photograph;
  - (c) is in possession of a letter from the business, undersigned by the licence holder or person authorized thereto in writing by the licence holder, containing the name, address, and licence particulars of the business, and wherein the possession and particulars of the relevant firearm by the person involved is authorized for the purposes set out in the letter and for the period and place specified in the letter; and
  - (d) was instructed/guided in the handling and the use of the relevant firearm, or in the case of person who is engaged in the business of a game rancher or business in hunting, if such person holds a competency certificate issued in terms of the Act, if applicable.
- (2) In addition to the above conditions where the business is a security Company as contemplated in section 20(2)(a) of the Act the firearm may only be provided to a person who-
  - (a) is on duty or is to perform standby duty; and
  - (b) is permanently employed by the security service provider as a security official in terms of section 20 of the Private Security Industry Regulation Act, 2001 (Act No 56 of 2001).

- (3) A firearm may only be provided to another person if it is in good working condition and free of any defect which may render it an inherent source of danger to any person.
- (4) In the event of the Registrar making a determining contemplated in section 20(2)(f) of the Act in respect of an in-house security provider, such in-house security provider must, in addition to the conditions set out in subregulation (1) and (2), –
  - (a) ensure that an employee who will be provided with a firearm, is in possession of the relevant valid competency certificate before providing a firearm to the employee; and
  - (b) that an employee who had been provided with a firearm must at all times while on duty be in physical possession of the relevant competency certificate.
- (5) The holder of a licence issued in terms of section 20 of the Act must maintain a record stating the full names, identity number, residential address if the person is not in the employment of the holder of the licence, occupation and any other relevant information of the person who will be provided with a firearm together with the purpose and duration of such possession by the said person.
- (6) A person accredited for other business purposes as contemplated in section 20(2)(f) must ensure that a prospective employee who will be provided with a firearm, is when applicable, in possession of the relevant valid competency certificate before providing such person with a firearm.
- (7) The regulations pertaining to storage, safekeeping and transporting of firearms and ammunition shall apply to a holder of a licence or an authorisation contemplated in this regulation.

#### REGISTERS FOR THE HOLDER OF A LICENSE FOR BUSINESS PURPOSES

6. The holder of a licence referred to in section 20 of the Act must keep a register containing the following information:
  - (a) All the firearms in respect of which he or she holds a licence under section 20 of the Act specified by make, type, caliber and serial number, as well as the date of acquisition and disposal thereof; and
  - (b) A detailed record of the provision of such firearms to persons during the operation of the business, detailing date and time of such provision as well as return of the firearm, and the identity of the person to whom the firearm was provided.

#### CONDITIONS APPLICABLE TO TEMPORARY AUTHORISATIONS TO POSSESS A FIREARM AND AMMUNITION

7. (1) An application for a temporary authorisation to possess a firearm as contemplated in section 21 and a permit to possess ammunition as

contemplated in section 90(b) of the Act, must be submitted to the relevant Designated Firearms Officer on the applicable form as prescribed in Schedule "A", and accompanied by such information and documents as may be required in terms of Schedule "A" as well as -

- (a) written motivation in support of the application, with specific reference to the steps which are contemplated in connection with the safe-keeping of the firearms and ammunition;
  - (b) a written declaration that the applicant has facilities available for the safe-keeping of the firearms and ammunition that complies to SABS Specifications as required by these regulations; and
  - (c) a certified copy of any licence pertaining to the firearm, if applicable.
- (2) An application for a temporary authorisation must be lodged at least 7 days before the intended date on which the possession of the firearm shall take place. Provided that the Registrar may, on good cause shown, exempt an applicant from complying with the stipulated period.
  - (3) The person to whom a temporary authorisation has been issued must keep the temporary authorisation wherever the firearm is located and must at the request of a police official produce the temporary authorisation to such police official for inspection.
  - (4) The temporary authorisation shall only be valid for the firearm sufficiently identified in the temporary authorisation and for the period and specific use stipulated on the permit.

#### GENERAL PROVISIONS RELATING TO ACCREDITATION

8. (1) An application for accreditation as contemplated in the Act, must be submitted to the relevant Designated Firearms Officer on the applicable form completed as prescribed in Schedule "A", and accompanied by such information and documents as may be required in terms of Schedule "A".
- (2) Any such application shall be accompanied by-
  - (a) a set of fingerprints of the applicant if a natural person and, in the case of a juristic person, of every person who is in control thereof or is responsible for the management thereof; and
  - (b) an authenticated copy of the identity document of the applicant if a natural person and, in the case of a juristic person, of every person who is in control thereof or is responsible for the management thereof.
- (3) In deciding whether an applicant fulfils the criteria referred to in section 8(2) of the Act, the Registrar shall take into account any relevant factor that reflects on:
  - (a) the trustworthiness and integrity of the applicant if a natural person and, in the case of a juristic person, of every person who is in control thereof or is responsible for the management thereof;



- (b) the suitability of the applicant if a natural person and, in the case of a juristic person, of every person who is in control thereof or is responsible for the management thereof, to perform the relevant functions in terms of the Act;
  - (c) the capacity of the applicant to serve the purpose of the accreditation;
  - (d) the capacity of the applicant to advance the purpose of the Act; and
  - (e) a report compiled by the relevant Designated Firearms Officer which shall be attached to the application as well as any response by the applicant to such report.
- (4) In deciding whether an applicant fulfils the criteria referred to in section 8(2) of the Act, the Registrar may take the following factors into account, where applicable:
- (a) the infra-structure of the applicant or his or her organization;
  - (b) any relevant qualifications of the applicant or his or her personnel;
  - (c) the time period of the applicant's existence or functioning;
  - (d) the main purpose of the applicant, and the applicant's interest and or experience in the applicable field;
  - (e) the Code of Conduct or Ethical Code of the applicant, and any disciplinary code or measures applicable to the members of the applicant;
  - (f) the constitution of the applicant;
  - (g) the number of paid up members and the conditions required to become a member of the applicant and maintain membership;
  - (h) organizational affiliation of applicant;
  - (i) the capability and intent of the applicant to fulfil the purpose of the accreditation;
  - (j) any interest or conflict of interest which would render the applicant unsuitable for accreditation;
  - (k) the region that the operations or function of the applicant covers;
  - (l) any other fact that would in the Registrar's opinion be relevant to ascertain suitability for accreditation,
  - (m) written representations in support of the application; and
  - (n) the capability and intent of the applicant to advance the purpose of the Act.

- (5) The Registrar shall not accredit a person or juristic person if the applicant or any controlling or managing person referred to in sub-regulation 3(b) would be disqualified to be issued with a competency certificate in terms of section 9(2) of the Act.
- (6) The Registrar shall keep a register wherein the particulars determined by the registrar from time to time of persons and juristic persons accredited for purposes of the Act shall be recorded.
- (7) A person is guilty of an offence if he or she falsely represents himself or herself or any other person or juristic person as being accredited for the purpose of the Act and may on conviction be sentenced to a fine or imprisonment for a period not exceeding 12 months or both a fine and such imprisonment.
- (8) The Registrar may, by serving a written notice, cancel or suspend an accreditation granted for the purpose of the Act if the accredited person or juristic person contemplated in the Act -
  - (a) no longer qualifies to be accredited; or
  - (b) has contravened or failed to comply with any provision of the Act or any condition applicable to the accreditation.
- (9) A notice referred to in sub regulation (8) may only be issued if the Registrar has-
  - (a) given the accredited person or juristic person, as the case may be, 30 days' notice in writing to submit written representations as to why the accreditation should not be canceled or suspended; and
  - (b) duly considered any representations received and all the facts pertaining to the matter.
- (10) A person who is accredited for purpose of section 19, 20(2)(b), (c), (d), (e) or (f) of the Act, must annually, before the 31<sup>st</sup> day of December submit to the Registrar a written report in respect of any person who -
  - (a) holds a competency certificate;
  - (b) engaged in the business of the licence holder; and
  - (c) had been the subject of disciplinary action involving conduct contemplated in section 9(2)(c) to (g) and section 102(1)(a) to (e) of the Act.

