

EXTRACT

FIREARMS CONTROL ACT 60 OF 2000

[ASSENTED TO 4 APRIL 2001] [DATE OF COMMENCEMENT: TO BE PROCLAIMED]
(Unless otherwise indicated)

ACT

To establish a comprehensive and an effective system of firearms control; and to provide for matters connected therewith.

CHAPTER 1 INTRODUCTORY PROVISIONS (ss 1-2)

1 Definitions

'prescribed' means prescribed by regulation;

'private collector' means a person who collects firearms or ammunition, who is a member of an accredited collector's association and who is not a public collector;

2 Purpose of Act

The purpose of this Act is to-

- (a) enhance the constitutional rights to life and bodily integrity;
- (b) prevent the proliferation of illegally possessed firearms and, by providing for the removal of those firearms from society and by improving control over legally possessed firearms, to prevent crime involving the use of firearms;
- (c) enable the State to remove illegally possessed firearms from society, to control the supply, possession, safe storage, transfer and use of firearms and to detect and punish the negligent or criminal use of firearms;
- (d) establish a comprehensive and effective system of firearm control and management; and
- (e) ensure the efficient monitoring and enforcement of legislation pertaining to the control of firearms.

CHAPTER 2
PROHIBITIONS (ss 3-4)

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(3) (a) The Minister may, by notice in the *Gazette*, declare any other firearm of a specified type to be a prohibited firearm if it is-

- (i) in the interest of public safety; or
- (ii) desirable for the maintenance of law and order.

8 Accreditation

(1) Any accreditation required in terms of this Act must be done by the Registrar in accordance with such regulations as may be prescribed.

(2) The regulations contemplated in subsection (1) may set out different sets of criteria, in respect of different accreditations, which the Registrar must apply when issuing an accreditation and which criteria must at least include criteria relating to-

- (a) trustworthiness and integrity;
- (b) suitability to perform the relevant functions in terms of this Act;
- (c) capacity to serve the purpose of the accreditation; and
- (d) capacity to advance the purposes of this Act.

(3) The Registrar may cancel an accreditation if there is no longer compliance with any criterion for accreditation.

17 Licence to possess firearm in private collection

(1) (a) A firearm which may be possessed in a private collection is any firearm approved for collection by an accredited collectors association.

(b) Despite section 4, such prohibited firearm as may be prescribed may be licensed under this section.

(2) The Registrar may issue a licence 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.

18 Permit to possess ammunition in private collection

(1) Ammunition which may be possessed in a private collection is any ammunition approved for collection by an accredited collectors association.

(2) (a) The Registrar may, subject to such regulations 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.

(b) A collector contemplated in paragraph (a) may not possess more than 200 rounds of ammunition of any particular calibre unless the Registrar approves the possession of a higher number in writing.

(3) The holder of a permit issued in terms of this section may not discharge any ammunition in his or her collection.

(4) The holder of a permit issued in terms of this section-

- (a) must store the ammunition at the place specified in the permit; and
- (b) may only display the ammunition in accordance with such safety measures as may be prescribed.

(5) Despite section 4, the holder of a permit issued in terms of this section may possess projectiles and cartridges manufactured to be discharged by prohibited firearms if the propellant, high explosive and primer of the projectiles and cartridges have been removed or deactivated.

94 Prohibition of possession of firearm parts

(1) For purposes of this section, 'firearm part' means a slide, bolt or breech-block of a firearm.

(2) No person may possess any firearm part unless he or she-

- (a) holds a licence in respect of a firearm capable of bearing that firearm part;
- (b) holds a dealer's licence, manufacturer's licence, gunsmith's licence, import, export or in-transit permit or transporter's permit issued in terms of this Act; or
- (c) is otherwise authorised to do so.

Schedule 1
TRANSITIONAL PROVISIONS

1 Existing licence to possess an arm

(1) Subject to subitem (2) and item 11, any licence which was issued in terms of the previous Act and which was valid immediately before the date of the commencement of this Act, remains valid for a period of five years from the date on which this Act comes into operation, unless such licence is terminated, cancelled or surrendered in terms of this Act.

(2) (a) The holder of a licence to possess an arm contemplated in subitem (1) must, before the end of the period contemplated in that subitem, in a lawful manner dispose of any firearms in his or her possession in excess of the number that he or she may lawfully possess in terms of this Act.

(b) For the purpose of paragraph (a), section 31 (2) does not apply.

(3) Any firearm not disposed of as contemplated in subitem (2) may be forfeited to the State and must be disposed of in the prescribed manner.

5 Existing authorisations and certain existing permits

Subject to item 11, any authorisation issued in terms of section 3 (5) or 33A(1) of the previous Act or any permit issued in terms of the previous Act other than a permit contemplated in item 3 or 4, which was valid immediately before the commencement of this Act, remains valid for the period specified in the authorisation or permit, as the case may be, unless terminated, cancelled or surrendered in terms of this Act. (*This does NOT include collector's bona fide certificates*)