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THE PRESIDENCY

No. 1843

22 December 2003

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 43 of 2003: Firearms Control Amendment Act, 2003.



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GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 17 December 2003.)

ACT

To amend the Firearms Control Act, 2000, so as to change certain technical expressions and to delete or amend certain definitions; to provide for the deletion and insertion of certain lexical expressions; to provide for apprenticeship to a gunsmith; to empower the Minister to prescribe measures in terms of which the public may be notified that certain premises are declared firearm-free zones; and to provide in the transitional provisions for the continuation of an existing registration certificate to trade as a gunsmith; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 60 of 2000

1. Section 1 of the Firearms Control Act, 2000 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for the definition of “airgun” of the following definition: 5
“airgun” means any device manufactured to discharge a bullet or any other projectile—
(a) of a [**caliber**] calibre of less than 5.6 mm (.22 [**caliber**] calibre); or
(b) at a muzzle energy of less than 8 joules (6ft-lbs),
by means of compressed gas and not by means of burning propellant;
- (b) by the substitution in the definition of “firearm” for paragraph (d) of the 10
following paragraph:
“(d) device manufactured to discharge a bullet or any other projectile of [**.22
calibre**] a calibre of 5.6 mm (.22 calibre) or higher at a muzzle energy of
more than 8 joules (6 ft-lbs), by means of compressed gas and not by
means of burning propellant; or”; 15
- (c) by the deletion of the definition of “security company”;
- (d) by the substitution for the definition of “security officer” of the following 20
definition:
“‘**security officer**’ means a security officer as defined in section 1 of the
Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001);”;
- and
- (e) by the insertion after the definition of “security officer” of the following 25
definition:
“‘**security service provider**’ means a security service provider as
defined in section 1 of the Private Security Industry Regulation Act, 2001
(Act No. 56 of 2001);”.

Amendment of section 4 of Act 60 of 2000

2. Section 4 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) For purposes of subsection (1)(f)(iii), the incidental alteration of the length of the barrel of a firearm by a gunsmith in the ordinary course of a gunsmith’s work which does not have as an objective the alteration of the length of the barrel of that firearm must not be regarded as an alteration [as] contemplated in that subsection.”. 5

Amendment of section 9 of Act 60 of 2000

3. Section 9 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (o) of the following paragraph: 10

“(o) has not been convicted, whether [inside] in or outside South Africa, of an offence involving sabotage, terrorism, public violence, arson, intimidation, rape, kidnapping or child stealing, whether committed in or outside South Africa;”. 15

Amendment of section 16 of Act 60 of 2000

4. Section 16 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (c) of the following paragraph:

“(c) [any] semi-automatic shotgun manufactured to fire no more than five shots in succession without having to be reloaded; or”. 20

Amendment of section 18 of Act 60 of 2000

5. Section 18 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (a) of the following paragraph:

“(a) The Registrar may, subject to such [regulations] conditions as may be prescribed, issue a permit in terms of this section to a private collector if the application is accompanied by a sworn statement or solemn declaration from the chairperson of an accredited collectors association, or someone delegated in writing by him or her, stating that the applicant is a registered member of that association.”. 25

Amendment of section 20 of Act 60 of 2000 30

6. Section 20 of the principal Act is hereby amended—

(a) by the substitution in subsection (2) for paragraph (a) of the following paragraph:

“(a) a [security company] security service provider;”;

(b) by the substitution in subsection (2) for paragraph (d) of the following paragraph: 35

“(d) a person who is accredited as a game [hunter] rancher;”;

(c) by the substitution in subsection (5) for paragraph (b) of the following paragraph:

“(b) A [security company] security service provider which holds a licence to possess a firearm for business use may only provide the firearm to a security officer in its service who holds a competency certificate.”. 40

Amendment of section 23 of Act 60 of 2000

7. Section 23 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The identification number must be stamped and the mark affixed in the prescribed manner on the barrel[,], and the frame, or the barrel and the receiver, of the firearm.”. 5

Amendment of section 59 of Act 60 of 2000

8. Section 59 of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of the following words:

“No person may, without being the holder of a gunsmith’s licence or being registered as an apprentice to such holder—”. 10

Amendment of section 80 of Act 60 of 2000

9. Section 80 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Registrar may suspend an import, export or in-transit permit if the Registrar has information in a sworn statement or on solemn declaration that the holder of the permit has committed an offence in terms of this Act for which a sentence of imprisonment for a period of five years or more may be imposed.”. 15

Amendment of section 98 of Act 60 of 2000

10. Section 98 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection: 20

“(4) The head of an Official Institution may impose conditions on the possession and use of the firearms and ammunition under the control of that Official Institution and may issue instructions to employees of that Official Institution prescribing conditions relating to the acquisition, storage, transport, carrying, possession, use and disposal of such firearms and ammunition.”. 25

Amendment of section 104 of Act 60 of 2000

11. Section 104 of the principal Act is hereby amended by the substitution for the heading of the following heading:

“Effect of declaration of unfitness”. 30

Amendment of section 105 of Act 60 of 2000

12. Section 105 of the principal Act is hereby amended by the substitution for the heading of the following heading:

“Proof of declaration of unfitness”.