The report must list the full names and the identification number of the person concerned, particulars of the competency certificate and of the disciplinary transgression and the result of the disciplinary action.

- (11) An accredited organisation or association contemplated in section 16(2) and

section 17(2) of the Act must annually submit to the Registrar a written report reflecting the details of all members who have not renewed their membership for the following year in accordance with the requirements of such accredited organisation or association.

#### ACCREDITATION AS AN OFFICIAL INSTITUTION

- 9.** A government institution who applies for accreditation as an Official Institution contemplated in section 95(a)(vi) of the Act, must in addition to the relevant particulars set out in Regulations 8, submit –
- (1) official documentary proof that the applicant is a government institution;
  - (2) a comprehensive report comprising the following information -
    - (a) the purpose for which the firearms are needed;
    - (b) a description of the safekeeping facilities and safety control procedures regarding the safeguarding of firearms to be utilised by the applicant;
    - (c) details regarding the records that will be used to control the firearms;
    - (d) the initials, surname identity number and two proof signatures of a designated person who will be the responsible person for the firearms in the official institution;
    - (e) confirmation that persons to whom firearms are issued will have at least two shooting practices per year with the relevant firearms;
    - (f) the details of the type of firearms and the amount of ammunition the official institution intends acquiring;
    - (g) details of the place where registers in respect of the issuing of every firearm will be kept for inspection by a police official; and
    - (h) a motivation regarding the need for the official institution to possess the firearms.

#### ACCREDITATION FOR HUNTING ASSOCIATION AND SPORTS-SHOOTING ORGANIZATION

- 10.** A person who applies for accreditation as a hunting association or sport-shooting organization contemplated in section 16(2) of the Act, must in addition to the relevant particulars set out in Regulations 8, submit –
- (a) the requested particulars in the applicable form of every person who is in control of or is responsible for the management of the hunting association or sports-shooting organization, as the case may be;
  - (b) in the case of a hunting association, proof to the satisfaction of the Registrar that the hunting association conducts a relevant training course in respect of dedicated hunters of which it is a prerequisite that the person must

successfully complete before that person may be registered as a dedicated hunter with the hunting association;

- (c) in the case of a sports-shooting organization, proof to the satisfaction of the Registrar that the sports-shooting organization conducts a relevant training course of which it is a prerequisite that every person must successfully complete before that person may be registered as a full member of the sports-shooting organization or if the sports-shooting organization does not conduct such training that the sports-shooting organization only register a person as a member of the sports-shooting organization if such person has successfully completed such a relevant training course; and
- (d) documentary proof of membership of a national or international association, organization or similar institution of which the primary bona fide object is to promote responsible hunting or sport-shooting as the case may be, and which has been approved by the Registrar in his or her discretion.

#### ACCREDITATION FOR COLLECTORS ASSOCIATION

- 11.** (1) An association applying for accreditation as a collectors association as contemplated in section 17(2) and 18(2) of the Act, must in addition to the relevant particulars set out in Regulations 8, submit –
- (a) the requested particulars on the applicable form of every person who is in control of or is responsible for the management of the collector's association;
  - (b) proof that the association has a formal process in place to evaluate its members for their bona fides to be a private collector in respect of a specific firearm or ammunition within such members specific collection or field of interest and that all relevant documentation pertaining to such evaluation is kept on record by the association;
  - (c) proof that it has as a prerequisite for membership to the association a requirement that every potential member must prove their knowledge of the historical, technological, scientific, heritage value or any other aspect as the association may determine appropriate, that relate to or distinguish the firearms in or to be acquired in the collection of the potential member;
  - (d) proof that it will only allow membership of a person to the association as long as the person is in good standing with the association; and
  - (e) documentary proof of membership of a national or international association, organization or similar institution of which the primary bona fide object is to promote responsible collecting of firearms and ammunition, and which has been approved by the Registrar in his or her discretion.
- (2) In determining whether an applicant is a collector of firearms or ammunition, or both, the Registrar shall consider whether the applicant collects, or intends to collect firearms or ammunition, or both, irrespective of age, with the object to keep or dispose of the firearm or ammunition, or both, as a collection, by

reason of their present or future value, which may be financial, cultural, sentimental, technological or novelty.

- (3) Provision is made for the following categories of collectors for the purpose of a licence issued under section 17(2) of the Act:
  - (a) Category A(low) - may only be licenced to collect firearms and ammunition for such firearm, excluding restricted firearms referred to in section 14(1) and prohibited firearms referred to in section 4(1) of the Act;
  - (b) Category B(higher) - may only be licenced to collect firearms and ammunition for such firearm, excluding prohibited firearms referred to in section 4(1) of the Act; and
  - (c) Category C(highest) - may be licenced to collect all firearms and ammunition for such firearm.
- (4) In addition to the licence for the particular firearm in the particular category, the Registrar must issue a certificate declaring the licence holder as a collector in that particular category.
- (5) The Registrar shall not declare a person as a collector in a higher category than Category A unless the person had been declared a collector in terms of a previous Act in a higher category. A person previously declared as a collector in a higher category may be declared a collector in such higher category in terms of this regulation. A person in category A or B shall only be declared in a higher category when the Registrar is, on proof of evidence supplied by the person concerned, satisfied that the person qualifies to be declared in a higher category.
- (6) Different requirements as to the safekeeping and storing may be prescribed for the different categories of collectors.
- (7) The Registrar shall not declare a person as a collector of arms or ammunition when the applicant, or in the case of a juristic person any controlling or managing person referred to in sub reg (1)(a),-
  - (a) (has been found guilty of an offence referred to in schedule 2 of the Act, or any other offence in which the commission of a firearm had been used; or
  - (b) is not domiciled in the Republic; or
  - (c) is on the date of consideration of the application under 16 years of age; or
  - (d) has in the Republic or elsewhere during a period of 10 years which preceded the date of the application, been sentenced for any offence of violence or dishonesty in which an element, to imprisonment without the option of a fine.
- (8) The Registrar may by means of a written notice served on the holder of a

certificate as a collector, withdraw the declaration and certificate if the person or the controlling or managing person referred to above -

- (a) has under the provisions of section 102 or 103 become or been declared an unfit person, or
  - (b) has been found guilty of an offence referred to in schedule 2 of the Act, or any other offence in which the commission of a firearm had been used, or
  - (c) is no longer domiciled in the Republic, or
  - (d) has in the Republic or anywhere else been sentenced for any offence to imprisonment without the option of a fine.
- (9) When the declaration of a person as a collector of firearms and ammunition has been withdrawn by the Registrar, the person concerned shall forthwith surrender his certificate of declaration as a collector a Designated Firearms Officer who has been designated for this purpose by the Registrar.

#### ACCREDITATION FOR OTHER BUSINESS PURPOSES AS DETERMINED BY THE REGISTRAR

- 12.** (1) A person who applies to be accredited to use firearms for such business purposes as may be determined by the Registrar in terms of section 20(2)(f) of the Act must, in addition to the requirements set out in regulation 8 submit certified copies of any applicable information pertaining to such business as required by the Registrar.
- (2) The applicant must, in addition to the requirements set out in sub-regulation (1), submit -
- (a) detailed particulars in respect of the purpose and scope of the business;
  - (b) full description of the firearm(s) that will be used as well as a detailed motivation for the use of the proposed firearms;
  - (c) a description of the security measures pertaining to the storage, transport and safekeeping of the firearms to be used in conducting such business;
  - (d) the total number of persons who will be issued with firearms;
  - (e) a statement confirming that compulsory training in the safe and responsible use of firearms has been given to the persons before the persons are put in possession of the firearms;
  - (f) a certificate that the provisions of regulation 5 will, insofar as applicable, be complied with; and
  - (g) a description of the premises from which the business will be conducted.

