

NOTICE 1325 OF 2007

(Government Gazette 30401)

FIREARMS CONTROL AMENDMENT REGULATIONS, 2007

The Minister for Safety and Security intends to review and amend the Firearm Control Regulations, 2004. Draft Regulations are hereby published for general information and comment from interested parties.

IMPORTANT NOTE: This is merely a working document, which is used to obtain the input of interest groups. The finalization of the draft Firearms Control Amendment Regulations will ultimately be done after the consultation process has been concluded. Parliamentary committees will also be involved in the process.

NO PART OF THE CONTENT OF THIS DOCUMENT OR ANY ALTERATION THEREOF MAY BE CONSIDERED AS A COMMITMENT TO THE FINAL PROVISIONS OF THE REGULATIONS.

Kindly note that -

- (a) as this is a working document certain technical corrections with regard to the numbering, spacing and general layout still need to be done; and
- (b) the existing forms as prescribed in the Firearms Control Regulations, 2004, remain unchanged and should therefore be read in conjunction with these proposed amendments.

Any comments, contributions or proposals on the Regulations may be submitted within 6 (six) weeks from the date of publication of this Notice in writing to the following:

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PROPOSED AMENDMENTS TO THE FIREARM CONTROL REGULATIONS, 2004.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing Regulations.

_____ Words underlined with a solid line indicate insertions in the existing Regulations.

DEPARTMENT OF SAFETY AND SECURITY

No. R. Xxx 2007

(English text signed by the Minister)

FIREARMS CONTROL ACT, 2000

Firearms Control Regulations

The Minister for Safety and Security has, under section 145 of the Firearms Control Act, 2000 (Act No. 60 of 2000), read with the provisions of section 14 of the Interpretation Act, 1957 (Act No. 33 of 1957) made the regulations in the schedule.

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Chapter 1 Introductory provisions

1 Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act, shall have that meaning and, unless the context otherwise indicates-

'accredited shooting range' means a shooting range or tunnel that complies with an applicable compulsory specification set in terms of the Standards Act, 1993 (Act 29 of 1993);

'applicant' includes a natural person or juristic person acting through its responsible person;

'conduct business in hunting' means **[a licensed professional hunter who escorts a client for reward to enable such client to hunt wild animals or a licensed] conducting the business of a hunting outfitter [who presents or organises the hunting of wild animals for clients];**

'dedicated procedure' means action or procedure directed at promoting conformity with the Act;

'firearm transporter means a person contemplated in section 86 of the Act; 'game farm' means an extensive farm that is fenced in such manner-

- (a) that game on land outside the fence cannot readily gain access to the land which is fenced;
- (b) that game cannot readily escape from the land which is fenced; and
- (c) on which herds of game are kept or raised for the purpose of game farming;

'game farming' means large scale farming operations consisting of breeding and running game on a game farm for the purpose of the game being hunted or harvested for their meat, carcasses, skins or as a trophy, against payment of a fee;

'hunting outfitter' means a person who presents or organises the hunting of game for reward and who is licensed as such in terms of an applicable provincial legislation;

'immediately' means by the end of the following normal business day;

'import' in relation to firearms or ammunition means to bring them, or cause them to be brought, from outside the Republic of South Africa into the Republic of South Africa and includes the bringing thereof into the Republic of South Africa at any harbour or airport or other place on board any vessel or aircraft or other means of conveyance, irrespective of whether or not the firearms or ammunition are off-loaded from such vessel or aircraft or other means of conveyance for conveyance through the Republic of South Africa to any place outside the Republic of South Africa or for any other purpose, or are intended to be so off-loaded; and 'import', when used as a verb, shall have a corresponding meaning;

'in transit' means the conveyance through the Republic of South Africa to another country firearms or ammunition that has been imported;

'main firearm component' means the barrel, frame, receiver, slide, bolt or breech-block of a firearm;

'multiple import-export permit' means an import and export permit authorising the multiple import and export of a specific firearm or ammunition during a specified period;

'person in good standing' means a person who-

- (a) is or remains acceptable to an accredited hunting association, sports-shooting organisation professional hunters association or collectors' association as a dedicated member, professional hunter or collector, as the case may be;
- (b) **[actually fulfils the intent of]** promotes conformity with the Act in respect of his or her status as a dedicated hunter or dedicated sports person, professional hunter, or collector as the case may be; and
- (c) is not unfit to possess a firearm in terms of the provisions of the Act;

'police station' includes *the* offices of a Designated Firearms Officer and a government office designated by the Registrar at which a function in terms of the Act as specified by the Registrar may be exercised;

'Private Security Industry Regulatory Authority' means the Authority as defined in section 1(1) of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001);

['professional hunter' means a person who offers or agrees to escort any other person for reward to hunt game and who is licensed as such in terms of applicable provincial legislation;

'public collection' means a collection of firearms or ammunition intended to be displayed to the public;]

'record' means recorded information regardless of form or medium;

'relevant Designated Firearms Officer' means the Designated Firearms Officer responsible for the area in which the applicant ordinarily resides, and if an application under these Regulations 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;

'SABS' means the South African Bureau of Standards referred to in section 2(1) of the Standards Act, 1993 (Act 29 of 1993);

'secure locking device' means a device that can only be opened or released by the use of an electronic, magnetic or mechanical key or by setting the device in accordance with an alphabetical or numerical combination and when affixed to a firearm, prevents the firearm from being detached from a fixed structure;

'security service' means a security service as defined in section 1(1) of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001);

'State' means an organ of State as defined in section 239 of the Constitution of the Republic of South Africa, 1996 **[(Act 108 of 1996)]**;

'the Act' means the Firearms Control Act, 2000 (Act 60 of 2000); and

'unloaded' means that any propellant, projectile or cartridge which can be discharged from the firearm is not contained in the breech-block or firing chamber of the firearm nor in the cartridge, magazine or cylinder attached to or inserted into the firearm.

CHAPTER 2 ACCREDITATION

2 General provisions relating to accreditation

- (1) An applicant requiring accreditation for a purpose contemplated in the Act must apply to the Registrar for such accreditation.
- (2) An applicant referred to in subregulation (1), must submit the duly completed relevant application form, prescribed in Annexure 'A' together with any required supporting documents, to the relevant Designated Firearms Officer.

- (3) 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 contemplated in section 7(1) of the Act who must be nominated in writing by the juristic person to act on behalf of the juristic person.
- (4) When an applicant is a juristic person, the Registrar may require from the applicant any information regarding any aspect required on the prescribed form also of any person who is in control of the juristic person or is responsible for the management thereof.
- (5) The information requested by the Registrar under subregulation (4) must be supplied by the person concerned personally on the form required by the Registrar.
- (6) When required by the Registrar, an applicant referred to in subregulation (1), must provide [**a set of**] such fingerprints of the applicant as the Registrar may require and an authenticated copy of the identity document of the applicant, if a natural person, or, in the case of a juristic person, of the responsible person and any person who is in control thereof or is responsible for the management thereof.
- (7) In deciding whether an applicant qualifies for accreditation under the Act, the Registrar must take into account any relevant factor that reflects on the applicant, if a natural person, or, in the case of a juristic person, of the responsible person and every person who is in control of, or is responsible for the management of the juristic person regarding-
 - (a) trustworthiness and integrity;
 - (b) the suitability to perform the relevant functions in terms of the Act;
 - (c) the capacity to serve the purposes of the accreditation;
 - (d) the capacity to advance *the* purposes of the Act as referred to in section 2 of the Act; and
 - (e) a written report compiled by the relevant Designated Firearms Officer, as well as, any written submissions by the applicant to such report.
- (8) In deciding whether an applicant fulfils the criteria referred to in subregulation (7), the Registrar may also take into account, where applicable-
 - (a) the infra-structure of the applicant;
 - (b) any relevant qualifications of the applicant or his or her employees;
 - (c) the time period of the applicant's existence or functioning;
 - (d) the main purpose of the applicant, and the applicant's interest and experience in the applicable field for which accreditation is applied for;
 - (e) the code of conduct or ethical code of the applicant, and any disciplinary code or measures applicable to the members or employees 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 or forfeit membership;
 - (h) any organisational affiliation of applicant;
 - (i) the intent of the applicant to fulfil the purpose of the accreditation;
 - (j) any interest or conflict of interest which may render the applicant unsuitable for accreditation;
 - (k) the intent of the applicant to promote the purposes of the Act referred to in section 2 of the Act;
 - (l) the region that the operations or functions of the applicant covers;

- (m) any other fact that will in the Registrar's opinion be relevant to ascertain the suitability for accreditation; and
 - (n) written representations by any other person in support of the application.
- (9) The Registrar may refuse an application for accreditation if, on information at his or her disposal, it is shown that the applicant does not qualify to be accredited or when the responsible person or any controlling or managing person referred to in subregulation (4) would be disqualified to be issued with a competency certificate in terms of section 9(2) (a), (c) to (p) of the Act.
- (10) The Registrar must record in the Central Firearms Register referred to in section 125(1) (g) of the Act, the information required in the forms prescribed in Annexure A.
- [(11) The Registrar may only cancel an accreditation under section 8(3) of the Act if the Registrar has followed the procedure, read with the necessary changes, to that set out in section 102(2) to (4) of the Act.**
- (12][11)** (a) An applicant who was accredited in terms of the Act, must annually, before the 31st day of December of that year and annually thereafter or such extended period as may be agreed to in writing by the Registrar, submit to the Registrar a written report in respect of the responsible person and all members involved in the management thereof [any person] who-
- (i) holds a competency certificate, licence, permit, or authorisation issued under the Act; and
 - [(ii) is a member of or is employed in the business of the accredited person or juristic person, as the case may be; and**
 - (iii)](ii)** had been the subject of disciplinary action involving a contravention or failure to comply with a provision of the Act or any condition specified on a licence issued to the applicant under the Act, or conduct contemplated in section 102(1), section 103(1) or 103(2) of the Act.
- (b) The report must list the full names and the identification number of the person concerned, particulars of the competency certificate, licence, permit or authorisation and of the disciplinary transgression and the result of the disciplinary action.
- [(13)](12) (a) A juristic person accredited for a purpose contemplated in the Act must notify the Registrar in writing within 30 days if there is a change of any person who is in control of or is responsible for the management of the juristic person.
- (b) The Registrar may on receipt of a notification referred to in paragraph (a) request any particulars referred to in subregulation (4) regarding a person who acquires control of or is responsible for the management of the juristic person referred to in paragraph (a).
- (c) Nothing in this regulation must be construed as granting to the Registrar any power or authority whatsoever to determine the control or management of such a juristic person by any specific person: However, if the juristic person appoints a person who is in control of or is responsible for the management thereof and such appointment has the effect that the criteria referred to in subregulation (7) are no longer complied with, the Registrar may invoke the procedures prescribed in [regulation 2(11)] sections 8(3) and 8(4) of the Act.

3 Accreditation of public collector

- (1) A person who applies for accreditation as a public collector must, in addition to the relevant information required by regulation 2, submit-
- (a) a description of the display mechanisms that will be used to display the firearms;

- (b) a description and specifications of the security measures pertaining to the storage, transport and safe custody of the firearms to be displayed;
- (c) a description of the access control to the public collection where the firearms will be displayed;
- (d) a certificate confirming that the public collection is open to the public; and
- (e) written confirmation that-
 - (i) no firearm or ammunition will be supplied or transferred to any person who does not hold a temporary authorisation issued under section 21 of the Act, authorising the possession of the firearm, or a permit to possess the ammunition, as the case may be;
 - (ii) the firearm and ammunition will be displayed or stored under the control of an appointed person authorised thereto in writing by the public collector;
 - (iii) the person authorised thereto in writing by the public collector, will ensure that any physical access to the firearms and ammunition other than those provided for in subparagraph (i) will be under her or his personal control and that all necessary steps will be taken to prevent the loss of the firearm and ammunition; and
 - (iv) the firearm and ammunition will only be used for the display and/or storage by the public collector, on the registered premises of the public collector.

(2) A public collector that applies for accreditation must submit written confirmation that-

- (a) it administers the collection of firearms for purposes that include collecting, preserving, studying, interpreting, assembling and exhibiting to the public for its education and enjoyment, objects and specimens of historical, technological, scientific, heritage, educational, cultural, commemorative, investment, rarity, thematic or artistic value;
- (b) the collection of firearms is open to the public or is put on demonstration or displays for the public on a regular basis;
- (c) it is a member in good standing of a national organisation whose prime purpose is to promote the collection and preservation of firearms, ammunition and related artefacts, or is a member of an accredited collectors association;
- (d) it conforms to provincial and municipal or local government land use and zoning regulations;
- (e) it maintains safety rules and regulations with regard to the safe storage and display of firearms that conform to the prescribed standards; and
- (f) the nominated responsible person is employed by public collector and who will be responsible for the safe keeping of firearms and ammunition in possession of the public collector, is in possession of a competence certificate for possession of the firearms.

(3) The person authorised thereto in writing by the public collector, must keep an updated record of all firearms and ammunition held in the collection on the registered premises of the public collector.

(4) No deliberate change in the circumstances regarding the displaying or storage relevant to the firearms may take place unless prior approval of the Registrar has been obtained.

- (1) A person who applies for accreditation, as a museum must, in addition to the relevant information required by regulation 2, submit-
- (a) a description of the display mechanisms that will be used to display the firearms;
 - (b) acceptable documentary proof that the display will be in a museum that is registered or accredited in terms of any other applicable national or provincial legislation as a museum;
 - (c) a description and specifications of the security measures pertaining to the storage, transport and safe custody of the firearms to be displayed;
 - (d) a description of the access control to the museum where the firearms will be displayed;
 - (e) a certificate confirming that the museum is open to the public; and
 - (f) written confirmation that-
 - (i) no firearm or ammunition will be supplied or transferred to any person who does not hold a temporary authorisation issued under section 21 of the Act, authorising the possession of the firearm, or a permit to possess the ammunition, as the case may be;
 - (ii) the firearm and ammunition will be displayed or stored under the control of the appointed curator of the museum or a person authorised thereto in writing by the curator;
 - (iii) the curator of the museum or a person authorised in writing thereto by the curator will ensure that any physical access to the firearms and ammunition other than those provided for in subparagraph (i) will be under her or his personal control and that all necessary steps will be taken to prevent the loss of the firearm and ammunition; and
 - (iv) the firearm and ammunition will only be used for the display and/or storage by the museum on the registered premises of the museum.
- (2) A museum, including a private museum, that applies for accreditation must submit written confirmation that it has been rated and accredited by the South African Heritage Resources Agency in accordance with the applicable legislation.
- (3) A museum, including a private museum, that applies for accreditation must submit written confirmation that it-
- (a) is administered for purposes that include collecting, preserving, studying, interpreting, assembling and exhibiting to the public for its education and enjoyment, objects and specimens of historical, technological, scientific, heritage, educational, cultural, commemorative, investment, rarity, thematic or artistic value;
 - (b) is open to the public or puts on demonstration or displays for the public on a regular basis;
 - (c) has a curator who is a member in good standing of a national or provincial museum association;
 - (d) conforms to provincial and municipal or local government land use and zoning regulations;
 - (e) maintains safety rules and regulations with regard to the safe storage and display of firearms that conform to the prescribed standards; and
 - (f) has a nominated responsible person who is employed by the museum who is possession of a competence certificate for possession of the firearms, who will be

responsible for the safe keeping of firearms and ammunition in possession of the museum.

- (4) The curator must keep an updated record of all firearms and ammunition held on the registered premises of the museum.
- (5) No deliberate change in the circumstances regarding the displaying or storage relevant to the firearms may take place unless prior approval of the Registrar has been obtained.

[4]5 Accreditation of hunting association or sports-shooting organisation

- (1) A hunting association or sports-shooting organisation that applies for accreditation must, in addition to the relevant information required by regulation 2, submit proof to the satisfaction of the Registrar that-
- (a) in respect of its registered members it provides in its founding document for a category of dedicated membership that applies for a licence as contemplated in section 16 of the Act;
- (b) (i) in the case of a hunting association, that it will [the hunting association] conducts a relevant training course as recognised by the Registrar in respect of dedicated hunters **[that complies with the provisions of the South African Qualifications Authority Act, 1995 (Act 58 of 1995) read with the Skills Development Act, 1998 (Act 97 of 1998)]** of which it shall be a prerequisite that a member of the hunting association must successfully complete before that member may be registered as a dedicated member and dedicated hunter with the hunting association; or
- (ii) in the case of a sports-shooting organisation, that it will [the sports-shooting organization] only register a person as a dedicated member and dedicated sports person with the sports-shooting organisation if such person has successfully completed a relevant training course as recognised by the Registrar [that complies with the provisions of the South African Qualifications Authority Act, 1995 (Act 58 of 1998) read with the Skills Development Act, 1998 (Act 97 of 1998)];
- (c) it has a dedicated procedure in place to regularly evaluate its dedicated members for their-
- (i) bona fides to be or remain a dedicated hunter or sports person, as the case may be; and
- (ii) dedicated participation in their applicable hunting or sports-shooting activities, as the case may be;
- (d) it keeps on record the particulars of the participation by a dedicated member in his or her hunting or sports-shooting activities as a dedicated hunter or dedicated sport person, as the case may be;
- (e) it will in respect of a registered member only allow dedicated membership to the association or organisation as long as-
- (i) the dedicated member is a person in good standing as a dedicated member with the association or organisation, as the case may be; and
- (ii) in the case of a hunting association [dedicated hunter] that it will not allow the registration of [register] a person as a dedicated hunter with the association [organization] while that **[registered member]** person conducts **[business]** the profession of a professional hunter [in hunting] on the strength of a dedicated hunters licence that was issued in terms of section 16 of the Act.

- (f) documentary proof of membership by the hunting association or sports-shooting organisation of a national or international association or organisation which, to the satisfaction of the Registrar, has the primary bona fide object to promote responsible hunting or sports-shooting as the case may be.
- (2) (a) A register contemplated in section 16(4) (a) of the Act must contain the following information-
- (i) the full names, identity number and residential address of all persons having applied for dedicated membership;
 - (ii) the motivation for the application by the person applying for dedicated membership;
 - (iii) whether dedicated membership was granted or refused and if refused the reason therefore; and
 - (iv) dedicated membership number and expiry date of membership.
- (b) An accredited organisation or association contemplated in section 16(2) of the Act must in addition to regulation 2[(12)](11) (a) and (b) annually **[and before the official year end of the organisation or association, as the case may be]** before the 31st day of December of that year and annually thereafter or such extended period as may be agreed to in writing by the Registrar, submit to the Registrar a written report reflecting-
- (i) the details of all dedicated members whose registered dedicated membership with such accredited organisation or association terminated; and
 - (ii) the reasons for the termination of such dedicated membership.

6 Accreditation of professional hunting association

- (1) A professional hunting association that applies for accreditation must, in addition to the relevant information required by regulation 2, submit proof to the satisfaction of the Registrar that-
- (a) **[the professional hunting association conducts a relevant training course in respect of professional hunters that complies with the provisions of the South African Qualifications Authority Act, 1995 (Act 58 of 1995) read with the Skills Development Act, 1998 (Act 97 of 1998) of which]** it shall be a prerequisite that a full member of the professional hunting association must successfully complete his or her professional hunter's licence in terms of any applicable nature conservation legislation, before that member may be registered as a full member and professional hunter with the professional hunting association;
 - (b) it has a dedicated procedure in place to regularly evaluate its members for their-
 - (i) bona fides to be or remain a professional hunter; and
 - (ii) dedicated participation in their professional hunting activities;
 - (c) it keeps on record the particulars of the participation by a member in his or her hunting activities as a professional hunter;
 - (d) it will in respect of a registered member only allow membership to the association as long as-
 - (i) the member is a person in good standing as a professional hunter with the association; and
 - (ii) documentary proof of membership by the professional hunting

association of a national or international association or organisation which, to the satisfaction of the Registrar, has the primary bona fide object to promote responsible professional hunting.

- (2) (a) A register contemplated in section 16A(4) (a) of the Act must contain the following information-
- (i) the full names, identity number and residential address of all persons having applied for membership;
 - (ii) the motivation for the application by the person applying for membership;
 - (iii) whether membership was granted or refused and if refused the reason therefore; and
 - (iv) membership number and expiry date of membership.
- (b) An accredited association contemplated in section 16A(2) of the Act must in addition to regulation 2(11) (a) and (b) annually and before the official year end of the association, submit to the Registrar a written report reflecting-
- (i) the details of all members whose registered membership with such accredited association terminated; and
 - (ii) the reasons for the termination of such membership.

