

NOTICE 749 OF 2004
MINISTRY FOR SAFETY AND SECURITY

The Minister for Safety and Security is, in terms of section 140 of the Firearms Control Act, 2000, empowered to declare any premises or categories of premises to be firearm-free zones, if it is-

- (a) in the public interest; and
- (b) in accordance with the objects of the above Act.

The Minister hereby gives notice of his intention to declare all schools and other learning institutions, including institutions for higher education and Universities, as firearm-free zones, in terms of section 140 of the Firearms Control Act, 2000.

The consequences of the declaration of a firearm-free zone are, that without the authorization of the Minister, no person may-

- (a) allow any firearm or ammunition to be in a firearm-free zone;
- (b) carry any firearm or ammunition in a firearm-free zone; or
- (c) store any firearm or ammunition in a firearm-free zone.

A police official may without warrant-

- (a) search any building or premises in a firearm-free zone if he or she has a suspicion on reasonable grounds that a firearm or ammunition may be present in the firearm-free zone in contravention of a notice issued in terms of subsection (1);
- (b) search any person present in a firearm-free zone; and
- (c) seize any firearm or ammunition present in the firearm-free zone or on the person in contravention of a notice issued in terms of subsection (1).

The Minister may in a notice issued in terms of section 140(1) authorize "exemptions" to the prohibitions referred to above.

The Minister for Safety and Security is furthermore empowered to prescribe measures to be taken regarding the demarcation of and placing of signposts on premises which are declared as firearm-free zones. The following Regulation pertaining to firearm-free zones was published in the Gazette on 26 March 2004, to come into operation on 1 July 2004:

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“Firearm Free Zones

109 (1) The owner or the lawful occupier of premises or category of premises may submit a duly completed application form as prescribed in Annexure “A”, together with any required supporting documents, to have the said premises declared a firearm-free zone.

- (2) *Such application must be submitted to the relevant Designated Firearms Officer and must be accompanied by a full motivation which shall include the following:*
- (a) *Reason why the premises or category of premises must be declared as a firearm-free zone;*
 - (b) *capacity to maintain the premises or category of premises as a firearm-free zone;*
 - (c) *medium of communication to inform the public.*
- (3) *The following specific conditions shall in all respects apply to firearm-free zones:*
- (a) *the premises declared a firearm-free zone must be clearly identified and demarcated;*
 - (b) *the institution where premises are declared a firearm-free zone must endeavour to mark all correspondence accordingly to reflect the premises or category of premises’ status as a firearm-free zone; and*
 - (c) *the notices and signs must be clearly visible and unobscured at all times;*
 - (d) *the institution where premises are declared a firearm-free zone must endeavour to mark all correspondence accordingly to reflect the premises or category of premises’ status as a firearm-free zone; and*
 - (e) *the person applying on behalf of the Institution must notify the relevant Designated Firearms Officer of any changes that may occur to any information submitted in the application”.*

The application process referred to above, will only be applicable where the owner of a premises, on a voluntary basis applies to the Minister for Safety and Security to declare a premises or category of premises as a firearm-free zone, and not where the Minister decides to exercise his powers to declare a premises or category of premises as a firearm-free zone, without having received such an application. The application form “A”, had also been published in the *Gazette*, but will only be applicable from 1 July 2004, when the Regulations will come into force.

The declaration of any school as a firearm-free zone, will not exempt such school or any person from complying with the provisions of the Regulations for Safety Measures at Schools, prescribed by the Minister of Education under the South African Schools Act, 1996 (Act No. 84 of 1996).

Any interested or affected party or person, and the public in general, is hereby invited to comment on the Minister's intention to declare all schools and learning institutions as firearm-free zones in terms of section 140 of the Firearms Control Act, 2000. Comments must be addressed to:

Assistant Commissioner PC Jacobs
South African Police Service: Legal Services
Private Bag X302
PRETORIA
0001

Physical Address: Wachthuys, Pretorius Street
Thibault Arcade
Detective Service
Room 702 (7th Floor)
PRETORIA
0002

Fax No.: (012) 3932296
Tel. No.: (012) 3931829/30
E-Mail : jacobspc@saps.org.za

Comments must be received not later than six weeks from the date of publication of this notice.

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