DEPARTMENT OF POLICE

NO. 437 **21 May 2021**

INVITATION FOR PUBLIC COMMENTS: DRAFT FIREARMS CONTROL AMENDMENT BILL, 2021

1. Notice is hereby given that the draft Firearms Control Amendment Bill, 2021 ("the draft Bill") is made available for public comments. The draft Bill, the Object Memorandum thereto, as well as the Socio-Economic Impact Assessment System (SEIAS) Report are posted on the website of the Civilian Secretariat for Police Service at: http://www.policesecretariat.gov.za

2. The draft Bill seeks to amend the Firearms Control Act, 2000 (Act No. 60 of 2000), in order to-

   - provide for the insertion of a definition for "Authority", "ballistic sampling", "valid reason", "Automated Ballistic Identification System", "percussion/cap and ball firearm", "prohibited firearm" and "Service"; the substitution of the definitions for "dedicated hunter", "dedicated sportsperson", "firearm", "Minister", "muzzle loading firearm", "occasional hunter", "occasional sports person", "professional hunter", and "restricted firearm"; to delete the definition of "private collector",
   - to provide for the amendment of the Preamble;
   - to provide for the amendment of the Purpose of the Act and the insertion of Principles and the Objects of the Act; to provide for a muzzle loading

firearm to be included in the definition of "firearm", deletion of other references to muzzle loading firearms and consequential amendments relating thereto;

- to provide for the amendment of the provision relating to prohibited firearms; to provide for the issue of competency certificates to persons between the age of 18 and 21 years based on compelling reasons; to provide for the verification by accredited associations of applications to possess a firearm; to provide for the period of validity of all competency certificates to be five years; to provide for the Registrar to provisionally suspend the processing of an application for a competency certificate where the applicant has been issued with an interim protection order in terms of the Domestic Violence Act or the Protection from Harassment Act;
- to provide for the time period for the renewal of a competency certificate; to provide for matters relating to additional licences;
- to provide for the applicant for a firearm to provide a valid reason for possessing a firearm; to provide that no firearm licences may be issued for self-defence purposes;
- to provide for conditions under which a firearm licence for occasional hunting or sports-shooting may be issued; to provide for the limitation on the number of firearm licences that an occasional hunter or sports-shooter may hold;
- to provide for the types of firearms, other than a prohibited firearm, for which a firearm licence may be issued to a dedicated hunter or dedicated

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sports- person; to provide for the limitation of firearm licences that may be issued to a dedicated hunter, dedicated sports-person or professional hunter;

- to provide for the deletion of provisions that permit a private collector to collect and possess firearms and ammunition in a private collection;
- to provide for the deletion of the provision that permits a public collector to possess projectiles, rifle grenades and cartridges manufactured to be discharged by prohibited firearms; to provide for the reduction in the rounds of ammunition that a public collector may possess;
- to provide for the deletion of the provision that requires that a prohibited or restricted firearm that is displayed in an accredited museum must have undergone a prescribed reversible non-damaging procedure before it is displayed;
- to provide that a restricted or prohibited firearm or device in a public collection may only be possessed if permanently deactivated; to provide that a restricted firearm may be issued by the Registrar upon certain factors, including a valid need;
- to provide for certain obligations of the Private Security Industry Regulatory Authority and accrediting associations towards the Registrar; to provide for the Registrar's obligations towards the Private Security Industry Regulatory Authority;
- to provide for the establishment of a Consultative Forum and matters related thereto;

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- to provide for the marking of muzzle loading firearms in dealer's stock in a prescribed, non-damaging manner;
- to provide for the ballistic sampling of firearms in possession of the private security industry and in official institutions;
- to provide for the period within which a renewal of a firearm must be made and consequences for a failure to do so;
- to provide for the periods of validity of firearm licence or permit; to provide for the deletion of the provision relating to the sale or donation of a firearm without the intervention of a dealer;
- to provide for renewal of firearm licences and that a firearm licence remains valid until the application for renewal is decided;
- to provide that the Registrar may restrict the number and types of firearms and ammunition that may be imported or exported;
- to provide for the reduction of the number of ammunition that a licensed firearm holder may possess;
- to provide for the head of an Official Institution to submit quarterly reports to the Registrar on losses or theft of firearms and matters related thereto;
- to provide for ballistic sampling of firearms in possession of Official Institutions;
- to provide for the Registrar to suspend firearm licences of licence holders charged with an offence under the Domestic Violence Act and the Protection of Harassment Act; to provide for the Registrar to issue a warrant