- (3) In the event of the Registrar making a determining contemplated in section 20(2)(f) of the Act in respect of an in-house security provider, such in-house security provider must, in addition to the requirements set out in sub-regulation (1) and (2), submit –
- (a) a description of the scope of what business is to be protected; and
  - (b) proof of registration as a security service provider in terms of the Private Security Industry Regulatory Act, 2001 (Act No. 56 of 2001).

#### ACCREDITATION TO PROVIDE TRAINING IN THE USE OF FIREARMS

- 13.** A person who applies to be accredited to provide training in the use of firearms for the purpose of section 20(2)(b) of the Act must, in addition to the particulars set out in regulation 8, submit –
- (a) proof that the prescribed test on the knowledge of the act and the training curriculum and practical tests regarding the safe and efficient handling of a firearm referred to in section 9(2)(q) and (r) of the Act will be used to train persons;
  - (b) a description of security measures pertaining to the storage, transport and safekeeping of the firearms to be used in the training; and
  - (c) proof that any practical training or testing which will involve the actual firing of a firearm will only be conducted at a shooting range that complies with the standards determined in terms of the Standards Act, 1993 (Act No. 29 of 1993) or any amendment thereof.

#### ACCREDITATION TO PROVIDE FIREARMS FOR USE IN THEATRICAL, FILM, OR TELEVISION PRODUCTIONS

- 14.** A person who applies to be accredited to provide firearms for use in theatrical, film or television productions for the purpose of section 20(2)(b) of the Act must, in addition to the particulars set out in Regulation 8, submit –
- (1) a certificate confirming that any modification of firearms will only be performed by a gunsmith;
  - (2) proof to the satisfaction of the Registrar that the applicant is genuinely involved in theatrical, film or television productions; and
  - (3) a comprehensive report comprising the following information -
    - (a) the purpose for which the firearms are needed;
    - (b) a description of the safekeeping facilities and safety control procedures regarding the safeguarding of firearms to be utilised by the applicant;

- (c) details regarding the records that will be used to control the firearms;
- (d) the initials, surname identity number and two proof signatures of the responsible person who will be the responsible for the firearms;
- (e) confirmation that if it is required that the persons to whom firearms are issued will have to use live ammunition with the firearm that such person will have received basic training in the safe use of the firearm prior to the firearm will be used by such person;
- (f) the details of the type of firearms and the amount of ammunition the applicant intends acquiring;
- (g) details of the place where registers in respect of the issuing of every firearm will be kept for inspection by a police official; and
- (h) a motivation regarding the need for the applicant to possess the firearms.

#### ACCREDITATION AS A GAME RANCHER

15. A person who applies to be accredited as a game rancher for the purpose of section 20(2)(d) of the Act must, in addition to the particulars set out in regulation 8, submit -
- (a) proof of registration with, or exemption from, registration, a game farm with the relevant provincial authority;
  - (b) a description of the security measures regarding the safe handling, storage and transport of firearms to be used in conducting such business; and
  - (c) proof of membership of an accredited wild game farmer's association.

#### ACCREDITATION TO CONDUCT BUSINESS IN HUNTING

16. A person who applies to be accredited to conduct business in hunting for the purpose of section 20(2)(e) of the Act must, in addition to the particulars set out in regulation 8, submit-
- (a) a certified copy of his or her professional hunting or hunting outfitters licence or permit issued by the relevant provincial nature conservation authority of the province in which he or she will conduct the business;
  - (b) a description of the security measures pertaining to the storage, transport and safekeeping of the firearms to be used in conducting such business, and
  - (c) documentary proof of membership of a national or international association, organization or similar institution of which the primary bona fide object is to promote responsible hunting, and which has been approved by the Registrar



in his or her discretion.

#### ACCREDITATION AS A MUSEUM

- 17.** (1) An application for accreditation as a museum as contemplated in section 19(4)(a) of the Act must in addition to the particulars set out in regulation 8, be accompanied by –
- (a) a description of the display mechanisms that will be used to display the firearms;
  - (b) a description of the access control to the museum wherein the firearms will be displayed;
  - (c) a description of the security measures pertaining to the storage, transport and safekeeping of the firearms to be displayed;
  - (d) acceptable documentary proof that the application is in respect of a museum registered in terms of any applicable law;
  - (e) a certificate confirming that the museum is open to the public; and
  - (f) written confirmation that -
    - (i) the firearms and ammunition will under no circumstances be made available to any person;
    - (ii) the firearm(s) and ammunition will be displayed or stored under the control of the appointed curator of the museum or a person authorized in writing by the curator;
    - (iii) the curator of the museum or a person authorized in writing by the curator will under all circumstances ensure that the firearm(s) and ammunition will remain under her or his personal control and that all necessary steps will be taken to prevent the loss of the firearm(s) and ammunition;
    - (iv) the firearm(s) and ammunition will be used only for the display and or storage by the museum only on the registered site of the museum;
    - (v) it is a state-funded or state-subsidised museum;
    - (vi) in the event of it being a private museum that it has been rated and accredited by a national or provincial museum council and that it is:
      - (aa) a non-profit organisation;
      - (bb) administered for purposes that include collecting, preserving, studying, interpreting, assembling and

exhibiting to the public for its education and enjoyment objects and specimens of educational and cultural value, including artistic, scientific, historical and technological materials;

- (cc) open to the public or puts on demonstration or displays for the public on a regular basis;
  - (dd) has a curator who is a member in good standing of a national or provincial museum association;
  - (ee) conforms to provincial and municipal or local government land use and zoning regulations; and
  - (ff) maintains safety rules and regulations in regards to the safe storage and display of firearms that conform to the prescribed standards.
- (2) The curator of the museum must keep an updated record of all firearms and ammunition held on the registered site of the museum.
- (3) No change in the circumstances or particulars relevant to the firearms may take place unless prior approval of the Registrar had been obtained.

#### SHOOTING RANGES

- 18.** (1) An application must be made in accordance with regulation 8 for the accreditation of a shooting range that will be used for the purposes of sub-regulation (2) and sections 19(5) and 91(2)(b) of the Act .
- (2) Practical training and testing regarding the safe and efficient handling of a firearm during which ammunition will be used in order to obtain a competency certificate, may only be undertaken on a shooting range that conform to the standards determined in terms of the Standards Act, 1993 (Act No, 29 of 1993 or any amendment thereof).
- (3) The Registrar may only accredit a shooting range for the purposes of sub-regulation (1) on proof by the applicant that the shooting range complies with the relevant standards determined in terms of the Standards Act, 1993 (Act No, 29 of 1993 or any amendment thereof).

#### DEALERS, MANUFACTURERS AND GUNSMITHS

- 19.** (1) A person who applies for a Dealers, Manufacturers or Gunsmiths Licence contemplated in the Act must, in addition to the requirements set out in regulation 2, submit -
- (a) a description of the premises on which the applicant intends to carry on business as a Dealer, Manufacturers or Gunsmiths with reference to the situation and the surrounding buildings and businesses;
  - (b) a plan of the premises, drawn to scale, on which is clearly indicated-