[5] 7 Accreditation of collectors association

- (1) A collectors association that applies for accreditation must, in addition to the relevant information required by regulation 2, submit proof to the satisfaction of the Registrar that the association-
- (a) has a dedicated procedure in place to evaluate its members for their bona fides to be a private collector in a particular category in respect of their interest in, and knowledge of, the historical, technological, scientific, heritage, educational, cultural, commemorative, investment, rarity, thematic [and] or artistic value [or any other aspect as the association may determine appropriate, of a specific theme or field of interest] and that the relevant documentation pertaining to such evaluation is kept on record by the association;
 - (b) will only allow membership of a person to the association as long as the person is in good standing with the association;
 - (c) is a member of a national **[or international]** or international association or organisation of which the primary bona fide object is to promote the responsible collecting of firearms or ammunition, or both;
 - (d) has provided in its founding document for a dedicated procedure whereby its members are classified in the following categories of collectors:
 - (i) Category A - being a category whereby the collectors association may approve any class of firearms for collection as contemplated in section 17(1) (a) of the Act and as prescribed in regulation 17;
 - (ii) Category B - being a category whereby the collectors association may only approve firearms for collection as contemplated in section 17(1) (a) of the Act, which excludes prohibited firearms referred to in section 4(1) of the Act and as prescribed in Regulation 17;
 - (iii) Category C - being a category whereby the collectors association may only approve firearms for collection as contemplated in section 17(1) (a) of the Act, which excludes prohibited firearms referred to in section 4(1) and restricted firearms referred to in section 14(1) of the Act;**[and]**

(iv) Category E - being an entry level category whereby the collectors association may only approve up to six firearms for collection as contemplated in section 17(1)(a) of the Act, which excludes prohibited firearms referred to in section 4(1) and restricted firearms referred to in section 14(1) of the Act;

- (e) does not in terms of the dedicated procedures required in subparagraphs (a) and (d), initially declare a private collector in a higher category than category C unless the private collector had been granted approval for restricted or prohibited firearms as part of his or her collection under the previous Act: Provided that a private collector previously granted such approval may be declared in such higher category as may be appropriate in terms of this regulation, being category B where the collector has restricted firearms as part of his or her collection, and category A where the collector has prohibited firearms as a part of his or her collection; and
- (f) will subsequently only declare a private collector in a higher category strictly in accordance with the dedicated procedure required by subparagraphs (a) and (d).

- (2) (a) An accredited collectors' association contemplated in section 17(2) of the Act must in addition to regulation 2[(12)](11) (a) and (b) [annually], before **[the official year end of the association]** the 31st day of December of that year and annually thereafter or such extended period as may be agreed to in writing by the Registrar, submit to the Registrar a written report reflecting-
- (i) the details of all members whose registered membership with such accredited collectors association terminated; and
- (ii) the reasons for the termination of such membership.

[6]8 Accreditation of shooting ranges

- (1) An application must be made in accordance with regulation 2 for the accreditation of a shooting range that will be used for the purposes of regulation [7]9 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 fired, in order to obtain a competency certificate, may only be undertaken on a shooting range that complies with the applicable compulsory specifications set in terms of the Standards Act, 1993 (Act 29 of 1993).
- (3) The Registrar may only accredit a shooting range as contemplated in sections 19(5) and 91(2) (b) of the Act and for the purpose of regulation [7]9 on proof by the applicant that the shooting range complies with the applicable compulsory specifications set in terms of the Standards Act, 1993 (Act 29 of 1993).

[7]9 Accreditation to provide training in use of firearms

- (1) An applicant who applies to be accredited to provide training in the use of firearms for the purposes of section 20(2) (b) of the Act must, in addition to the relevant information required by regulation 2, submit-
- (a) a written undertaking that only a relevant training course in respect of testing and training in the use and handling of firearms which complies with the requirement of the South African Qualifications Authority Act, 1995 (Act 58 of 1995) read with the Skills Development Act, 1998 (Act 97 of 1998) will be used to train persons;
- (b) a description of the security measures pertaining to the storage, transport and safe custody of the firearms to be used in the training;
- (c) a written undertaking that any practical training or testing which will involve the

actual firing of a firearm will only be conducted at an accredited shooting range; and

- (d) documentary proof that the applicant is registered in terms of the South African Qualifications Authority Act, 1995 (Act 58 of 1995) read with the Skills Development Act, 1998 (Act 97 of 1998) with Poslec-Seta as a service provider to provide the training contemplated in section 9(2)(q) and (r) and (s) of the Act.

(2) A person accredited in terms of subregulation (1) must keep a register wherein the following particulars must be recorded in respect of every person successfully trained by such accredited person-

- (a) the identity number and full names of the person trained;
- (b) the date and place of the training;
- (c) the type of prescribed training;
- (d) in respect of practical training and testing, the type of firearm namely a handgun, rifle or shotgun including the action of the firearm for which training and testing was provided and the test results; and
- (e) a certificate undersigned by both the trainer and the person concerned confirming the particulars in subregulation 2 (a) to (d).

(3) The register contemplated in subregulation (2) must be available at the place of business of the accredited person and must be retained for a period of six years.

[8]10 Accreditation to provide firearms for use in theatrical, film or television productions

An applicant who applies for accreditation to provide firearms for use in theatrical, film or television productions must, in addition to the relevant information required by regulation 2, submit-

- (a) a certificate confirming that any modification of firearms licensed to the applicant will only be performed by a gunsmith;
- (b) proof to the satisfaction of the Registrar that the applicant is actually involved in the business of providing firearms for theatrical, film or television productions; and
- (c) a comprehensive report comprising the following information-
 - (i) a description of the safe custody facilities and safety control procedures regarding the safeguarding of firearms to be utilised by the applicant;
 - (ii) details regarding the records that will be used to control the firearms;
 - (iii) the initials, surname, identity number and two proof signatures of the person who will be responsible for the control, safe custody and issuing of firearms;
 - (iv) confirmation, 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 being used by such person;
 - (v) the details of the type of firearms and the quantity of ammunition the applicant intends acquiring;
 - (vi) details of the place where records in respect of the issuing of every firearm will be kept for inspection by a police official; and
 - (vii) a motivation regarding the need for the applicant to possess the firearms.

[9]11 Accreditation of game rancher

A person who applies for accreditation as a game rancher, as contemplated in section 20(2) (d) of the Act, must, in addition to the relevant information required by regulation 2, submit-

- (a) proof of-
 - (i) legal ownership of a game farm or, other sole legal occupation or access for the purpose of game farming to a game farm, on which game farming is being conducted and which game farm serves as the game farm to which the accreditation will apply;
 - (ii) actual personal involvement in the game farming activities conducted on the applicable game farm;
 - (iii) registration in terms of applicable provincial nature conservation legislation that the game farm on which the game farming is being conducted is either exempted from the provisions relating to hunting in that province or that the game farm is sufficiently fenced in for the purpose of hunting as provided for in the provincial nature conservation legislation applicable to the farm, as the case may be; and
 - (iv) the actual need to be accredited as a game rancher.
- (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 a game farmers' association or organisation which, to the satisfaction of the Registrar has the primary bona fide object to promote responsible game farming.

[10]12 Accreditation to conduct business in hunting

An applicant who applies to be accredited to conduct business in hunting must, in addition to the relevant information required by regulation 2, submit-

- (a) a certified copy of his or her **[professional hunting or]** hunting outfitters licence or permit issued by a 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 safe handling, storage and transport of the firearms to be used in conducting such business;
- (c) documentary proof to the satisfaction of the Registrar, of actual personal involvement in conducting a business in hunting as **a[n acknowledged professional hunter or]** hunting outfitter**[, as the case may be]**; and
- (d) documentary proof of membership of a national association or organisation which, to the satisfaction of the Registrar, has the primary bona fide object to promote responsible hunting.

[11]13 Accreditation for other business purposes as determined by the Registrar

(1) An applicant who applies to be accredited to use firearms for a business purpose determined by the Registrar as intended in section 20(2) (f) of the Act must, in addition to the relevant information required by regulation 2 submit-

- (a) detailed particulars in respect of the scope of the business;
- (b) full motivation for the use of firearms;
- (c) a detailed description of the firearms that will be used, as well as, a detailed motivation for the use of those firearms;

- (d) a description of the security measures pertaining to the safe handling, transport and storage of the firearms to be used in conducting such business;
 - (e) the total number of persons who will be issued with firearms; and
 - (f) a description of the premises from where the business will be conducted.
- (2) If the application for accreditation concerns an applicant using his or her own employees to protect or safeguard merely his or her own property or other interests, or persons or property on his or her premises or under his or her control, the applicant must, in addition to the requirements set out in subregulation (1), submit a detailed description of the scope of what business and interests are to be protected.

[12]14 Accreditation as an Official Institution

A government institution as contemplated in section 95 (a) (vi) of the Act that applies for accreditation must, in addition to the relevant information required by regulation 2, submit-

- (1) official documentary proof that the applicant is a government institution; and
- (2) a comprehensive report signed by the head of the government institution comprising the following information-
 - (a) the purpose for which the firearms are needed;
 - (b) a description of the safe custody 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 control, safe custody and issuing of the firearms in the possession of the government 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 quantity of ammunition the government institution intends maintaining;
 - (g) details of the place where records in respect of the issuing of every firearm will be kept for inspection by a police official;
 - (h) a full motivation regarding the need for the government institution to possess the firearms; and
 - (i) confirmation that a permit contemplated in terms of section 98 of the Act, will only be issued to an employee of the government institution who **[holds a valid competency certificate]** has successfully completed the training and testing prescribed in regulation 81(1).

**CHAPTER 3
GENERAL PROVISIONS REGARDING APPLICATION FOR COMPETENCY
CERTIFICATE, FURTHER COMPETENCY CERTIFICATE, LICENCE, PERMIT, TEMPORARY
AUTHORISATION, DUPLICATE AND RENEWAL**

[13]15 General provisions regarding applications required in terms of the Act

- (1) A person requiring a competency certificate, licence, permit, authorisation, as well as, a duplicate thereof or renewal to be issued for a purpose contemplated in the Act, must apply to the Registrar for such competency certificate, licence, permit, authorisation, duplicate or renewal.
- (2) An applicant referred to in subregulation (1), must submit the duly completed relevant application form, prescribed in Annexure 'A' and the required information together with any

required supporting documents.

- (3) 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 contemplated in section 7 of the Act.
- (4)
 - (a) An application must, unless otherwise specifically stated, be submitted by the applicant in person to the relevant Designated Firearms Officer.
 - (b) When an applicant submits an application in accordance with subparagraph (a), the applicant must provide a certified copy of the page in his or her officially issued identity document or passport on which his or her photo and particulars are reflected.
- (5) When the applicant is a juristic person-
 - (a) the Registrar may require additional information to the information requested on the application form, in respect, of any person who is in control of the juristic person or is responsible for the management thereof;
 - (b) the application must be accompanied by proof of the registration or incorporation, as the case may be, of the juristic person in accordance with the laws of the Republic of South Africa;
 - (c) the application must be accompanied by a certified copy of the resolution or decision of the juristic person, nominating the responsible person to apply on its behalf; and
 - (d) rendering a security service as defined in section 1 of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001), the application must be accompanied by documentary proof of registration with the Private Security Industry Regulatory Authority, contemplated in the Private Security Industry Regulation Act, 2001 (Act 56 of 2001).
- (6) Whenever payment of any prescribed fee has been made at a police station under regulation [96]98, documentary proof of the payment, must be attached to the relevant application.
- (7) Any person providing a recommendation concerning the character of an applicant in support of an application made for a purpose contemplated in the Act, must also state whether the applicant, to the best of such person's knowledge and belief, is-
 - (a) a fit and proper person to be issued with the competency certificate, licence, permit or authorisation applied for;
 - (b) of a stable mental condition and is not inclined to violence; and
 - (c) not dependent on any substance which has an intoxicating or narcotic effect.
- (8)
 - (a) A person who provides a recommendation as envisaged in subregulation (7) 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 information regarding the recommendation.
 - (b) Any failure or refusal by the person to provide such reasonable and relevant information requested by a relevant Designated Firearms Officer may render the recommendation ineffective.
 - (c) No person is compelled to provide further information regarding a recommendation.
- (9)
 - (a) A [full] set of fingerprints of an applicant as required in section 6(1) (a) of the Act, must be taken by the relevant Designated Firearms Officer or designated personnel at a police station on the officially prescribed form used by the South African Police Service for such purpose.
 - (b) For the purpose of an import, export or in-transit permit contemplated in Chapter

8 of the Act, the Registrar may, in respect of a non-citizen who is not resident in the Republic of South Africa, accept such set of fingerprints as may be expedient in the circumstances.

- (10) An acknowledgment of receipt of an application must only be issued to the applicant if the application is, to the satisfaction of the Registrar, duly completed and accompanied by all the required information and documentation, and after the identity of the applicant on the required set of her or his fingerprints, has been verified by the relevant Designated Firearms Officer.
- (11) A nomination replacing a responsible person in compliance with section 7(4) of the Act must be made and be accompanied by such documents and information as required on the prescribed form in Annexure 'A'.
- (12) The Registrar may only issue a licence, permit, authorisation or renewal to a person who complies with the requirements as prescribed in these Regulations regarding the safe custody of firearms or ammunition.
- (13) An acknowledgment of receipt as contemplated in subregulation 10 issued for an application for a renewal, is upon production in a court sufficient proof of compliance with the requirement of section 24 of the Act.
- (14) A private or public collector who applies for a licence to possess a prohibited or restricted firearm, must in addition to the requirements of regulation [14]16, submit the following additional information.
- (a) a detailed written motivation in support of the application, which must be verified as correct by the accredited collectors association of which the applicant is a member; and
 - (b) in the event of a rifle grenade, projectile or rocket contemplated in section 4(1) (d) of the Act, a **[report]** certificate from the local explosives officer appointed in terms of the Explosives Act, 1956 (Act 26 of 1956) confirming that the rifle grenade, projectile or rocket is free from explosives and are marked as such in a non-damaging way by means of a securely attached metal tag.
- (15) The holder of a manufacturer's licence who wishes to apply to manufacture a type of firearm or calibre of ammunition that is not specified on the manufacturer's licence, must, with every such application, in addition to the requirements of regulation [13]15, submit the following additional information-
- (a) the technical specifications regarding the firearm and ammunition;
 - (b) the technical drawings regarding the firearm and ammunition;
 - (c) a South African Police Service ballistics evaluation report; and
 - (d) insofar as is applicable, a permit or authorisation issued in terms of the Explosives Act, 1956 (Act 26 of 1956) and the National Conventional Arms Control Act, 2002 (Act 41 of 2002).
- (16) (a) The Registrar may for the purpose of identification of the holder of a licence, permit or authorisation, affix a photograph and fingerprint of the holder to the relevant licence, permit or authorisation.
- (b) The applicant must provide a photograph at the request of the Registrar.
- (c) Photograph contemplated in paragraphs (a) and (b) must-
- (i) be recently taken;
 - (ii) be in colour;
 - (iii) show a full unobscured front view of the applicant's head, face and

shoulders and have a neutral background; and

(iv) be to the dimensions of 32mm (width) x 40mm (height).

(17) The Registrar may require from an applicant to furnish any such further information as may be necessary for the Registrar to exercise discretion to fulfil his or her functions under the Act.

[14]16 Specific provisions regarding competency certificates

(1) The Registrar may, apart from any other relevant aspect, consider the existence of any of the following circumstances, when applicable to an applicant that applies for a competency certificate, as key indicators in order to launch an investigation or enquiry contemplated in section 124(3) of the Act to determine whether the applicant for the competency certificate is a fit and proper person as contemplated in section 9(2)(c) of the Act, of a stable mental condition and is not inclined to violence as contemplated in section 9(2)(d) of the Act, and is not dependent on any substance which has an intoxicating or narcotic effect as contemplated in section 9(2)(e) of the Act, as the case may be-

- (a) whether in the past five years the applicant has been served with a protection order in terms of the Domestic Violence Act, 1998 (Act 116 of 1998), or visited by a police official concerning allegations of violence in the applicant's home;
- (b) whether in the past five years the applicant has been denied a licence, permit or authorisation regarding a firearm and the reason for such denial;
- (c) whether in the past five years the applicant has threatened or attempted suicide, suffered from major depression or emotional problems, or engaged in intoxicating or narcotic substance abuse;
- (d) whether in the past five years the applicant has been diagnosed or treated by a medical practitioner for depression, drug, intoxicating or narcotic substance abuse, behavioural problems or emotional problems;
- (e) whether in the past five years the applicant has been reported to the police or social services for alleged threatened or attempted violence or other conflict in the applicant's home or elsewhere;
- (f) whether in the past two years the applicant has experienced a divorce or separation from an intimate partner with whom the applicant resided where there were written allegations of violence; or
- (g) whether in the past two years the applicant has experienced a forced job loss.

(2) In order to determine whether an applicant is a fit and proper person as contemplated in section 9(2)(c) of the Act to be issued with a competency certificate-

- (a) to carry on business as a gunsmith, *the* Registrar may take into account whether the applicant has successfully passed an applicable acknowledged national or international trade test that substantially complies with the requirements of the Skills Development Act, 1998 (Act 97 of 1998); and
- (b) in the case of the manufacturing of ammunition consisting of the loading of ammunition other than contemplated in section 93(1) of the Act, whether the applicant can provide proof of sufficient applicable previous experience or a qualification approved by the Registrar in the field of ammunition loading together with a detailed evaluation report from The Head of the Ballistic Unit of the South African Police Service's Forensic Science Laboratory regarding the applicable experience and knowledge of the applicant.

(3) When the Registrar performs a function as contemplated in section 124(3) of the Act in order to make a determination as contemplated in subregulation (1), the Registrar may require from a person applying for a competency certificate, to provide-

- (a) a certificate issued by a medical doctor regarding the applicant's dependence on any substance which has an intoxicating or narcotic effect;

- (b) a report compiled by a psychologist or psychiatrist, or both, regarding the stable mental condition and inclination to violence of the applicant; or
 - (c) both such certificate and report.
- (4)
- (a) The Registrar [must] may, after having determined that a person is a fit and proper person as contemplated in section 9(2) (c) of the Act who qualifies in terms of the Act to be issued with a competency certificate to possess a firearm as a private collector, specify in that competency certificate the category in which the accredited collectors association has duly classified a member as a private collector.
 - (b) On proof to the satisfaction of the Registrar that the private collector concerned has subsequently been declared to be in a higher category by the collectors association of which the private collector is a member the Registrar may alter the competency certificate accordingly.
 - (c) The Registrar may only licence a firearm to a private collector in accordance with the category reflected on the competency certificate issued in accordance with this regulation.
- (5) The Registrar may, by means of a written notice served on the holder of a competency certificate contemplated in subregulation (4), and after a procedure similar to that referred to in section 28(2) and (3) of the Act was followed, **[withdraw]** terminate a competency certificate if the person, and in the case of a juristic person, any person who is in control thereof or is responsible for the management thereof-
- (a) is no longer domiciled or ordinarily resident in the Republic of South Africa; or
 - (b) has been sentenced in or outside the Republic of South Africa for any offence to a period of imprisonment without the option of a fine.
- (6) The test on knowledge of the Act as contemplated in section 9(2) (q), must comply with the requirements of the South African Qualifications Authority, 1995 (Act 58 of 1995) read with the Skills Development Act, 1998 (Act 97 of 1998).
- (7) The training and practical tests regarding the safe and efficient handling of a firearm as contemplated in section 9(2)(r) of the Act, must comply with the requirements of the South African Qualifications Authority Act, 1995 (Act 58 of 1995) read with the Skills Development Act, 1998 (Act 97 of 1998).
- (8) The training and practical test for dealers, manufacturers, gunsmiths, security officers or other persons who use firearms in the course of their business as contemplated in section 9 (2)(s) of the Act, must comply with the requirements of the South African Qualifications Authority Act, 1995 (Act 58 of 1995) read with the Skills Development Act, 1998 (Act 97 of 1998).
- (9) A person who has previously obtained a competency certificate and who applies for a further competency certificate during the period of validity of that competency certificate may in addition to the requirements of regulation **[14]**16 submit proof of the previously successful completion of the applicable prescribed training and practical test in which event the applicant need not complete further applicable training or a practical test.
- (10) Whenever a certified copy of any protection order or a warrant of arrest contemplated in section 8(1)(a) of the Domestic Violence Act is received at a police station, the station commissioner must refer it to the relevant Designated Firearms Officer, in order to determine whether it relates to any application for a licence, competency certificate, permit or authorization received by him.

