

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

### **[91]93 Appeal procedure**

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

Postal address: Private Bag X811, Pretoria, 0001;

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

Facsimile address: (012) 353 6211;

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

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

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

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

## **CHAPTER 12 GENERAL PROVISIONS**

### **192194 Application for compensation**

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

- (2) The application form must be completed in black ink by the applicant personally or, in the case of a juristic person, by the responsible person as contemplated in section 7 of the Act.

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

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

**[94]196 Surrendering of muzzle loading firearm, firearms and ammunition**

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

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

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

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

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

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

#### **196198 Payment of fees**

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

#### **197199 Payment of administrative fines**

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

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

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

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

certificate, licence, permit or authorisation is surrendered in compliance with subregulation (1).

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

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

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

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

#### **[100]102 Change of address**

- (1) A notification of the change of an address as required under the Act must be submitted to the relevant Designated Firearms Officer on the applicable form prescribed in Annexure 'A'.
- (2) With every notification for a change of the physical address the relevant Designated Firearms Officer must ensure that the safe custody facilities at the new address complies with the applicable provision in regulation [86]88.

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

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

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

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



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

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

#### **[103]105 Disposal of firearms in insolvent or deceased estate**

- (1) Prior to the issuing of a Letter of Executorship by the Master, the nominated executor in the will and in the absence of such nominated executor, the heir, next of kin or close relative of a deceased who was the holder of a licence, permit or authorisation in terms of the Act, may under authority of a permit issued in terms of section 21 of the Act, possess the firearms of the deceased until subregulation (2) takes effect.
- (2) Subject to the provisions of any other law, any person who under any execution warrant issued by a court of law, or an appointment, letter of executorship, letter of administration or letter of curatorship from the High Court or the Master of the High Court, as the case may be, acts as messenger of the court, bailiff, executor, administrator, trustee, curator or liquidator of the estate of a person who possess a muzzle loading firearm, firearm or ammunition, must take steps to ensure the safe custody of the muzzle loading firearm, firearm and ammunition and store the muzzle loading firearm, firearms and ammunition in a storage facility as prescribed in regulation [86]88: Provided that if an heir of a deceased estate is a holder of a licence, authorisation or permit to possess a firearm or in the case of a muzzle loading firearm, a relevant competency certificate issued under the Act, that heir may provide for

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

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

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

- (11) (a) A practicing attorney, or a person contemplated in regulation 2 and 3 of the Regulations Prohibiting the Liquidation or Distribution of the Estates of Deceased Persons by any Person other than an Attorney, Notary, Conveyancer or Law Agent, 1968, who is rendering a professional service in the administration of a deceased estate on behalf of the nominated or appointed executor of that estate, may-
- (i) store all muzzle loading firearms, and
  - (ii) under authority of a permit issued in terms of section 21 of the Act, store the firearms and ammunition in the possession of the deceased estate of the person in respect of whom the attorney or person is rendering the service, until the muzzle loading firearms, firearms and ammunition are transferred or surrendered in terms of the Act: Provided that such storage is subject to the provisions of regulation ~~167169~~(1) and ~~167169~~(4) as well as, insofar as is applicable, regulation ~~186188~~.
- (b) The provisions of regulation ~~103105~~ are applicable to those attorneys or persons contemplated in subparagraph (a) and such attorneys or persons shall in all respects comply to these Regulations in the same manner as required from the executor of the estate on whose behalf such attorneys or persons are acting.

#### ~~104106~~ Destruction of firearms

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

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

- (c) an audit is to be carried out by a Designated Firearms Officer designated for that purpose by the Registrar before the destruction of the firearm and ammunition to verify the particulars recorded on the list to be supplied to the Registrar in terms of subparagraph (e) ;
  - (d) a muzzle loading firearm, firearm and ammunition may only be destroyed in the presence of a Designated Firearms Officer; and
  - (e) a list of muzzle loading firearms, firearms and ammunition destroyed with the particulars of such firearms contemplated in subparagraph (b) , must be supplied by the Designated Firearms Officer contemplated in subparagraph (c) or (d) to the Registrar within 14 days after the destruction has been completed.
- (2) Where a person lawfully possess a muzzle loading firearm or firearm and who is the owner of the relevant muzzle loading firearm or firearm wishes to destroy the muzzle loading firearm or firearm, he or she may surrender the muzzle loading firearm or firearm to the relevant Designated Firearms Officer in terms of regulation ~~194~~196.
  - (3) In all other instances of the destruction of a firearm, such destruction shall be reported under section 120(11) of the Act, to the police station nearest to the place where the destruction occurred within 24 hours after becoming aware thereof, by the persons referred to in that section.
  - (4) Muzzle loading firearms and IFfirearms must only be destroyed under this regulation by melting, pressing or in another manner determined by the Registrar, so that the original intent, design and purpose of the muzzle loading firearm or firearm or any part thereof is permanently and irrevocably destroyed.
  - (5) No person including the State may destroy a muzzle loading firearm or firearm without the prior written permission of the Registrar. The Registrar shall only consent to the destruction of a muzzle loading firearm and firearm with due regard and compliance with the provisions of the National Heritage Resources Act, 1999 (Act 25 of 1999) as imposed by the South African Heritage Resources Authority or their nominated agents.

**[105]107 Deactivation of firearms**

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

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



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

#### **[106]108 Proofing of firearms**

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

#### **[107]109 Change of circumstances**

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

#### **[108]110 Correction of information**

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

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

#### **[109]111 Firearm Free Zones**

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

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

#### **[110]112 Offences and penalties**

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

#### **[111]113 Receipts**

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

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

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

#### **112 Official address**

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

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

#### **113 Repeal of regulations**

- (1) The Regulations 1 to 114 promulgated by Government Notice R1521 345 published in Gazette I251531 26156 of I30 June 20031 26 March 2004 are hereby repealed and substituted with regulations 1 to 116 of these regulations.
- (2) The following forms prescribed in Annexure A of the Firearms Control Regulations, 2004, promulgated by Government Notice 345 published in Gazette 26156 of 26 March 2004 are hereby repealed and substituted with the forms prescribed in Annexure B:

- (a) \_\_\_\_\_  
(b) \_\_\_\_\_.

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

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

#### **14]16 Title and commencement**

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

#### Annexure A

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

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