- (i) the dimensions of every room; and
  - (ii) the arrangement of the internal structure, together with all doors, windows, counters, safes or strong-rooms and manner of internal and external connections;
- (c) proof that the buildings will be constructed with baked clay or cement bricks concrete floors, aggregate for concrete that comply with requirements of SABS 1083, aggregate for mortar and plaster that comply with requirements of SABS 1090, steel windows, steel doors with steel doorframes and roofs constructed of either corrugated iron or reinforced cement;
- (d) proof to the satisfaction of the Registrar that the premises is furnished with a burglar alarm which complies with the following requirements:
- (i) passive infrared (PIR) movement sensors with a lens for solid curtain coverage installed in such a manner that coverage is provided from the floor to the ceiling of the building;
  - (ii) every movement sensor shall be equipped with a tamper-proof device;
  - (iii) if the alarm is activated, it shall only be restored with a key or a code adjustment;
  - (iv) independent functioning in case of a power failure for a period of at least 10 hours;
  - (v) control unit shall be installed within the safeguarded area or be equipped with a tamper-proof device;
  - (vi) automatic telephone contact unit which effects contact to the licensed dealer or any other responsible person on activation of the alarm system; and
  - (vii) siren with a sound frequency level of at least 93 decibels with flashing light;
- (e) proof to the satisfaction of the Registrar that the building is equipped with burglar proofing, installed in the following manner:
- burglar proofing of the windows which shall consist of horizontal steel reinforcing of not less than 50 mm x 10 mm and spaced not more than 500 mm apart and vertical round steel bars of a diameter of not less than 16 mm fixed to the horizontal steel reinforcing not more than 100 mm apart;
- (f) proof to the satisfaction of the Registrar that the building is equipped with safes that complies with Regulation 36(2), (3) or (4) as the case may be;
- (g) proof to the satisfaction of the Registrar by a person with knowledge of

the particular facts, wherein is set out-

- (i) the name, identity number and address of every person (including the applicant) who will have any financial interest in the business, and in each case the nature and extent of any such interest: Provided that in the case of a company, the name and identity number of every director of the company must be set out;
  - (ii) if the applicant is a company, close corporation, partnership or trust, full particulars thereof including supporting documents;
  - (iii) if the applicant is not the registered owner of the land on which the premises is situated, the written consent of the registered owner concerned; and
- (h) proof that the applicant complies with all local by-laws which may be applicable to the conducting of the business.

#### REGISTERS IN RESPECT OF DEALERS

20. (1) Every licenced dealer must keep a register (hereunder referred to as the Firearms Stock Register), wherein the following particulars must be recorded, when available:
- (a) On the debit-side against a serial or stock number-
    - (i) the make, calibre, model and every manufacturer's serial number of every firearm in stock; and
    - (ii) the date of receipt and the name and address and, if applicable, the number and date of the licence and permit, of the person from whom the firearm was acquired, and the make, calibre, model and manufacturer's serial number of every firearm, thereafter taken into stock from any source;
  - (b) On the credit-side against the serial or stock number referred to in paragraph(1) (a), the date of sale or transfer of the firearm and the name and address of the person to whom the specific firearm has been sold or transferred, and the number and date of the licence all such particulars shall be recorded forthwith after the sale or transfer of the firearm.
- (2) (a) Every licenced dealer who is exempted to maintain an electronic database must within seven days after the end of every week submit the following to the Registrar:
- (i) a return on the prescribed form in Schedule "A" of all firearms acquired of during such week; and
  - (ii) a return on the prescribed form in Schedule "A" of all firearms disposed of during such week.

- (b) Such returns must be submitted, whether or not any firearms have during the particular week been taken in stock or disposed of.
- (3) Every licenced dealer must keep a register (hereunder referred to as the Ammunition Stock Register) wherein the following particulars shall be recorded:
- (a) on the debit-side:
- (i) the calibre, make and quantity of all ammunition in stock;
  - (ii) the date of receipt, and the name and address of the person or other source from whom ammunition is received; and
  - (iii) which ammunition is received, and the calibre and quantity of all ammunition so taken into stock, which particulars shall be recorded forthwith after receipt;
- (b) on the credit-side:
- (i) the date of sale or transfer of the ammunition, the name, address and identity number of the person to whom the ammunition is sold or transferred;
  - (ii) the issuing date of the licence produced; and
  - (iii) the calibre, make and quantity of ammunition sold or transferred.
- (4) Every licenced dealer must, if directed thereto at any time by the Registrar by written notice, submit a return providing such particulars regarding ammunition which has been acquired or procured or which has been sold or disposed of, as the Registrar may in the notice determine.
- (5) Every dealer must keep the registers referred to in this regulations for a period of ten years from the date of the last entry therein.
- (6) The registers to be kept in terms of this regulation, may not be taken into use or be used, unless every page of such register is numbered in sequence and an authorized police official of the police station in the area of which the relevant premises is situated, has signed every such page.
- (7) Every entry effected in a register referred to in this regulation must be printed or written in ink, and any alteration therein must be effected by means of interlineations or crossing out in ink and not by way of erasure, and every such alteration must be initialled by the person, effecting it.
- (8) No person may remove or cause to be removed any page from any register referred to in this regulation, and if any page is removed from such register, it shall be prima facie deemed to have been removed by or on the authority of the person who is in terms of any provision of this Act obliged to keep such register.

- (9) (a) Every licenced dealer must keep a register (hereinafter referred to as the Inventory Book) of all firearms that the dealer holds for and on behalf of licence holders in respect of those firearms for purposes of the sale or other disposal thereof.
- (b) The following particulars must be recorded in the Inventory Book -
- (i) the date of receipt of the firearm, and the name and address and identity number of the licence holder of the firearm;
  - (ii) the particulars of the firearm, including the name, calibre and manufacturer's serial number;
  - (iii) the date of the issue of the licence for the firearm; and
  - (iv) the date of return or sale of the firearm.
- (10) A dealer must keep an updated register wherein the names, identity number and particulars of the applicable competency certificate of natural persons who engages in trading on behalf of the dealer are recorded.

#### CONDITIONS APPLICABLE TO A DEALERS LICENCE

- 21.** The following conditions which the Registrar may impose at his discretion unless otherwise specifically prescribed in the Act will apply to a dealers licence -
- (a) Unless specifically authorized to do so by the Registrar no dealer may trade in firearms and ammunition referred to in Section 4(1)(a) to (d) of the Act;
  - (b) Provided that the Registrar shall not consent to the sale of any firearm or ammunition contemplated in section 4(1)(a) to (d) of the Act unless an application that complies with regulation 2 insofar as applicable, accompanied by a relevant permit issued by the National Conventional Arms Control Committee is lodged with the Registrar by the dealer at least 60 days in advance of such contemplated sale;
  - (c) All firearms and ammunition must outside of trading hours be stored in the prescribed safe or strong room specified on the licence;
  - (d) The licence holder must notify the Registrar of any change in the ownership, or the partners in a partnership, or a director of a company or close corporation, or of any person who is in control of a juristic person or is responsible for the management of a juristic person and to whom a Dealers Licence have been issued, within 30 days of the change;
  - (e) A dealer may not record the detail of a firearm on the applicable part of an application for a licence unless the dealer is physically in possession of the firearm when completing such detail;
  - (f) A dealer may not simultaneously submit the details of a particular firearm in more than one application for a licence to possess that firearm;

- (g) Only persons whose names are stated in the prescribed register may trade in firearms or ammunition on behalf of the Dealer;
- (h) It is the joint and separate responsibility of the persons whose names appear on the licence and in the register referred to in sub paragraph (g) to ensure that proper control is, at all times exercised over all the arms and ammunition, that the prescribed registers are properly maintained and that every reasonable precaution is taken against the loss or theft of the arms and ammunition;
- (i) The arms and ammunition that are possessed on the authority of this licence shall be transported only by a person whose name appear on the licence or a person whose name is entered in the register prescribed in regulation 19(10) or by the holder of a firearm transporter's permit;
- (j) The dealer must check and verify that the particulars of a firearm as requested on all forms dealt with by the dealer, are correct;
- (k) Firearms and ammunition may only be tested or demonstrated at a shooting range under the supervision of a range official;
- (l) It is the responsibility of the dealer and all persons employed by the dealer to be conversant with the provisions of the Act, the regulations issued in terms of the Act and any amendments to it; and
- (m) A contravention of any of the conditions contained in this licence may result in refusal to renew, suspension or, cancellation of the licence.

#### INFORMATION ON DEALER'S LICENCE

**22.** A dealer's license must contain the following information:

- (a) name in which the dealer's licence is issued;
- (b) name, identity number and particulars of the applicable competency certificate of the responsible person (where applicable);
- (c) date of issue of licence;
- (d) date of expiry of licence;
- (e) reference code; and
- (f) details of safe or strongroom.