CHAPTER 4 LICENCE TO POSSESS A FIREARM

[15]17 Prohibited firearms and devices [or restricted firearm] that may be licensed in a

private collection

The following prohibited firearms and devices [**or restricted firearm**] may be licensed under section 17 of the Act:

- (a) A prohibited firearm and device contemplated in section 4 of the Act [**or restricted firearm**] that may be possessed in terms of the transitional provisions in [**Annexure**] Schedule 1 of the Act;
- (b) A prohibited firearm and device contemplated in section **4** of the Act [**or restricted firearm**] which does not fall under paragraph (a), which must not be less than 50 years old, calculated from the date of its manufacture, together with an attribute of collectability regarding its historical, technological, scientific, heritage, educational, cultural, commemorative, investment, rarity, thematic [and] or artistic value or any other aspect as may be deemed appropriate by the Registrar: Provided that if the prohibited firearm or device or restricted firearm does not readily conform to the set combination of age and attribute of collectability, the following further considerations may apply-
 - (i) that its production has been discontinued for at least 10 years with the real likelihood of it becoming of collectable interest from a historic, technological, scientific, heritage, educational, cultural commemorative, investment, rarity, thematic or artistic perspective;
 - (ii) that it is part of a commemorative issuance or limited edition;
 - (iii) that it will fit in as part of a demonstrable theme of future value, where a real likelihood of such future value can be sufficiently demonstrated or motivated;
 - (iv) its proven or generally accepted association with famous or infamous people or events;
 - (v) its current national or international scarcity or rarity based on an acceptable reason;
 - (vi) its unusual or unique design, materials or method of manufacture of historic interest;
 - (vii) custom or one-off building by a well known gun maker or gunsmith, with significant value;
 - (viii) that it is a prototype or part of a limited production run;
 - (ix) that it is a replica of a well known historical firearm; or
 - (x) that it is an investment grade firearm or device of significant value.
- (c) A miniature muzzle loading cannon

[16]18 Safety measures for the display of firearms in a private collection

A private collector may publicly display a firearm if-

- (a) the firearm is unloaded;
- (b) the firearm, if it is a handgun, is displayed in a lockable display cabinet; or
- (c) where the firearm is on open display, it must be rendered inoperable by means of a secure locking device; or
- (d) the firearm is securely attached to a non-portable structure on which, or in which, it is displayed by a metal attachment, chain, metal cable or similar device in such manner that the firearm cannot readily be removed; and
- (e) the firearm is not displayed with, and is not readily accessible to, ammunition

that can be discharged from it, except where such firearm or ammunition is displayed in a locked display cabinet or similar device.

[17]19 Conditions regarding the possession of ammunition in a private collection

The Registrar may issue a permit as contemplated in section 18(2) of the Act to a private collector that qualifies in terms of the Act and who is-

- (a) 18 years or older on the day of the application; and
- (b) a fit and proper person to possess ammunition.

[18]20 Safety measures for the display of ammunition in a private collection

A private collector may display ammunition only if-

- (a) it is displayed-
 - (i) in a vault, safe or other receptacle that has been specifically constructed or modified for secure and safe display and that when unattended is kept securely locked;
 - (ii) on a premises where there is an electronic burglar alarm system; and
 - (iii) on the premises, every window that can be opened is secured with burglar proofing and every exterior door can be securely locked and has a security gate; or
- (b) it is displayed under security measures that will, within the discretion of the Registrar, be equal or superior to those set in paragraph (a) and that are approved by the Registrar.

[19]21 Prohibited firearms and devices that may be licensed in a public collection or an accredited museum

The following prohibited firearms and devices may be licensed under section 19 of the Act-

- (a) prohibited firearms and devices that may be possessed in terms of the relevant provisions of the transitional provisions in **[Annexure] Schedule 1** of the Act; and
- (b) a prohibited firearm or device that does not fall under paragraph (a), when that prohibited firearm or device has a clearly definable intrinsic and remarkable heritage significance acknowledged by the South African Heritage Resources Agency in accordance with the National Heritage Resources Act, 1999 (Act 25 of 1999); and
- (c) a prohibited firearm and device contemplated in section 4 of the Act, that does not fall under paragraph (a) or (b) is collectable in view of the age thereof, which must not be less than 50 years calculated from the date of its manufacture, together with at least one attribute of collectability regarding its historical, technological, scientific, heritage, educational, cultural, commemorative, investment, rarity, thematic or [and] artistic value or any other aspect as may be deemed appropriate by the Registrar: Provided that if the prohibited firearm or devices does not readily conform to the set combination of age and attribute of collectability, the following further considerations may apply-
 - (i) that its production has been discontinued for at least 10 years with the real likelihood of it becoming of collectable interest from a historic, technological, scientific, heritage, educational, cultural or artistic perspective;
 - (ii) that it is part of a commemorative issuance or limited edition;

- (iii) that it will fit in as part of a demonstrable theme of future value, where a real likelihood of such future value can be sufficiently demonstrated or motivated;
- (iv) its proven or generally accepted association with famous or infamous people or events;
- (v) its current national or international scarcity or rarity based on an acceptable reason;
- (vi) its unusual or unique design, materials or method of manufacture of historic interest;
- (vii) custom or one-off building by a well known gun maker or gunsmith, with significant value;
- (viii) that it is a prototype or part of a limited production run;
- (ix) that it is a replica of a well known historical prohibited firearm; or
- (x) that it is an investment grade prohibited firearm or device of significant value.

[20]22 Safety measures for the display of firearms in a public collection and museum

A public collector and museum may display a firearm only if-

- (a) the firearm is unloaded;
- (b) the firearm is secured by a chain or metal cable that is passed through the trigger guard, with one end of the chain or cable attached to a wall or permanent fixture on the premises and the other end attached by a lock to a wall or permanent fixture, in such a manner as to prevent the removal of the firearm by a person other than the public collector or a person so authorised; or
- (c) the firearm is rendered inoperable by means of a secure locking device and in the case of a prohibited and restricted firearm, by the removal of the bolt, bolt carrier or firing pin and displayed in a location that is accessible only to the public collector or a person so authorised.

[21]23 Conditions regarding the providing of a firearm for use by another person in respect of a licence to possess a firearm for business purposes

- (1) The holder of a licence to possess a firearm for business purposes, may only provide the firearm for use by another person if such other person-
 - (a) possesses the firearm for the business purpose specified on the licence;
 - (b) has in his or her possession a valid official identity document or passport by means of which he or she may be identified and which contains at least his or her full names, identity number and a photograph;
 - (c) is in possession of a written authorisation, issued under signature of the holder of the licence, or person authorised thereto in writing by the holder of the licence which contains the-
 - (i) full names and identity number or passport number of the person to whom the firearm is provided for use;
 - (ii) name and address of the holder of the licence, the licence number and date of issue of the licence as reflected on the licence applicable to the firearm;
 - (iii) type, calibre, make, model and all marked serial numbers or other identification marks on the firearm;

- (iv) intended business purpose for which the firearm will be issued; and
 - (v) period, reason and place for which possession is granted: Provided that the period stipulated may not exceed a continuous period of 72 hours or a succession of such periods or, in the case of a licence issued in terms of section 20(2) (d) or (e) of the Act, for a period not exceeding the duration of a specific hunting trip for which the person is contracted as a client, employee or sub-contractor of the business;
 - (d) in cases other than a security service provider or person accredited as contemplated in regulation [11]13(2)-
 - (i) where a firearm is not provided to the same person on a regular basis, and where the firearm will be used to fire ammunition, that the person, if not the holder of a competency certificate, has the necessary knowledge of the safe and efficient handling of the firearm; or
 - (ii) where a firearm is provided to the same person on a regular basis, and where the firearm may be used to fire ammunition, that the person, if not the holder of a competency certificate, has successfully completed the prescribed test and training in the safe and efficient handling of a firearm as contemplated in regulation [7]9(1)(a); and
 - (e) is not prohibited in law to possess the firearm.
- (2) If the holder of a licence to possess a firearm for business purposes is a security service provider or a person accredited as contemplated in regulation [11]13(2), that security service provider or accredited person may, in addition to the requirements of section 20(5)(b) of the Act and the conditions in subregulation (1)(a) and (b), only provide a firearm to a person if-
- (a) that person is a security officer employed by the security service provider or accredited person for the rendering of a security service;
 - (b) that security officer is in possession of a competency certificate to possess a firearm;
 - (c) the receipt, possession and carrying of the firearm by the security officer is in accordance with the Act;
 - (d) in the case of a security service provider, such provider and the security officer are both registered as security service providers in terms of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001), and their respective registrations are not suspended;
 - (e) the security officer is in possession of his or her certificate of identification that was issued to him or her in accordance with the provisions of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001);
 - (f) the security officer is in possession of an original written authorisation, issued under the signature of the holder of the licence in respect of the firearm, or a person authorised thereto in writing by the holder of the licence, containing the following information-
 - (i) the full names, identity number, registration number allocated to the security officer by the Private Security Industry Regulatory Authority and the employment address of the security officer to whom the firearm is issued;
 - (ii) the name and address of the security service provider or person accredited as contemplated in regulation [11]13(2) who is the holder of the licence, the licence number and date of issue of the licence as reflected on the licence, and, in the case of a security service

provider, the registration number allocated to such provider by the Private Security Industry Regulatory Authority;

- (iii) the type, calibre, make, model and all marked serial numbers or other identification marks of the firearm;
 - (iv) an authorisation to possess the firearm for the rendering of a security service which is clearly stated; and
 - (v) the period and place for which possession of the firearm is granted;
- (g) the security officer is on duty or standby duty, or is about to perform duty or standby duty;
 - (h) the necessary particulars of the issuing of the firearm and ammunition are entered into all the registers that must be kept in terms of the Act;
 - (i) the security officer is not charged for a criminal offence or has not signed a warning statement to a police official advising him or her that he or she is under such investigation in respect of an offence relating to the unlawful use of force with a firearm or is not being criminally prosecuted in respect of such an offence;
 - (j) the security officer is not charged under an improper conduct enquiry initiated by *the* Private Security Industry Regulatory Authority into an alleged violation by the security officer relating to an offence contemplated in paragraph (i);
 - (k) the possession of the firearm by the security officer is necessary for rendering a security service, taking into account the nature of the security service, the contract between the security service provider and its client, the circumstances under which the security service is rendered, the type of firearm and any other relevant fact;
 - (l) the security officer has successfully completed the security training required in terms of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001) for the rendering of the security service in question;
 - (m) the security officer is not under the influence of a substance which has an intoxicating or narcotic effect;
 - (n) the security officer is apparently in a mentally stable condition and the security service provider or person accredited as contemplated in regulation [11]13(2) has no reason to believe that the security officer will use the firearm for an unlawful purpose or in an unlawful or negligent manner;
 - (o) in the case where the firearm is to be carried in a public place, the security officer is in possession of the holster, holder or other container required in terms of the Act for the carrying of the firearm in a public place;
 - (p) the security officer is under proper control in the rendering of the security service for the purposes of which a firearm is issued;
 - (q) the security officer is issued with no more than the necessary quantity of ammunition for the purposes of rendering the relevant security service;
 - (r) the security officer signs for receipt of the firearm and all ammunition issued to him or her upon such receipt;
 - (s) the security service provider or person accredited as contemplated in regulation [11]13(2) issuing firearms to security officers employed by it-
 - (i) maintains all firearms licensed to it and which are issued to security officers in a proper working condition, free of any defects which may render them an inherent source of danger;
 - (ii) has and adheres to proper and safe procedures in respect of the

issuing and returning of and control over firearms and ammunition issued to security officers;

- (iii) enforces a proper disciplinary code in respect of the conduct of security officers regarding their receipt, possession, carrying, use, safe custody and return of the firearms and ammunition, and in respect of the conduct of all its other personnel involved with such functions;
- (iv) ensures that firearms and ammunition issued to security officers are returned for safe custody as soon as possible after completion of their duties or work shifts;
- (v) actively monitors whether security officers who are issued with firearms and ammunition are trained, instructed and guided in respect of the possession, handling and use of firearms as required by law;
- (vi) actively monitors whether security officers also possess their own firearms or are issued with firearms by any other person while rendering a security service, and takes such firearms in custody for safe storage during the period that the security officer is in possession of the firearm issued by the security service provider;
- (vii) ensures that security officers issued with firearms are properly assessed, which does not include psychological or psychiatric testing, at least every 24 months or within a shorter period as may be reasonably necessary in the circumstances, to verify that they do not suffer from any condition that would render their continued possession of a firearm and ammunition as posing an unreasonable risk to any person;
- (viii) ensures that the security officers issued with firearms undergo at least one proper practical training session, at the cost of the security service provider or person accredited as contemplated in regulation [11]13(2), at least every 12 months, or within a shorter period as may be reasonably necessary in the circumstances, in the proper and safe handling and use of the relevant firearm and ammunition;
- (ix) ensures that the security officers issued with firearms attend at least one proper briefing session, at the cost of the security service provider or person accredited as contemplated in regulation [11]13(2), every 12 months, or within a shorter period as may be reasonably necessary in the circumstances, during which they are properly informed of the relevant legal principles, rules and procedures and of their legal duties regarding the possession, carrying, safe custody and use of firearms and ammunition issued to them;
- (x) informs a client of the security service provider on whose premises a security officer will be rendering a security service, of the possession of a firearm by the security officer, unless the contract between the security service provider and its client provides for the possession of a firearm;
- (xi) properly investigates, or causes such an investigation to be conducted, to establish all the relevant facts concerning every incident involving the discharge of a firearm by a security officer, and keeps a full record of such an investigation;
- (xii) takes all relevant steps provided for by law, and all further steps that may be necessary or prudent in the circumstances, with regard to the discharge of a firearm by a security officer, including appropriate

counseling and debriefing at the cost of the security service provider or person accredited as contemplated in regulation [11]13(2), if the security officer has used a firearm against any person and has caused death or injury; and

- (xiii) immediately informs a police official at the nearest police station and the relevant Designated Firearms Officer after the use of a firearm by a security officer whether or not such use caused any death, personal injury or damage, providing the particulars within the knowledge of the security service provider or person contemplated in regulation [11]13(2), as well as particulars contemplated in regulation [22]24(3).

- (3) A firearm may only be provided for use to another person if it is in good working condition and free of any apparent defect which may render it an inherent source of danger to any person.

[22]24 Registers in respect of a holder of a licence for business purposes

- (1) A register as contemplated in section 20(6) (a) of the Act-
 - (a) must consist of pages which are all numbered in sequence and all information recorded in it must be written or printed in permanent ink;
 - (b) all changes to the information recorded in it must be effected by means of crossing out in permanent ink and not by way of erasure;
 - (c) no pages may be removed from it and every alteration must be signed by the person effecting it;
 - (d) particulars that must be entered in terms of this regulation must be recorded on the receipt, transfer or disposal of the firearm concerned;
 - (e) must contain the following information of all firearms in respect of which the business has a licence, permit or authorisation-
 - (i) the make, type, calibre, as well as, every manufacturer's serial number or additional identification mark contemplated in section 23 (4) of the Act that is reflected on the firearm;
 - (ii) the licence, permit or authorisation number and date of issue in respect of the firearm;
 - (iii) the date of acquisition and disposal of the firearm; and
 - (iv) the full names, identity number, address and firearm licence, permit or authorisation number of the person from whom the firearm was acquired or to whom it was disposed to.
- (2) With regard to the providing of a firearm for use by another person, as contemplated in section 20(5) (a) of the Act, a register that complies with subregulation 1 (a) to (d) must be maintained containing the following information-
 - (a) the make, type, calibre of the firearm, as well as, every manufacturer's serial number or additional identification mark contemplated in section 23(4) of the Act that is reflected on the firearm;
 - (b) the initials, surname and the identity number of the person to whom the firearm was provided;
 - (c) the date and time of such provision;
 - (d) the date and time of return of the firearm;
 - (e) the signature of the person to whom the firearm was provided at the handing

over of the firearm and on its return, serving as confirmation of the receipt and return of the firearm;

- (f) a copy of the written authorisation contemplated in regulation **[21]23(1)(c)**; and
- (g) in the case of a security service provider or person contemplated in regulation **[11]13(2)**, the registration number allocated by the Private Security Industry Regulatory Authority to the security officer to whom the firearm was provided.

(3) In the case of a security service provider or a person contemplated in regulation **[11]13(2)**, a register complying with subregulation (1)(a) to (d) must be maintained and it must contain the following particulars regarding a firearm that was issued to and discharged by a security officer-

- (a) the full names, identity number and registration number allocated by the Private Security Industry Regulatory Authority of the security officer discharging the firearm;
- (b) particulars of the firearm as contained in subregulation (2)(a);
- (c) the date, time, place and circumstances pertaining to the discharge of the firearm;
- (d) information of any damage, injury or death caused by the discharge of the firearm; and
- (e) the date, time, police station and reference number allocated by the police station to the reporting of the incident to that police station.

[(3A)](4) A security service provider or person accredited as contemplated in regulation 11[13](2) must keep a register regarding the performance of its functions contemplated in regulation [21]23 (2)(s)(vii), (viii) and (ix), containing at least the following particulars:

- (a) the time, date and venue of the assessment session, the practical training session and the briefing session;
- (b) the names of the persons and institutions presenting the sessions contemplated in paragraph (a), and their contact particulars;
- (c) the full names, identity numbers and signatures of the security officers attending the sessions contemplated in paragraph (a); and
- (d) a summary of the results, outcomes or findings, as the case may be, of the assessment session, the practical session and the briefing session.

[(4)](5) The registers referred to in subregulation (1), (2), (3) and **[(3A)](4)** must be maintained-

- (a) at the registered physical address of the business concerned; and
- (b) by the person who exercises control over the firearms at the place where the firearms are stored.

[(5)](6) Subject to the provisions of section 146 of the Act and regulation **[102]104(1)**, the registers contemplated in this regulation must be kept for a period of 10 years from the date of the last entry therein on the business premises specified on the licence.

[23]25 Application for a temporary authorisation to possess a firearm

(1) An applicant who applies for a temporary authorisation to possess a firearm as contemplated in section 21 of the Act must, in addition to the information required by regulation **[13]15**, submit-

- (a) a written motivation in support of the application, with specific reference to the steps which are intended in connection with the safe custody of the firearms and ammunition pertaining thereto;

- (b) a written declaration that the applicant has facilities available for the safe custody of the firearms and ammunition that complies with the SABS Standards as required by these Regulations and the location of the safe custody facilities; and
 - (c) a certified copy of any licence, permit or authorisation pertaining to the firearm, if applicable.
- (2)
- (a) Subject to the provisions of subparagraphs (b) and (c) an application for a temporary authorisation must be lodged at least seven days before the intended date on which the possession of the firearm will take place.
 - (b) In the case of a non-citizen applying for a temporary authorisation, the application must be lodged at least three months before the date on which the possession of the firearm by the applicant will take place.
 - (c) The Registrar may, on good cause shown, exempt an applicant from complying with the period stipulated in subparagraphs (a) and (b).
- (3) A non-citizen who applies for a temporary authorisation to possess a firearm as contemplated in section 21 of the Act must, in addition to the relevant information required by regulation [13]15, submit-
- (a) a certified copy of an official identity document of the applicant or a certified copy of a valid temporary residence permit as the case may be, or that section of a valid passport issued to the applicant on which his or her identity particulars and the official issuing particulars of the passport are reflected;
 - (b) an official certificate from the country of citizenship of the applicant confirming that the applicant has no criminal record: Provided that the country issues such certificate;
 - (c) two written testimonials by South African citizens confirming that the applicant is a fit and proper person to possess a firearm;
 - (d) a full written motivation undersigned by the applicant in support of the application; and
 - (e) a full set of fingerprints of the applicant certified by a duly constituted official authority.

[24]26 Conditions applicable to a temporary authorisation to possess a firearm

- (1) The holder of a temporary authorisation to possess a firearm issued in terms of section 21 of the Act must keep the temporary authorisation wherever the firearm is located and must at the request of a police official produce the temporary authorisation and the firearm to a police official for inspection.
- (2) The temporary authorisation will only be valid for the firearm and period and specific use specified in the temporary authorisation.
- (3) The holder of the temporary authorisation may not possess more than 200 cartridges per calibre of firearm stipulated in the temporary authorisation unless, for the purpose of sports-shooting, the Registrar has on good cause shown, specified a larger quantity in the temporary authorisation.
- (4) The Registrar may require that a person to whom a temporary authorisation will be issued, must provide documentary proof of having successfully undergone the prescribed training and testing contemplated in section 9 (q) and (r) of the Act prior to the issuing of the temporary authorisation or in the case of a hunter or sports person who is a non-citizen, an affidavit stating his or her training and experience in the handling of firearms.
- (5) The Registrar may determine and specify in the temporary authorisation a specific place where the firearm may be used.