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for the search and seizure of competency certificates, permits, firearms and ammunition in possession of firearm licence holders declared unfit;

- to provide for the establishment of the Central Firearm Register as a Division in the South African Police Service; to provide for the Registrar to submit quarterly reports to the Minister and Parliament on losses and theft of firearms issued to members of the police and other Official Institutions; to provide for the designation of a Designated Firearms Officer at each police station with a clear description of functions, in order to strengthen the control over firearms in possession of the police, other Official Institutions and private security service providers and to improve the processing of applications for competency certificates and firearm licences;
- to provide for obligations of commanders, including station commanders in respect of the control over firearms;
- to provide for the Minister of Police to appoint additional members to the Appeal Board, to provide for the strengthening of the independence of the Appeal Board and the functions of the Appeal Board;
- to provide for the Central Firearms Database to contain a dedicated database of firearm licences issued to security service providers linked to the database of the Private Security Industry Regulatory Authority;
- to provide for the Registrar to appoint the head of the Office of the Central Firearms Register on at least the level of a Divisional Commissioner and who must report to and be directly accountable to the Registrar;

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- to provide for the deletion of the provision that allows for a person who surrenders a firearm during an amnesty to apply for a licence in respect of that firearm;
- to provide for powers of the Minister to prescribe matters pertaining to the processing of applications for firearm licences and competency certificates, the functioning of the Appeal Board and the carrying of firearms by security officers in the execution of their duties and functions;
- to provide for the executor or administrator of a deceased estate to notify the Registrar of the death of the licence holder and of the place where the firearm of the deceased will be kept; to provide for the Registrar to issue a temporary authorisation to possess a firearm or ammunition in the deceased estate until the executor or administrator of the deceased estate is appointed;
- to provide for the inclusion of ammunition in the provision of the Act that deals with inherited firearms;
- to provide for the executor or administrator of a deceased estate to remain in possession of the estate firearm until the application of a firearm licence is decided;
- to provide for regulations to be made as a result of the amendments; to provide for transitional provisions in respect of percussion/cap-and-ball revolvers, including provision for an additional licence in the category of occasional hunting and sports shooting, in order to accommodate the licensing of percussion/cap-and-ball revolvers;

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- to provide for the licensing of muzzle loading firearms within twelve months from the date of commencement of the Amendment Act; to provide that a licence or permit issued in respect of a prohibited firearm, device, ammunition, projectile, rifle grenade and cartridges to a private collector shall remain valid until the date of expiry of that licence; to provide for an additional licence issued in respect of a valid licence to possess a firearm or restricted firearm for self-defence to remain valid until the expiry of that licence;
- to provide for a valid firearm licence issued for dedicated hunting, dedicated sports-shooting, professional hunting and for private collection to remain valid until the expiry of that licence;
- to provide for a valid firearm licence issued for private and public collection to remain valid until the expiry of that licence; to provide that a valid licence, competency certificate, permit or authorisation shall remain valid until the date of expiry of that licence, competency certificate, permit or authorisation;
- to provide for the compliance by Official Institutions to Chapter 11 of the Act;
- to provide for transitional provisions in respect of the registration of frames and receivers; to provide for transitional provisions in respect of licences issued under the repealed Arms and Ammunition Act, 1969;
- and to provide for matters connected therewith.

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3. All interested persons and organisations are invited to submit written comments on the draft Bill and Socio-Economic Impact Assessment System Report no later than 45 days from date of publication of this notice by –

   (i) e-mail to: comments.fcabill@csp.gov.za

   (ii) posting comments to:
   Secretary for Police Service, for attention of Mr M Ntwana at:
   Civilian Secretariat for Police Service
   Private Bag X922,
   PRETORIA
   0001

   (iii) hand delivery at the Civilian Secretariat for Police Service at Van Erkom Building, Van Erkom Arcade, 7th Floor, 217 Pretorius Street **PRETORIA**.

4. Kindly provide the name, postal and e-mail address, telephone and fax number of the person or organisation submitting the comments.

5. Enquiries regarding access to a copy of the draft Bill may be made to Ms Lornah Legomo at telephone no. (012) 393 4658 or by email lornah.legomo@csp.gov.za

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