#### APPLICATION FOR CHANGE OF PREMISES

- 23.** (1) Any application for the change of premises as contemplated in the Act, shall be made in accordance with regulation 2 insofar as applicable.
- (2) Where an inspection of the new premises by a police officer or a Designated Firearms Officer reveals that the safeguarding facilities do not conform with those prescribed for the applicable licence, the holder of the licence must be

notified thereof in writing by the relevant Designated Firearms Officer and afforded a period of 60 days within which to correct the listed deficiencies.

- (3) Where an application to change premises has been approved, the applicant must upon taking occupation of the new premises notify the relevant Designated Firearms Officer in the area wherein the applicant has his or her new place of business on the applicable form as prescribed in Schedule A and accompanied by such information and documents as may be required in terms of Schedule A.

#### CONDITIONS APPLICABLE TO TEMPORARY AUTHORISATIONS TO TRADE IN FIREARMS AND AMMUNITION

- 24.** (1) An application for a temporary authorisation to trade in firearms and ammunition as contemplated in section 36 of the Act must be submitted to the relevant Designated Firearms Officer on the applicable form completed as prescribed in Schedule "A", and accompanied by such information and documents as may be required in terms of Schedule "A" as well as -
- (a) Written motivation in support of the application, with specific reference to the steps which are contemplated in connection with the safe-keeping of the firearms and ammunition;
  - (b) A written declaration that the applicant has facilities available for the safe-keeping of the firearms and ammunition that complies to SABS Specifications; and
  - (c) a certified copy of the applicant's licence.
- (2) An application for a temporary authorisation must be lodged at least 30 days before the intended date on which the trade shall take place.
- (3) The Dealer to whom a temporary authorisation has been issued must keep the temporary authorisation at the premises specified in the temporary authorisation.
- (4) The arms and ammunition to which the temporary authorisation pertains must be displayed and stored in accordance with the applicable provisions of these regulations.
- (5) Only persons named in the temporary authorisation may exhibit.
- (6) Such person must be in possession of a relevant competency certificate.
- (7) Firearms and ammunition must, outside of trading hours, be stored in the prescribed safe or strong room.

#### CONDITIONS APPLICABLE TO A MANUFACTURERS LICENCE

- 25.** A manufacturers licence contemplated in Part 2 of the Act is subject to the following conditions:



- (a) the licence is not transferable;
- (b) the Registrar shall be advised of any change in the directors, owners or partners that may occur or of the persons involved with the manufacturing of the firearms and loading of ammunition within 30 days of such change;
- (c) the section of the premises in which the firearms and ammunition are manufactured or stored must, during working hours, be under the immediate control of the manufacturer and manufacturing may only take place at the premises specified on the licence;
- (d) the licence serves as the authorisation to purchase and to possess the caliber ammunition necessary for testing of a firearm manufactured under the licence;
- (e) records as prescribed in Schedule A shall be kept of the ammunition purchased and used for testing purposes;
- (f) all the ammunition and any other explosive component of the ammunition must after hours be securely stored in a safe or strongroom specified on the licence;
- (g) serial numbers that have been allocated by the Registrar shall be stamped on the metal part of the firearm as soon as, or before their manufacture has been completed;
- (h) all manufactured firearms, barrels and parts thereof shall be stored in a prescribed strongroom at all hours other than working hours;
- (i) stock sheets must be kept of all completed firearm parts. Rejects must be destroyed as soon as possible;
- (j) firearms may be exhibited and demonstrated in order to promote the marketing thereof;
- (k) testing of a firearm shall only be done by a person who holds a competency certificate;
- (l) the holder of a licence to manufacture firearms and ammunition must, before the manufacturing of a firearm type or ammunition caliber commences, notify the Registrar of the manufacturer's intention to manufacture such firearm type and ammunition caliber by submitting by hand to the relevant Designated Firearms Officer the applicable form completed and accompanied by such documents as may be prescribed in Schedule "A";
- (m) The Registrar may, after receipt of the notification in accordance with sub paragraph (l), authorise the manufacturer to produce a specified number of prototypes of the firearm to be manufactured for the purpose of the manufacturer obtaining the necessary proofing of the firearm in terms of the relevant provisions of the Standards Act, 1993 (Act No. 29 of 1993 or any amendment thereof);
- (n) A licence to manufacture a firearm or ammunition referred to in section 4(a)

to (d) of the Act, may only be issued by the Registrar if prior to obtaining the licence to manufacture such firearm or ammunition in terms of this Act, the manufacturer has obtained the necessary licence in terms of the Armaments Development Act, 1968 (Act No. 57 of 1968) or any amendment thereof, as well as a SABS proofing certificate and South African Police Service Ballistics evaluation Report;

- (o) Every licenced manufacturer must, if directed thereto at any time by the Registrar by written notice, submit a return providing such particulars regarding ammunition which has been acquired or procured or which has been sold or disposed of, as the Registrar may in the notice determine;
- (p) ammunition manufactured under a Manufacturer's Licence must individually be identified by a unique head stamp that identifies the Manufacturer; and
- (q) the Manufacturer may only manufacture the firearms and ammunition specified on the licence.

#### INFORMATION ON MANUFACTURER'S LICENCE

**26.** A manufacturer's licence must contain the following information:

- (a) name in which the manufacturer's licence is issued;
- (b) name, identity number and particulars of the applicable competency certificate of responsible person (where applicable);
- (c) date of issue of licence;
- (d) date of expiry of licence;
- (e) reference code; and
- (f) details of safe or strongroom.

#### REGISTERS APPLICABLE TO A MANUFACTURER'S LICENCE

- 27.** (1) Every licenced manufacturer must keep a register (hereunder referred to as the Firearms Stock Register), wherein the following particulars must be recorded:
- (a) On the debit-side against a serial or stock number the make, caliber, model and manufacturer's serial number of every firearm manufactured; and
  - (b) on the credit-side against the serial or stock number referred to in sub-paragraph(1) (a), the date of sale or transfer of the firearm and the name and address of the person to whom the specific firearm has been sold or transferred.
- (2) Every licenced manufacturer must keep a register (hereunder referred to as

the Ammunition Stock Register) wherein the following particulars shall be recorded:

- (a) on the debit-side the caliber, make and quantity of all ammunition manufactured; and
  - (b) on the credit side the date of sale or transfer of the ammunition, the caliber, make and the name, address and identity number of the person to whom the ammunition is sold or transferred.
- (3) Every manufacturer must keep the registers referred to in this regulations on the premises referred to on the licence for a period of ten years from the date of the last entry therein.

#### CONDITIONS APPLICABLE TO TEMPORARY TEMPORARY AUTHORISATION TO DISPLAY FIREARMS AND AMMUNITION

- 28.** (1) An application for a temporary authorisation to display in firearms and ammunition as contemplated in section 50 of the Act must be submitted to the relevant Designated Firearms Officer on the applicable form completed as prescribed in Schedule "A", and accompanied by such information and documents as may be required in terms of Schedule "A" as well as -
- (a) written motivation in support of the application, with specific reference to the steps which are contemplated in connection with the safe-keeping of the firearms and ammunition;
  - (b) a written declaration that the applicant has facilities available for the safe-keeping of the firearms and ammunition that complies to SABS Specifications; and
  - (c) a certified copy of the applicant's licence.
- (2) An application for a temporary authorisation must be lodged at least 30 days before the intended date on which the display shall take place.
- (3) The Manufacturer to whom a temporary authorisation has been issued must keep the temporary authorisation at the premises specified in the temporary authorisation.
- (4) The arms and ammunition to which the temporary authorisation pertains must be displayed and stored in accordance with the applicable provisions of these regulations.
- (5) Only persons named in the temporary authorisation may exhibit.
- (6) Such person must be in possession of a relevant competency certificate.
- (7) Firearms and ammunition must, outside of trading hours, be stored in the prescribed safe or strong room.