[25]27 Records in respect of temporary authorisations to possess a firearm

The Office of the Central Firearms Register must with regard to a temporary authorisation to possess a firearm keep a record of the-

- (a) name of the police station where the application was submitted;
- (b) details of the person who completed the application;
- (c) reason if the application was refused;
- (d) details of the applicant and the firearms concerned;
- (e) details of the premises and the safe storage facilities where the firearms or ammunition, or both will be kept in safe custody; and
- (f) period of validity of the temporary authorisation.

[26]28 Annual report to be submitted to the Minister

The Registrar must submit an annual report to the Minister regarding the temporary authorisation to possess firearms containing the-

- (a) total number of temporary authorisations issued under section 21 of the Act;
- (b) total number of firearms per type and calibre in respect of which authorisations have been issued;
- (c) names of the police stations where the applications were submitted;
- (d) an outline of reasons for refusals; and
- (e) an outline of the periods of validity of the temporary authorisations.

[27]29 Conditions in respect of use of firearm possessed in terms of section 21 of the Act

A firearm in respect of which an authorisation in terms of section 21 of the Act has been issued may only be used-

- (a) where it is safe to be used and only for a lawful purpose; and
- (b) in accordance with the stated purpose of use as reflected in the application that was submitted in respect of the permit and which must be endorsed on the permit.

[28]30 Identification marks on firearms

- (1) Any permanently imported firearm which does not have a manufacturer's serial number or which has a manufacturer's serial number that duplicates with a similar make, model, type and calibre firearm that appears on the Central Firearms Register, must for the purpose of its licensing in the Republic of South Africa, have the additional identification mark determined by the Registrar under section 23(4) of the Act, stamped on the barrel and the frame, or the barrel and the receiver of the firearm in accordance with the provisions of this regulation, subject to the provisions of section 23(3) of the Act. An identification mark can be engraved, stencilled or etched on the barrel and the frame or the barrel and the receiver of the firearm on the circumstances determined by the Registrar and with prior approval from the Registrar.
- (2) An identification number contemplated in section 23(2) of the Act must be stamped, engraved, stencilled or etched to a depth of at least 0.2mm.
- (3) A firearm that is temporarily imported or in-transit through the Republic of South Africa or a collectable firearm which has been approved for collection by an accredited collectors association in terms of section 17(1)(a) of the Act which does not have a manufacturer's serial number stamped on the barrel, frame or the receiver of the firearm or which has a manufacturer's serial number stamped on the barrel or the receiver of the firearm that

duplicates with a similar make, model, type and calibre firearm that appears on the Central Firearms Register, must be allocated with a unique firearm identification number by the Registrar and such number must be affixed to the firearm in the form of a tag securely affixed to the firearm and that number must remain on the firearm for the period that the firearm remains in the Republic of South Africa.

[29]31 The central firearms database

- (1) The Registrar must establish and maintain a central firearms database, which must contain information regarding-
- (a) all applications for a competency certificate, licence, authorisation and permit to possess a firearm made in terms of the Act, and renewals and copies of such competency certificate, further competency certificate, licence, authorisation, permits and renewals;
 - (b) the refusal, termination or cancellation of a competency certificate, licence, authorisation or permit to possess a firearm and renewals and a copy of such competency certificate, further competency certificate, licence, authorisation and permit;
 - (c) a declaration of unfitness to possess a firearm contemplated in Chapter 12 of the Act;
 - (d) the details indicated on a competency certificate, licence, authorisation, permit and a renewal or copy thereof, that was issued; and
 - (e) the transfer of a firearm which was effected in terms of the Act.

**CHAPTER 5
LICENCES ISSUED TO PARTICULAR CATEGORIES OF PERSONS**

**PART 1
GENERAL PROVISIONS**

[30]32 Additional particulars to be provided with an application for a dealer, manufacturer and gunsmith's licence

A person who applies for a dealer, manufacturer or gunsmith's licence contemplated in Chapter 7 the Act must, in addition to the relevant information required by regulation [13]15, submit-

- (a) a description of the premises on which the applicant intends to carry on business as a dealer, manufacturer or gunsmith which specifies its location and the surrounding buildings and businesses;
- (b) a plan of the premises, drawn to scale, on which the following are clearly indicated-
 - (i) the dimensions of every room; and
 - (ii) the arrangement of the internal structure, together with all doors, windows, counters, safes, strongrooms and manner of internal and external connections;
- (c) documentary proof to the satisfaction of the Registrar that the building, or section thereof that will be used for the purpose of the business, will be constructed with baked clay or cement bricks, concrete floors, aggregate for concrete that complies with requirements of SABS specification 1083, aggregate for mortar and plaster that complies with requirements of SABS specification 1090, and a roof constructed to the satisfaction of the Registrar;
- (d) documentary proof to the satisfaction of the Registrar that the premises are 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 must only be possible to reset it 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) the control unit must be installed within the safeguarded area or be equipped with a tamper-proof device;
 - (vi) an automatic telephone or radio contact unit which effects contact to the applicant or any other responsible person on activation of the alarm system which must be installed within the safeguarded area or be equipped with a tamper-proof device; and
 - (vii) a siren with a sound frequency level of at least 93 decibels with a flashing light which must be installed within the safeguarded area or be equipped with a tamper-proof device;
- (e) documentary proof to the satisfaction of the Registrar that the building is equipped with burglar proofing, installed and complying with the following-
- (i) the burglar proofing must be affixed to the fixed structure of the building and the security gates fitted with locks; and
 - (ii) burglar proofing of the windows and security gates of doors which shall consist of horizontal steel reinforcing of not less than 50mm x 10mm, spaced not more than 500mm apart and vertical round steel bars of a diameter of not less than 16mm fixed to the horizontal steel reinforcing by means of inserting the vertical round steel bars through the horizontal steel reinforcing not more than 100mm apart;
- (f) documentary proof to the satisfaction of the Registrar that the building, or section thereof that will be used for the purpose of the business, is equipped with an adequate number of safes or strongrooms that comply with the applicable provision of Regulation [86]88;
- (g) documentary proof to the satisfaction of the Registrar, provided by an accountant, auditor or attorney with knowledge of the particular facts, of-
- (i) the full names, surname, identity number and address of every natural person who will have any direct or indirect financial or other business interest in the business together with particulars of the nature and extent of any such interest and, in the case of a juristic person, also the name and identity number of any person who is in control thereof or is responsible for the management thereof;
 - (ii) if the applicant is a juristic person, full particulars of the juristic person including supporting documents confirming its legal status;
 - (iii) documentary proof of ownership of the property or, if the applicant is not the registered owner of the property on which the premises are situated, the particulars of the registered owner and the written consent of the registered owner for the applicant to conduct the business on the premises together with the terms and conditions applicable to the use of the premises; and
- (h) documentary proof to the satisfaction of the Registrar that the applicant complies with all local by-laws which may be applicable to the conducting of the business.

**PART 2
DEALERS**

[31]33 Conditions in respect of a dealer's licence

The Registrar may impose the following conditions in respect of a dealer's licence-

- (a) a dealer intending to transfer a prohibited firearm or device referred to in section 4 of the Act, must lodge with the Registrar an application that complies with regulation [13]15, insofar as is applicable, accompanied by a relevant permit issued by the National Conventional Arms Control Committee established under the National Conventional Arms Control Act, 2002 (Act 41 of 2002);
- (b) a dealer may transfer a prohibited firearm and device referred to in section 4 of the Act only after acquiring a written conformation from the Registrar that a holder of a licence as provided for in sections 17, 18(5), 19 and 20(1) (b) had been issued with a licence to possess that prohibited firearm;
- (c) during any period when the licensed premises are closed for business purposes all muzzle loading firearms, firearms and ammunition which are on the premises must be locked in a strongroom or safe for safe custody of firearms which has been defined in the relevant licence;
- (d) during any period when the premises specified in the licence is open for purposes to trade in muzzle loading firearms, firearms or ammunition, muzzle loading firearms, firearms and ammunition may only be displayed if the muzzle loading firearms and firearms are-
 - (i) unloaded; and
 - (ii) in the case of handguns, locked in a display counter or display cabinet that prevents *the* unauthorised access to the handguns displayed therein;
 - (iii) in the case of firearms, excluding handguns and firearms displayed as prescribed in subparagraph (ii)-
 - (aa) rendered inoperable by means of a secure locking device; or
 - (bb) securely attached with a metal attachment to a non-portable structure in such a manner that it cannot readily be removed; and
 - (iv) not displayed with ammunition that can be discharged from it;
- (e) during any period when the licensed premises are open for business or any other purpose, muzzle loading firearms, firearms and ammunition which are not displayed must be kept in a strongroom or safe for safe custody of firearms which has been defined in the relevant licence;
- (f) a dealer may not record the details of a firearm on the applicable part of an application for a licence to possess that firearm unless the dealer is physically in possession of the firearm when recording such details;
- (g) a dealer may not record the details of a firearm on the applicable part of an application for a licence to possess that firearm coincident in another application for a licence to possess that firearm;
- (h) only natural persons whose particulars are recorded in the prescribed register as contemplated in regulation **[37]39(4)**, may trade in muzzle loading firearms, firearms or ammunition on behalf of the dealer;
- (i) the persons whose particulars appear on the licence or in the prescribed register

as contemplated in subregulation [37]39(4) must ensure that-

- (i) during business hours proper control is, at all times, exercised over all the muzzle loading firearms, firearms and ammunition;
 - (ii) the prescribed registers are properly maintained; and
 - (iii) every reasonable precaution is taken against the loss or theft of the muzzle loading firearms, firearms and ammunition;
- (j) the muzzle loading firearms, firearms and ammunition that are possessed on the authority of a dealer's licence may only be transported by a person whose particulars appears on the licence or in the register prescribed in regulation [37]39(4) or by the holder of a firearm transporter's permit and such transport must comply with the requirements of regulation [68]70(1)(a) to (c);
- (k) the dealer must verify that the particulars of a muzzle loading firearms, firearm and ammunition recorded on a form and register dealt with by the dealer, are correct;
- (l) firearms and ammunition may only be test-fired or fired for demonstration purposes at an accredited shooting range by a person holding a competency certificate;
- (m) the dealer and all persons employed by the dealer must be conversant with the provisions of the Act, the regulations issued in terms of the Act and any amendments thereto;
- (n) a dealer may not at any time display or exhibit any muzzle loading firearms, firearm and ammunition in any showcase or show-window which directly goes out on or overlooks any public street, road, thoroughway or public place whereto the general public has access, or permit it to be so displayed or exhibited or cause it to be so displayed or exhibited;
- (o) the dealers' licence may not be transferred; and
- (p) a dealer's licence does not authorise the collection of firearms or ammunition as a private or public collection.

[32]34 Information on a dealer's licence

A dealer's licence must, in addition to the requirements of sections 7(2) and 34 of the Act, contain the-

- (a) business name of the dealer;
- (b) in the case where the holder of the dealer's licence is a natural person, the initials, surname and identity number of the holder of the dealer's licence or in the case of a juristic person the name and legally prescribed registration number thereof, where applicable;
- (c) number, date of issue and type of competency certificate issued to the holder of the dealer's licence and in the case of a juristic person the name, surname, identity number and number, date of issue and type of competency certificate of the responsible person, where applicable;
- (d) date of issue of the licence;
- (e) date of expiry of the licence;
- (f) registration number and reference code allocated by the Registrar; and
- (g) details of the approved safe or strongroom as contemplated in regulation [86]88 (2).

[33]35 Application for temporary authorisation to trade in firearms and ammunition on premises other than those specified in dealer's licence

- (1) A dealer applying for a temporary authorisation as contemplated in section 36 of the Act must, in addition to the requirements of regulation **[13]15**, submit-
- (a) a written motivation in support of the application, with specific reference to the steps which are contemplated in connection with the safe custody of the firearms and ammunition;
 - (b) a written declaration that the dealer has facilities available for the safe custody of the firearms and ammunition that comply with SABS Standard 953-1 or 953-2, or both;
 - (c) a certified copy of the dealer's licence; and
 - (d) a list containing the full names, identity numbers, the date of issue and number of the competency certificate of every person who will trade on behalf of the dealer at the premises.
- (2) The application must be lodged at least 30 days before the date on which the trading will commence at the other premises.

[34]36 Conditions applicable to temporary authorisations to trade in firearms and ammunition on premises other than those specified in dealer's licence

The Registrar may impose the following conditions in respect of a temporary authorisation issued under section 36 of the Act:

- (a) The dealer to whom a temporary authorisation has been issued must, for the duration of the trade in firearms and ammunition, keep the temporary authorisation at the premises specified in the temporary authorisation and the dealer must, at the request of a police official, produce the temporary authorisation to such police official for inspection;
- (b) during any period when the premises specified in the temporary authorisation is closed for purpose to trade in firearms and ammunition, all firearms and ammunition which are on the premises, must be locked in the strongroom or safe for safe custody of firearms and ammunition which has been specified on the temporary authorisation;
- (c) during any period when the premises specified in the temporary authorisation is open for purposes to trade in firearms and ammunition, firearms and ammunition may only be displayed if the firearms are-
 - (i) unloaded; and
 - (ii) in the case of handguns, locked in a display counter or display cabinet that prevents the unauthorised access to the handguns displayed therein;
 - (iii) in the case of firearms, excluding handguns and firearms displayed as prescribed in subparagraph (ii)-
 - (aa) rendered inoperable by means of a secure locking device; or
 - (bb) securely attached with a metal attachment to a non-portable structure in such a manner that it cannot readily be removed; and
 - (iv) not displayed with ammunition that can be discharged from it;
- (d) during any period when the premises specified in the temporary authorisation is open for purpose to trade in firearms and ammunition-
 - (i) ammunition may only be displayed if the ammunition are securely

- locked in a display counter or display cabinet; and
- (ii) firearms or ammunition or both which are not displayed must be locked in a strongroom or safe for safe custody of firearms and ammunition which has been specified in the temporary authorisation;
- (e) only persons specified in the temporary authorisation and who has in his or her possession a relevant competency certificate, may trade at the specified premises on behalf of the dealer;
 - (f) must during the period of trade at the premises specified in the temporary authorisation, keep a record in respect of every firearm and all ammunition in possession of the dealer on the premises wherein the following particulars must be recorded-
 - (i) the stock number allocated in accordance with regulation [37]39(1) (a) that must be clearly affixed by means of a temporary marking on the firearm;
 - (ii) the make, type, calibre of the firearm, as well as, every manufacturer's serial number or additional identification mark contemplated in section 23(4) of the Act that is reflected on the firearm;
 - (iii) the calibre, make and quantity of all ammunition;
 - (iv) the date of sale of any firearm or ammunition, or both;
 - (v) the full name, physical address and identity number or registration number, as the case may be, of the person to whom a firearm or ammunition, or both has been sold;
 - (vi) the date of issue and number of the licence, permit or authorisation contemplated in section 90(d) of the Act, in terms whereof the person to whom the ammunition has been sold, may possess the ammunition;
 - (vii) the calibre, make and quantity of ammunition sold; and
 - (viii) the signature of the person to whom the ammunition has been sold that must be affixed to the recorded particulars;
 - (g) no firearm may be delivered to a person to whom it was sold at the premises specified in the temporary authorisation until the register prescribed in regulation [37]39(1) have been duly completed by the dealer; and
 - (h) the record prescribed in paragraph (f), must at the expiry of the period for which the temporary permit was issued, be incorporated and cross-referenced with the register prescribed in regulation [37]39.

[35]37 Record of prescribed information regarding temporary authorisations in respect of dealers

The Office of the Central Firearms Register must keep a record of the following information regarding temporary authorisations issued under section 36 of the Act:

- (a) the name of the police station where the application was submitted;
- (b) details of the person who completed the application;
- (c) reason if the application was refused;
- (d) details of the applicant;
- (e) details of the premises and the safe storage facilities where the firearms or ammunition, or both will be kept in safe custody; and

(f) period of validity of the temporary authorisation.

[36]38 Application by a dealer for the change of premises

- (1) A dealer who applies for the removal of the business from the premises specified in the licence to a different premises must, in addition to the relevant information required by regulation [13]15 and in regulation [30]32, submit such further information and documents as may be required by the Registrar.
- (2) When an inspection of the new premises by a police official or a Designated Firearms Officer reveals that the safeguarding facilities at the new premises do not in all respects comply with those specified for the applicable licence, the holder of the licence must be notified thereof in writing by the relevant Designated Firearms Officer and be afforded a period of 60 days within which to correct the listed deficiencies: Provided that the Registrar is satisfied that the nature of the deficiencies would not create an unacceptable risk for the safe custody of firearms or ammunition.
- (3) (a) On approval of an application to change premises as contemplated in subregulation (1), the dealer must immediately on taking occupation of the new premises, notify the relevant Designated Firearms Officer responsible for the area in which the applicant's new business will be situated.
- (b) A notification contemplated in subparagraph (a) must be on the applicable form and be accompanied by such information and documents as may be required by the Registrar.

[37]39 Registers in respect of a dealer

- (1) A dealer must keep a register as contemplated by section 39(3) of the Act comprising of a set of books or computer printouts known as 'the Firearms Stock Register' in respect of every muzzle loading firearm or firearm received in stock from whatever source, wherein must be recorded-
- (a) on the debit-side-
- (i) a stock number that must be clearly affixed by means of a temporary marking on the muzzle loading firearm or firearm;
 - (ii) the make, type, calibre of the muzzle loading firearm or firearm, as well as, every manufacturer's serial number or additional identification mark contemplated in section 23(4) of the Act that is reflected on the muzzle loading firearm or firearm;
 - (iii) the date of receipt of the muzzle loading firearm or firearm;
 - (iv) the full names, surname, identity number or registration number, as the case may be, and physical address of the person from whom the muzzle loading firearm or firearm was acquired; and
 - (v) in the case of a firearm, the number and date of issue of the existing licence, authorisation or permit, as the case may be, and in the case of a private transfer and a muzzle loading firearm, the signature of the person from whom the firearm was acquired;
- (b) on the credit-side against the stock number referred to in subregulation (1)(a)(i)-
- (i) the date of sale of the muzzle loading firearm or firearm;
 - (ii) the full names, surname, identity number or registration number, as the case may be, and physical address of the person to whom the muzzle loading firearm or firearm was sold;
 - (iii) the number and date of issue of the licence, authorisation or permit in terms whereof the firearm may be possessed by the person

contemplated in subparagraph (ii); and

- (iv) the signature of the person to whom the muzzle loading firearm or firearm was sold or transferred to **[who is responsible for the transfer of the firearm]** that must be affixed to the recorded particulars.

(2) A dealer must keep a register comprising of a set of books or computer printouts known as 'the Ammunition Stock Register' in respect of all ammunition received wherein must be recorded-

(a) on the debit-side-

- (i) the calibre, make, type and quantity of all ammunition received; and
- (ii) the date of receipt; and
- (iii) the number and date of issue of the existing licence, authorisation or permit, as the case may be, of the person from whom the ammunition was acquired;

(b) on the credit-side-

- (i) the date of sale of the ammunition;
- (ii) the full names, surname, identity number or registration number, as the case may be, and physical address of the person to whom the ammunition was sold;
- (iii) the number and date of issue of the licence, permit or authorisation contemplated in section 90(d) of the Act, in terms whereof the person to whom the ammunition has been sold, may possess the ammunition;
- (iv) the calibre, make and quantity of all ammunition sold; and
- (v) the signature of the person to whom the ammunition has been sold or transferred that must be affixed to the recorded particulars.

(3) (a) A dealer must keep a register comprising of a set of books or computer printouts known as 'the Firearms Safe Custody Register' regarding all muzzle loading firearms or firearms that the dealer receives and holds on behalf of a holder of a licence, authorisation or permit for the purpose of the safe custody or transfer of the muzzle loading firearms or firearms.

(b) The Firearms Safe Custody Register must contain-

- (i) the date of receipt of the muzzle loading firearm or firearm;
- (ii) the full names, surname, identity number or registration number, as the case may be, and physical address of the person from whom the muzzle loading firearm or firearm was acquired;
- (iii) the make, type, calibre of the firearm, as well as, every manufacturer's serial number or additional identification mark contemplated in section 23(4) of the Act that is reflected on the muzzle loading firearm or firearm;
- (iv) the number and date of issue of the existing licence, authorisation or permit, as the case may be, and signature of the person from whom the firearm was acquired;
- (v) the date of return, transfer or disposal of the muzzle loading firearm or firearm; and
- (vi) the signature of the person to whom the muzzle loading firearm or

firearm was returned, transferred or disposed to.