Amendment of section 115 of Act 60 of 2000

13. Section 115 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) For purposes of any inquiry or investigation relating to the application of this Act and subject to subsection (4), the Registrar or any person authorised in writing by the Registrar may— 40

(a) at any reasonable time and without prior notice, enter any business or industrial premises; or

(b) at any reasonable time and with reasonable notice, enter any dwelling,

on or in which anything relating to the subject-matter of the inquiry or investigation is or is suspected to be.”; and 45

(b) by the substitution in subsection (4)(b) for the words preceding subparagraph (i) of the following words:

“without warrant by a police official contemplated in paragraph (a) of the definition of “police official” in section [(1)] 1 if—”. 50

Amendment of section 117 of Act 60 of 2000

14. Section 117 of the principal Act is hereby amended—

- (a) by the substitution in subsection (2)(b) for the words preceding subparagraph (i) of the following words:

“**[where it is proved that the firearm or ammunition was found]** buried in or hidden on land used for residential purposes and the person was, at the time—”; and

- (b) by the substitution in subsection (3) for paragraph (a) of the following paragraph:

“(a) the person was driving, or was a passenger in, a vehicle other than a vehicle designed or **[licenced]** licensed to convey more than 20 passengers;”.

Amendment of section 120 of Act 60 of 2000

15. Section 120 of the principal Act is hereby amended—

- (a) by the substitution for subsection (7) of the following subsection: 15

“(7) It is an offence to discharge a firearm, an antique firearm or an airgun in a **[built up]** built-up area or any public place, without good reason to do so.”; and

- (b) by the substitution in subsection (9) for paragraph (b) of the following paragraph: 20

“(b) alter or erase any **[words, figures or letters]** word, figure or letter on or from any competency certificate, licence, permit or authorisation, without the Registrar’s permission;”.

Amendment of section 124 of Act 60 of 2000

16. Section 124 of the principal Act is hereby amended by the substitution in subsection (2) for the words preceding paragraph (a) of the following words: 25

“The **[Register]** Registrar must—”.

Amendment of section 140 of Act 60 of 2000

17. Section 140 of the principal Act is hereby amended by the addition of the following subsection: 30

“(4) The Minister may prescribe measures to be taken regarding the demarcation of and placing of signposts on premises constituting a firearm-free zone in order to notify the public that the premises are declared a firearm-free zone.”.

Substitution of section 153 of Act 60 of 2000

18. The following section is hereby substituted for section 153 of the principal Act: 35

“Repeal of laws

153. Subject to Schedule 1, the laws mentioned in the **[Column 1]** first column of Schedule 3 are hereby repealed to the extent mentioned in **[Column 3]** the third column of Schedule 3.”.

Insertion of item 4A in Schedule 1 to Act 60 of 2000 40

19. Schedule 1 to the principal Act is hereby amended by the insertion after item 4 of the following item:

“Existing registration certificate to carry on trade of gunsmith

4A. Subject to item 11, any registration certificate to carry on the trade of gunsmith, issued in terms of regulation 14(4) of the regulations made under the previous Act, which was valid immediately before the date of commencement of this Act, remains valid for one year from that date, unless terminated, cancelled or surrendered in terms of this Act.” 45

Substitution of item 11 of Schedule 1 to Act 60 of 2000

20. Schedule 1 to the principal Act is hereby amended by the substitution for item 11 of the following item:

“Renewal of licence

11. (1) (a) The holder of a licence, permit, certificate or authorisation contemplated in item 1, 2, 3, 4, 4A or 5 must apply for the corresponding licence, permit, certificate or authorisation in terms of this Act within the period determined by the Minister by notice in the *Gazette*. 5

(b) Different periods may be determined in terms of paragraph (a) in respect of— 10

(i) different licences, permits, certificates or authorisations; and

(ii) holders whose surnames start with different letters of the alphabet, or whose dates of birth fall in different months.

(c) The period contemplated in paragraph (a) must end before the end of the relevant period contemplated in item 1(1) and may not exceed the [periods] period contemplated in item 2, 3, 4, 4A or 5. 15

(d) If an application for the renewal of a licence, permit, certificate or authorisation has been lodged within the period provided for in this section, the licence, permit, certificate or authorisation remains valid until the application is decided. 20

(2) An application for a licence, permit, certificate or authorisation contemplated in subitem (1) must in addition to any requirement in terms of this Act be accompanied by—

(a) a certified copy of the existing licence, permit, certificate or authorisation; and 25

(b) such other information as may be required.

(3) For purposes of this item, section 9(2)(r) does not apply.

(4) Any holder of a licence, permit, certificate or authorisation who fails to apply for the renewal of his or her licence, permit, certificate or authorisation before the end of the period determined by the Minister in terms of subitem (1), is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year or to both a fine and such imprisonment.”. 30

Amendment of Schedule 3 to Act 60 of 2000

21. Schedule 3 to the principal Act is hereby amended— 35

(a) by the substitution for the words in the second column of the third row of the following words:

“Arms and Ammunition Amendment Act, [1969] 1973”; and

(b) by the addition of the following rows:

“Act No. 8 of 1995	Arms, Ammunition and Armaments Transitional Regulations Act, 1995	The whole	40
Act No. 15 of 1999	Arms and Ammunition Amendment Act, 1999	The whole”.	

Amendment of Schedule 4 to Act 60 of 2000

22. Schedule 4 to the principal Act is hereby amended by the deletion of the rows referring to section 20(8), section 70(5), section 147(3) and section 147(4). 45

Short title

23. This Act is called the Firearms Control Amendment Act, 2003.