## GUNSMITH

- 29.** (1) A gunsmith licenced in terms of the Act may acquire and keep in stock any part of a firearm, including a main firearm component for the purposes of servicing, altering, repairing, customizing and adapting a firearm within the normal scope of the business of a gunsmith.
- (2) A gunsmith may acquire and keep in stock any ammunition reasonably necessary to test firearms within the normal scope of the business of a gunsmith.
- (3) A gunsmith may, subject to the Act, receive firearms for repair, servicing, customizing, custom building, adapting, to modify, assemble, deactivate or storage.
- (4) A gunsmith who has an apprentice must have personal control and supervision over such apprentice who performs any work on a firearm.
- (5) A gunsmith's licence may only be issued to a person who passed a relevant acknowledged trade test.

## REGISTERS TO BE KEPT BY A GUNSMITH

- 30.** (1) A gunsmith must keep a register on his or her business premises reflecting on a daily basis the following particulars:
- (a) in respect of every firearm in his or her possession, the firearm identification number, the identity number, residential address, telephone number of the licence, permit or authorisation holder of the particular firearm, the date on which the firearm was received, the type of firearm, its classification-model, caliber, date of collection and signature of the holder of the licence, permit or authorisation in respect of the firearm;
- (b) firearm parts and main firearm components in his or her possession and the purpose of such possession;
- (c) the receipt of firearms, firearm parts or main firearm components, the purpose of such receipt and the source of the receipt; and
- (d) the disposal of such firearms, firearm parts or main firearm components including the identify of the person to whom it was furnished.
- (2) A gunsmith must also keep a register on his or her premises reflecting on a daily basis the acquisition and disposal or discharging of ammunition by caliber.
- (3) A gunsmith must render monthly returns by workstation to the Registrar wherein the information referred to in sub-paragraphs (4) and (5) is contained, and, if the Gunsmith is exempted from being linked through a workstation, weekly returns must be submitted in the format of form as

prescribed in Schedule "A".

- (4) Testing of a firearm shall only be done by a person who holds an applicable competency certificate.

#### INFORMATION ON GUNSMITH'S LICENCE

**31.** A gunsmith's licence must contain the following information:

- (a) name in which the gunsmith's licence is issued;
- (b) name of responsible person (where applicable);
- (c) date of issue of licence;
- (d) date of expiry of licence;
- (e) reference code; and
- (f) details of safe or strongroom.

#### CONDITIONS APPLICABLE TO A GUNSMITH'S LICENCE

**32.** A Gunsmith Licence contemplated in Part 3 of Chapter 7 of the Act is subject to the following conditions:

- (a) Only the persons whose names are stated in the licence may carry on the trade as gunsmith;
- (b) The Registrar shall be notified of any change of the personnel whose names appear on the licence within 30 days of the change;
- (c) It is the joint and the several responsibility of the persons whose names appear on the licence to ensure that proper control is, at all times, updated over all the arms and ammunition, that the prescribed registers are properly maintained and that every reasonable precaution is taken against the loss or theft of the arms or ammunition;
- (d) The arms that are possessed in terms of the authority of this certificate shall be transported only by a person whose name appears on the licence and/or by a transportation company that is authorized in terms of these regulations;
- (e) It is not permitted to change, remove or add a serial number on a firearm or a barrel of a firearm without the prior permission of the Registrar having been obtained;
- (f) Firearms may only be tested at a Shooting Range under the supervision of a range official;
- (g) Arms shall be proofed in accordance with the laws and Regulations relating to the proofing of Arms by the South African Bureau of Standards;

- (h) It is the responsibility of the gunsmith and his/her personnel to be conversant with the provisions of the Firearms Control Act, 2000, the Regulations issued in terms of the Act and any amendments to it at all times; and
- (i) Firearms may only be destroyed or deactivated with the prior consent of the Registrar.

**CONDITIONS APPLICABLE TO TEMPORARY AUTHORISATIONS TO CONDUCT BUSINESS AS A GUNSMITH**

- 33.** (1) An application for a temporary authorisation to conduct business as a gunsmith as contemplated in section 64 of the Act must be submitted to the relevant Designated Firearms Officer on the applicable form completed as prescribed in Schedule "A", and accompanied by such information and documents as may be required in terms of Schedule "A" as well as -
- (a) written motivation in support of the application, with specific reference to the steps which are contemplated in connection with the safe-keeping of the firearms and ammunition;
  - (b) a written declaration that the applicant has facilities available for the safe-keeping of the firearms and ammunition that complies to SABS Specifications; and
  - (c) a certified copy of the applicant's licence.
- (2) An application for a temporary authorisation must be lodged at least 30 days before the intended date on which the conducting of the business shall take place.
- (3) The Gunsmith to whom a temporary authorisation has been issued must keep the temporary authorisation at the premises specified in the temporary authorisation and must at the request of a police official produce the temporary authorisation to such police official for inspection.
- (4) The arms and ammunition to which the temporary authorisation pertains must be stored in accordance with the applicable provisions of these regulations.
- (5) Only persons named in the temporary authorisation may conduct business as a gunsmith, and such person must be in possession of a relevant competency certificate; and
- (7) Firearms and ammunition must, outside of trading hours, be stored in the prescribed safe or strong room.

**OFFICIAL INSTITUTIONS**

- 34.** (1) A permit issued in terms of section 98(3) of the Act, which is of a general nature or relating to a specific firearm, must be duly completed in the

applicable form as prescribed in Schedule "A".

- (2) Where an employee has been authorized –
  - (a) to have a firearm in his or her possession after working hours;
  - (b) to carry the firearm on his or her person outside the premises of his or her working place; or
  - (c) to store the firearm at his or her place of residence,such fact must clearly be stated on the relevant permit.
- (3) Firearms must be stored by official institutions in a safe, or safekeeping device in accordance with the prescripts of SABS Standard 953-1 and SABS Standard 953-2.
- (4) The training and testing of an employee in the handling and safekeeping of firearms by official institutions must conform to standards approved by SAQAU.

#### DESTRUCTION OF FIREARMS

- 35.** (32) Where the State has decided or is obliged to destroy a firearm or ammunition in terms of this Act, the following procedure is to be followed–
- (a) Every firearm that has not been marked in terms of this Act, should be marked forthwith, and its particulars registered with the Central Firearms Register.
  - (b) The Central Firearms Register must be informed that the relevant firearm is to be destroyed, accompanied by full particulars relating to the firearm.
  - (c) An audit is to be carried out by a police official designated for that purpose by the Registrar immediately before the destruction of the firearms to ensure the integrity of the list to be supplied to the Registrar in terms of sub-paragraph (v).
  - (d) A firearm and ammunition may only be destroyed in the presence of a Designated Firearms Officer.
  - (e) A list of firearms so destroyed with full particulars of such firearms, must be supplied to the Registrar within 14 days after such destruction has been completed.
- (2) Where a person who may lawfully possess a firearm and who is the owner of the relevant firearm wishes to destroy the firearm, he may surrender the firearm to the police in terms of regulation 51.
  - (3) In all other instances of the destruction of a firearm, such destruction shall be reported in terms of section 120(11) of the Act, to the police station nearest

to the destruction within 24 hours after becoming aware thereof, by the persons referred to in that section.

- (4) Firearms may only be destroyed in terms of this Regulation by melting, pressing or in another manner determined by the Registrar, so that the original intent, design and purpose of the firearm or any part thereof is permanently and irrevocably destroyed.
- (5) No person may destroy or deactivate a firearm without the prior permission of the Registrar having been obtained in writing. The Registrar shall only consent to the destruction or deactivation of a firearm with due regard and compliance to the provisions of the Heritage Act.