- (4) A dealer must keep a register wherein the full names, surname, identity number and physical address and number of the applicable competency certificates in respect of natural persons who are involved in trading on behalf of the dealer, are recorded.
- (5)
 - (a) The registers comprising of a set of books that are 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 the relevant Designated Firearms Officer, has signed every such page and appended an official date stamp reflecting the particulars of the office to which the relevant Designated Firearms Officer is attached, with every such signature.
 - (b) A dealer must, within seven days after the end of a month hand the register comprising of computer printouts that are kept in terms of this regulation, of which every page must be numbered in sequence, to the relevant Designated Firearms Officer who must sign every page and appended an official date stamp reflecting the particulars of the office to which the relevant Designated Firearms Officer is attached, with every such signature.
 - (c) Signatures as contemplated in subregulations (1)(b)(iv), (2)(b)(v) and (3)(b)(vi) must be affixed to a computer printout contemplated in subregulation (c).
- (6) An entry recorded in a register referred to in this regulation must be printed or written in ink, and any amendment thereof must be effected by means of interlineation or crossing out in ink and not by way of erasure, and any such amendment must be initialled by the person effecting the amendment.
- (7) No person may remove or cause to be removed any page from any register contemplated in this regulation and if any page is removed from such register, it will be deemed, in the absence of evidence to the contrary which raises reasonable doubt, 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.
- (8) A 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 transferred or disposed of, as the Registrar may in the notice determine.
- (9) All particulars that must be entered in a register referred to in this regulation, must be recorded by a person **[endorsed on the dealers licence]** whose particulars are recorded in the register contemplated in regulation 39(4) on receipt, transfer or disposal, as the case may be, of the firearm or ammunition concerned.
- (10) Subject to the provisions of section 146 and regulation [102]104(1) a register prescribed in this regulation and regulation [34]36(f), must be kept for a period of 10 years from the date of the last entry therein on the business premises specified on the dealer's licence.

[38]40 Manner in which a workstation must be established, maintained and linked to the central dealers' database

- (1) The workstation of a dealer contemplated in section 39(6) of the Act, must link to the central dealers' database by way of software and an electronic network connectivity that is compatible with the infrastructure and standards of the South African Police Service.
- (2) A dealer must establish an online electronic connectivity which links the registers prescribed in regulation **[37]39** to the central dealer's database and which must provide for a daily electronic online transfer of data regarding business related to muzzle loading firearms or firearms and ammunition for the previous business day as recorded in the prescribed registers.
- (3) If any circumstance occur which prevents a dealer to submit returns online by means of the electronic network connectivity, the Registrar must be informed immediately in order to establish alternative means to submit the daily returns.

[39]41 Weekly returns

- (1) A dealer who is exempted from the duties referred to in section 39(6) of the Act must, within seven days after the end of every week, submit to the Office of the Central Firearms Register a return on the form determined by the Registrar, or a computer printout which reflects the information of the prescribed form, regarding all muzzle loading firearms and firearms **[and ammunition]**-
- (a) acquired during the relevant week; and
 - (b) transferred during the relevant week.
- (2) A dealer must submit such weekly returns whether or not any muzzle loading firearms or firearms **[or ammunition]** have been acquired or transferred.

[40]42 Establishment of centralised dealer's database

- (1) The Registrar must establish and maintain a central dealer's database which is linked and can interface with the electronic network connectivity of workstations of dealers as contemplated in regulation [38]40.
- (2) The central dealer's database must contain-
- (a) the information and supporting documents submitted by an applicant on the prescribed form under regulation [13]15 regarding a competency certificate, dealer's licence, authorisation, renewal or copy thereof, as well as, the relevant information in respect of the suspension or termination thereof;
 - (b) the information on a competency certificate, licence, authorisation, permit and a renewal or copy thereof, that were issued or refused as a result of an application; and
 - (c) the details and information submitted by a dealer in respect of the acquisition, transfer and disposal of a muzzle loading firearm, firearm or ammunition effected under the Act.

**PART 3
MANUFACTURERS**

[41]43 Conditions in respect of a manufacturer's licence

The Registrar may impose the following conditions in respect of a manufacturer's licence-

- (a) the licence may not be transferred;
- (b) the section of the business premises specified in the licence in which the muzzle loading firearms, firearms and ammunition are manufactured or stored must, during working hours, be under the immediate control of the holder of the manufacturer's licence or, if authorised thereto by the Registrar in writing, a person nominated by the holder of the manufacturer's licence to supervise the final assembly of the firearms;
- (c) the holder of the manufacturer's licence may only acquire and keep in stock the calibre ammunition necessary for the testing of a firearm manufactured under the licence;
- (d) all manufactured muzzle loading firearms, firearms and main firearm components must be stored in a prescribed safe or strongroom as specified in the licence during all hours other than working hours;
- (e) during any period when the licensed premises are closed for business purposes all ammunition and any other explosive component of the ammunition which are on the premises, must be locked in a strongroom or safe which has been approved in terms of the Explosives Act, 1956 (Act 26 of 1956) and specified on the licence;

- (f) on every firearm manufactured under the provisions of the Act, a manufacturer's serial number must be stamped on it;
- (g) a manufacturer's serial number must, on request of the manufacturer, be allocated by the Registrar;
- (h) the manufacturer's serial number must be stamped on the firearm in accordance with the provisions of section 23(2) of the Act read with regulation [28]30(2) before the manufacturing has been completed;
- (i) the manufacturer must stamp the inscription 'made in South Africa' and the manufacturer's trade name on the barrel, frame or receiver of the firearm;
- (j) testing of a firearm must only be done at a shooting range or tunnel approved by the Registrar by a person who holds a competency certificate;
- (k) the licence shall only authorise the manufacturing of firearms or calibre of ammunition, or both that is specified thereon;
- (l) before commencing the manufacturing of firearms or calibre of ammunition that is not specified on the manufacturer's licence, the holder of manufacturer's licence must apply to the Registrar for a licence to manufacture such firearm or calibre of ammunition;
- (m) the Registrar may, after receipt of an application for the licence, but prior to the issuing thereof, authorise the manufacturer to produce a specified number of prototypes of the firearm to allow the manufacturer to obtain the necessary proofing of the firearm as contemplated in regulation [106]108;
- (n) the Registrar may only licence a manufacturer to manufacture a firearm or ammunition referred to in section 4(1)(a) to (d) of the Act, if the manufacturer has beforehand obtained the necessary permit in terms of section 14 of the National Conventional Arms Control Act, 2002 (Act 41 of 2002), as well as, a proofing certificate contemplated in regulation [106]108 and a South African Police Service ballistics evaluation report;
- (o) in the case of commercial loading of ammunition, other than contemplated in section 93(1) of the Act, the packaging in which the ammunition is sold by the manufacturer must clearly indicate that the ammunition is reloaded ammunition and the packaging must further have the loading manufacturer's details printed thereon;
- (p) ammunition manufactured under a manufacturer's licence, excluding ammunition contemplated in subparagraph (o) , must be individually identified by a unique head stamp or marking approved by the Registrar that identifies the manufacturer;
- (q) the muzzle loading firearms, firearms and ammunition that are possessed on the authority of a manufacturer's licence must be transported on behalf of the holder of the manufacturer's licence only by a person whose name appears on the licence or in the register contemplated in regulation [47]49(5) or by the holder of a firearm transporter's permit and such transportation must comply with the requirements of regulation [68]70(1)(a) to (c);
- (r) any main firearm component that is rejected by the manufacturer due to its unacceptability for use, must immediately after its rejection be destroyed by the manufacturer by making it totally inoperative;
- (s) a manufacturer may supply a barrel that is unchambered, partially chambered or pre-chambered for a specific calibre to the holder of a dealer's licence;
- (t) a manufacturer's licence does not authorise the collection of firearms or ammunition as a private or public collection; and

- (u) a manufacturer may not employ a person who has been declared unfit to possess a firearm under Chapter 12 of the Act in a position who has access to a completed manufactured firearm or ammunition.

[42]44 Information on a manufacturer's licence

A manufacturer's licence must, in addition to the requirements of section 48 of the Act, contain the-

- (a) business name of the manufacturer;
- (b) initials and surname of the holder of the manufacturer's licence in the case where the holder of the manufacturer's licence is a natural person, or in the case of a juristic person the name and legally prescribed registration number of the juristic person, where applicable;
- (c) the number, date of issue and type of competency certificate issued to the holder of the manufacturer's licence and in the case of a juristic person the name, surname, identity number and number, date of issue and type of competency certificate of the responsible person;
- (d) the date of issue of the licence;
- (e) the date of expiry of the licence;
- (f) the registration number and reference code allocated by the Registrar;
- (g) the details of the approved safe or strongroom as contemplated in regulation [86] 88(3), as well as, any explosives magazines; and
- (h) the particulars of the firearm and calibre of ammunition that may be manufactured under the licence.

[43]45 Applications in respect of temporary authorisation to display firearms and ammunition on premises other than those specified in manufacturer's licence

- (1) A manufacturer applying for a temporary authorisation as contemplated in section 50 of the Act must, in addition to the requirements of regulation [13]15, submit-
 - (a) a written motivation in support of the application, with specific reference to the steps which are contemplated in connection with the safe custody of the firearms and ammunition;
 - (b) a written declaration that the applicant has facilities available for the safe custody of the firearms and ammunition that comply with SABS Standard 953-1 or 953-2, or both;
 - (c) a list containing the full names, identity numbers, the date of issue and number of the competency certificate of every person who will participate in displaying the arms or ammunition, at the premises;
 - (d) a certified copy of the manufacturer's licence; and
- (2) The application must be lodged at least 30 days before the date on which the display of the firearms and ammunition will commence at the other premises.

[44]46 Conditions applicable to temporary authorisation to display firearms and ammunition on premises other than those specified in a manufacturer's licence

The Registrar may impose the following conditions in respect of a temporary authorisation issued under section 50 of the Act:

- (a) The manufacturer to whom a temporary authorisation has been issued must, for the duration of the display of the firearms or ammunition, or both keep the temporary authorisation at the premises specified in the temporary authorisation and the manufacturer must, at the request of a police official, produce the

temporary authorisation to such police official for inspection;

- (b) during any period when the premises specified in the temporary authorisation is closed for displaying purposes, all muzzle loading firearms, firearms or ammunition, or both which are on the premises, must be locked in the strongroom or safe for safe custody of firearms which has been specified on the temporary authorisation;
- (c) during any period when the premises specified in the temporary authorisation is open for purposes to display muzzle loading firearms or firearms, the muzzle loading firearms and firearms may only be displayed if the muzzle loading firearms and firearms are-
 - (i) unloaded; and
 - (ii) in the case of handguns, locked in a display counter or display cabinet that prevents the unauthorised access to the handguns displayed therein;
 - (iii) in the case of firearms, excluding handguns and firearms displayed as prescribed in subparagraph (ii)-
 - (aa) rendered inoperable by means of a secure locking device; or
 - (bb) securely attached with a metal attachment to a non-portable structure in such a manner that it cannot readily be removed; and
 - (iv) not displayed with ammunition that can be discharged from it;
- (d) during any period when the premises specified in the temporary authorisation is open for displaying purposes-
 - (i) ammunition may only be displayed if the ammunition are securely locked in a display counter or display cabinet;
 - (ii) firearms or ammunition, or both which are not displayed must be locked in a strongroom or safe for safe custody of firearms which has been specified in the temporary authorisation;
- (e) only persons specified in the temporary authorisation and who has in his or her possession a relevant competency certificate, may participate in the displaying of the firearms or ammunition, or both;
- (f) the manufacturer must, at the premises specified in the temporary authorisation and during the period of validity of the temporary authorisation, keep a record in respect of every firearm and all ammunition in possession of the manufacturer on the premises wherein the following particulars must be recorded-
 - (i) the stock number allocated in accordance with regulation [47]49(1) (a) that must be clearly affixed by means of a temporary marking on the firearm;
 - (ii) the make, type, calibre of the firearm, as well as, every manufacturer's serial number or additional identification mark contemplated in section 23(4) of the Act that is reflected on the firearm;
 - (iii) the calibre, make and quantity of all ammunition.
- (g) the record prescribed in paragraph (f), must at the expiry of the period for which the temporary permit was issued, be incorporated and cross-referenced with the register prescribed in regulation **[47]49**.

[45]47 Record of prescribed information regarding temporary authorisations in respect of a manufacturer's licence

The Office of the Central Firearms Register must keep a record of the following information regarding temporary authorisations issued under section 50 of the Act:

- (a) the name of the police station where the application was submitted;
- (b) details of the person who completed the application;
- (c) reason if the application was refused;
- (d) details of the applicant;
- (e) details of the premises and the safe storage facilities where the firearms or ammunition, or both will be kept in safe custody; and
- (f) period of validity of the temporary authorisation.

[46]48 Application by a manufacturer for the change of premises

- (1) A manufacturer who applies for the removal of the business from the premises specified in the licence to a different premises must, in addition to the relevant information required by regulation [13]15 and in regulation [30]32, submit such further information and documents as may be required by the Registrar.
- (2) When an inspection of the new premises by a police official or a Designated Firearms Officer reveals that the safeguarding facilities at the new premises do not in all respects comply with those specified for the applicable licence, the holder of the licence must be notified thereof in writing by the relevant Designated Firearms Officer and be afforded a period of 60 days within which to correct the listed deficiencies: Provided that the Registrar is satisfied that the nature of the deficiencies would not create an unacceptable risk for the safe custody of firearms or ammunition.
- (3)
 - (a) On approval of an application to change premises as contemplated in subregulation (1), the manufacturer must immediately on taking occupation of the new premises, notify the relevant Designated Firearms Officer for the area in which the applicant's new business will be situated.
 - (b) A notification contemplated in subparagraph (a) must be on the applicable form and be accompanied by such information and documents as may be required by the Registrar.

[47]49 Registers in respect of a manufacturer

- (1) A manufacturer must keep a register as contemplated in section 53(3) of the Act in the format of an electronic database known as 'the Firearms Stock Register', in respect of every muzzle loading firearm and firearm manufactured wherein the following particulars must be recorded-
 - (a) on the debit-side against a stock number the date of manufacture, make, calibre, model and in the case of a firearm, the manufacturer's serial number; and
 - (b) on the credit-side against the stock number referred to in subparagraph (a) the date of sale of the muzzle loading firearm or firearm and-
 - (i) the name and address and dealer's licence number of the dealer to whom the muzzle loading firearm or firearm is sold; or
 - (ii) the particulars of the State department to whom the firearm was sold; or
 - (iii) the name and address of the person to whom the muzzle loading firearm or firearm was exported in the case of a firearm, together with the particulars of the export permit issued under the Act or the

National Conventional Arms Control Act, 2002 (Act 41 of 2002), as the case may be.

- (2) Every manufacturer must keep an electronic database known as the 'Ammunition Stock Register', in respect of all ammunition wherein the following particulars must be recorded-
- (a) on the debit-side-
 - (i) the calibre, make, type and quantity of all ammunition manufactured, purchased or acquired;
 - (ii) the lot number and the date of manufacture or receipt; and
 - (iii) in the case of the ammunition being purchased or acquired-
 - (aa) the person from whom it was purchased or acquired; and
 - (bb) the reason for the purchase or acquiring.
 - (b) on the credit side-
 - (i) the lot number and the date of sale or use by the manufacturer of the ammunition;
 - (ii) the calibre, make, type and quantity of ammunition sold or used by the manufacturer;
 - (iii) the name, address and dealer's licence number of the dealer to whom the ammunition is sold; or
 - (iv) the particulars of the State department to whom the ammunition was sold; or
 - (v) the name and address of the person to whom the ammunition was exported to together with the particulars of the export permit issued under the Act or the National Conventional Arms Control Act, 2002 (Act 41 of 2002), as the case may be; and
 - (vi) the date of collection and the signature of the dealer or relevant State official to whom the ammunition was delivered.
- (3) A manufacturer must keep updated stock sheets of all its manufactured muzzle loading firearms, firearms and main firearm components.
- (4) All particulars that must be entered in a register referred to in this regulation, must be recorded immediately by a designated person **[endorsed on the manufacturer's licence]** whose particulars are recorded in the register contemplated in subregulation (5) on the manufacture, receipt, transfer or use, as the case may be, of the muzzle loading firearm, firearm or ammunition concerned.
- (5) A manufacturer must keep a register wherein the full names, surname, identity number, as well as, the date of issue, type and number of the applicable competency certificate in respect of natural persons who engages in the manufacturing process, are recorded.
- (6) Every manufacturer must immediately upon completion of the manufacturing, as well as, the transfer of a firearm or ammunition, or both, submit by means of an electronic connectivity in the outline determined by the Registrar, the information regarding all firearms and ammunition manufactured or transferred.
- (7) Every ammunition manufacturer must on or before the seventh day of every successive month submit a monthly return to the Registrar in the form determined by the Registrar, of all ammunition-
- (a) manufactured during that specific month; and

(b) disposed of during such specific month.

- (8) The returns referred to in subregulations (6) and (7) must be submitted, whether or not any ammunition were manufactured or disposed of during such specific month.
- (9) Subject to the provisions of section 146 and regulation [102]104(1) a register prescribed in this regulation must be kept for a period of 10 years from the date of the last entry therein on the business premises specified on the licence.

[48]50 Manner in which a workstation must be established, maintained and linked to the central manufacturers' database

- (1) The workstation of a manufacturer contemplated in section 53(6) of the Act, must link to the central manufacturers' database by way of software and an electronic network connectivity that is compatible with the infrastructure and standards of the South African Police Service.
- (2) A manufacturer must establish an online electronic connectivity which links the registers prescribed in regulation [47]49 to the central manufacturer's database and which must provide for a daily electronic online transfer of data regarding muzzle loading firearm, firearms and ammunition manufactured or transferred during the previous business day as recorded in the prescribed registers.
- (3) If any circumstance occur which prevents a manufacturer to submit returns online by means of the electronic network connectivity, the Registrar must be informed immediately in order to establish alternative means to submit the daily returns.

[49]51 Establishment of a centralised manufacturers' database

- (1) The Registrar must establish and maintain a central manufacturers' database which is linked and can interface with the electronic network connectivity of workstations of manufacturers as contemplated in regulation [48]50.
- (2) The central manufacturers' database must contain-
- (a) the information and supporting documents submitted by an applicant on the prescribed form under regulation [13]15 regarding a competency certificate, manufacturer's licence, authorisation, permit, renewal or copy thereof, as well as, the relevant information in respect of the suspension or termination thereof;
- (b) the information on a competency certificate, licence, authorisation, permit and a renewal or copy thereof, that were issued or refused as a result of the application; and
- (c) the details and information submitted by a manufacturer in respect of the manufacture, use or transfer of a muzzle loading firearm, firearm and ammunition effected under the Act.

**PART 4
GUNSMITHS**

[50]52 Other work that may be performed by gunsmith

- (a) The holder of a gunsmith's licence may, repair, customise, custom build, adapt, modify, assemble, deactivate or, subject to regulation 59(3) and 69 store a muzzle loading firearm and firearm.
- (b) the Registrar may issue a temporary authorisation to possess a firearm as contemplated in section 21 of the Act to a gunstock maker on condition that the gunstock maker shall not conduct any other work outside the scope of a gunstock maker which work shall not include work contemplated in subregulation (a) on any metal part of a firearm.

[51]53 Conditions in respect of the issue of gunsmith's licence

The Registrar may impose the following conditions in respect of a gunsmith's licence:

- (a) The licence entitles the gunsmith to acquire a muzzle loading firearm and firearm and keep in stock any part of a firearm, including a main firearm component, for the purpose of performing his or her work;
- (b) the licence entitles the gunsmith to acquire and keep in stock ammunition reasonably necessary to test firearms on which he or she performs work within the normal scope of the business of a gunsmith;
- (c) a gunsmith who is employed by another person for the purpose of performing the work of a gunsmith, must within 30 days of such employment or of any change in *the* continued employment of such gunsmith with the person, notify the Registrar in writing of such employment or change;
- (d) if a person has in his or her employment a gunsmith for the purpose of performing the work of a gunsmith, the gunsmith is jointly and severally responsible to ensure that proper control is at all times exercised over all the muzzle loading firearm, firearms, ammunition and stock contemplated in subparagraphs (a) and (b), that the prescribed registers are properly maintained and that every reasonable precaution is taken against the loss or theft of the muzzle loading firearms, firearms, ammunition and stock;
- (e) muzzle loading firearms, firearms and ammunition that are in the possession of a gunsmith on the authority of a gunsmith's licence, must be transported only by the gunsmith whose name appears on the licence or by an apprentice gunsmith whose particulars are recorded in the register contemplated in regulation 59(8) or by a holder of a firearm transporter's permit and such transportation must comply with the requirements of regulation [68]70(1)(a) to (c);
- (f) a gunsmith may not alter or remove the serial number or any other identifying mark of a firearm without the prior written authorisation of the Registrar;
- (g) firearms and ammunition may only be test-fired by a gunsmith at an accredited shooting range, tunnel or purpose built bullet trap subject to local council requirements;
- (h) a gunsmith who performs work on a firearm as contemplated in section 59(a) and (b) of the Act or who custom builds a firearm must, before the conclusion of the work, notify the Registrar in writing of-
 - (i) the particulars of the firearm, including the type, name, calibre and manufacturer's serial number or additional identification number contemplated in section 23(4) of the Act, when applicable;
 - (ii) the number and date of the issue of the licence in respect of the firearm;
 - (iii) the full names, surname, identity number or registration number, as the case may be, and physical address of the holder of the licence to possess *the* firearm; and
 - (iv) the particulars of the work performed on the firearm;
- (i) the Registrar may require proofing in accordance with regulation **[106]**108 in connection with a firearm contemplated in subparagraph (h);
- (j) during any period when the licensed premises are closed for business purposes all muzzle loading firearms, firearms and ammunition, which are on the premises, must be locked in a strongroom or safe for safe custody of firearms which has been specified on the licence;
- (k) during any period when the licensed premises are open for business or any other purpose, muzzle loading firearms, firearms and ammunition which are not

displayed must be locked in a strongroom or safe for safe custody of firearms which has been defined in the relevant licence;

- (l) a gunsmith may display muzzle loading firearms and firearms on which he or she has performed work in accordance with the provisions of **[this]** section 59(a) and (b) and regulation[,] 52 in order to promote his or her craftsmanship;
- (m) during any period when the licensed premises are open for business purposes muzzle loading firearms, firearms and ammunition may only be displayed if the muzzle loading firearms and firearms are-
 - (i) unloaded; and
 - (ii) in the case of handguns, locked in a display counter or display cabinet that prevents the unauthorised access to the handguns displayed therein;
 - (iii) in the case of firearms, excluding handguns and firearms displayed as prescribed in subparagraph (ii)-
 - (aa) rendered inoperable by means of a secure locking device; or
 - (bb) securely attached with a metal attachment to a non-portable structure in such a manner that it cannot readily be removed; and
 - (cc) not displayed with ammunition that can be discharged from it;
- (n) a gunsmith may not at any time display or exhibit any muzzle loading firearm, firearm or ammunition in any showcase or show-window which directly goes out on or overlooks any public street, road, thoroughway or public place whereto the general public has access, or permit it to be so displayed or exhibited or cause it to be so displayed or exhibited;
- (o) a gunsmith may only deactivate a firearm with the prior written consent of the Registrar;
- (p) a gunsmith's licence does not authorise the collection of firearms or ammunition as a private or public collection;
- (q) when a firearm is custom built by a gunsmith, the name of the gunsmith as approved by the Registrar, as well as, the additional identification mark contemplated in section 23(4) of the Act, if applicable, must be stamped on the firearm;
- (r) a gunsmith may only employ a person as an apprentice to the gunsmith if such person is registered for such an apprenticeship with the Department of Labour; and
- (s) a gunsmith who has an apprentice must exercise personal control and supervision over such apprentice who performs any work on a firearm. **[; and]**
- [(t) the Registrar may issue a temporary authorisation to possess a firearm as contemplated in section 21 of the Act to a gunstock maker on condition that the gunstock maker shall not conduct any other work outside the scope of a gunstock maker which work shall not include work contemplated in regulation 50 on any metal part of a firearm.]**

52]54 Information on gunsmith's licence

A gunsmith's licence must, in addition to the requirements of section 62 of the Act, contain the-

- (a) business name of the gunsmith;

- (b) full names, surname and identity number of the gunsmith;
- (c) number, date of issue and type of the competency certificate issued to the holder of the gunsmith's licence;
- (d) date of issue of the licence;
- (e) date of expiry of the licence;
- (f) registration number and reference code allocated by the Registrar; and
- (g) details of the approved safe or strongroom as contemplated in regulation [86]88 (2).

[53]55 Applications for temporary authorisation to conduct business as gunsmith on premises other than those specified in gunsmith's licence

- (1) A gunsmith applying for a temporary authorisation as contemplated in section 64 of the Act must, in addition to the requirements of regulation [13]15, submit-
- (a) a written motivation in support of the application, with specific reference to the steps which are contemplated in connection with the safe custody of the muzzle loading firearms, firearms and ammunition;
 - (b) a written declaration that the gunsmith has facilities available for the safe custody of the muzzle loading firearms, firearms and ammunition that comply with SABS specifications;
 - (c) a certified copy of the applicant's licence; and
 - (d) a list containing the full names, surnames, identity numbers, the date of issue and number of the competency certificate of every person who will conduct business as a gunsmith on behalf of the holder of the gunsmith's licence at the premises.
- (2) An application for the display of muzzle loading firearm or firearms must be lodged at least 30 days before the intended date on which conducting of such display will commence.

[54]56 Conditions applicable to temporary authorisations to conduct business as gunsmith on premises other than those specified in gunsmith's licence

The Registrar may impose the following conditions in respect of an application for a temporary authorisation issued under section 64 of the Act:

- (a) The gunsmith to whom a temporary authorisation has been issued must, for the duration of conducting the business as a gunsmith, keep the temporary authorisation at the premises specified in the temporary authorisation and the gunsmith must, at the request of a police official, produce the temporary authorisation to such police official for inspection;
- (b) during any period when the premises specified in the temporary authorisation is closed for purpose of conducting business as a gunsmith, all muzzle loading firearm, firearms and ammunition which are on the premises, must be locked in the strongroom or safe for safe custody of firearms which has been specified on the temporary authorisation;
- (c) during any period when the premises specified in the temporary authorisation is open for purpose of conducting business as a gunsmith, muzzle loading firearms, firearms and ammunition may only be displayed if the muzzle loading firearms and firearms are-
 - (i) unloaded; and
 - (ii) in the case of handguns, locked in a display counter or display cabinet that prevents the unauthorised access to the handguns

- displayed therein; or
- (iii) in the case of firearms, excluding handguns and firearms displayed as prescribed in subparagraph (ii)-
 - (aa) rendered inoperable by means of a secure locking device; or
 - (bb) securely attached with a metal attachment to a non-portable structure in such a manner that it cannot readily be removed; and
 - (cc) not displayed with ammunition that can be discharged from it;
 - (d) during any period when the premises specified in the temporary authorisation is open to conduct business as a gunsmith, muzzle loading firearm and firearms which are not displayed or on which work is being performed, must be locked in a strongroom or safe for safe custody of firearms which has been specified in the temporary authorisation;
 - (e) only persons specified in the temporary authorisation and who has in his or her possession a relevant competency certificate, may conduct business as a gunsmith on the premises;
 - (f) the gunsmith must, at the premises specified in the temporary authorisation and during the period of validity of the temporary authorisation, keep a record in respect of every muzzle loading firearm, firearm and all ammunition in possession of the gunsmith on the premises wherein the following particulars must be recorded-
 - (i) the stock number allocated in accordance with regulation **[57]59(1)** (a) that must be clearly affixed by means of a temporary marking on the firearm;
 - (ii) the make, type, calibre of the firearm, as well as, in the case of firearms, every manufacturer's serial number or additional identification mark contemplated in section 23(4) of the Act that is reflected on the firearm; and
 - (iii) the calibre, make and quantity of all ammunition.
 - (g) the record prescribed in paragraph (f), must at the expiry of the period for which the temporary permit was issued, be incorporated and cross-referenced with the register prescribed in regulation **[57]59**.

[55]57 Record of prescribed information regarding temporary authorisations in respect of gunsmiths

The Office of the Central Firearms Register must keep a record of the following information regarding temporary authorisations issued under section 64 of the Act:

- (a) the name of the police station where the application was submitted;
- (b) details of the person who completed the application;
- (c) reason if the application was refused;
- (d) details of the applicant;
- (e) details of the premises and the safe storage facilities where the firearms or ammunition, or both will be kept in safe custody; and
- (f) period of validity of the temporary authorisation.

[56]58 Application for change of premises

- (1) A gunsmith who applies for the removal of the business from the premises specified in the licence to a different premises must, in addition to the relevant information required by regulation [13]15 and in regulation [30]32, submit such further information and documents as may be required by the Registrar.
- (2) When an inspection of the new premises by a police official or a Designated Firearms Officer reveals that the safeguarding facilities at the new premises do not in all respects comply with those specified for the applicable licence, the holder of the licence must be notified thereof in writing by the relevant Designated Firearms Officer and be afforded a period of 60 days within which to correct the listed deficiencies: Provided that the Registrar is satisfied that the nature of the deficiencies would not create an unacceptable risk for the safe custody of firearms or ammunition.
- (3)
 - (a) On approval of an application to change a premises as contemplated in subregulation (1), the gunsmith must immediately on taking occupation of the new premises, notify the relevant Designated Firearms Officer responsible for the area in which the applicant's new business will be situated.
 - (b) A notification contemplated in subparagraph (a) must be on the applicable form and be accompanied by such information and documents as may be required by the Registrar.

[57]59 Registers in respect of gunsmith

- (1) A gunsmith must keep a register as contemplated by section 67(2) of the Act comprising of a set of books or computer printouts known as 'the Firearms Repair Register', wherein the following particulars must be recorded-
 - (a) in respect of every muzzle loading firearm and firearm received for repair from whatever source-
 - (i) a stock number that must be clearly affixed by means of a temporary marking on the firearm;
 - (ii) the make, type, calibre, of the muzzle loading firearm or firearm, as well as, in the case of firearms, every manufacturer's serial number or additional identification mark contemplated in section 23(4) of the Act that is reflected on the firearm;
 - (iii) the date of receipt of the firearm;
 - (iv) the full names, surname, identity number or registration number, as the case may be, and physical address of the person from whom the firearm was acquired;
 - (v) the number and date of issue of the existing licence, authorisation or permit, as the case may be, of the person from whom the firearm was acquired;
 - (vi) nature of repair done on the firearm or any other work as contemplated in section 59 of the Act and regulation [50]52; and
 - (vii) the date of collection and signature of the holder of the licence, permit or authorisation issued in respect of the firearm;
 - (b) in respect of a main firearm components, received in stock from whatever source-
 - (i) the date of receipt of the main firearm components;
 - (ii) the purpose of such receipt;
 - (iii) the full names, surname, identity number or registration number, as the case may be, and physical address of the person from whom the main firearm components were acquired;

- (iv) the transfer or disposal of the main firearm components including the full names, surname, identity number or registration number, as the case may be, and physical address of the person to whom it was supplied; and
 - (v) the signature of the person who received it.
- (2) A gunsmith must keep a register comprising of a set of books or computer printouts known as 'the Ammunition Stock Register' in respect of all ammunition received wherein the following particulars must be recorded-
 - (a) on the debit-side-
 - (i) the calibre, make, type and quantity of all ammunition purchased or acquired;
 - (ii) the date of receipt; and
 - (iii) the number and date of issue of the existing licence, authorisation or permit, as the case may be, of the person from whom the ammunition was purchased or acquired;
 - (b) on the credit-side-
 - (i) the calibre, make, type and quantity of all ammunition used;
 - (ii) the date and reason of disposal of the ammunition and the signature of the gunsmith confirming the entries as correct.
- (3)
 - (a) A gunsmith must keep a register comprising of a set of books or computer printouts known as 'the Firearms Safe Custody Register' regarding all muzzle loading firearms or firearms that the gunsmith receives and holds on behalf of a holder of a licence, authorisation or permit for the purpose of the safe custody or transfer of the muzzle loading firearms or firearms.
 - (b) The Firearms Safe Custody Register must contain-
 - (i) the date of receipt of the muzzle loading firearm or firearm;
 - (ii) the full names, surname, identity number or registration number, as the case may be, and physical address of the person from whom the muzzle loading firearm or firearm was acquired;
 - (iii) the make, type, calibre of the firearm, as well as, every manufacturer's serial number or additional identification mark contemplated in section 23(4) of the Act that is reflected on the muzzle loading firearm or firearm;
 - (iv) the number and date of issue of the existing licence, authorisation or permit, as the case may be, and signature of the person from whom the firearm was acquired;
 - (v) the date of return, transfer or disposal of the muzzle loading firearm or firearm; and
 - (vi) the signature of the person to whom the muzzle loading firearm or firearm was returned, transferred or disposed to.
- [(3)](4)** Subject to the provisions of section 146 and regulation [102]104(1) a register prescribed in this regulation must be kept for a period of 10 years from the date of the last entry therein on the business premises specified on the licence.
- [(4)](5)** (a) The registers comprising of a set of books that are 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 the relevant Designated Firearms Officer,

has signed every such page and appended an official date stamp reflecting the particulars of the office to which the relevant Designated Firearms Officer is attached, with every such signature.

- (b) A gunsmith must, within seven days after the end of a month hand the register comprising of computer printouts that are kept in terms of this regulation, of which every page must be numbered in sequence, to the relevant Designated Firearms Officer who must sign every page and appended an official date stamp reflecting the particulars of the office to which the relevant Designated Firearms Officer is attached, with every such signature.

[(5)](6) An entry recorded in a register referred to in this regulation must be printed or written in ink, and any amendment thereof must be effected by means of interlineation or crossing out in ink and not by way of erasure, and any such amendment must be initialled by the person, effecting it.

[(6)](7) No person may remove or cause to be removed any page from any register contemplated in this regulation and if any page is removed from such register, it will be deemed, in the absence of evidence to the contrary which raises reasonable doubt, 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.

[(7)](8) A gunsmith must keep an updated register wherein the full names, surname, identity number and physical address and number of the applicable competency certificate in respect of all apprentice gunsmiths as contemplated in regulation [51]53(r), as well as, the date of issue, type and number of the applicable competency certificates in respect of natural persons who engages in gunsmith activities under the control of the gunsmith, are recorded.

[(8)](9) All particulars that must be entered in a register referred to in this regulation, must be recorded immediately on the receipt, transfer, use or disposal, as the case may be, of the firearm, main firearm component or ammunition concerned.

[58]60 Manner in which workstation must be established, maintained and linked to central gunsmiths' database

- (1) The workstation of a gunsmith contemplated in section 67(5) of the Act, must link to the central gunsmith's database by way of software and an electronic network connectivity that can interface with the infrastructure and standards of the South African Police Service.
- (2) A gunsmith must, establish an online electronic connectivity which links the registers prescribed in regulation [57]59 to the central gunsmith's database and which must provide for a daily electronic online transfer of data regarding firearms and ammunition for the previous business day, as recorded in the prescribed register.
- (3) If any circumstance occur which prevents a gunsmith to submit returns on line by means of the electronic network connectivity, the Registrar must be informed immediately in order to establish alternative means to submit the daily returns.

[59]61 Weekly returns

- (1) A gunsmith who is exempted from the duties referred to in section 67(5) of the Act must, within seven days after the end of every week, submit to the Office of the Central Firearms Register a return on the form determined by the Registrar, or a computer printout which must reflect the information of the prescribed form, of all firearms and main firearm components-
- (a) acquired during the relevant week; and
- (b) transferred during the relevant week.
- (2) A gunsmith must submit such weekly returns whether or not any firearms or main firearm components have been acquired or transferred.

[60]62 Establishment of centralised gunsmiths' database

- (1) The Registrar must establish and maintain a central gunsmiths' database which is linked and

can interface with the electronic network connectivity of workstations of gunsmiths as contemplated in regulation [58]60.

- (2) The central gunsmith's database must contain-
- (a) the information and additional documents submitted by an applicant in a prescribed application form in terms of regulation [13]15 regarding a competency certificate, gunsmith's licence, authorisation, permit, renewal or copy thereof, as well as, the relevant information in respect of the suspension or termination thereof;
 - (b) the information on a competency certificate, licence, authorisation, permit and a renewal or copy thereof, that was issued or refused as a result of the application; and
 - (c) the details and information submitted in respect of a firearm on which a gunsmith performed work in terms of the Act.

CHAPTER 6

IMPORT, EXPORT AND CARRIAGE IN-TRANSIT OF FIREARMS, MUZZLE LOADING FIREARMS AND AMMUNITION

[61]63 Application regarding in-transit permit

- (1) A person who applies for an in-transit permit contemplated in Chapter 8 of the Act must, if requested thereto by the Registrar, in addition to the requirements of regulation [13]15, submit-
- (a) proof of authority to export the muzzle loading firearm, firearm and ammunition from the country of origin: Provided that a customs clearance document or any other officially issued document which serves as authority to remove the muzzle loading firearm or firearm from that country must be regarded as sufficient compliance;
 - (b) proof of authority to import the muzzle loading firearm, firearm and ammunition into the country of final destination if that country issues such authority before the arrival of muzzle loading firearm or firearms in the country;
 - (c) particulars of the intended transport route and mode of transport and the proposed port of entry and exit and likely date of the entry and exit;
 - (d) a certified copy of the licence, permit, authorisation or any proof acceptable to the Registrar, confirming the lawful possession of the firearm and ammunition by the person requiring the carrying of the firearm and ammunition in transit through the Republic of South Africa;
 - (e) a computer printout or a typed list of the muzzle loading firearm, firearms and ammunition indicating the quantity, model and caliber, type of action and in the case of a firearm, the manufacturer's serial number, of the firearm and quantity, type and calibre of ammunition;
 - (f) in the case of a firearm and ammunition, an end user certificate as contemplated in section 17 of the National Conventional Arms Control Act, 2002 (Act 41 of 2002) when the firearm or ammunition is intended for resale in the country of final destination; and
 - (g) a consignment note of the muzzle loading firearms, firearms and ammunition to be carried in transit through South Africa.

[62]64 Conditions in respect of application for import or export permit

In addition to the provisions of regulation [13]15 the following conditions apply in respect of an application for an import or export permit, as the case may be-

- (1) Prmanent import and export permit

An application for the permanent import or permanent export of a muzzle loading firearm, firearm or ammunition must, subject to the provisions of these Regulations, be submitted by the applicant, or the relevant Designated Firearms Officer who received the application, to the Registrar for consideration.

(2) Temporary import and export permit in respect of a dealer, manufacturer or gunsmith

An application by the holder of a dealer, manufacturer or gunsmith's licence for the temporary import or temporary export of a muzzle loading firearm, firearm or ammunition, must, subject to the provisions of these Regulations, be submitted by the applicant, or the relevant Designated Firearms Officer who received such application, to the Registrar for consideration.

(3) Port of entry

Subject to the provisions of subregulation (4), muzzle loading firearm, firearms and ammunition may only be imported into the Republic of South Africa at a port of entry designated as such in terms of the Immigration Act, 2002 (Act 13 of 2002) where the Registrar or a police official delegated by the Registrar, directs in writing.

(4) Non-resident: Temporary import and export permit of a firearm not licensed in terms of the Act

(a) An application by a person who is a non-resident and not the holder of a permanent resident permit for a temporary import permit and the subsequent export permit or multiple import and export permit in respect of any muzzle loading firearm and any firearm or ammunition not licensed under the Act, may be submitted either to the Head: Central Firearms Register directly or to the Designated Firearms Officer at the place designated as a port of entry in terms of the Immigration Act, 2002 (Act 13 of 2002) where the applicant will enter into the Republic of South Africa.

(b) An application submitted directly to *the* Head: Central Firearms Register in terms of subparagraph (a) must be lodged at least 21 days prior to the arrival of the applicant in the Republic of South Africa and the applicant must supply an address outside the borders of the Republic of South Africa whereto the permit will be posted.

(c) The permit in respect of an application submitted to the Designated Firearms Officer on the arrival of the applicant at the port of entry contemplated in subparagraph (a), may be issued by the Designated Firearms Officer who receive the application only if the Designated Firearms Officer concerned is delegated thereto.

(5) Temporary export permit of a muzzle loading firearm and a firearm or ammunition licensed under Chapter 6 of the Act

(a) An application for a temporary export permit and the subsequent import permit in respect of a muzzle loading firearm [and] or a firearm licensed for the purpose of self-defence, hunting, sports-shooting, a private or public collection or a business purpose under the Act, may be submitted, in the case of a muzzle loading firearm [be submitted] by the holder of a relevant competency certificate and in the case of a firearm, [be submitted] by the holder of the licence to any Designated Firearms Officer or police official delegated by the Registrar.

(b) The permit may be issued by the Designated Firearms Officer or police official who received the application and who has the necessary delegation to consider the application.

(6) Multiple import-export permit

(a) The Registrar, Designated Firearms Officer or a police official who has been delegated thereto, may issue an import permit and export permit in respect of a specific muzzle loading firearm or firearm and also ammunition applicable to the

firearm, which permit will allow the repeated import and export of the muzzle loading firearm or firearm and ammunition over a fixed period of time which permit will be known as a 'multiple import-export permit'.

- (b) The conditions set in subregulation (7) relating to a temporary import permit, will apply to a multiple import-export permit.