#### THE DEACTIVATION OF A FIREARM

- 36.**
- (1) An application by the holder of a licence to deactivate a firearm shall be made on the applicable form prescribed in Schedule "A".
  - (2) The application and the firearm shall be submitted to a gunsmith, or to the Designated Firearms Officer, together with the applicable licence to possess the firearm.
  - (3) On receipt of such application, licence and firearm the gunsmith or Designated Firearms Officer shall issue an acknowledgment of receipt of the application to deactivate the firearm and of the licence to possess such firearm.
  - (4) The gunsmith shall update the register with the details required by regulation 30 pertaining to the firearm surrendered for deactivation.
  - (5) The gunsmith shall submit such application to the Designated Firearms Officer in whose area the gunsmith conducts business.
  - (6) On receipt of an application to deactivate a firearm the Designated Firearms Officer shall provide an acknowledgment of receipt of the application to the gunsmith.
  - (7) Such application shall be forwarded to the Registrar in order to determine whether such firearm must be referred for ballistic testing.
  - (8) If the Registrar determines that such firearm must be referred for ballistic testing, the Designated Firearms Officer shall collect such firearm from licence holder or the gunsmith, where applicable, and forward such firearm for ballistic testing.
  - (9) The Registrar shall, when the firearm is not referred for ballistic testing or when the test proves negative, provide the gunsmith with a notice of approval to deactivate the firearm.
  - (10) When the firearm is delivered to the Designated Firearms Officer for ballistic testing or when the test proves negative the Designated Firearms Officer shall return the firearm to the gunsmith who is to deactivate the firearm.



- (11) The gunsmith shall update the register by indicating that the authority to deactivate such firearm has been received.
- (12) Such firearm shall be deactivated 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 welded closed.
  - (d) Breech face:  
75% or more to be removed at an angle of 45°.
  - (e) Slide, Bolt or Breech-block:  
75% or more of the locking surfaces to be removed at an angle of 45°.
  - (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.
- (13) Such deactivated firearm and certificate shall be handed to the holder of the licence.
- (14) On receipt of the documents referred to in sub-paragraph (14) above, the Registrar shall cause the licence to be canceled and destroyed.
- (15) The Registrar shall forward a notice of licence cancellation to the licence holder.

#### MARKING OF FIREARMS

- 37.** (1) Every firearm manufactured in terms of the provisions of this Act or permanently imported which does not have a serial number or a number that duplicates with any firearm that appears on the Central Data Base must have the serial number stamped on the metal part of the firearm, subject to the

provisions of section 23(3) of the Act.

- (2) Such stamping must be to a depth of at least 0.2 mm.
- (3) The serial number must be inscribed as follows:
  - (a) The first two characters must be the letters ZA;
  - (b) the next four characters must represent the year of manufacture or the year the firearm is imported and must be inscribed using Arabic numerical characters;
  - (c) the following four characters represent the manufacturer's code and may be alpha numeric; and
  - (d) the following eight characters must be Arabic numeric characters representing the serial number allocated by the Registrar.
- (4) A firearm that is temporarily imported or in-transit through the Republic must be allocated a unique firearm identification number by the Registrar and such number must be affixed to the firearm in the form of a sticker which must remain on the firearm for the period that the firearm remains in the Republic.

#### PROOFING OF FIREARMS

- 38.** The Registrar may refuse to licence a firearm in terms of the Act unless compliance of proofing in terms of the Standards Act, 1993 (Act No. 29 of 1993 or any amendment thereto ) or an internationally accepted standard of proofing is provided by the applicant at the request of the Registrar.

#### SAFEKEEPING OF FIREARMS AND AMMUNITION

- 39.** (1) A holder of a licence to possess a firearm is required to store the firearm and applicable ammunition in a safe or strongroom as set out in the SABS 953-1 and 953-2 Standard, at the applicable address provided in the application for the licence or the address changed to in compliance with regulation 53 , as specified on the licence, when the firearm is not under his direct control.
- (2) A holder of a licence to deal in firearms and ammunition is obliged to store such firearms and ammunition in a safe or strong-room as set out in SABS 953-2 Standard, at the place of business authorized on the applicable licence.
- (3) A holder of a licence to manufacture firearms or ammunition is obliged to store such firearms or ammunition in a safe or strong-room, as set out in SABS 953-2 Standard, at the place of business authorized on the applicable licence.
- (4) A holder of a gunsmith's licence is obliged to store the firearms or ammunition being the subject of the licence, in a safe or strong-room as set out in SABS 953-1 and 953-2 Standard, at the place of business, authorized on the applicable licence.

- (5) Notwithstanding sub-regulation (1), where the holder of a licence to possess a firearm, is away from his or her place of residence or business, and does not have the relevant firearm under his or her direct control, the firearm may be temporarily stored by means of a any safe, strong-room, device, apparatus or instrument for the safekeeping of a firearm, as set out in SABS 953-1, 953-2 and 953-3 Standard, that is under supervision of a licence or permit holder or person authorised to possess a firearm as contemplated in terms of any provision under the Act: Provided that a temporary authorisation in terms of section 21 of the Act had been issued to the person who will temporarily store the firearm and / or ammunition.
- (6) 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 authorize the person designated thereto by the said occupier to store the firearm and ammunition on his or her behalf in any safe, strong-room , device, apparatus or instrument for the safekeeping of a firearm, as set out in SABS 953-1, 953-2 and 953-3 Standard or a lock away safe for such period as is necessary under the circumstances.
- (7) Where temporary authorisation has been issued-
- (a) to possess a firearm in terms of section 21 of the Act; or
  - (b) to trade in firearms and ammunition on premises other than those specified in the applicable dealer's licence in terms of section 36 of the Act; or
  - (c) to display firearms and 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 impose any prescribed condition in respect of such temporary authorisation as to the safekeeping, carriage and storage of the relevant firearms and ammunition, including safekeeping, carriage and storage in a safe, strong-room, device apparatus or instrument for the safekeeping of a firearm set out in SABS Standard 953-1, SABS Standard 953-2 and SABS Standard 953-3.

- (8) Where an import, export or in-transit permit have been issued in terms of section 74 of the Act, or a firearm transporters permit have been issued in terms of section 86 of the Act, the Registrar may impose any prescribed condition in respect of such permit as to the safekeeping, carriage and storage of the relevant firearms and ammunition, including safekeeping, carriage and storage in a safe, strong-room, device, apparatus or instrument for the safekeeping of a firearm set out in SABS Standard 953-1, SABS Standard 953-2 and SABS Standard 953-3.
- (9) A safe, strong-room, device, apparatus or instrument for the safekeeping of firearms will be deemed to comply with the standards set out in SABS

Standard 953-1, SABS Standard 953-2 and SABS Standard 953-3. for all purposes of this Act, if the Registrar issue a certificate to this effect.

- (10) The Registrar may issue such certificate in respect of any safe, strong-room, device, apparatus or instrument in existence at the inception of these Regulations that does not technically conform to the specifications set out in the Standards referred to in sub-paragraph (9), but that would, in the opinion of the Registrar, effectively and substantively serve the same purpose: Provided that the specification accepted by the Registrar shall not be less than the relevant standards set by the SABS in respect of the safe, strong-room, device, apparatus or instrument in existence at the time of the latest issuing of an applicable licence for which the safe, strong-room, device, apparatus or instrument was approved.
- (11) If a person has stored a firearm by means of a safe, strong-room, device, apparatus or instrument in terms of a provision of this regulation, it shall be prima facie proof that the person has acted with reasonable care in the circumstances.
- (12) Firearms other than those in respect of which a licence for self defense in terms of section 13 had been issued, must be stored in accordance with these regulations, without any ammunition attached thereto.

#### STORAGE

40. Where a person supplies storage facilities for firearms and ammunition to third parties, such facilities must conform to the requirements for a safe, strong-room, device, apparatus or instrument for the safekeeping of firearms as set out in the SABS 953 Standard, and subject to the provisions of this Act, any person who may lawfully possess a firearm or ammunition, shall at all times have exclusive access to the relevant facility, or his or her presence and co-operation shall be a necessary prerequisite for access to the relevant firearm and ammunition, unless the storage is undertaken by a licenced dealer or gunsmith in which case the dealer or the dealer's personnel with valid competency certificates, or the gunsmith may store firearms and ammunition on behalf of others.