(7) Conditions under which a temporary import permit may be issued

A temporary import permit may only be issued-

- (a) to a foreign visitor for the purpose of hunting;
- (b) to a foreign visitor to display the muzzle loading firearm, firearm and ammunition at a trade show or collectors' show, or to display muzzle loading firearms, firearms or ammunition at a sport or hunting trade show;
- (c) to a foreign visitor to participate in a competitive sports shooting event organised by a recognised business, hunting, sports-shooting or collectors' [organization] association;
- (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 of South Africa on an officially approved policing 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) the lawful possession of the muzzle loading firearm or firearm;
 - (ii) knowledge of the safe handling and use of the muzzle loading firearm or firearm in question through possession of a licence for the firearm or through past experience;
 - (iii) knowledge of the South African laws relating to muzzle loading firearms and firearms, including the principles relating to the use, safe storage and handling of muzzle loading firearms and firearms and where applicable their public display;
 - (iv) a need to possess the muzzle loading firearm or firearm;
 - (v) that the applicant cannot reasonably satisfy that need by means other than the possession of a muzzle loading firearm or firearm; and
 - (vi) that he or she is at least 21 years old: Provided that the Registrar may, within his or her sole discretion and on good cause shown, exempt an applicant from this requirement;
- (g) if the applicant provides supporting documents issued by any one of the following persons or institutions, confirming that, to the best of their knowledge and belief, the applicant will be using the muzzle loading firearm or firearm for the purpose set out in the application:
 - (i) the professional hunter or the hunting outfitter licensed to conduct business in hunting as contemplated in the Act, who will provide the hunting to the foreign visitor;
 - (ii) the accredited hunting association, or sports-shooting organisation, collectors association or recognised business that is hosting the event or sports-shooting competition that the applicant will participate in;
 - (iii) a person or organisation hosting a public event or historical re-

enactment or display that requires the foreign visitor's participation and use of the specific muzzle loading firearm or firearm.

- (h) subject to-
- (i) the requirements of the Act in respect of the carrying, storage, safe custody, transport and display of muzzle loading firearms or such firearm or ammunition;
 - (ii) the use of the muzzle loading firearm or firearm only for the purpose set out in the permit;
 - (iii) that no person who holds a temporary import permit is allowed to transfer the muzzle loading firearm or firearm to another person in South Africa without prior written permission having been obtained from the Registrar;
 - (iv) whenever the holder of the temporary import permit leaves the Republic of South Africa the muzzle loading firearm or firearm in respect of which the permit is issued must accompany the holder of the permit;
 - (v) when the Registrar grants permission as contemplated in subparagraph (iii), a temporary authorisation in terms of section 21 of the Act must be issued to the person who acquired the muzzle loading firearm or firearm to enable such person to apply for an applicable competency certificate when necessary or a licence, permit or authorisation to possess the firearm in terms of the Act as the case may be; and
 - (vi) if a competency certificate, licence, permit or authorisation is not issued by the Registrar in respect of a muzzle loading firearm or firearm, as the case may be, contemplated in subparagraph (v), the person who acquired the muzzle loading firearm or firearm must dispose of the muzzle loading firearm or firearm through a dealer or in such manner as the Registrar may determine which may also include the export of the muzzle loading firearm or firearm; and
 - (vii) to the possession of no more than the quantity of cartridges determined by the Registrar and specified on the permit, for each firearm in respect of which the temporary import permit applies;
- (i) 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; and
- (j) the Registrar may on good cause shown, issue a temporary import or export permit in respect of more than one muzzle loading firearm or firearm per calibre to a person who will be using the muzzle loading firearms or firearms for a purpose contemplated in subparagraphs (a), (b) and (c).

(8) Conditions under which a permanent import permit may be issued to a dealer, manufacturer and gunsmith

A dealer, manufacturer or gunsmith who permanently imports a muzzle loading firearm, firearm or ammunition-

- (a) must lodge the necessary application at least 21 days before the shipment of the muzzle loading firearm, firearm or ammunition to the Republic of South Africa or on good cause shown, such shorter period as the Registrar, within his or her discretion regard as expedient;
- (b) may not arrange for the shipment of the muzzle loading firearm, firearm or ammunition prior to the issuing of the import permit;

- (c) must immediately on the arrival of the muzzle loading firearms, firearms or ammunition in the Republic of South Africa, notify the Head: Central Firearms Register and the Designated Firearms Officer appointed for the port of entry where the shipment has arrived, in writing of the arrival and provide the particulars of the container and place where it can be inspected;
 - (d) must ensure that the muzzle loading firearms, firearms or ammunition is stored in terms of the prescripts of these Regulations;
 - (e) may not open the container holding the consignment of the muzzle loading firearms, firearms or ammunition unless the Designated Firearms Officer or a police official nominated by the Designated Firearms Officer is present;
 - (f) must within 72 hours of the arrival of the muzzle loading firearms, firearms or ammunition in the Republic of South Africa-
 - (i) arrange with the Designated Firearms Officer or a police official nominated by the Designated Firearms Officer, to physically inspect the muzzle loading firearms, firearms or ammunition; and
 - (ii) on finalisation of the physical inspection certify in writing that the imported muzzle loading firearms, firearms or ammunition corresponding with the import permit, arrived in Republic of South Africa.
- (9) Conditions that may be imposed on an export permit issued to the holder of a dealer, gunsmith or manufacturer's licence The following specific conditions will apply to an export permit issued to the holder of a dealer, gunsmith or manufacturer's licence:
- (a) An export permit will be issued in at least threefold where after the exporter must accept the original, first and second copy of the export permit;
 - (b) within 90 days after the export date stated on the export permit, the exporter must return to The Head: Central Firearms Register, the first copy of the export permit which must bear the signature and an official date and name stamp of the End User or other document accepted by the Registrar, which copy will then serve as a delivery verification certificate;
 - (c) the second copy of the export permit must indicate the date of export of the muzzle loading firearm, firearm or ammunition which date must be duly certified by the Republic of South Africa's Customs Authorities and the export permit must thereafter be returned by the exporter to The Head: Central Firearms Register within 10 days after that export date;
 - (d) on failure by the exporter to comply with subparagraphs (b) or (c), all pending and future exports by the exporter in which the exporter takes part, will be suspended until the conditions in subparagraph (b) and (c) have been complied with;
 - (e) muzzle loading firearms and firearms that are exported from the Republic of South Africa for the purpose of exhibitions, evaluations and demonstrations must be returned to the Republic of South Africa within six months after the date of export reflected on the export permit, unless the Registrar has indicated otherwise on the export permit on application by the applicant;
 - (f) the import of the muzzle loading firearms and firearms contemplated in subparagraph (e) must again be subjected to an import permit issued by the Registrar;
 - (g) a separate export permit is required for each individual export of muzzle loading firearms, firearms and ammunition and no partial exportation may be allowed with one permit;

- (h) the export permit is not transferable;
 - (i) the muzzle loading firearms, firearms or ammunition listed in *the* export permit must be exported by the dealer, gunsmith or manufacturer except if indicated otherwise by the Registrar on the permit;
 - (j) all correspondence pertaining to the export permit, must be directed to The Head: Central Firearms Register and the export permit number must be quoted;
 - (k)
 - (i) a specific period of validity must be assigned to the export permit by the Registrar which period of validity may be extended or shortened by the Registrar depending on whether the stated reasons for the export of the muzzle loading firearms, firearms or ammunition has materially changed;
 - (ii) applications for extensions of the period of validity must be submitted in writing to The Head: Central Firearms Register before the expiry date elapses, otherwise a new application will be required;
 - (l) if an export transaction is cancelled, or immediately after the period of validity of the export permit has expired before the muzzle loading firearms, firearms or ammunition are exported, the holder of the export permit must immediately return the original and copies of the export permit that were issued, together with a written statement stating the reasons for non-compliance to The Head: Central Firearms Register;
 - (m) an exporter must retain the original export permit, the relevant Bill of Loading or Airway Bill, packing list/s and exporter invoice pertaining to the muzzle loading firearms, firearms or ammunition stated on the export permit, for a period of 36 months and produce the documents for inspection whenever required to do so by The Head: Central Firearms Register or a Designated Firearms Officer; and
 - (n) an export permit issued in terms of this regulation may only be issued by the Registrar or a police official delegated by the Registrar in writing.
- (10) Conditions in respect of the possession and use of a muzzle loading firearm, firearm or ammunition relevant to an import permit

A muzzle loading firearm, firearm and ammunition that is imported into the Republic of South Africa, may only be used where it is safe to use the muzzle loading firearm, firearm and for a lawful purpose, stated on the application submitted in respect of the import of the muzzle loading firearm, firearm or ammunition and in accordance with the provisions of the Act.

[63]65 Conditions in respect of in-transit permits

The Registrar may impose the following conditions in respect of a person who applies to carry a muzzle loading firearm, firearm or ammunition in transit through the Republic of South Africa:

- (1) A person who will for commercial purposes, carry in transit through the Republic of South Africa muzzle loading firearms, firearms or ammunition-
 - (a) must lodge the application for an in-transit permit at the Office of the Central Firearms Register before making arrangements for the transport of the muzzle loading firearm, firearm or ammunition through the Republic of South Africa;
 - (b) may not arrange for the forwarding of the muzzle loading firearm, firearm or ammunition to the Republic of South Africa prior to the issuing of the in-transit permit;
 - (c) must on the arrival of the muzzle loading firearm, firearm or ammunition in the Republic of South Africa, in writing notify the Office of the Central Firearms Register and the Designated Firearms Officer appointed for the area where the shipment has arrived, by way of facsimile of the arrival and provide the particulars of the container and place where it can be inspected;

- (d) must ensure that the muzzle loading firearm, firearm and ammunition is stored in terms of the prescripts of regulation **[67]69** in a bonded warehouse contemplated in the Customs And Excise Act, 1964 (Act 91 of 1964);
 - (e) may not open the container holding the consignment of muzzle loading firearms, firearms and ammunition unless the Designated Firearms Officer or a police official nominated by the Designated Firearms Officer, is present;
- (2) a person who will carry in transit through the Republic of South Africa muzzle loading firearms, firearms or ammunition for personal use, may apply for an in-transit permit either to the Office of the Central Firearms Register directly or to the Designated Firearms Officer at the place designated as a port of entry in terms of the Immigration Act, 2002 (Act 13 of 2002) where the applicant will enter the Republic of South Africa;
 - (3) an in-transit permit may only be issued if the applicant can provide sufficient documentary proof that the muzzle loading firearms, firearms or ammunition may lawfully be imported into the country of next destination;
 - (4) the Registrar may, for security reasons, require that the holder of an in- transit permit make use of a firearm transporter to transport the muzzle loading firearms, firearms and ammunition through the Republic of South Africa;
 - (5) the Registrar may, for security reasons, determine the port of entry and exit, the route to be followed through the Republic of South Africa, the method of conveyance or transport and safety measures that must be met;
 - (6) where the holder of an in-transit permit need to store the muzzle loading firearms, firearms or ammunition for any period of time in the Republic of South Africa, such storage must conform to the requirements for storage of muzzle loading firearms, firearms and ammunition as provided for in regulation **[67]69**;
 - (7) the muzzle loading firearms, firearms or ammunition must at all times, except when stored as determined in regulation **[63]65(1)(d)**, be under the direct supervision of the holder of the in-transit permit or persons whose particulars are indicated on the permit by the Registrar; and
 - (8) muzzle loading firearms, firearms or ammunition which are possessed under an in-transit permit may not, for whatever reason, be used in the Republic of South Africa.

[64]66 Information in respect of import, export and in-transit permits

An import, export and in-transit permit must contain the information as indicated on the applicable form prescribed in Annexure 'A'.

[65]67 Establishment of central importers' and exporters' database

- (1) The Registrar must establish and maintain a central importers' and exporters' database which is linked and can interface with the electronic network connectivity of the workstation of the holder of an import or export permit as determined by the Registrar under section 78(3) of the Act.
- (2) The central importers' and exporters' database must contain-
 - (a) the information and supporting documents submitted by an applicant on the prescribed form under regulation **[13]15** regarding a permit, renewal or copy thereof, as well as, the relevant information in respect of the suspension or termination thereof; and
 - (b) the information on an importers' and exporters' permit and a renewal or copy thereof, that were issued or refused as a result of the application.

[66]68 Extension, renewal and replacement of import, export or in-transit permit

An application for an extension, renewal and replacement of an import, export and in-transit permit must be submitted in writing to The Head: Central Firearms Register at least seven days before the expiry date

lapses, otherwise a new application will be required.

CHAPTER 7 STORAGE, TRANSPORT AND CARRYING OF FIREARMS AND AMMUNITION

PART 1 STORAGE

[67]69 Storage of firearms and ammunition

- (1) Where a person provides storage facilities for firearms or ammunition to another persons, such storage facilities must conform to the applicable requirements for a safe or strongroom as set in the SABS Standard 953-1 or 953-2.
- (2) Storage may only be provided to a person who may lawfully possess the firearm or ammunition.
- (3) A holder of a dealer or gunsmith's licence may provide storage for firearms and ammunition in the safe or strongroom specified on the dealer's or gunsmith's licence.
- (4) During the storage of a firearm, it must be-
 - (a) unloaded; and
 - (b) not readily accessible to unauthorised use.[]; **and**
 - (c) **securely attached with a secure locking device to a non-portable structure in such a manner that it can not readily be removed.]**

PART 2 FIREARM TRANSPORTER'S PERMIT

[68]70 Packaging of muzzle loading firearms, firearms and ammunition during transportation

- (1) During transportation of muzzle loading firearms, firearms and ammunition by a holder of a firearm transporter's permit-
 - (a) muzzle loading firearms and firearms must be packed separately from ammunition, and all ammunition must be removed from firearms in a safe manner, before transportation;
 - (b) muzzle loading firearms, firearms and ammunition must be transported in an appropriately locked metal container, and must be packed to ensure maximum safety and minimum exposure; and
 - (c) direct continues supervision and control of muzzle loading firearms, firearms and ammunition being transported is required.
- (2) These provisions do not derogate from any other provision in a law prescribing standards for the transportation of muzzle loading firearms, firearms and ammunition.

[69]71 Application in respect of a firearm transporter's permit

- (1) A person who applies for a firearm transporter's permit must, in addition to the requirements of regulation [13]15, submit-
 - (a) proof that a proper functioning two way communication system between the vehicle transporting the muzzle loading firearms, firearms or ammunition and the applicant is in operation;
 - (b) a detailed description of the safety measures fitted to the vehicle that will be used; and
 - (c) a detailed description of security precautions that will be in place during the

transportation.

[70]72 Conditions in respect of firearm transporter's permit

The Registrar may impose the following conditions on the holder of a firearm transporter's permit:

- (a) A firearm transporter may only lawfully possess and transport muzzle loading firearms, firearms and ammunition, if such firearm transporter has obtained the prior written consent of the holder of a certificate licence, permit or authorisation in respect of the muzzle loading firearms, firearms and ammunition to be transported;
- (b)
 - (i) a firearm transporter making use of road transport must provide to the person in charge of every transportation, a typed list of names of personnel employed by the transporter who will be directly involved in the transportation of the consignment of the muzzle loading firearms, firearms and ammunition;
 - (ii) the list must contain the full names and identity numbers of the employees concerned; and
 - (iii) the list must be attached to a certified copy of the firearm transporter's permit and this documentation must during the transportation be in possession of the person directly in charge of the transportation;
- (c) a certified copy of the firearm transporter's permit and the list of names contemplated in subregulation (b)(ii), will, as long as it is in the possession of the person exercising direct continuous control as contemplated in regulation [68]70 (1)(C), serve as authority to the personnel of a transporter who are named in the list to receive, transport, store and deliver the specified consignment of muzzle loading firearms, firearms or ammunition during the permit period;
- (d) the arrangements for the receipt, carriage and delivery of the muzzle loading firearms, firearms and ammunition, the safe and efficient transportation thereof, the mode of transport by which the transportation is to take place including the type and construction of the vehicle to be used, as well as, the containers, minimum personnel to be involved, and minimum communication facilities available to the transporter must, within the sole discretion of the Registrar, be adequate to ensure the safe and secure transport and storage of the firearms and ammunition;
- (e) a firearm transporter who transports muzzle loading firearms, firearms or ammunition must during the time of such transport be in possession of-
 - (i) a consignment-note on which the following particulars appear:
 - (aa) the full name, surname, identity number or registration number as the case may be, and physical address of the transporter;
 - (bb) the name and address of the consignor and the holder of the certificate licence, permit or authorisation in respect of the muzzle loading firearms, firearms and ammunition;
 - (cc) the quantity, type of action, manufacturer's serial number, model, make and calibre of the firearm and quantity, make and calibre of ammunition; and
 - (dd) the physical address where the muzzle loading firearms, firearms and ammunition were collected and the physical address of its final destination;

- (ii) the permit authorising the transportation of such muzzle loading firearms, firearms and ammunition;
 - (iii) any other document which may under this regulation or any other law be required;
- (f) a firearm transporter must with due regard to the provisions of section 146 of the Act and regulation [102]104(1) keep the documents referred to in subregulation (i) for a period of five years after the transportation at his or her place of business and produce it, on request to any police official for inspection;
- (g) where a firearm transporter is obliged to store the muzzle loading firearms, firearms or ammunition for any period of time after receipt and before delivery, such storage must comply with the requirements for safe custody and storage determined by the Registrar which may not detract from the provisions of regulation [86]88;
- (h) while a consignment of muzzle loading firearms, firearms or ammunition is en route it must at all times be under the direct supervision of the firearm transporter or his or her personnel and the transportation must comply with the requirements for the transportation of firearms and ammunition set in terms of subregulation (d);
- (i) the firearm transporter must obtain from the consignee a written confirmation of the taking of possession of the consignment of muzzle loading firearms, firearms and ammunition and the confirmation must contain the following information-
- (i) the name and surname of recipient;
 - (ii) the recipient's address;
 - (iii) the date and time of delivery;
 - (iv) the description of muzzle loading firearms, firearms and ammunition received; and
 - (v) the signature of the recipient which serves as confirmation of the correctness of the information provided in subparagraphs (i) to (iv).
- (j) a copy of the written confirmation contemplated in subparagraph (i) must be delivered by the firearm transporter to the police official who issued the in-transit permit;
- (k) a firearms transporter's permit is not transferable;
- (l) the firearm transporter must immediately notify the Registrar in writing in the event of non-delivery, loss or theft of any of the muzzle loading firearms, firearms or ammunition reflected in the consignment note; and
- (m) in the event of any change to the particulars reflected in the permit, a new application must be lodged in accordance with these Regulations.

[71]73 Duplicate transporter's permit

- (1) The Registrar may, on good cause shown on application by the holder of a transporter's permit issue a duplicate of a transporter's permit that was issued to that holder.
- (2) Only a duplicate transport permit issued in accordance with this regulation will be valid.

[72]74 Cancellation of transporter's permit

In the event of a transporter requiring *the* cancellation of a transport permit, the transporter must provide the Registrar with the original transport permit together with a sworn statement stating the reasons for cancellation.

[73]75 Record of prescribed information in respect of firearm transporter's permits

The Office of the Firearms Register must keep a record of the following information in respect of firearm transporter's permits issued under section 86 of the Act-

- (a) name of the police station where the application was submitted;
- (b) details of the person who completed the application;
- (c) reason if the application was refused;
- (d) details of the applicant;
- (e) details of the premises where the business as firearm transporter is conducted;
- (f) details of the safe storage facilities where muzzle loading firearms, firearms and ammunition will be kept;
- (g) details of duplicate permits that were issued; and
- (h) period of validity of the transporters permit.

**CHAPTER 8
CONTROL OF AMMUNITION AND FIREARM PARTS**

[74]76 Application for authorisation to possess more than 2400 primers and to possess more than 200 cartridges

The holder of a licence to possess a firearm, other than a dedicated hunter or dedicated sports person, who wishes to possess an excess of 2400 primers or, for a firearm of which he or she holds a licence in excess of 200 cartridges, must apply to the Registrar for the authorisation contemplated in sections 91(2) (a) and 93(2) (a) of the Act on the applicable form prescribed in Annexure 'A' which must be handed to the relevant Designated Firearms Official.

[75]77 Register of firearm parts

- (1) The holder of a dealer's licence, manufacturer's licence and gunsmith's licence and/or import, export, in-transit permit or transporter's permit must keep a register contemplated in section 94(3) of the Act in respect of firearm parts as defined in section 94(1) of the Act which must contain-
 - (a) date of receipt of the firearm parts;
 - (b) purpose of such receipt and the source of the receipt;
 - (c) a description of the firearms parts;
 - (d) quantity received; and
 - (e) particulars of the firearm parts including the full names, identity number and residential or business address of the person to whom it was transferred as well as the licence number pertaining to the firearm on which the possession of the firearm parts in terms of section 94(2) of the Act is founded.
- (2) Subject to the provisions of section 146 and regulation [102]104(1) a register prescribed in this regulation must be kept for a period of 10 years from the date of the last entry therein on the business premises specified on the licence, permit or authorisation.

**CHAPTER 9
OFFICIAL INSTITUTIONS**

[76]78 Conditions in respect of acquisition, use, safe custody and disposal of firearms by accredited Official Institution

- (1) Firearms must be stored by an Official Institution in a safe or a strongroom that conforms to

the applicable prescripts of SABS Standard 953-1 and 953-2.

- (2) An Official Institution as contemplated in section 95(a)(vi) may only dispose of firearms acquired under this Act in the following manner-
- (a) transferring in accordance with the provisions of the Act;
 - (b) destruction as provided for under section 149 of the Act; or
 - (c) displaying in a museum that is accredited in terms of these Regulations and which is under the control of the Official Institution: Provided that the provisions of sections 19(2), (3), (5) and (6) of the Act and regulation [19]21 and [20]22 shall apply in respect of the acquisition, use and safe custody of firearms and ammunition displayed in such accredited museum.
- (3) An Official Institution accredited in terms of section 95(a)(vi) of the Act must submit the duly completed relevant application form prescribed in Annexure 'A' together with any required supporting documents when acquiring additional firearms.
- (4) The application form must be completed in black ink by the responsible person appointed by the Head of an Official Institution.

[77]79 Information that the permit issued under section 98 of the Act must contain

- (1) The permit issued under Chapter 11 of the Act must contain-
- (a) the name of the Official Institution;
 - (b) initials and surname of the permit holder;
 - (c) official personnel number of the permit holder;
 - (d) full particulars of the firearm issued to the permit holder and must include:
 - (i) the make of the firearm;
 - (ii) type of the firearm;
 - (iii) calibre of the firearm; and
 - (iv) manufacturer's serial number or additional identification mark contemplated in section 23(4) of the Act that is reflected on the firearm;
 - (e) the date of issue of the permit and the date of expiry of the permit;
 - (f) information whether the employee has been authorised to-
 - (i) have the firearm in his or her possession after working hours;
 - (ii) carry the firearm on his or her person outside his or her workplace in compliance with the requirements of section 84 of the Act; and
 - (iii) store the firearm at his or her place of residence in a safe or strongroom that conforms to the prescripts of SABS Standards 953-1 or 953-2; and
 - (g) the signature of the authorising official.

[78]80 Carrying of handgun by employee of Official Institution in holster

A holster contemplated in section 98(5)(a) of the Act must conform to the following requirements when the employee of the Official Institution is on duty and performs official duties:

- (a) In uniform, the firearm must be carried in a holster that is worn by or attached to his or her person and the make must be such that a safety-clip to lock in the firearm must be provided and such a holster may be exposed;

- (b) in mufti, the firearm must be carried in a holster that is worn by or attached to his or her person and the make must be such that a safety-clip to lock in the firearm must be provided and such a holster must be concealed.

[79]81 Prescribed training and test in respect of employee of Official Institution

- (1) The training and testing of an employee for the safe use of firearms as contemplated in section 98(8)(b) of the Act, must comply with the provisions of the South African Qualifications Authority Act, 1995 (Act 58 of 1995) read with the Skills Development Act, 1998 (Act 97 of 1998).
- (2)
 - (a) The Head of an Official Institution must apply the provisions of section 9(2)(d) to (p) of the Act in respect of an employee who will be required to handle firearms as part of his or her work and to whom the Official Institution will issue a firearm and firearm permit to ensure the competency of the employee of the Official Institution to possess and use a firearm under the control of the Official Institution.
 - (b) In order to sustain the competency of an employee of an Official Institution to whom a firearm was issued the head of the Official Institution must-
 - (i) ensure that he or she undergo at least two [one] practical training session at least every 12 months or within a shorter period as may be reasonably necessary in the circumstances, in the proper and safe handling and use of the relevant firearm and ammunition; and
 - (ii) undergo psychological debriefing within 48 hours after experiencing any violent incident, discharging their firearm or witnessing a shooting.

[80]82 Provision of firearm training by Official Institutions

- (1) An Official Institution that provide firearms to its employees, must ensure that its employees receive the necessary practical and theoretical training to ensure that the employees are competent to possess and use the firearms.
- (2) All practical training or testing which will involve the actual firing of a firearm shall be conducted at a shooting range that complies with the applicable compulsory specification set in terms of the Standards Act, 1993 (Act 29 of 1993) and which has been accredited under this Act.
- (3) An Official Institution must ensure that the prescribed training is only provided by a person registered in terms of the South African Qualifications Authority Act, 1995 (Act 58 of 1995) read with the Skills Development Act, 1998 (Act 97 of 1998) and who is accredited with **[POSLEC SETA]** SASS as a service provider to provide training in the safe use and handling of firearms.

[81]83 Registers to be kept by Official Institution

- (1) The head of an Official Institution must keep a register as contemplated in section 99(1) of the Act in the format of an electronic database known as 'the Firearms Stock Register', in respect of every firearm contemplated in section 99(2) of the Act, as well as, all ammunition pertaining to such firearms which it has under its control.
- (2) The Firearms Stock Register must be accessible at the place where the firearms and ammunition are stored and controlled.

[82]84 Particulars that register must contain

- (1) A register contemplated in section 99 of the Act must, in addition to the particulars prescribed in section 99(2) of the Act contain-
 - (a) the make, type, calibre of the firearm, as well as, every manufacturer's serial number or additional identification mark contemplated in section 99(3) of the Act

that is reflected on the firearm under control of the Official Institution;

- (b) the full particulars and address of the institution from whom the firearm was acquired or to whom and how it was disposed of;
 - (c) calibre, make, type, quantity, date of receipt and handing out of ammunition under its control; and
 - (d) concerning the employee who, in terms of Chapter 11 of the Act is allowed to be in possession of the firearm, a detailed record of the-
 - (i) make, type, calibre of the firearm, as well as, every manufacturer's serial number or additional identification mark contemplated in section 99(3) of the Act that is reflected on the firearm that was handed to the employee concerned;
 - (ii) calibre, make, type and quantity of ammunition that was handed to the employee concerned;
 - (iii) full names, surname, identity number and physical address of the employee to whom the firearm and ammunition was provided;
 - (iv) date and time of issuing of the firearm and ammunition;
 - (v) reference number of the permit contemplated in section 98 of the Act that was issued to the employee; and
 - (vi) date and time of the return of the firearm.
- (2) (a) The head of an Official Institution must keep a printed record at the place where the firearm and ammunition is stored and controlled whereon, at the handing over of and return of the firearm and ammunition, the employee must append his or her signature as proof of receipt and return of the firearm and ammunition.
- (b) The permit contemplated in section 98 of the Act must on the return of the firearm and ammunition be affixed to the record contemplated in subparagraph (a).
- (3) The head of an Official Institution, must keep a register prescribed in this regulation for a period of 10 years from the date of the last entry therein.

[83]85 Identification marks in respect of firearms under control of Official Institution

The Registrar may allocate a unique identification mark to an Official Institution which must be stamped, engraved, stencilled or etched on the metal part of the firearm and which must not form part of the manufacturer's serial number or additional identification mark contemplated in section 23 of the Act.

[84]86 Establishment of central Official Institution firearms database

- (1) The Registrar must maintain a central Official Institution firearms database which is linked and can interface with the electronic network connectivity of the workstations of Official Institutions as contemplated in regulation **[85]87**.
- (2) The central Official Institution firearms database must contain the-
 - (a) particulars prescribed in regulation **[82]84(1)**; and
 - (b) full names, surname, identity number and physical address of every employee who was issued with a permit contemplated in section 98 of the Act.

[85]87 Establishment and maintenance of Official Institution's workstation

- (1) The workstation of an Official Institution contemplated in section 101 of the Act, must be linked to the central Official Institution firearms database by way of software and an electronic network connectivity that can interface with the infrastructure and standards of the South African Police Service.

- (2) An Official Institution must establish a 24 hour on line electronic connectivity which links the registers prescribed in regulation [82]84 to the central Official Institution firearms database.
- (3) If any circumstance occur which prevents an Official Institution to provide online access by means of the electronic network connectivity as contemplated in section 101(b) of the Act, the Registrar must be informed immediately in order to establish alternative means to gain such access.

CHAPTER 10 SAFE CUSTODY OF FIREARMS AND AMMUNITION

[86]88 Safes and safe custody

- (1) When a muzzle loading firearm or firearm is not under the direct personal and physical control of a holder of a certificate, licence, authorisation or permit to possess the muzzle loading firearm or firearm, the muzzle loading firearm or firearm and its ammunition must be stored in a safe or strongroom that conforms to the prescripts of SABS Standard 953-1 and 953- 2, unless otherwise specifically provided in these Regulations.
- (2) Subject to regulation [36]38(2) a dealer and gunsmith must store muzzle loading firearms, firearms and ammunition in a safe or strongroom that conforms to the prescriptions of SABS Standard 953-1 and 953-2, at the place of business specified on the applicable licence, authorisation and permit, as the case may be.
- (3) A manufacturer must store muzzle loading firearms, firearms and ammunition in a safe or strongroom that conforms to the prescripts of SABS Standard 953-1 and 953- 2, or an explosives magazine licensed in terms of the Explosives Act, 1956 (Act 26 of 1956) at the place of business specified on the applicable licence, authorisation and permit, as the case may be.
- (4)
 - (a) A person who holds a competency certificate to possess muzzle loading firearms or a licence to possess a firearm may store a muzzle loading firearms or firearm in respect of which he or she does not hold a licence, if-
 - (i) he or she is in possession of a written authorisation prescribed in Annexure A [permission] given by the person who holds a competency certificate, licence, permit or authorisation to possess that muzzle loading firearm or firearm and which permission is endorsed by a relevant Designated Firearms Officer; and
 - (ii) the muzzle loading firearm or firearm is stored in a prescribed safe at the place mentioned in the permission contemplated in subparagraph (i).
 - (b) Only the person who holds a competency certificate, licence, permit or authorisation to possess the muzzle loading firearm or firearm may transport that muzzle loading firearm or firearm to and from the place where that muzzle loading firearm or firearm is to be stored in terms of paragraph (a).
 - (c) The permissions contemplated in paragraph (a), must specify the period for which the person concerned may store the muzzle loading firearm or firearm, the reason for the storage and it must contain sufficient particulars to identify the competency certificate, licence, permit or authorisation and also the muzzle loading firearm or firearm in question, as well as, the name, identity number and physical address of the holder of the competency certificate or licence and the person to whom the authority is granted.
 - (d) A permit contemplated in subparagraph (a) may be cancelled at any time by a relevant Designated Firearms Officer on good cause.
 - (e) A muzzle loading firearm or firearm stored in terms of this regulation may not be used by the person who provides the storage or any other person while it is stored in terms of this regulation.

- (f) Only the holder of the competency certificate or licence **[applying]** applicable to the muzzle loading firearm or firearm may remove the muzzle loading firearm or firearm from the safe or strongroom where it is stored.
- (5) 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 hand a muzzle loading firearm, firearm and ammunition that is in the possession of the said holder when entering the premises, to a person designated thereto by the said occupier, who must hold an authorisation issued in terms of section 21 of the Act, to store the firearm and ammunition on behalf of the holder of the competency certificate, licence, authority or permit for such period as is necessary under the circumstances in a safe or strongroom that complies with the standards set out in SABS Standard 953-1 or 953-2 or a prescribed lock-away safe that can only be opened by the designated person and the holder of the competency certificate or licence jointly and which is installed on the premises.
- (6) Where a temporary authorisation has been issued-
- (a) to possess a firearm in terms of section 21 of the Act;
- (b) to trade in muzzle loading firearms, firearms or ammunition on premises other than those specified in the applicable dealer's licence in terms of section 36 of the Act;
- (c) to display muzzle loading firearms, firearms or 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 in the absence of specific prescripts in terms of these Regulations impose such reasonable conditions as are necessary under the circumstances concerning the safe custody of the muzzle loading firearms, firearms and ammunition.
- (7) Where an import, export or in-transit permit has been issued in terms of section 74 of the Act, or a firearm transporters permit has been issued in terms of section 86 of the Act, the Registrar may impose such reasonable precautions as are necessary under the circumstances concerning the safe custody of the muzzle loading firearms, firearms and ammunition.
- (8) An existing safe, strongroom, device, apparatus or instrument for the safe custody of firearms, which complies with the regulations under the previous Act, will be deemed to comply with the standards set out in SABS Standard 953-1 and 953-2 for all purposes of this Act, if the Registrar issues a certificate to this effect.
- (9) The Registrar may issue a certificate contemplated in subregulation (8) in respect of any safe, strongroom, device, apparatus or instrument in existence at the inception of these Regulations that does not technically correspond to the specifications set in the Standards referred to in subregulation (8), but that would, in the opinion of the Registrar, effectively and substantively serve the same purpose: Provided that the specification accepted by the Registrar must not be less than as was prescribed in terms of the previous Act at the time of the latest issuing of a licence or other applicable authorisation to possess a firearm for which the safe, strongroom, device, apparatus or instrument was approved.
- (10) Any muzzle loading firearms, firearm or ammunition that is imported into the Republic of South Africa and that needs to be stored in compliance with the Customs and Excise Act, 1964 (Act 91 of 1964) must at all times be stored in compliance with the requirements for safe custody and storage of firearms and ammunition as provided in these Regulations.
- (11) (a) Muzzle loading firearms and firearms other than those in respect of which a licence for self-defence in terms of section 13 of the Act has been issued, must be stored unloaded in accordance with these Regulations.
- (b) Any person who may lawfully possess a muzzle loading firearm, firearm or ammunition shall store these in a prescribed safe or strongroom, to which he or

she shall have at all time exclusive access or his or her presence and co-operation shall be a necessary prerequisite for access to the relevant muzzle loading firearm, firearm and ammunition unless-

- (i) the storage is undertaken by the holder of a dealer's or gunsmith's licence in which case the dealer or the dealer's personnel with valid competency certificates, or the gunsmith may have access to the safe or strongroom; or
- (ii) the muzzle loading firearm or firearm is temporarily stored in a safe or strongroom that conforms to the prescripts of SABS Standard 953-1 and 953-2 or a lock-away safe, device, apparatus or instrument for the safe custody of a muzzle loading firearm or firearm that conforms to the prescripts of subregulation (12), that is under the control of a holder of a competency certificate, licence, authorisation or permit issued in terms of this Act, the person storing the muzzle loading firearm or firearm must in writing notify the Designated Firearm Officer in whose area the firearm is temporarily stored.

(12) A lock-away safe, apparatus, device and instrument for safe custody of a muzzle loading firearm, firearm or ammunition, must to the satisfaction of the Registrar comply with the following requirements-

- (a) be manufactured from steel of at least 2mm thick;
- (b) be capable of enclosing or covering the muzzle loading firearm or firearm concerned wholly;
- (c) have an effective integral locking mechanism;
- (d) have a hinge mechanism for the cover or lid thereof which shall ensure that when the locking pin thereof is removed, the cover or lid shall not be capable of being opened or removed;
- (e) have a facility with the aid or use of which the lock-away safe, apparatus, device or instrument may be securely affixed to another structure such as a wall or a floor, or the body of a vehicle; and
- (f) in the case of a lock-away safe used as contemplated in subregulation (5) if such safe can only be locked or opened with two or more keys that have to be used jointly.

(13) Before a prohibited or restricted firearm which is licensed in terms of section 17(1A) of the Act is stored by the licensed private collector in terms of section 17(3) of the Act, it must undergo a reversible non-damaging procedure complying with one of the following requirements in order to ensure that no cartridge can be loaded into or discharged from that firearm-

- (a) removal of the bolt carrier or bolt and storage of the bolt carrier or bolt in a separate locked part of a safe contemplated in subregulation (1); or
- (b) removal of the firing pin and insertion of a suitable chamber block to prevent the immediate loading of a cartridge; or
- (c) fitting of a steel trigger lock and insertion of a suitable chamber block to prevent the immediate loading of a cartridge; or
- (d) fitting of a suitable lockable chamber and barrel block comprising a length of steel cable or rod not less than 4 millimetre in diameter, which is passed through the barrel and which is welded or crimped to a brass chamber block on one end and a steel bush on the muzzle end which can be locked by a suitable locking device; or
- (e) any mechanism which serves the same purpose as paragraph (d) and which is approved by the Registrar, or

- (f) a secure locking device which additionally ensures that no cartridge can be loaded into or discharged from that firearm.

**CHAPTER 11
ORGANISATIONAL STRUCTURES**

**PART 1
THE CENTRAL FIREARMS REGISTER**

[87]89 Information that the central database must contain

The central database must, as contemplated by section 125(2) (a) of the Act contain the information that was submitted to the Registrar in a prescribed form, as well as, the information in respect of-

- (a) additional documents provided with an application form for the purpose of accreditation, the issuing of a competency certificate, licence, authorisation, permit, renewal or duplicate thereof;
- (b) a competency certificate, licence, authorisation, permit and a renewal or duplicate thereof, that was issued or refused as a result of an application;
- (c) the termination or cancellation of a competency certificate, licence, authorisation or permit;
- (d) a declaration of unfitness contemplated in Chapter 12 of the Act;
- (e) a disposal of a firearm effected in terms of the Act; and
- (f) regarding the loss, recovery, theft or destruction of firearms-
 - (i) date when the loss, recovery, theft or destruction occurred;
 - (ii) circumstances under which the loss, recovery, theft or destruction occurred;
 - (iii) full names, surname, identity number and physical address of the person who reported the loss, recovery, theft or destruction of the firearms;
 - (iv) particulars of the licence, authorisation or permit pertaining to the firearm or ammunition;
 - (v) particulars of the holder as reflected on the licence, authorisation or permit pertaining to the firearm or ammunition;
 - (vi) reference number of the police investigation case docket or enquiry file; and
 - (vii) police station where the loss, recovery, theft or destruction was reported.

[88]90 Other documentation and information that central database must contain

The Central database must, in addition to information required by regulation [87]89 contain information concerning-

- (a) declarations of unfitness to possess a muzzle loading firearm or firearm in terms of section 102 of the Act;
- (b) the becoming of unfitness to possess a muzzle loading firearm or firearm in terms of section 103 of the Act;
- (c) users of the central database; and
- (d) accreditations.

PART 2
ADMINISTRATIVE JUSTICE AND APPEALS

[89]91 Administrative justice

Any police official taking an administrative decision in terms of the Act which may detrimentally affect the rights of a person, must-

- (a) immediately when the decision is made, record in writing the reasons for the decision;
- (b) append his or her signature, together with the date, to the reasons; and
- (c) without delay notify the person concerned in writing of the decision stating the reasons referred to in paragraph (a) and the date and place where the decision was taken.

[90]92 Appeal board

- (1) The conditions of office, remuneration and allowance of the members of the Appeal Board referred to in section 129(1) of the Act shall be as prescribed in terms of the Public Service Act, 1994 (Proclamation 103 of 1994) as at the date of promulgation of these Regulations for persons with qualifications and experience corresponding to those of the members of the Appeal Board.
- (2) A person may only act as a member of the Appeal Board if he or she has practiced in his or her specific field of knowledge for five years.
- (3) Subject to the provisions of section 129(2) of the Act, a member of the Appeal Board will be appointed for a period of five years.
- (4) A member of the Appeal Board may be re-appointed.
- (5) The seat of the Appeal Board shall be in Pretoria, but the Board may sit in any other locality for the purpose of hearing an appeal where oral submissions have been allowed.
- (6) The Minister shall nominate a member of the Appeal Board as Chairperson of the Appeal Board.
- (7) The Chairperson shall determine the times when the Appeal Board shall meet and the procedure to be followed at meetings.
- (8)
 - (a) For the purposes of a meeting of the Appeal Board the Chairperson and two members shall form a quorum.
 - (b) The decision of the majority of the members present at a meeting of the Appeal Board shall constitute a decision of the Appeal Board: Provided that in the event of an equality of votes on any matter, 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

[92]94 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]95 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]96 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.[, 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.

[96]98 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.

[97]99 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.

[98]100 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-
 - (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 [67]69(1) and **[67]69(4)** as well as, insofar as is applicable, regulation **[86]88**.
- (b) The provisions of regulation **[103]105** 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.

[104]106 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 **[94]96**.
- (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 [F]firearms 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]114 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]115 Repeal of regulations

- (1) **[The]** Regulations 1 to 114 promulgated by Government Notice R[52] 345 published in Gazette [25153] 26156 of [30 June 2003] 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

- [(2)3]** 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.
- [(3)4]** 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 provided 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 comes 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.]**
- [(4)5]** 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.

[114]116 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