#### APPLICATION FOR A FIREARM TRANSPORTER'S PERMIT

41. (1) Application for a Firearm Transporter's permit to transport firearms and ammunition as a firearm transporter must be made on the applicable form prescribed in Schedule A and handed to the relevant Designated Firearms Officer.
- (2) An application for a Firearm Transporter's permit must in addition to the requirements contained in regulation 2 be accompanied by the following documentation and information:
  - (a) proof of a two way communication system between the vehicle transporting the firearms and ammunition and the consignor;

- (b) description of safety measures fitted to the vehicle; and
- (c) description of security precautions in place.

#### CONDITIONS APPLICABLE TO A FIREARM TRANSPORTER'S PERMIT

- 42.** (1) A firearm transporter may only lawfully possess and transport firearms and ammunition, if such firearm transporter has obtained a prior written consent by the licence holder or other legally entitled person in respect of the firearms and ammunition to be transported.
- (2) A Firearm Transporter's permit authorizes the firearm transporter and all the personnel in his or her employ to receive, transport, store and deliver consignments of firearms or ammunition during the permit period.
- (3) The Registrar shall only issue a Firearm Transporter's permit if the arrangements for the reception, carriage and delivery of the firearms and ammunition, the safe and efficient transportation thereof, including the type and construction of the vehicle to be used as well as the relevant containers, minimum personnel to be involved, and minimum communication facilities are within the sole discretion of the Registrar, adequate to ensure the safe and secure transport and storage of the firearms and ammunition.
- (4) The permit shall specify the period wherein the transportation may take place, the method by which the transportation is to take place, safety measures required by the Registrar to be in place.
- (5) A firearm transporter who transports firearms and ammunition shall at the time of such transport be in possession of -
- (a) a consignment-note on which the following particulars appear:
    - (i) the name and address of the transporter;
    - (ii) the name and address of the consignor or licence holder or other legally entitled person in respect of the firearms and ammunition;
    - (iii) full particulars in respect of the firearms and ammunition which is transported; and
    - (iv) particulars regarding the origin and destination of the firearms and ammunition which is transported;
  - (b) the permit authorizing the transportation of such firearms and ammunition;
  - (c) the written consent referred to in sub-paragraph (1)(a); and
  - (d) any other document which may under this regulation or any other law be required.

- (6) A firearm transporter shall keep the documents referred to in sub-regulation(6) for a period of 5 years after the transportation and produce it, on request to a police official or a Designated Firearms Officer for inspection.
- (7) Where a firearm transporter is obliged to store the firearms or ammunition for any period of time, after reception and before delivery, such storage must conform to the requirements for safekeeping and storage set out in regulation 39(8).
- (8) Where a consignment is en route and at all times under the direct supervision of the firearm transporter or his or her personnel, the transportation must conform to the requirements for the transportation of firearms set out in regulation 42.
- (9) The consignee must notify the firearm transporter of the receipt of the consignment of firearms and ammunition. Such notification shall contain the following information:
  - (a) name and surname of recipient;
  - (b) recipient's address;
  - (c) date and time of delivery; and
  - (d) description of firearms and ammunition received.
- (10) A Firearms transport Permit is not transferable.
- (11) The firearm transporter must notify the Registrar in writing within 24 hours in the event of non-delivery or loss or theft of any of the firearms and/or ammunition reflected in the permit.
- (12) In the event of any change to the particulars reflected in the permit a new application must be lodged in accordance with these regulations.

#### INFORMATION CONCERNING IN-TRANSIT PERMIT

- 43.**
- (1) An application for an in-transit permit for firearms and ammunition must be made on the applicable form prescribed in Schedule "A" and submitted to the Designated Firearms Officer nearest to the port of entry through which the consignment will enter South Africa.
  - (2) An application for an in-transit permit shall be accompanied by the following documentation:
    - (a) permission to import the firearms and ammunition into the country of final destination; and
    - (b) specification of transport route, indicating port of entry and exit.
  - (3) In addition, where an application is made by a juristic person, such

application must also be accompanied by the following documentation –

- (a) permission to export the firearm and ammunition from the country of origin;
- (b) written consent of lawful possessor;
- (c) end user certificate; and
- (d) consignment note of firearms and ammunition to be carried in transit.

#### CONDITIONS APPLICABLE TO IN-TRANSIT PERMITS

- 44.** (1) The in-transit permit shall authorize the person specified therein and the personnel in his or her employ to receive, transport, store and deliver the consignment of firearms and ammunition according to the terms of the in-transit permit: Provided that where the quantity of firearms and ammunition is of such a nature the Registrar may for security reasons require the holder of an in-transit permit to make use of a firearm transporter to transport the firearms and ammunition through South Africa.
- (2) The in-transit permit shall specify the period in which the firearms and ammunition may be in transit through South Africa, the route indicating the port of entry and exit, the method of conveyance or transport, and safety measures required by the Registrar that are to be in place.
- (3) Where the holder of an in-transit permit is obliged to store the firearms and ammunition for any period of time, after reception and before the consignment is outside of South Africa, such storage must conform to the requirements for safekeeping and storage of firearms and ammunition as set out in regulation 39(8).
- (4) The consignment shall at all times except when stored as set out in Regulation 39(8) be under the direct supervision of the in-transit permit holder or his or her personnel.

#### CONDITIONS IN RESPECT OF IMPORT AND EXPORT PERMIT

- 45.** (1) Any application for the permanent import or export of a firearm or ammunition as well as any application by the holder of a Dealers, Manufacturers or Gunsmiths licence for the temporary import or temporary export of a firearm or ammunition must be submitted by the applicant, subject to sub paragraph (2), to The Head: Central Firearms Register or the relevant Designated Firearms Officer who must submit the application to The Head: Central Firearms Register for consideration and issuing if approved.
- (2) An application for a temporary export permit in respect of a firearm licenced for the purpose of self-defense, hunting, sport-shooting, in a private or public collection or business purposes under the Act must, subject to sub regulation (3), be submitted by the applicant at the port of exit or to a designated Firearms Officer or to The Head: Central Firearms Register. The permit may

- be issued by the Designated Firearms Officer who received the application.
- (3) An application for a temporary import permit and the subsequent export permit or multiple import and export permit by a person who is a non-resident and not the holder of a resident permit must, in respect of any firearm or ammunition not licenced under the Act, be submitted to the police station in the Republic which is situated nearest to the border post where the applicant will enter into the Republic. The permit will be issued by the Designated Firearms Officer who received the application: Provided that where the applicant supplies a forwarding address outside the borders of the Republic, application may be made directly to the Registrar at the Central Firearms Register prior to the arrival of the applicant in the Republic.
  - (4) An application referred to in sub-regulation (1) may be made at the applicable police station by the applicant in person or by a person acting on a properly executed written mandate on behalf of the applicant, provided that the written mandate is attached to the application.
  - (5) A temporary import permit, export permit and multiple import-export permit shall not be issued for a period exceeding 6 months at a time, unless the Registrar decides otherwise on good cause shown.
  - (6) A temporary import permit and multiple import-export permits shall only be issued -
    - (a) to a foreign visitor for the purpose of hunting who is able to produce proof of the pre-arranged hunt;
    - (b) to the guest of a South African citizen or permanent resident in the Republic who will allow the applicant to hunt on his or her land provided proof of the pre-arranged hunt is produced;
    - (c) to a foreign visitor to participate in a competitive target shooting event or to display firearms at a sports or hunting trade show sponsored by a national, provincial or local firearms trade organisation devoted to the competitive use or sporting use of firearms;
    - (d) to an official of a foreign government or a distinguished foreign visitor so designated by the South African Department of Foreign Affairs;
    - (e) to a foreign law enforcement officer entering the Republic on an officially approved law enforcement assignment; or
    - (f) to a person who, for other legitimate reasons, has received the prior approval from the Registrar and where the applicant can demonstrate:
      - (i) knowledge of the safe handling and use of the firearm in question through possession of a licence for the firearm or through past experience; and
      - (ii) knowledge of the South African laws relating to firearms, including the principles relating to the use, safe storage and handling of firearms and where applicable their public display.